



CITY COUNCIL

WORKSHOP AND REGULAR MEETING AGENDA

December 16, 2020
7:00 PM
202 Railroad Avenue, Rifle, CO

7:00 PM - Regular Meeting

- 1. Call to Order & Roll Call**
- 2. Pledge of Allegiance**
- 3. Public Comment** *(maximum time permitted for Public Comment is 3 minutes per person)
 - 3.a.** Instructions to Participate / Citizen Comments - for items not listed as public hearings on the agenda
- 4. Consent Agenda**
 - 4.a.** Consider Minutes of the October 21, 2020 Regular Meeting
- 5. Action, if any, on Workshop Items**
- 6. Presentation**
 - 6.a.** Administer Oath of Office to new Police Officer Kyle Mills
- 7. Regular Agenda**
 - 7.a.** Consider appointment of Aaron Cumming and Annie MacGregor to the Parks and Recreation Advisory Board.
 - 7.b.** Consider a modification of utility easements for property at 1150 Access Road.
 - 7.c.** Consider 7-Party Memorandum of Understanding with Garfield County for 2021 Senior Programs
 - 7.d.** Consider amendments to Personnel Manual - Resolution No. 21, Series of 2020.
 - 7.e.** Consider Contract to Provide Services and Pre-Annexation Agreement with Alfredo Salazar, owner of property adjacent to Rifle Village South.

- 7.f. Consider extending the temporary Development Fee Waiver - Ordinance No. 15, Series of 2020 - 1st Reading

8. Administrative Reports

- 8.a. Report to City Manager

9. Comments from Mayor and Council

10. Adjournment



Agenda Item #3.a.

Agenda Item Name:

Instructions to Participate / Citizen Comments - for items not listed as public hearings on the agenda

Presenter:

Item Description:

Citizen Comments - for items not listed as public hearings on the agenda.

Please limit comments to 3 minutes. Please see instructions below.

Electronic Meeting Participation:

Please click the link below to join the webinar:

[Click here to join electronic meeting](http://www.rifleco.org/ElectronicMeetings) or (www.rifleco.org/ElectronicMeetings)

Password: 929942

Participate by phone:

Dial: 1 301 715 8592 or 1 312 626 6799 / Webinar ID: 416 406 740

If you are participating electronically and would like to make a citizen comment during the City Council Meeting, please raise your hand on Zoom we will call on you during that portion of the meeting. During the meeting, you will be asked to state your name and if you live in the city limits of Rifle.

Recommended Action:

Fiscal Impact:

None

Operational Impact:

None

Prior Board Motions:

None

Background Information:

None

Executive Summary:

Notification Requirements:

None

Prepared By:

Misty Williams, Administrative Assistant

Attachments:

None



Agenda Item #4.a.

Agenda Item Name:

Consider Minutes of the October 21, 2020 Regular Meeting

Presenter:

Kristy Doll, CMC, City Clerk

Item Description:

Minutes of the October 21, 2020 Regular Meeting

Recommended Action:

Approve the minutes of the October 21, 2020 City Council Regular Meeting

Fiscal Impact:

None

Operational Impact:

None

Prior Board Motions:

None

Background Information:

None

Executive Summary:

Minutes of the October 21, 2020 Regular Meeting

Notification Requirements:

None

Prepared By:

Misty Williams, Administrative Assistant

Attachments:

1. 10.21.2020 Minutes



RIFLE CITY COUNCIL

REGULAR MEETING

October 21, 2020

7:00 p.m.

202 Railroad Avenue, Rifle, CO

CALL TO ORDER & ROLL CALL

A regular meeting of the Rifle City Council was called to order at 7:00 p.m. by Mayor Barb Clifton. This Rifle City Council meeting was posted as an electronic meeting and held as an electronic meeting.

Present at Roll Call:

Mayor Barbara Clifton, Councilor Theresa Hamilton, Councilor Joe Carpenter, Councilor Brian Condie, Councilor Ed Green, Councilor Clint Hostettler, Councilor Sean Strode.

Others Present:

Rifle City Manager Scott Hahn, City Clerk Kristy Doll, City Attorney Jim Neu, Rifle Community Television (RCTV) Salvador Tovar-Guzman, Chief of Police Tommy Klein, Planning Director Nathan Lindquist, Public Works Director Brian Prunty, Parks and Recreation Director Tom Whitmore, Court Administrator/PIO Kathy Pototsky, Senior Center Director Tami Sours and Main Street Manager Kim Burner.

PUBLIC COMMENT

Comments were heard from City Manager Scott Hahn, Main Street Manager Kim Burner, Senior Center Director Tami Sours, and Court Administrator Kathy Pototsky on the Rifle Humanitarian Crew outreach program.

CONSENT AGENDA – CONSIDER APPROVING THE FOLLOWING ITEMS:

- A. Consider Minutes of the August 19, 2020, Regular Meeting

Councilor Theresa Hamilton moved to approve Consent Agenda Item A; seconded by Councilor Sean Strode.

Roll Call: Yes - Barbara Clifton, Theresa Hamilton, Joe Carpenter, Brian Condie, Ed Green, Clint Hostettler, Sean Strode; No - None

Action, if any, on Workshop Items

During tonight's workshop, the discussion topics included CARES Act funding allocations and safety requirements to reopen City Hall to the public. Safety improvements need to be completed to City Hall before the offices can be open to the public. Procurement code requirements can be waived, allowing the City Manager to move forward with the construction without going through the bid process to get the building modification done in a reasonable amount of time.

Councilor Theresa Hamilton moved to waive the procurement code requirement with respect to the City Hall improvements needed to reopen City Hall up to \$50,000; seconded by Councilor Sean Strode.

Roll Call: Yes - Barbara Clifton, Theresa Hamilton, Joe Carpenter, Brian Condie, Ed Green, Clint Hostettler, Sean Strode; No - None

Councilor Sean Strode moved to approve the contract for the air handling system at the Ute Theatre using CARES Act funding, in an amount not to exceed \$22,545; seconded by Councilor Theresa Hamilton.

Roll Call: Yes - Barbara Clifton, Theresa Hamilton, Joe Carpenter, Brian Condie, Ed Green, Clint Hostettler, Sean Strode; No - None

Councilor Brian Condie moved to authorize staff to extend the current Parklet Leases through May 31, 2021, in accordance with State regulations; seconded Councilor Sean Strode.

Roll Call: Yes - Barbara Clifton, Theresa Hamilton, Joe Carpenter, Brian Condie, Ed Green, Clint Hostettler, Sean Strode; No - None

REGULAR AGENDA

Consider Appointment of Tyler Kelly to Greater Rifle Improvement Team (GRIT) Advisory Board

Main Street Manager Kim Burner explained that the Rifle Municipal Code states that a representative from the Rifle Regional Economic Development Corporation (RREDC) will be a member of the Greater Rifle Improvement Team (GRIT) advisory board. Tyler Kelly was recently hired to be the RREDC Executive Director. Staff recommends approval to appoint Tyler Kelly to the GRIT Advisory Board.

Councilor Clint Hostettler moved to appoint Tyler Kelly to Greater Rifle Improvement Team (GRIT) Advisory Board; seconded by Councilor Theresa Hamilton.

Roll Call: Yes - Barbara Clifton, Theresa Hamilton, Joe Carpenter, Brian Condie, Ed Green, Clint Hostettler, Sean Strode; No - None

Consider request to use July 3rd, 2020 Canceled Firework Display for Hometown Holidays Event

Parks and Recreation Director Tom Whitmore explained staff contracted and paid \$15,000 to J & M Displays for the July 3rd, 2020 Independence Day Celebration fireworks show. The 2020 Independence Day fireworks were canceled due to extreme fire risk. The unused fireworks may be held over for the July 3rd, 2021 event, shot at an alternate date, or staff could request a refund. The Western Garfield County Chamber of Commerce requests approval from City Council to shoot the fireworks display at the Hometown Holidays event on Saturday, December 5th, 2020, and then reimburse the City for the fireworks.

Councilor Theresa Hamilton moved to authorize staff to coordinate with J & M Displays to launch fireworks on December 5th during the Hometown Holidays event at the Garfield County Airport, with reimbursement of \$15,000 payable to the VIF fund; seconded by Councilor Clint Hostettler.

Roll Call: Yes - Barbara Clifton, Theresa Hamilton, Joe Carpenter, Brian Condie, Ed Green, Clint Hostettler, Sean Strode; No - None

Consider Intergovernmental Agreement with Garfield County for Congregate Meal/Nutrition Program

Senior Center Director Tami Sours explained the City has participated in the Senior Program since 2008 with Garfield County. The IGA defines the responsibilities of the City of Rifle and Garfield

County as it relates to providing congregate meal service to New Castle, Silt, Rifle, and Parachute. This IGA obligates the City of Rifle to prepare senior meals for the towns of New Castle, Silt, Rifle, and Parachute on specified days. The average cost per meal for 2020 was \$11.31. The reimbursement rate for the new IGA will continue at a rate of \$7.00 per meal for New Castle, Silt, and Rifle and a rate of \$8.00 for Parachute, not to exceed \$85,000 for the term of the IGA. Usually, the annual IGA term is from July 1st thru June 30th, but this year an amended IGA was signed to cover the meals for July 1, 2020, thru August 31, 2020. The term of this Intergovernmental Agreement for Congregate Meal/Nutrition Program would be from September 1, 2020, thru June 30, 2021. Staff recommends approval of the Intergovernmental Agreement between the City of Rifle and Garfield County Senior Programs.

Councilor Theresa Hamilton moved to approve the Intergovernmental Agreement with Garfield County for Congregate Meal/Nutrition Program for the term of September 1, 2020, thru June 30, 2021; seconded by Councilor Clint Hostettler.

Roll Call: Yes - Barbara Clifton, Theresa Hamilton, Brian Condie, Ed Green, Clint Hostettler, Sean Strode; No - None

Consider approval of Professional Services Agreement with JVA, Inc. for the Utility Maintenance, Capital, and Rate Study

Civil Engineer Craig Spaulding noted staff received two proposals in response to the Utility Maintenance, Capital, and Rate Study Request for Proposals (RFP). Both firms were interviewed and graded, as outlined in the RFP. JVA was strong in all portions of the study and has successfully performed these studies for many municipalities. The study will provide capital improvement and maintenance planning for the Wastewater and Water Departments. The rate structures must support a maintenance strategy that will improve city infrastructure while remaining sustainable and fair for consumers. Staff recommends awarding the professional services agreement for the Utility Maintenance, Capital, and Rate Study in the amount of \$99,700.00 to JVA, Inc.

Councilor Clint Hostettler moved to award the Professional Services Agreement to JVA, Inc. for the Utility Maintenance, Capital, and Rate Study in the amount of \$99,700.00; seconded by Councilor Sean Strode.

Roll Call: Yes - Barbara Clifton, Theresa Hamilton, Brian Condie, Ed Green, Clint Hostettler, Sean Strode; No - None

Consider Contract with Johnson Construction to Construct West 2nd Street Sidewalk - Railroad Ave to West Ave

Public Works Director Brian Prunty stated that the West Second Street sidewalk is currently intermittent and ends before reaching the existing offices and retail businesses operating on Second Street. The sidewalk in this area is old and has failed structurally and functionally, and portions of the sidewalk are not in ADA compliance. Johnson Consturction, Inc. was the lowest bidder for constructing a new sidewalk along West 2nd Street from Railroad Avenue to West Avenue. The City received a Revitalizing Main Street Grant that would fund up to \$50,000 of this project; therefore, this project will be mostly funded by that grant. Staff recommends Johnson Construction for the West 2nd Street sidewalk construction project for \$41,727.90.

Councilor Clint Hostettler moved to approve a contract with Johnson Construction to construct West 2nd Street Sidewalk from Railroad Ave to West Avenue in the amount of \$41,727.90; seconded by Councilor Theresa Hamilton.

Roll Call: Yes - Barbara Clifton, Theresa Hamilton, Joe Carpenter, Brian Condie, Ed Green, Clint

Hostettler, Sean Strode; No - None

Consider Contract with Tally Ho Construction for West 2nd Street and State Highway 6 Intersection Improvements

Public Works Director Brian Prunty stated staff had received numerous complaints by local users regarding the intersection of West 2nd Street and State Highway 6. This intersection was to be maintained by the City of Rifle as a condition of Pioneer Mesa Development. During the initial review of the intersection, it was determined that most of the damage was done by the turning movement of large trucks entering and leaving Natural Soda. The design of this intersection to handle the overweight semi-tractor-trailer loads requires reinforced concrete. Because of reinforced concrete costs, Natural Soda has agreed to pay the difference between this intersection and what would be typically designed. Natural Soda will provide 33% of the re-construction effort to compensate for the overweight semi-tractor-trailer loads. Tally Ho Construction submitted the lowest bid for this project of \$91,350. Staff recommends approval of a contract with Tally Ho construction for \$91,350 for the improvements to the West 2nd Street and State Highway 6 intersection.

Councilor Brian Condie moved to approve the contract with Tally Ho Construction for the West 2nd Street and State Highway 6 intersection improvements in an amount not to exceed \$91,350; seconded by Councilor Sean Strode.

Roll Call: Yes - Barbara Clifton, Theresa Hamilton, Joe Carpenter, Brian Condie, Ed Green, Clint Hostettler, Sean Strode; No - None

Consider Approval of Site Plan Improvements Agreement with NAPA

Planning Director Nathan Lindquist noted Napa Auto Parts is moving from its current location at 949 Railroad Avenue, which was purchased by Garfield County, to its new location at 2070 Railroad Avenue. The purpose of this Site Plan Improvements and Development Agreement is to set forth the terms and conditions to be met by the Developer and the contributions the City will make towards the Street Improvements and CDOT Improvements. The Site Plan Improvements Agreement waives the \$21,708 Street Impact Fee and requires the City to contribute \$283,751 for the construction of Highway 13 and 21st Street Improvements. The street improvements on Hwy 13 are required by CDOT for vehicular safety and include a new median island. 21st Street improvements include reconstruction of 21st Street between Hwy 13 and Whiteriver Avenue. \$200,000 was budgeted in the Street Improvement Fund for this project. The remaining balance of \$83,751 was not budgeted and would come from the General Fund. Staff recommends approval of this Site Plan Agreement and Development Agreement with YPH Leasing, LLC for \$283,751.

Councilor Theresa Hamilton moved to approve the Site Plan Improvements Agreement and Development Agreement with YPH Leasing, LLC, waiving the Street Impact Fees in the amount of \$21,708 and the City contributing \$283,751 for the construction of the Hwy 13 and 21st Street improvements and allocate the funding as follows: \$200,000 from the Street Improvement Fund and \$83,751 from the General Fund; seconded by Councilor Clint Hostettler.

Roll Call: Yes - Barbara Clifton, Theresa Hamilton, Joe Carpenter, Brian Condie, Ed Green, Clint Hostettler, Sean Strode; No - None

Consider Approval of CARES Act Funds

Planning Director Nathan Lindquist explained that currently, \$298,901 of CARES Act funds had not been allocated. Staff recommends that \$50,000 is applied to COVID Relief for Rifle families by providing \$25,000 to Reach Out Colorado and the River Center and another \$25,000 to the Aspen

Community Foundation, \$50,000 for Marketing Rifle, and \$140,000 for grants to local businesses and non-profit businesses.

Councilor Sean Strobe moved to approve the allocation of CARES Act funds as follows: \$25,000 to the River Center and Reach out Colorado (ROC), \$25,000 to Aspen Community Foundation only for Rifle families, \$50,000 for Marketing Rifle, \$40,000 to RREDC for additional grants for Non-Profit businesses, \$40,000 to RREDC for additional grants for general business funds, and \$35,000 to RREDC for grants for restaurants to purchase outdoor dining equipment; seconded by Councilor Brian Condie.

Roll Call: Yes - Barbara Clifton, Theresa Hamilton, Joe Carpenter, Brian Condie, Ed Green, Clint Hostettler, Sean Strobe; No - None

Administrative Reports

Administrative reports were heard from City Manager Scott Hahn and City Clerk Kristy Doll.

Comments from Mayor and Council

Comments were heard from Councilor Sean Strobe and Councilor Condie.

Adjournment

Meeting adjourned at 8:35 p.m.

Kristy Doll
City Clerk

Barb Clifton
Mayor



Agenda Item #6.a.

Agenda Item Name:

Administer Oath of Office to new Police Officer Kyle Mills

Presenter:

Tommy Klein, Chief of Police

Item Description:

Kyle Mills will administer Oath to Office to our newest police officer, Kyle Mills.

Recommended Action:

None

Fiscal Impact:

None

Operational Impact:

None

Prior Board Motions:

Not needed

Background Information:

The Police Department would like to swear-in our newest police officer, Kyle Mills. His family will be present. Given COVID concerns, the normal contingent of officers will not be present.

Executive Summary:

Notification Requirements:

Prepared By:

Tommy Klein, Chief of Police

Attachments:

None



Agenda Item #7.a.

Agenda Item Name:

Consider appointment of Aaron Cumming and Annie MacGregor to the Parks and Recreation Advisory Board.

Presenter:

Tom Whitmore, Parks & Recreation Director

Item Description:

Consider Parks and Recreation Advisory Board Appointment Recommendations.

Recommended Action:

PRAB recommends appointment of Aaron Cumming, to fill a term ending in 2023, and appointment of Annie MacGregor, to fill a term ending in 2022.

Fiscal Impact:

Operational Impact:

Prior Board Motions:

Background Information:

Executive Summary:

Existing PRAB members interview potential new members and make appointment recommendations to City Council. Staff recently solicited for PRAB vacancies. E-mails were sent to 22,000 Recreation registrant addresses and vacancies were also advertised in local papers. 6 persons expressed interest and 4 applied. Interviews were conducted on Monday, November 23rd.

These two appointment will result in a full Parks and Recreation Advisory Board, which includes seven members and one alternate member.

Notification Requirements:

Prepared By:

Tom Whitmore, Parks & Recreation Director

Attachments:

None



Agenda Item #7.b.

Agenda Item Name:

Consider a modification of utility easements for property at 1150 Access Road.

Presenter:

Brian Rusche, Planner II

Item Description:

Consider a modification of utility easements for property at 1150 Access Road.

Recommended Action:

Approved the modification of utility easements for property at 1150 Access Road.

Fiscal Impact:

Operational Impact:

The modification of the water and sewer easements will help both the City and the owner have a clear and accurate reflection of the location of water and sewer service to and through the property.

Prior Board Motions:

Background Information:

The property known as Centennial Suites is located at 1150 Access Road. It was developed in 2008 and platted in 2009 to include additional land for future units. The plat, Colorado River Addition LLD 2009-2, included a water and sewer easement within the future phase that was dedicated on the plat "to the exclusive use of the City of Rifle"

In 2018, the undeveloped portion of the parcel was rezoned to CS (Community Service) and a Conditional Use Permit was granted for the construction of a mini-storage facility on the eastern portion of the property. The design of the facility necessitated the relocation of a sewer line servicing the property to the north; the original easements were no longer being used.

As the storage facility is nearing completion, the owner has requested that the City modify these easements to correctly reflect the design on the ground. The owner has hired a professional surveyor to prepare the

necessary exhibits and descriptions, which are attached and will be recorded along with a deed prepared by Legal.

Executive Summary:

Vacate a portion of an existing, platted utility easement and accepting new easements due to a change in the development of the property.

Notification Requirements:

Prepared By:

Brian Rusche, Planner II

Attachments:

1. STAFF REPORT_CC 12-16-20 MTG_CENTENNIAL SUITES EASEMENT MODIFICATION
2. Easement Quit Claim Deed-Legal-20201216
3. Grant of Easement-Legal-20201216

DEPARTMENT OF PLANNING & DEVELOPMENT

202 Railroad Avenue, Rifle, CO 81650

Phone: 970-665-6491



MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Brian Rusche, Planner II

DATE: December 7, 2020

SUBJECT: MODIFY UTILITY EASEMENTS FOR STORAGE UNIT COMPLEX

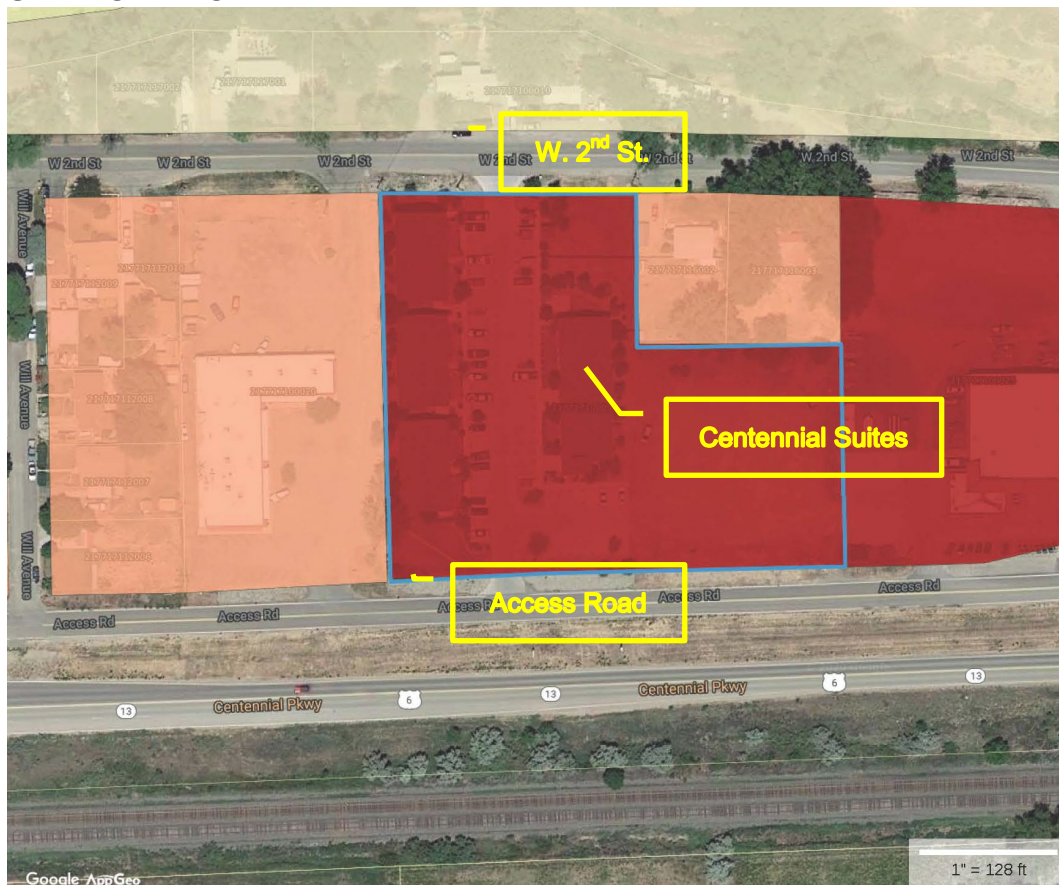
LOCATION: Centennial Suites – 1150 Access Road

APPLICANT: Steve Fitzgerald, d/b/a FITZ SSM LLC

REQUEST:

Vacate a portion of an existing, platted utility easement and accepting new easements due to a change in the development of the property.

SITE LOCATION:



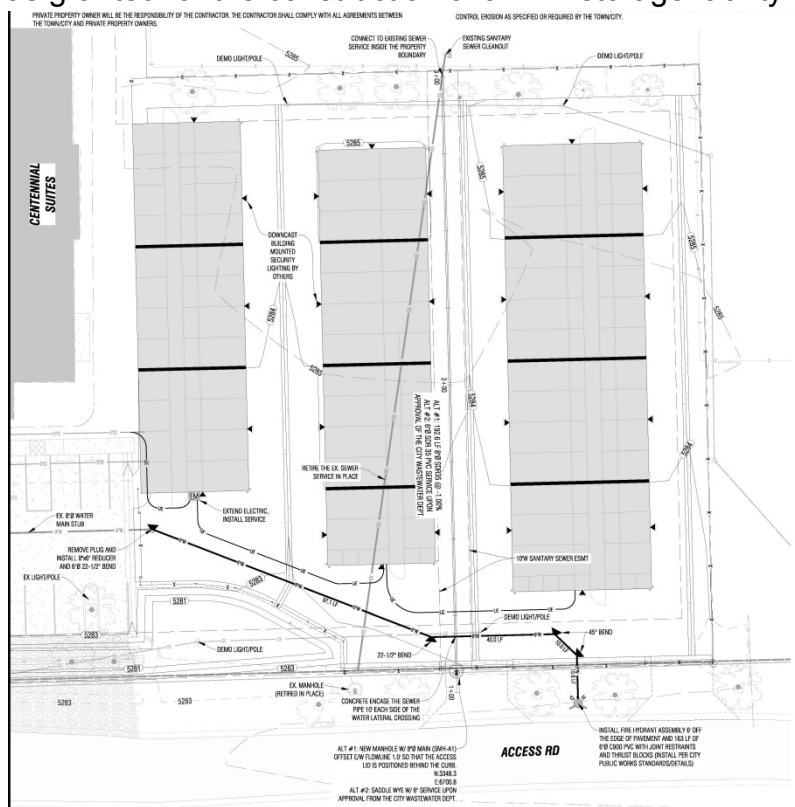


BACKGROUND

The property known as Centennial Suites is located at 1150 Access Road. It was developed in 2008 and platted in 2009 to include additional land for future units. The plat, Colorado River Addition LLD 2009-2, included a water and sewer easement within the future phase that was dedicated on the plat “to the exclusive use of the City of Rifle”

In 2018, the undeveloped portion of the parcel was rezoned to CS (Community Service) and a Conditional Use Permit was granted for the construction of a mini-storage facility on the eastern portion of the property. The design of the facility necessitated the relocation of a sewer line servicing the property to the north; the original easements were no longer being used.

As the storage facility is nearing completion, the owner has requested that the City modify these easements to correctly reflect the design on the ground. The owner has hired a professional surveyor to prepare the necessary exhibits and descriptions, which are attached and will be recorded along with a deed prepared by Legal.



FINDINGS

The modification of the water and sewer easements will help both the City and the owner have a clear and accurate reflection of the location of water and sewer service to and through the property.

RECOMMENDATION

Staff recommends that the City Council approve the legal documents necessary to modify the water and sewer easement.

ATTACHMENTS: Original Plat
Easement documents



COLORADO RIVER ADDITION LOT LINE DISSOLUTION NO LLD 2009-2 PARCELS OF LAND SITUATED IN THE SE1/4NE1/4 SECTION 17, TOWNSHIP 6 SOUTH, RANGE 93 WEST OF THE 6TH P.M. CITY OF RIFLE, GARFIELD COUNTY, COLORADO

CERTIFICATE OF DEDICATION AND OWNERSHIP:
 KNOW ALL MEN BY THESE PRESENTS THAT 1150 ACCESS ROAD LLC, BEING SOLE OWNERS IN FEE SIMPLE OF ALL THAT REAL PROPERTY DESCRIBED AS FOLLOWS:

PARCEL 1A
 ACCORDING TO LOT LINE REARRANGEMENT MAP NO. 2005-02 IN THE CITY OF RIFLE, COLORADO
 RECORDED AUGUST 28, 2006 AS RECEPTION NO. 705118
 IN THE GARFIELD COUNTY CLERK AND RECORDERS OFFICE.

PARCEL 2
 ACCORDING TO THE SCHOPP MAP FILE NO. 387 AND SPECIAL WARRANTY DEED RECEPTION NO. 731641,
 BOTH ON FILE IN THE GARFIELD COUNTY CLERK AND RECORDERS OFFICE.
 A TRACT OF LAND SITUATED IN THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 6 SOUTH,
 RANGE 93 WEST OF THE 6TH P.M., MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF THE RIGHT OF WAY OF OLD U.S. HIGHWAY 6 AND 24 (2ND STREET)
 WHENCE THE NORTH QUARTER CORNER OF SECTION 17 BEARS N 48°36'01"W 1910.36 FEET;
 THENCE S 07°03'02"E 336.95 FEET TO THE NORTHERLY LINE OF THE RIGHT OF WAY LINE OF
 U.S. HIGHWAY 6 AND 24 FRONTAGE ROAD; THENCE ALONG SAID RIGHT OF WAY N 88°33'09"E 142.14 FEET;
 THENCE DEPARTING SAID RIGHT OF WAY N 07°03'02"E 332.28 FEET TO THE SOUTH LINE OF THE RIGHT OF WAY OF OLD U.S. HIGHWAY 6 AND 24;
 THENCE N 89°40'20"W 142.39 FEET TO THE POINT OF BEGINNING.

LOT 1, DUPUY MINOR SUBDIVISION
 ACCORDING TO THE PLAT OF DUPUY MINOR SUBDIVISION
 RECEPTION NO. 380788
 RECORDED APRIL 14, 1987 IN THE GARFIELD COUNTY CLERK AND RECORDERS OFFICE

HAVE BY THESE PRESENTS PLATTED THE SAME AS SHOWN HEREON AND DESIGNATE
 THE SAME AS PARCEL 1, COLORADO RIVER ADDITION LOT LINE DISSOLUTION NO. LLD 2009-2
 CITY OF RIFLE, COUNTY OF GARFIELD, COLORADO
 AND
 HEREBY DEDICATE WATER AND SEWER EASEMENTS SHOWN HEREON TO THE EXCLUSIVE USE
 OF THE CITY OF RIFLE
 AND
 HEREBY DEDICATE A UTILITY EASEMENT SHOWN HEREON TO THE XCEL ENERGY,
 QWEST COMMUNICATIONS AND COMCAST CABLE COMPANIES FOR ACCESS,
 CONSTRUCTION AND MAINTENANCE OF THE SERVICE UTILITIES.

EXECUTED THIS 11th DAY OF June A.D. 2009.

OWNER(S): Todd Leamy
 1150 ACCESS ROAD LLC, TODD LEAMY -MANAGER
 COUNTY OF GARFIELD
 CITY OF RIFLE

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME
 THIS 11th DAY OF June, 2009, A.D.
 BY TODD LEAMY

MY COMMISSION EXPIRES: July 1, 2009
 WITNESS MY HAND AND OFFICIAL SEAL
 NOTARY PUBLIC

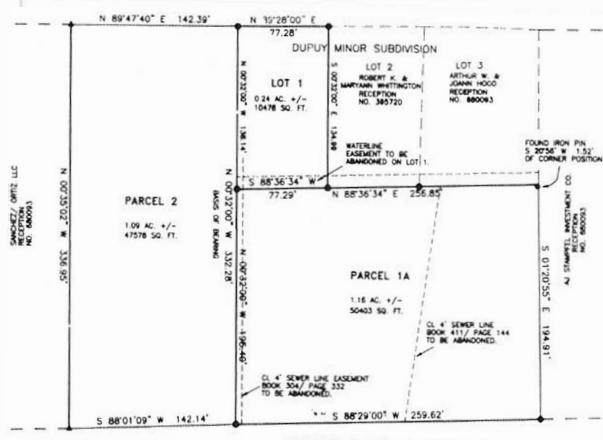
COUNTY CLERK AND RECORDER'S CERTIFICATE:
 THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE CLERK AND RECORDER
 OF GARFIELD COUNTY AT 4:07 P.M. ON THE 11th DAY
 OF June, 2009, AS RECEPTION NO. 769257
 COUNTY CLERK AND RECORDER
 BY: DAWNE IBA
 FEE 11.00

CITY PLANNING DIRECTOR:
 THIS PLAT APPROVED BY THE CITY OF RIFLE PLANNING DIRECTOR
 PURSUANT TO RIFLE MUNICIPAL CODE SECTION 16.5.140(a)
 THIS 11th DAY OF June, 2009.
 CITY PLANNING DIRECTOR

THIS PLAT APPROVED BY THE CITY OF RIFLE PUBLIC WORKS DIRECTOR
 THIS 11th DAY OF June, 2009.
 PUBLIC WORKS DIRECTOR

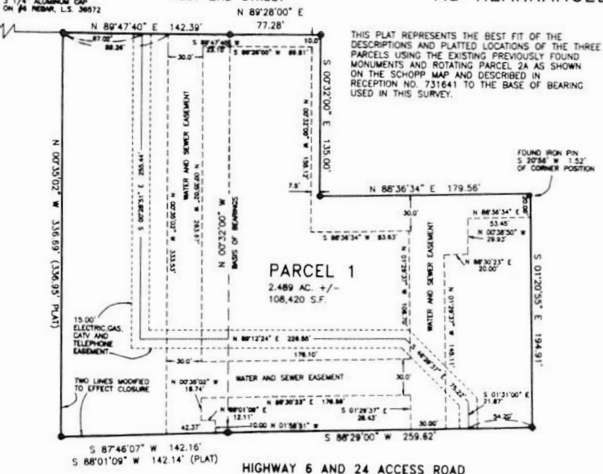
APPAIANT OWNER(S) OF MINERAL INTERESTS:
 ETHEL C. SHIDLER, HEIRS AND ASSIGNS
 PER BOOK 501 AT PAGE 144, RECEPTION NO. 280926

AS PLATTED



▲ FOUND REBAR AND PLASTIC CAP L.S. 10871
 ● FOUND REBAR AND ALUMINUM CAP L.S. 14080
 ◆ FOUND REBAR AND PLASTIC L.S. 31944

AS REARRANGED



● FOUND MONUMENTS THAT WERE DESTROYED DURING CONSTRUCTION AND RESET
 AT REFERENCED POSITIONS WITH NO.3 REBAR AND ALUMINUM CAP L.S. 36056

THE TITLE INSURANCE COMPANY:
 Commonwealth Title Co. DOES HEREBY CERTIFY THAT Patrick P. Burwell
 HAS EXAMINED THE TITLE TO ALL LANDS DEDICATED AND SHOWN
 UPON THIS PLAT, AND TITLE TO SUCH LANDS IS IN EVIDENCED
 FREE AND CLEAR OF ALL LIENS, TAXES, AND ENCUMBRANCES EXCEPT
 AS FOLLOWS:
 Orders of Trust recorded at Reception Nos.
 731641, 731642, 733779, and 733780
 RECORDED AT 11:51 A.M. APRIL 23, 2009
 BY: Patrick P. Burwell
 TITLE INSURANCE COMPANY
 1150 ACCESS ROAD
 RIFLE, COLORADO 81650

LIENHOLDER:
 LIENHOLDER CONSENTS TO THE LOT LINE DISSOLUTION AS SHOWN HEREON.
 BY: KENT PALMER
 AUTHORIZED AGENT OF VECTRA BANK COLORADO, NATIONAL ASSOCIATION
 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME
 THIS 11th DAY OF June, 2009, BY KENT PALMER.
 MY COMMISSION EXPIRES: July 1, 2009
 WITNESS MY HAND AND OFFICIAL SEAL
 NOTARY PUBLIC

UTILITY COMPANY CERTIFICATE
 THIS PLAT APPROVED BY XCEL IN COLORADO
 THIS 11th DAY OF June, 2009
 BY: [Signature]
 EMPLOY COMPANY OF
 TITLE: [Signature]
 THIS PLAT APPROVED BY QWEST COMMUNICATIONS
 THIS 11th DAY OF June, 2009
 BY: [Signature]
 TITLE: [Signature]
 THIS PLAT APPROVED BY COMCAST CABLE CO.
 THIS 11th DAY OF June, 2009
 BY: [Signature]
 TITLE: [Signature]

NOTES:
 1) BASIS OF BEARING N 07°32'00" W BETWEEN TWO REBAR AND ALUMINUM
 CAPS L.S. 14080 ON THE NORTHERLY R.O.W. LINE OF ACCESS ROAD AND
 ON THE SOUTHERLY R.O.W. LINE OF WEST SECOND STREET AS SHOWN.
 2) THIS SURVEY IS BASED UPON
 THE PLAT OF DUPUY MINOR SUBDIVISION - RECEPTION NO. 380788
 THE MAP OF SCHOPP SURVEY - MAP INDEX NO. 387
 LOT LINE REARRANGEMENT RECEPTION NO. - 705518
 DOCUMENTS OF RECORD AND MONUMENTS FOUND IN PLACE.
 3) U.S. SURVEY FOOT IS THE UNIT OF MEASURE FOR ALL FIELD WORK
 ON THIS PROJECT AND SHOWN ON THIS PLAT.
 4) THE PURPOSE OF THIS PLAT IS TO DISSOLVE THE WESTERLY AND
 SOUTHERLY LINES OF LOT 1 OF THE DUPUY MINOR SUBDIVISION
 AND TO DISSOLVE THE COMMON LINE BETWEEN PARCEL 1A AND PARCEL 2.
 5) ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON
 ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT
 IN NO EVENT, MAY AN ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE
 THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

SURVEYOR'S CERTIFICATE:
 I, RICHARD G. DEMING, A PROFESSIONAL LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF COLORADO,
 HEREBY CERTIFY THAT A FIELD SURVEY WAS COMPLETED ON THE ABOVE PARCELS
 ON MAY 15, 2009, THAT THIS PLAT OF COLORADO RIVER ADDITION LOT LINE DISSOLUTION NO. LLD 2009-2
 COMPLIES WITH THE MINIMUM STANDARDS FOR LAND SURVEYS AND PLATS AS SET FORTH
 IN SECTION 38-51-101, 102, 103, 104, 105, C.R.S.

RICHARD G. DEMING, P.L.S. 36056
 CENTENIAL SUITES
 1150 ACCESS ROAD
 RIFLE, COLORADO 81650
 DEMING LAND SURVEYING
 12102 COUNTY ROAD 32
 RIFLE, COLORADO 81650
 970-625-0181

EXHIBIT "A" - LEGAL DESCRIPTION – WATER & SEWER EASEMENT VACATION

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TOGETHER WITH

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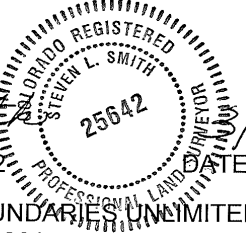
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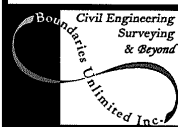
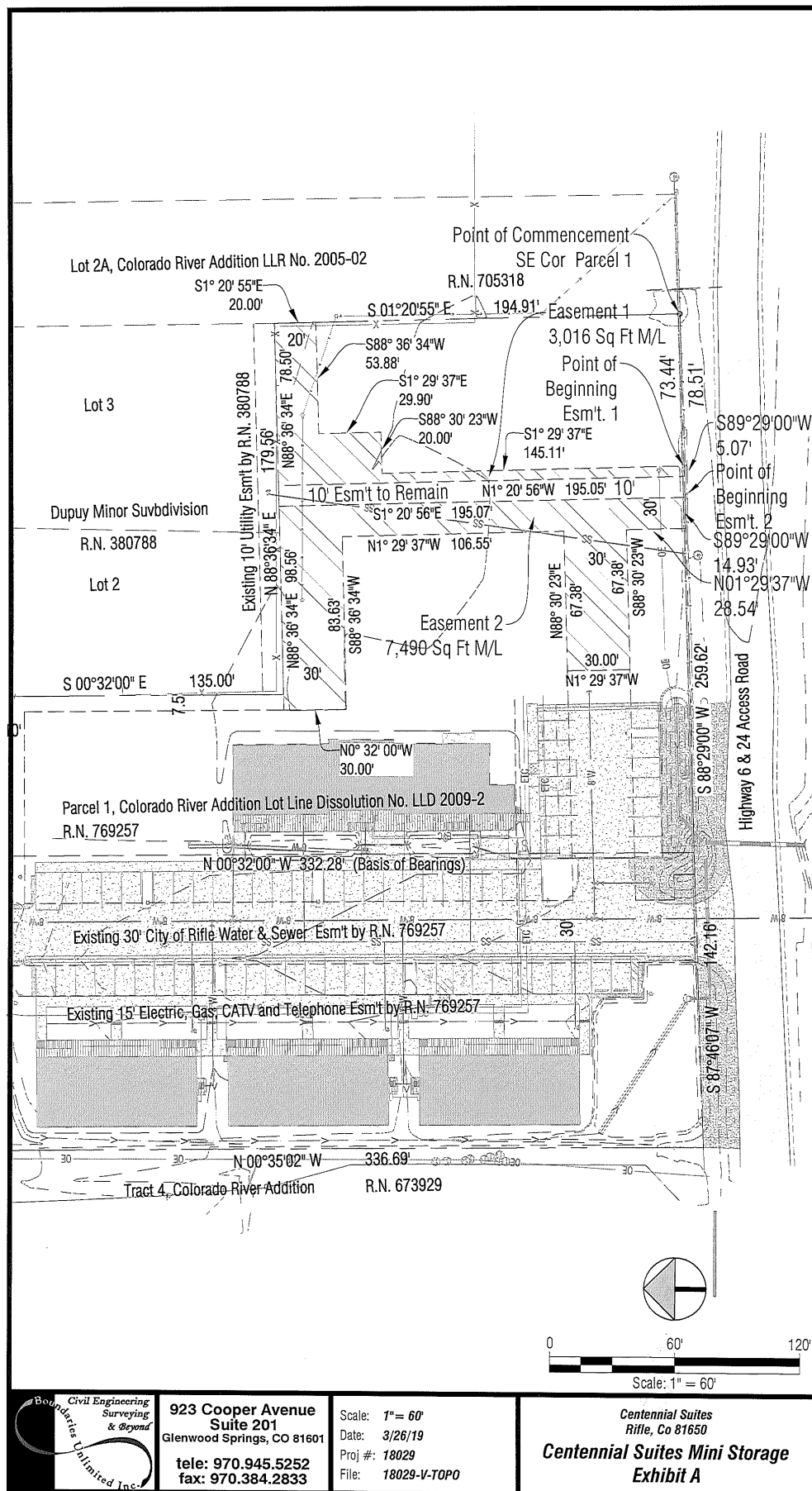
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SURVEYOR'S STATEMENT

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  03/26/19
STEVEN L. SMITH, PLS #25642 DATE:

FOR AND ON BEHALF OF BOUNDARIES UNLIMITED, INC.
923 COOPER AVENUE, SUITE 201
GLENWOOD SPRINGS, COLORADO 81601



923 Cooper Avenue
Suite 201
Glenwood Springs, CO 81601
tele: 970.945.5252
fax: 970.384.2833

Scale: 1" = 60'
Date: 3/26/19
Proj #: 18029
File: 18029-V-TOPO

Centennial Suites
Rifle, Co 81650
Centennial Suites Mini Storage
Exhibit A

EXHIBIT "C" - LEGAL DESCRIPTION - 10' UTILITY EASEMENT

A TEN (10) FOOT UTILITY EASEMENT OVER AND ACROSS A PORTION OF PARCEL 1, COLORADO RIVER ADDITION LOT LINE DISSOLUTION NO. 2009-2 AS RECORDED UNDER RECEPTION NUMBER 769257, CITY OF RIFLE, COUNTY OF GARFIELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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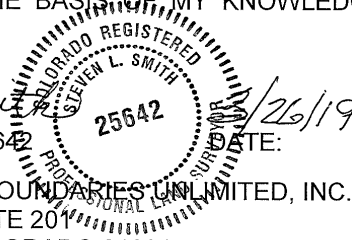
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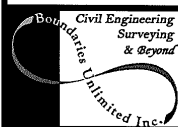
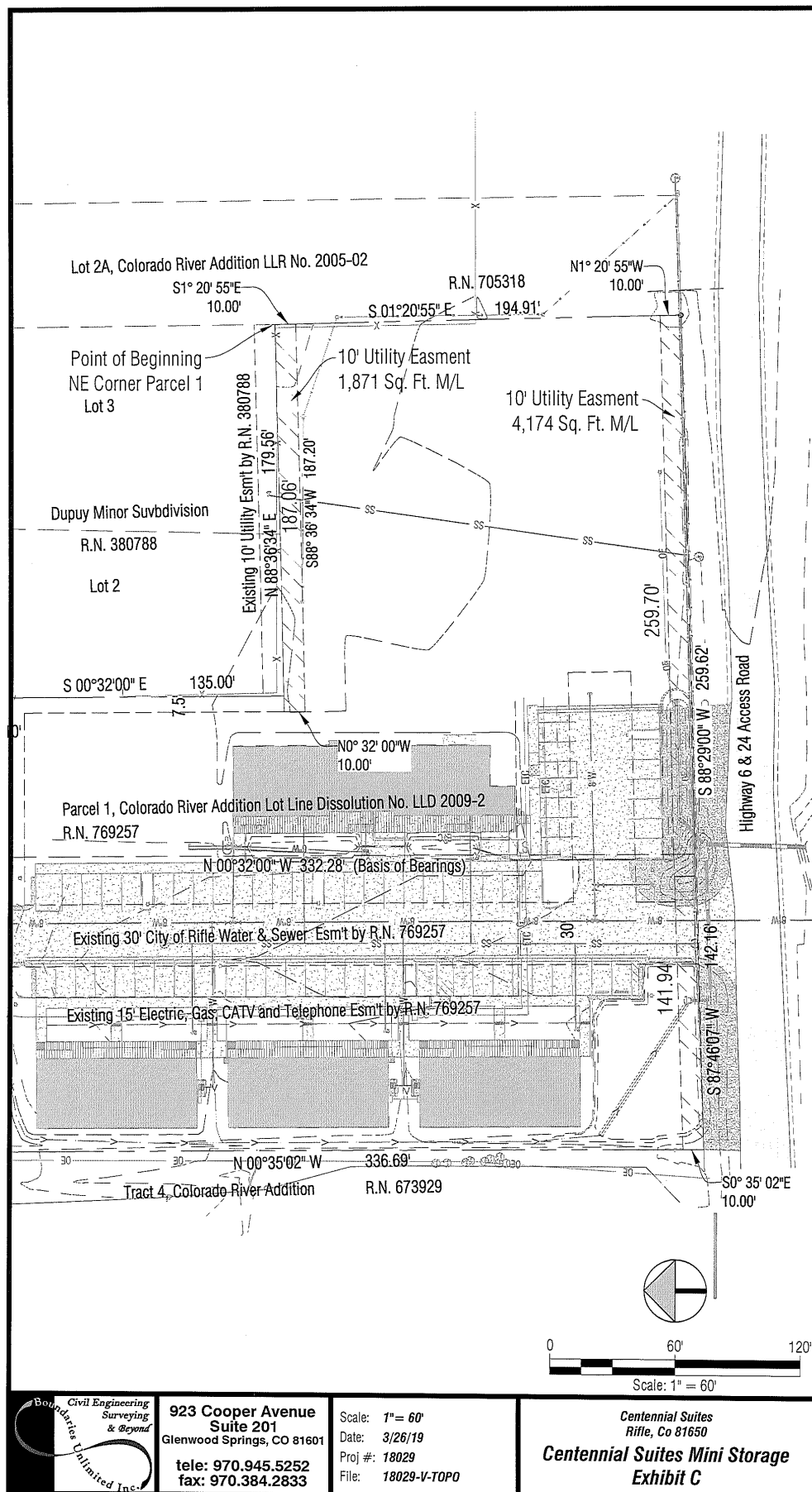
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STEVEN L. SMITH, PLS #25642



FOR AND ON BEHALF OF BOUNDARIES UNLIMITED, INC.
923 COOPER AVENUE, SUITE 201
GLENWOOD SPRINGS, COLORADO 81601



**923 Cooper Avenue
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Centennial Suites
Rifle, Co 81650

**Centennial Suites Mini Storage
Exhibit C**

EASEMENT QUITCLAIM DEED

THIS DEED is dated December 16, 2020, and is made between CITY OF RIFLE, COLORADO, a home-rule municipal corporation duly organized and existing under and by virtue of the laws of the State of Colorado, the "Grantor," and FITZ SSM, LLC, a limited liability company duly organized and existing under and by virtue of the laws of the State of Colorado and RE DEVELOPMENT CORP, a corporation duly organized and existing under and by virtue of the laws of the State of Colorado, collectively the "Grantee," whose legal address is 333 Lions Ridge Road, Carbondale, Colorado 81623.

WITNESS, that the Grantor, for and in consideration of the dedication of replacement easements, the receipt and sufficiency of which is hereby acknowledged, does hereby remise, release, sell and QUITCLAIM unto the Grantee, its successors and assigns, forever, all the right, title, interest, claim and demand which the Grantor has in and to that easement located in the County of Garfield and State of Colorado, described on Exhibit A attached hereto and incorporated herein by this reference

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging, or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of the Grantor, either in law or equity, to the only proper use, benefit and behoof of the Grantee, and its successors and assigns, forever.

IN WITNESS WHEREOF, the Grantor has caused its corporate name to be hereunto subscribed by its president, vice-president, or other head officer, and its corporate seal to be affixed, attested by its secretary or other appropriate officer, on the date set forth above.

ATTEST:

Kristy Doll
Its: City Clerk

GRANTOR:

CITY OF RIFLE, COLORADO

By: _____
Name: Barbara Clifton
Its: Mayor

EXHIBIT "A" - LEGAL DESCRIPTION – WATER & SEWER EASEMENT VACATION

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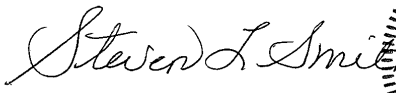
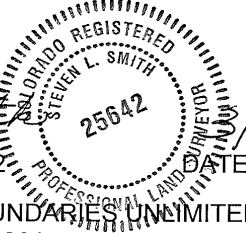
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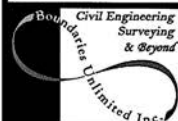
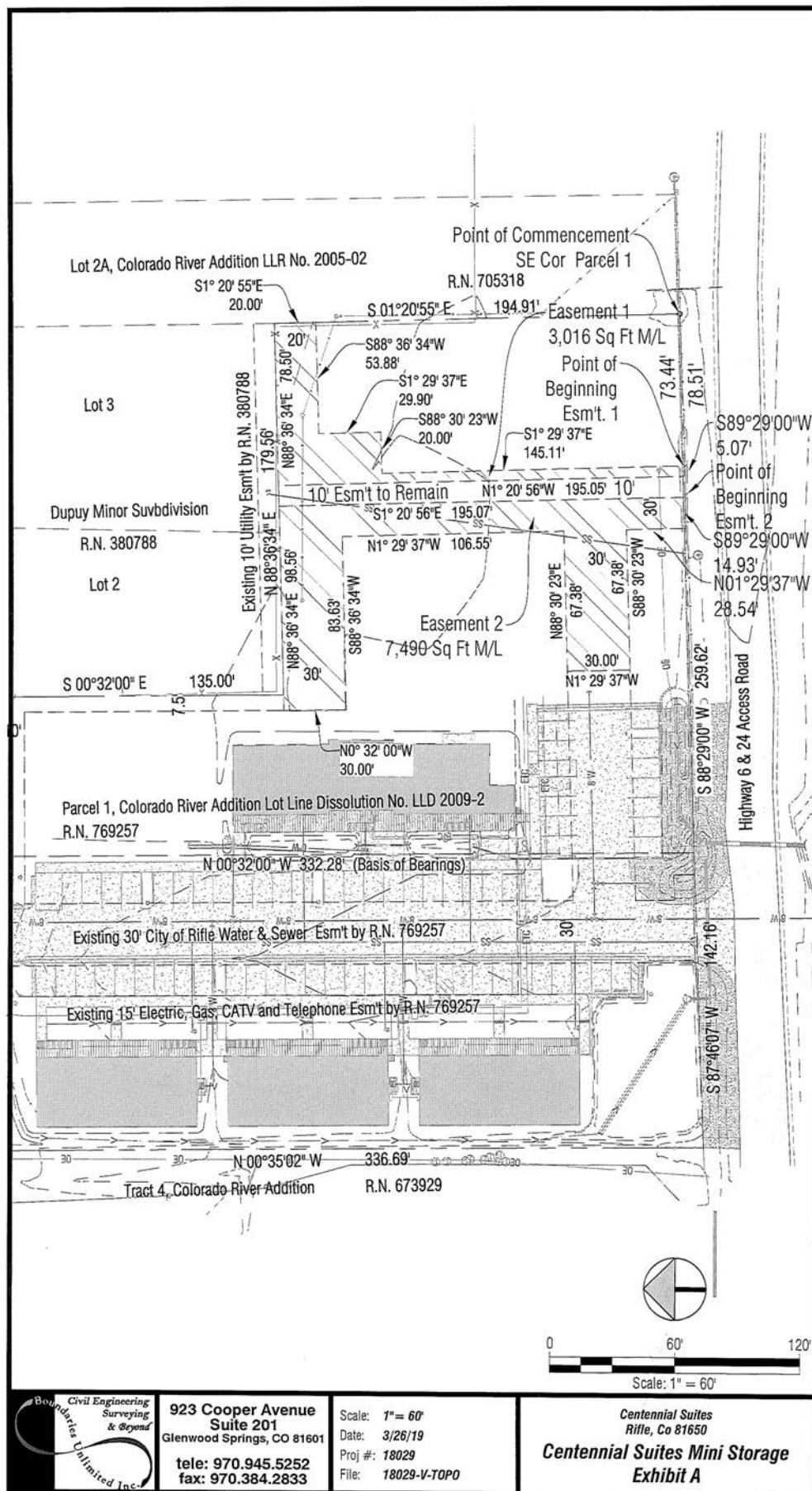
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  03/26/19
STEVEN L. SMITH, PLS #25642 DATE:

FOR AND ON BEHALF OF BOUNDARIES UNLIMITED, INC.
923 COOPER AVENUE, SUITE 201
GLENWOOD SPRINGS, COLORADO 81601



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Centennial Suites
Rifle, Co 81650
Centennial Suites Mini Storage
Exhibit A

GRANT OF EASEMENT

THIS GRANT OF EASEMENT, made this 16th day of December 2020, by and between and FITZ SSM, LLC, a Colorado limited liability company and RE DEVELOPMENT CORP, a Colorado corporation, whose legal address is 333 Lions Ridge Road, Carbondale, Colorado 81623, hereinafter referred to collectively as “Grantor,” and the CITY OF RIFLE, COLORADO, a municipal corporation, hereinafter referred to as “City.”

WITNESSETH:

FOR GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, Grantor has this day bargained and sold, and by these presents does bargain, sell, convey, transfer, and deliver unto the City, and its successors and assigns, an exclusive easement in, over, and across the real property hereinafter described, including the perpetual right to enter upon said property at a time that it may see fit, and to construct City-owned utility systems across, through, upon, and under the real property hereinafter described and to repair, replace, relocate, inspect, operate, and maintain said utility systems; provided, however, that the City shall restore the ground surface to its prior condition after disturbing same. The term “City-owned utility systems,” as used herein, shall include above and below ground wires, lines, cables, ducts, pipes, pedestals, risers, poles, vaults, manholes, fire hydrants, and other equipment, appurtenances, and structures associated with water, storm water, and wastewater purposes and which are owned and operated by the City. The term “exclusive easement,” as used herein, shall mean that any above or below ground utility systems and appurtenances and other above or below ground permanent or substantial structures not owned and maintained by the City shall not be installed or encroach upon any portion of the herein described easement unless first approved otherwise by the City.

The easement and right-of-way hereby granted, situated in Garfield County, Colorado, is described on Exhibit “A” attached hereto and incorporated herein.

TO HAVE AND TO HOLD said easement unto the City, and its successors and assigns, forever.

The Grantor does hereby covenant with the City that it is lawfully seized and possessed of the real property above described, that it has a good and lawful right to convey the easement herein granted, that the said easement is free and clear of all liens and encumbrances, and that it will forever warrant and defend the title thereto against lawful claims of all persons whomsoever.

GRANTOR
RE DEVELOPMENT CORP

By: _____

Title: _____

STATE OF COLORADO)
) ss.
COUNTY OF _____)

The foregoing was acknowledged before me this ____ day of _____, 2020 by _____ on behalf of RE Development Corp.

Witness my hand and official seal.
My Commission Expires _____

(S E A L)

Notary Public

CITY OF RIFLE, COLORADO

Acceptance:

Public Works Director _____ Date _____

Attest:

City Clerk

- LEGAL DESCRIPTION - 10' UTILITY EASEMENT

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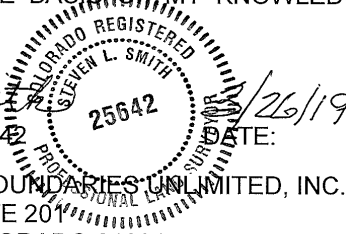
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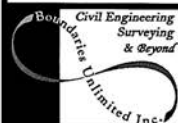
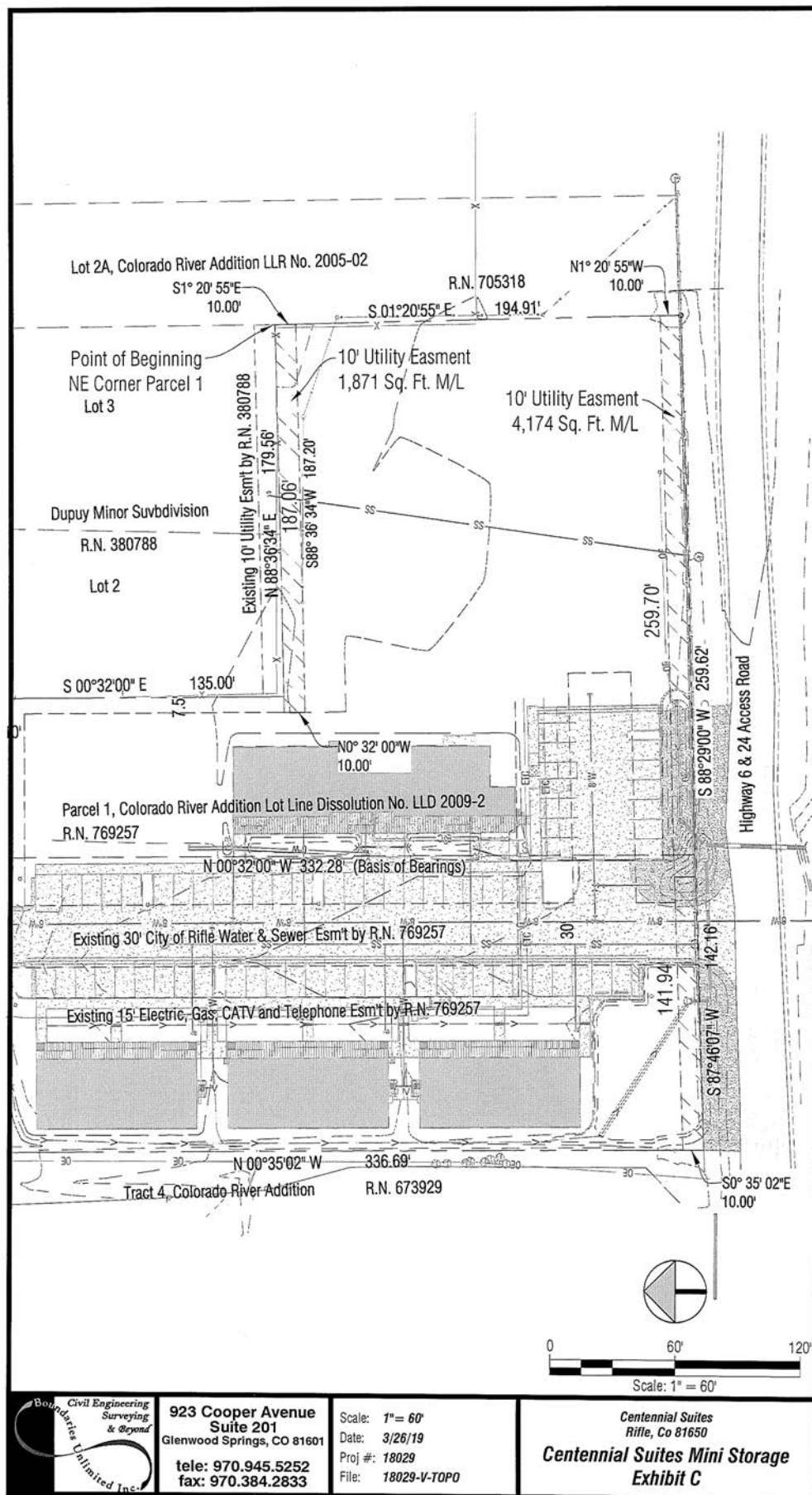
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Steven L. Smith
STEVEN L. SMITH, PLS #25642



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Exhibit C



Agenda Item #7.c.

Agenda Item Name:

Consider 7-Party Memorandum of Understanding with Garfield County for 2021 Senior Programs

Presenter:

Tami Sours, Senior Center Director

Item Description:

Attached for approval is our 2021 7-Party MOU for Senior Programs. The 2021 MOU has a total cost of \$121,745.00 for Traveler Services. There is no cost for congregate meals as the cost was covered by AAA Grants and Garfield County contributions. In 2020 our contribution for Traveler was \$110,418.65 showing an increase of \$11,326.35.

Recommended Action:

Approval for 7-Party Memorandum of Understanding regarding Garfield County Senior Programs for 2021.

Fiscal Impact:

Our fiscal impact will be \$121,745.00 for 2021 an increase of \$11,326.35 from 2020.

Operational Impact:

N/A

Prior Board Motions:

In previous years council has approved our Senior Programs MOU with questions of rising cost of Traveler services.

Background Information:

City of Rifle has been a part of providing senior program services to our community since 2009 with an original 9-Party Agreement. The town of Parachute pulled out of the MOU along with CMC now making it a 7-Party Agreement. The 7 parties are Garfield County, RFTA, Town of Carbondale, City of Glenwood Springs, Town of New Castle, Town of Silt and City of Rifle.

This MOU reflects the Garfield County Senior Programs that include Senior Congregate Meals and Transportation for seniors and disabled adults.

Executive Summary:

This MOU for 2021 reflects a total annual cost of \$761,487.00 with an annual cost to the City of Rifle in the amount of \$121,745.00 with an increase of \$11,326.35 from 2020. The MOU methodology estimates a total of

4,090 rides for the City of Rifle showing a decrease in rides fo 1,118 from 2020.

Notification Requirements:

None

Prepared By:

Tami Sours, Senior Center Director

Attachments:

1. 2021 FINAL Senior Programs 7-Party MOU

**7-PARTY MEMORANDUM OF UNDERSTANDING
REGARDING GARFIELD COUNTY SENIOR PROGRAMS
FOR 2021**

This Memorandum of Understanding is entered into between:

The Garfield County Board of County Commissioners, (“BOCC”)
The City of Rifle, Colorado,
The City of Glenwood Springs, Colorado,
The Town of Carbondale, Colorado,
The Town of New Castle, Colorado,
The Town of Silt, Colorado,
Roaring Fork Transportation Authority, (“RFTA”)

(collectively, the “7-Parties”) in order to set forth the terms and conditions of their cooperative provision, administration and funding of a county-wide meal and transportation services for the Garfield County Senior Programs for calendar year 2021 (the “MOU”). This MOU is effective as of January 1, 2021, regardless of the dates on which it is signed.

BACKGROUND

- A. Each of the 7-Parties is authorized to make the most efficient and effective use of their governmental powers, responsibilities and monies by cooperating and contracting with other governments. Colo. Const. art. XIV §§ 18(2)(a) and (2)(b); Colorado Revised Statutes § 29-1-201.
- B. In 2009, 9-Parties entered into an Intergovernmental Agreement to set forth the terms and conditions of their cooperative provision, administration and funding of meal and transportation services to senior citizens of Garfield County (“the 9-Party MOU”). This 9-Party MOU is recorded in records of the Garfield County Clerk and Recorder at Reception No. 776142.
- C. In accordance with the 9-Party MOU, in 2009 and each consecutive year thereafter, the now 7 parties have also entered into a Memorandum of Understanding that sets forth each party’s annual commitment to share the administrative and operational costs of the Senior Programs meal and transportation services and determines the methodology by which those costs will be allocated among them (the “MOU”).
- D. In 2016, The Town of Parachute withdrew from membership and opted not to participate in the services provided by Garfield County Senior Programs in 2017. Colorado Mountain College has opted out of the 9-Party IGA.

- E. Each of the remaining 7-Parties desires to continue to provide meal and transportation services to eligible Garfield County senior citizens in 2021 in accordance with the original 9-Party MOU.

NOW, THEREFORE, for and in consideration of mutual covenants and agreements set forth below, the 7-Parties agree as follows:

AGREEMENT

1. Incorporation of Recitals. The foregoing Recitals are incorporated as if set forth in full.
2. Purpose of this Agreement. The purpose of this MOU is to define the terms and conditions by which the 7-Parties will collectively provide, administer and fund county-wide meal and transportation services for the Garfield County Senior Programs for calendar year 2021.
3. Term of Agreement. This Agreement shall have an Effective Date of January 1, 2021 regardless of the dates signed and shall terminate on December 31, 2021.
4. Senior Services to be Provided. The BOCC, through its Department of Human Services Senior Programs, will organize and administer the congregate meal and transportation services described in this MOU for eligible senior citizens of Garfield County on behalf of Rifle, Glenwood Springs, Carbondale, New Castle, Silt (collectively, the “Municipalities”). In exchange, the Municipalities will reimburse the BOCC for their proportionate shares of the cost of such services as calculated in accordance with the Cost Methodologies defined in this Agreement.
5. Congregate Meal Services. The BOCC and Municipalities agree that Senior Program meals will be provided at seven (7) locations throughout Garfield County on the days and times, and further agree that the costs to provide such services will be allocated among them as follows:
 - a. Cost Methodology – Nutrition: The BOCC agrees to pay forty percent (40%) of total budgeted cost to provide Congregate Meal Services in 2021.
 - b. The Municipalities each agree to pay a proportionate share of the remaining balance, less all anticipated grant and program funding income, based upon the percentage of total meals served between July 2018 and June 2019 to the residents of each Municipality. The BOCC agrees to be responsible for all meals served to residents of unaffiliated Garfield County and Battlement Mesa as well as any shortfall in grant and program funding income.
 - c. Application of Cost Methodology to the 2021 Budget: As illustrated in **Attachment A**, which is incorporated here for all purposes, the total budgeted cost to provide Congregate Meal Services in 2021 is **\$386,737.00**. The BOCC’s 40% share of that amount equals **\$154,694.80**. Anticipated grant and program funding income for 2021 is **\$241,853.00**. The remaining balance is \$0.00.

- d. Adjustment to Services 2021: As a result of COVID19 meal sites have been moved from a congregate setting to a drive by pick up setting. Dependent on the need of the client some meals are being provided with home delivery. This arrangement will end at such time COVID 19 restrictions have ended.

6. Transportation Services. The BOCC, RFTA and Municipalities agree that Senior Program transportation services will be provided to Garfield County residents sixty-five (65) years old and older who have difficulty utilizing public transportation (“Seniors”) and citizens under the age of sixty-five (65) with a functional disability affecting the ability to use public transportation based upon the schedule. These services will be provided by RFTA’s Traveler bus system and will be wheelchair accessible, curb to curb, driver assisted transportation and will also include the delivery of meals to the meal site locations. Riders must make reservations 48 hours in advance. The cost to provide these transportation services will be shared by the BOCC, RFTA, and the Municipalities in accordance with the following Cost Methodology:

- a. Cost Methodology - Transportation: The BOCC agrees to be responsible for fifty percent (50%) of the total budgeted cost to provide Senior Transportation Services in 2021. The remaining fifty percent is paid for by grant and program funding income and allocated payments from the Municipalities based upon the number of rides provided to residents of each Municipality. RFTA agrees to be responsible for the cost of the transportation services provided to the three Municipalities that are current RFTA members: the Town of Carbondale, the City of Glenwood Springs, and the Town of New Castle. The remaining non-RFTA member Municipalities, the City of Rifle, the Town of Silt agree to pay their proportionate share of transportation costs based upon the number of rides provided to the residents of each. The BOCC agrees to be responsible for all rides provided to residents of unaffiliated Garfield County as well as any shortfall in anticipated grant and program funding income.
- b. Application of Cost Methodology to 2021 Budget. As illustrated in **Attachment B**, the total budgeted cost to provide Senior Transportation Services in 2021 is **\$761,487.00**. This cost represents the costs to the BOCC and to RFTA to provide such services in the amounts of **\$43,390.00** and **\$748,097.00 (PROJECTED)** respectively, less the amount of **\$30,000** received by RFTA from other sources who utilize the Traveler bus system pursuant to a contractual agreement that is unrelated to this MOU. The BOCC’s 50% share of this amount equals **\$380,743.50**. Anticipated grant and program funding income for 2021 is **\$84,031.00**. The remaining balance of **\$296,712.50** is distributed among the Municipalities based upon the portion of total rides provided to residents of each Municipality between July 2019 and June 2020, which results in the following amounts due:

Municipality	Number of Rides	Percent of Total	Amount Due
--------------	-----------------	------------------	------------

Carbondale*	467	4.68%	\$13,900.96
Glenwood Springs*	4,871	48.87%	\$144,992.64
New Castle*	315	3.16%	\$9,376.45
Silt	225	2.26%	\$6,697.46
Rifle	4,090	41.03%	\$121,745.00
TOTAL	9,968	100%	\$296,712.50

c. Payment. The BOCC and RFTA have entered into a separate intergovernmental agreement pursuant to which the BOCC agrees to pay RFTA the total amount of **\$549,826.96** in twelve (12) equal monthly payments **\$45,818.91** for Senior Transportation Services (the “Traveler IGA”). This amount represents RFTA’s estimated cost to provide such services in 2021 less amounts received by RFTA from other sources and less the cost to provide such services to the RFTA Member Municipalities identified with an asterisk above. The non-RFTA member Municipalities agree to pay the respective amounts set forth above upon receipt of an invoice from the BOCC.

d. Appropriation. This MOU is expressly contingent upon appropriation and budgeting for the costs required herein. If any Municipality, including RFTA on behalf of its member jurisdiction Municipalities, fails to appropriate or have available sufficient funds to pay for the costs of the obligations set forth in this Agreement, services to residents of the failing Municipality shall end. The attached budget is a draft and may change dependent on RAFTA’s board final approval (anticipated to be received mid-December.) Any additional cost will be paid through the fund established after cost savings at the end of the year have been recognized. If there is no cost savings at the end of the year and the cost of the Traveler program exceeds the amounts set forth in this MOU the additional cost will be covered through the fund balance.

e. COVID 19 Accommodations. Traveler services will be adjusted as a result of Governor orders or Public Health recommendations

7. Whole Agreement. This MOU sets forth the whole agreement of the Parties. No representation, either verbal or written, shall be considered binding to the extent it is not set forth herein.

8. Amendment and Assignment. This MOU may be amended, altered, or modified solely through a written agreement executed with equal formality. This MOU may not be assigned by any Party without the written agreement of the all.

9. Facsimiles and Counterparts. This MOU and all documents required for performance may be signed in counterparts. Facsimile signatures may be substituted for originals on such documents.

10. Authority. Each person signing this MOU represents and warrants that said person is fully authorized to enter into and execute this document and bind the Party represented.

11. Governing Law. The laws of the State of Colorado shall govern the validity, performance and enforcement of this MOU. Venue for any action instituted pursuant to this MOU shall lie in Garfield County.

12. Notice. Notices to be provided under this Agreement shall be given in writing either by hand delivery or by certified return receipt requested United States mail, to the following:

Carbondale	Jay Harrington, Town Manager Town of Carbondale 511 Colorado Avenue Carbondale, CO 81623 (970) 963-2733 ext. 1207 jharrington@carbondaleco.net
Garfield County	Sharon Longhurst-Pritt, Director Garfield County Department of Human Services 195 West 14 th Street, Building B Rifle, CO 81650 (970) 625-8282 ext. 3265 spritt@garfield-county.com
Glenwood Springs	Debra Figueroa, City Manager City of Glenwood Springs 101 W. 8 th Street Glenwood Springs, CO 81601 (970) 384-6500
New Castle	Dave Reynolds, Town Administrator New Castle Town Hall 450 West Main Street, P O Box 90 New Castle, CO 81647 (970) 984-2311 Dreynolds@newcastlecolorado.org
RFTA	Dan Blankenship, Chief Executive Officer Roaring Fork Transportation Authority 2307 Wolfshon Road Glenwood Springs, CO 81601 (970) 384-4981

dblankenship@rfta.com

Rifle

Scott Hahn, City Manager
City of Rifle
202 Railroad Ave
P. O. Box 1980
Rifle, CO 81650
(970) 625-6266
shahn@rifleco.org

Silt

Jeff Layman, Town Administrator
Town of Silt
231 N. 7th Street, PO BOX 70
Silt, CO 81652
970-876-2353, ext. 813
jlayman@townofsilt.org

IN WITNESS WHEREOF, the parties have caused this Memorandum of Understanding to be executed effective January 1, 2021.

ATTEST:

TOWN OF CARBONDALE, COLORADO

Town Clerk

By: _____
Dan Richardson, Mayor

Date: _____

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
GARFIELD COUNTY, COLORADO and
BOARD OF SOCIAL SERVICES**

Clerk to the Board

By: _____
John Martin, Chairman

Date: _____

ATTEST:

**CITY OF GLENWOOD SPRINGS,
COLORADO**

City Clerk

By: _____
Jonathan Godes, Mayor

Date: _____

ATTEST:

TOWN OF NEW CASTLE, COLORADO

Town Clerk

By: _____
Art Riddile, Mayor

Date: _____

ATTEST:

**ROARING FORK TRANSPORTATION
AUTHORITY**

2021 7-Party MOU

By: _____

Secretary to the Board of Directors

_____, Chair

Date: _____

ATTEST:

CITY OF RIFLE, COLORADO

City Clerk

By: _____
Barbara Clifton, Mayor

Date: _____

ATTEST:

TOWN OF SILT, COLORADO

Town Clerk

By: _____
Keith B. Richel, Mayor

Date: _____

ATTACHMENT A

**2021 CONGREGATE MEAL BUDGET
AND COST METHODOLOGY (PROPOSED)**

Nutrition Budget

Annual

Wages	\$ 136,422.00
Employee Benefits	\$ 67,965.00
Professional - Other	\$ 152,000.00
Rental of Land & Buildings	\$ 500.00
Communications	\$ 500.00
Printing and Binding	\$ 300.00
DHS - Destruction of Records	\$ 250.00
Travel	\$ 300.00
Motor Pool Charges	\$ 10,500.00
Professional Affiliations	\$ 100.00
Training	\$ 800.00
Office Supplies	\$ 1,000.00
Operating Supplies	\$ 9,000.00
Computer Supplies	\$ 400.00
Freight, postage, Delivery	\$ 2,300.00
Copy Machine Usage	\$ 1,400.00
Food - non travel related	\$ 3,000.00

Staff: 64% Manager
72% Program Coordinator
77% Program Coordinator

DRAFT

Total 12 Month Budget **\$386,737.00**

Less AAA funding	\$ 197,853.00
Less NSIP Incentives	\$ 13,000.00
Less Program Income	\$ 31,000.00
Grant & Program Income Total	\$ 241,853.00

40% County Share of Total Expenses	\$ 154,694.80
Garfield County Share	\$ 154,694.80

Projected Income/County Share	\$ 396,547.80
Income less expenses	-\$9,810.80

Municipal Budget Share for Distribution	-\$9,810.80
--	--------------------

NUTRITION BREAKDOWN SUMMARY FOR MUNICIPALITIES				2020		2019	
2021			Municipal				
Jurisdiction	# of Meals Served	Percent of Total	Nutrition Contribution	# Meals	Contributions	# Meals	Contributions
Carbondale	1,306	8.48%	\$0.00	1,342	\$ -	1,241	\$ 1,526.41
Glenwood Springs	4,875	31.66%	\$0.00	4,111	\$ -	3,873	\$ 4,763.72
New Castle	723	4.70%	\$0.00	719	\$ -	734	\$ 902.81
Silt	2,074	13.47%	\$0.00	2,418	\$ -	2,477	\$ 3,046.67
Parachute	-	0.00%	\$0.00	-	\$ -	-	\$ -
Rifle	6,420	41.69%	\$0.00	7,157	\$ -	7,918	\$ 9,739.00
Municipal Total	15,398	100.00%	\$0.00	15,747	\$ -	16,243	\$ 19,978.60
Garfield County	3,265			3,190		3,253	
Parachute	-			-		-	
Grand Total	18,663			18,937		19,496	
Based on July 2019 - June 2020 Usage				Based on July 2018 - June 2019		Based on July 2017 - June 2018	

ATTACHMENT B

**2021 TRANSPORTATION BUDGET AND
COST METHODOLOGY (PROPOSED)**

Cost Methodology—2021

PAGE TWO

Transportation Budget	Annual	
Wages	\$	26,340.00
Employee Benefits	\$	13,950.00
Prof Oth - County Attorney Contr	\$	500.00
Communication	\$	400.00
Printing and Binding	\$	200.00
Motor Pool Charges	\$	1,000.00
Training	\$	200.00
Office Supplies	\$	200.00
Computer Supplies	\$	200.00
Freight, Postage, Delivery	\$	400.00
Total County Expenses	\$	43,390.00

Staff: 32% Manager
7% Prog Coordinator

DRAFT

RFTA	\$	748,097.00	Projected based on RFTA Actual Expenditures, subject to change until Budget is adopted in December
MINUS GWS Paratransit	\$	30,000.00	
Total RFTA Expenses	\$	718,097.00	
Total Expenses	\$	761,487.00	
Less Program Income	\$	30,000.00	
Less CSBG	\$	54,031.00	
Total G/P Income	\$	84,031.00	
Less 50% County Share	\$	380,743.50	
Total County Share	\$	380,743.50	
Total Revenue	\$	464,774.50	
Total Expenses	\$	761,487.00	
Income less expenses	\$	296,712.50	
Municipal Budget Share for Distribution	\$	296,712.50	

TRANSPORTATION BREAKDOWN Based on July 2019 - June 2020 Usage				2020		2019	
2021	# of Rides Provided	Percent of Total	Municipal Transportation Contribution	# Rides	Contributions	# Rides	Contributions
Jurisdiction							
Carbondale*	467	4.68%	\$13,900.96	732	\$15,519.67	248	\$7,572.94
Glenwood Springs*	4,871	48.87%	\$144,992.64	5,419	\$114,892.22	3,827	\$116,861.48
New Castle*	315	3.16%	\$9,376.45	519	\$11,003.70	375	\$11,451.02
Silt	225	2.26%	\$6,697.46	145	\$3,074.25	394	\$12,031.21
Parachute	-	0.00%	-	-	\$0.00	-	\$0.00
Rifle	4,090	41.03%	\$121,745.00	5,208	\$110,418.65	3,865	\$118,021.85
MUNICIPAL TOTAL	9,968	100.00%	\$296,712.50	12,023	\$254,908.49	8,709	\$265,938.50
* RFTA Members							
Rural Garfield County	3,221			3,419		3,150	
Mt. Valley	-			1,861		2,608	
Parachute	-			-		-	
Total	13,189			17,303		14,467	



Agenda Item #7.d.

Agenda Item Name:

Consider amendments to Personnel Manual - Resolution No. 21, Series of 2020.

Presenter:

Danielle Hogan, HR Manager
James S. Neu, City Attorney
Anna Itenberg

Item Description:

City Personnel Manual required updates

Recommended Action:

Consider approving recommended updates to the Personnel Manual as submitted.

Fiscal Impact:

n/a

Operational Impact:

n/a

Prior Board Motions:

Background Information:

Executive Summary:

Submitted updates to the City's Personnel Manual to be effective January 1, 2021, and are the result of new employment law legislation, requests from Council at previously submitted Personnel Manual update at February 20, 2019 Council meeting, recommendations from City's Property Casualty Insurer, Legal Council recommendations and to more clearly align the manual with current practice within the City.

Notification Requirements:

Prepared By:

Danielle Hogan, HR Manager

Attachments:

1. Memo to Council Personnel Manual Changes 12.16.2020 Final
2. Resolution No. 21-Personnel Manual Updates-Legal-20201216
3. 2021 Personnel Manual Final - Council Packet
4. 12.7.20 Changes Accepted Personnel Manual DH AS Edits



To: Mayor and City Council

From: Scott Hahn, City Manager & Danielle Hogan, HR Manager

Date: Tuesday, December 08, 2020

Subject: Required Revisions to the City of Rifle Personnel Manual – Effective January 1, 2021

The City of Rifle Personnel Manual is subject to ongoing review by Rifle staff and Legal Counsel to ensure that it reflects new employment law changes, current practices, remains competitive with other employer benefits, and provides a clear and sufficient guide for employee conduct in the workplace. City of Rifle staff in collaboration with Legal Counsel has reviewed the Manual and has identified policies in need of revision; some new policies have also been added as required by recent changes in legislation.

- Section **2.1 Equal Pay Policy**, was added to the Manual to comply with Colorado's new *Equal Pay for Equal Work Act* ("Equal Pay Act")
- Clarifications/Updates were made in **Section 2.1** related to the *Equal Pay Act* requirements
- Section **2.4.1 Promotions**, updates were made related to CCR 7-1103-13, *Equal Pay Transparency Rules* implementing the Equal Pay Act
- Section **2.4.3 Appointment to Acting Capacity** was added at Council Request at the time of last Personnel Manual Review for a future revision
- Section **2.10.1 (a)** clarification was given for the use of leave following an employee's resignation notice
- Under Section **3.1, 3.2, 3.4** wording was added to reflect the requirement under *Healthy Families and Workplaces Act* that all employees will receive a minimum accrual of sick leave
- Section **3.6 Full-time Sworn Police Personnel** Employment Status was added to define this current classification of employee and the differences in their employment definition
- Removed prior Section **3.6 Probationary** as this is no longer applicable in practice and not recommended by Legal Counsel to be a current practice
- Section **3.7 Exempt Positions** added language at request by Council related to additional compensation for exempt employees for performing extra duties during City-declared emergencies
- Section **6.1 Holidays** added clarifying wording to the use of Floating Holidays, to align with current practice
- Section **6.3.1 Amount of Sick Leave & 6.3.2 Use of Sick Leave** were updated to comply with Colorado's new *Healthy Families and Workplaces Act*
- Section **6.13 School Activity Leave** was removed as the State Statute that formally required this leave has sunset and it is no longer required
- Section **10.3 Public Health Emergency Whistleblower Policy** was added to comply with new Colorado *PHEW Law*
- Section **10.7 Personal Appearance** was updated to become compliant with Colorado's new *CROWN Act* and revised as requested by Council at the time of last Personnel Manual Review for a future revision
- Removed Section **11.2.2 3) Probationary Status** as this is no longer applicable in practice and not recommended by Legal Counsel to be a current practice
- Section **14.2 Motor Vehicle Records** included wording to reflect current practice and requirement by Property Casualty Insurance Carrier CIRSA

- Section **14.3 Distracted Driving Prohibited** was retitled (formally *Cell Phone Use in City Vehicles*) and updated to remain current and to incorporate language recommended by CIRSA, and to exclude emergency personnel acting in the course of their duties
- Section **14.3.5 Family Members** was updated to make it consistent with current practice
- Section **16.2.4 Site Content** was revised to clarify and protect the City from litigation relating to use of Social Media and to make the policy consistent with the social media policy posted on the City's website.

Final updated Manual is included for your review.

Staff recommends that Council approve the amending the Personnel Manual for the City of Rifle. The effective date of the revised Personnel Manual will be January 1, 2021.

**CITY OF RIFLE, COLORADO
RESOLUTION NO. 21
SERIES OF 2020**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO,
AMENDING POLICIES IN THE CITY'S PERSONNEL MANUAL.

WHEREAS, by Resolution No. 55, Series of 2006, the City of Rifle adopted a new Rifle Personnel Manual (the "Personnel Manual"), as it has been amended since its adoption; and

WHEREAS, the Personnel Manual is subject to ongoing review by Rifle staff and the City Council to ensure that it reflects best management practices, is legally compliant, remains competitive with other employee benefits, and provides a clear and efficient guide for employer and employee conduct; and

WHEREAS, City staff proposes the revisions, updates and additions to the Personnel Manual attached as Exhibit A; and

WHEREAS, to comply with new employment legislation, and maintain best management practices, the Rifle City Council finds that the best interests of the citizens of Rifle will be served by amending the Personnel Manual.

NOW, THEREFORE, be it resolved by the City Council of the City of Rifle, Colorado, that:

Section 1. The City incorporates the foregoing recitals as findings by the City Council.

Section 2. The City of Rifle Personnel Manual attached hereto as Exhibit A and incorporated herein by this reference is hereby adopted as the official Personnel Manual for the City affective January 1, 2021.

THIS RESOLUTION was read, passed, and adopted by the Rifle City Council at a regular meeting held this December 16, 2020.

CITY OF RIFLE, COLORADO

By _____
Mayor

ATTEST:

City Clerk

January 1, 2021

City of Rifle



Adopted by the
City Council
December 16,
2020

Personnel Manual

INTRODUCTION

The purpose of this manual is to inform employees of the City of Rifle's personnel policies of general applicability. This manual is not all-inclusive and does not purport to address all conceivable circumstances, but addresses those topics likely to be of interest to employees in the course of day-to-day operations.

The policies in this manual are not intended to supersede the City's home rule charter, ordinances, or other applicable laws; in case of any conflict between these policies and such charter, ordinances, or laws, the latter shall prevail. The provisions of this manual apply to all employees of the City except as otherwise specified. Departments may have their own policies and procedures.

The policies in this manual are not intended and shall not be construed to vest any employee of the City of Rifle with any rights arising from any express or implied contract of employment, and employment with the City of Rifle is at will, and can be terminated at any time without procedures, cause, or notice. The City reserves the right to change or rescind these policies and to determine the application of these policies to specific circumstances using its sole discretion. The City further reserves the right to alter or eliminate any benefits provided to its employees as referenced in the personnel policies. Any alteration, elimination, or revision may be made applicable to then-current as well as future employees.

Certain provisions of this manual identify potential disciplinary action which may result from specified conduct. The inclusion of these provisions does not, and is not intended to, limit the imposition of disciplinary action which may be imposed for any violation, nor is the inclusion of disciplinary provisions intended to limit the City of Rifle's discretion with respect to imposition of discipline.

Any matter not specifically covered by this manual may be administered by the City Manager in a manner consistent with this manual.

CITY OF RIFLE PERSONNEL MANUAL

TABLE OF CONTENTS

Section

Not provided as it was not fully updated at this time with changes submitted

DEFINITIONS

The following definitions apply whenever these words and phrases are used in this manual, unless the context clearly indicates otherwise:

Appointing Authority means the City Manager or the City Manager's designee.

Charter means the City of Rifle City Charter as found in the Rifle Municipal Code.

Department Head an individual who oversees a department

FLSA or Fair Labor Standards Act means the Fair Labor Standards Act, 29 USC 201 et seq., as amended from time to time.

FMLA or Family and Medical Leave Act means the Family and Medical Leave Act, 5 USC 6382 et seq., as amended from time to time.

Immediate Family, except as otherwise defined herein, consists of the mother, father, sister, brother, spouse, partner (through a civil union or domestic partnership), son, daughter, mother-in-law, father-in-law, daughter-in-law, son-in-law, grandchildren, and grandparents of the employee, or relatives who live with the employee during the time that they are employed by the City.

1 DISCRIMINATION AND HARASSMENT PROHIBITION

1.1 Equal Employment Opportunity

It is the policy of the City of Rifle that there shall be no unlawful discrimination or harassment against employees or job applicants on the basis of race or color, religion or creed, sex or gender, sexual orientation, national origin or ancestry, age, physical or mental disability, health conditions related to pregnancy or the physical recovery from childbirth, military status, genetic information, or any other protected status. "Genetic information" includes information about an individual's genetic tests and the genetic tests of an individual's family members, including fetuses, family medical history, receipt of and/or results of genetic testing, and participation in genetic clinical research. Equal opportunity, as required by law, shall apply to all personnel actions including, but not limited to, recruitment, hiring, placement, promotion, transfer, demotion, layoff or termination. Equal opportunity shall also apply to all administrative actions such as compensation, benefits, training, and education.

This policy does not add to any rights that employees may be entitled to by law. Further, employment with the City may be terminated at any time, with or without cause, and with or without notice.

1.2 Equal Pay Policy

The City will not pay an employee of one sex a wage rate less than the rate paid to an employee of a different sex for substantially similar work, except where the wage differential is based on a seniority system; a merit system; a system that measures earnings by quantity or quality of production; the geographic location where the work is performed; education, training or experience to the extent that they are reasonably related to the work in question; or travel if the travel is a regular and necessary condition of the work performed. An employee who believes their compensation does not comply with this policy should follow the Complaint Procedure below.

The City will not seek the wage rate history of a prospective employee or require disclosure of wage rate as a condition of employment; rely on a prior wage rate to determine a wage rate; discriminate or retaliate against a prospective employee for failing to disclose the employee's wage rate history; discharge or retaliate against an employee for actions by an employee in asserting the rights established by Colorado law against an employer; or discharge, discipline, discriminate against, or otherwise interfere with an employee for inquiring about, disclosing, or discussing the employee's wage rate.

1.3 Equal Employment Opportunity Officer

The Human Resource Director or his/her designee shall serve as the equal employment opportunity officer to carry out the City's equal employment opportunity policy.

1.4 Reasonable Accommodations

"Disability" includes physical and mental disabilities that substantially limit one or more major life activity. Disabled individuals must be otherwise qualified for the job and able to perform essential job

functions with or without reasonable accommodations. The City will reasonably accommodate disabled employees and applicants who are otherwise qualified to perform the essential job functions, so long as the accommodation does not create an undue burden on the City.

The City will also reasonably accommodate employees for health conditions related to pregnancy or the physical recovery from childbirth, if the employee requests the reasonable accommodation, so long as the accommodation does not impose an undue hardship on the City. The City may require the employee or applicant to provide a note stating the necessity of a reasonable accommodation from a licensed health care provider before providing a reasonable accommodation.

The City will also reasonably accommodate nursing mothers by providing a private space to express milk that is near their work location and is not a toilet stall in a restroom. Nursing mothers may use their regularly scheduled meal and rest breaks to express milk. In the event an employee needs additional time to express milk, the employee and supervisor will agree upon a plan which may include the employee taking unpaid breaks or using PTO, arriving at work earlier or leaving later.

Requests for reasonable accommodations pursuant to this section must be directed to the employee's supervisor, Department Head, or the Human Resources Director or his/her designee.

1.5 Unlawful Harassment

The City is committed to maintaining a work environment free of unlawful harassment. In doing so, the City prohibits harassment because of age, race, sex, gender, color, religion, national origin, disability, marital status, military status, genetic information, sexual orientation, or any other protected class.

Unlawful harassment includes verbal or physical conduct that has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. Prohibited behavior may include but is not limited to the following:

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

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

1.6 Sexual Harassment

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

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

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

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

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

1.7 Complaint Procedure

Any employee who witnesses or believes they have experienced any act or acts of sexual harassment or other unlawful harassment or discrimination shall report such behavior in writing immediately to his/her immediate supervisor or Department Head, the Human Resource Director or his/her designee, the City Manager, or any Department Head, as the employee chooses (in cases involving the City Manager, the Mayor should be notified). Supervisors and Department Heads who knowingly allow or tolerate unlawful harassment, discrimination or retaliation, including the failure to report such misconduct pursuant to this policy, are in violation of this policy and subject to discipline.

To ensure the prompt and thorough investigation of the complaint, the complainant should provide as much of the following information as possible: the name of the person allegedly causing the unlawful harassment or discrimination; a description of the incident, including the date, location, and presence of any witnesses; the effect of the incident on the complainant's ability to perform his or her job or on other terms or conditions of his or her employment; the names of other people who may have been subject to the same or similar harassment or discrimination; what, if any, steps the complainant has taken to try to stop the harassment or discrimination; any other information the complainant believes to be relevant to the complaint.

An investigation shall be made of all complaints. Employees must cooperate fully with the City's investigation and provide honest and complete responses. During such investigation, the City will take all reasonable precautions to safeguard the privacy of both the complainant and the alleged harasser, if that is requested, and to the extent it is feasible. If deemed necessary and in the sole discretion of the City, an outside investigator may be retained to undertake any investigation and make appropriate recommendations. The employee making the report will be notified of the results of the investigation.

An employee who honestly and in good faith reports unlawful harassment and discrimination will not suffer retaliation or discipline as a result of using this complaint process. Complaints will receive prompt attention and appropriate action will be taken against any employee who is found to violate this policy. The issue of whether harassment has occurred requires a factual determination based on all the evidence received. Dishonestly or maliciously reporting false information is against policy and may result in discipline or termination.

2 EMPLOYMENT PRACTICES

2.1 Application for Vacancies

Whenever a job vacancy occurs, it shall be filled with the most qualified applicant available. To the extent permitted by law, if two equally qualified applicants apply for a City position, preference may be given to a City employee, a City resident, or a veteran of the U.S. Armed Forces.

Vacancies in positions are encouraged to be filled by promotion of qualified City employees. In each case, a determination will be made as to whether an open competitive examination or a promotional examination would best serve the interests of the City. Any City employee interested in a job vacancy shall submit a written letter of intent to apply for such vacancy stating job skills and qualifications. Promotions in every case must involve a definitive increase in duties and/or responsibilities, and shall not be made merely for the purpose of affecting an increase in compensation.

Job announcements shall be posted on official City bulletin boards for a minimum of five (5) working days. An announcement shall specify the title, salary range, benefits and other compensation, duties and minimum qualifications, the method and deadline for making applications, and other pertinent information. All vacancy announcements shall include a statement that the City is an equal opportunity employer. Summaries of job announcements may be placed in newspapers or other advertising media as deemed appropriate.

Résumés/application forms of an applicant who is hired will be placed in the employee's personnel file. Applications, unless renewed, shall be considered active for a period of 12 months.

2.2 Selection Techniques

Such selection techniques as deemed appropriate may be used in the selection process. Those selection techniques may include, but are not limited to, the following:

- 1) Screening job applications and résumés based on previous work experience and/or job qualifications as well as format and written presentation found within the job applications and resumes when pertinent to the job.
- 2) Written testing
- 3) Examination based on practical application of skills

- 4) Interviews
- 5) Job-related tests of physical ability
- 6) Polygraph or psychological testing, upon conditional hire
- 7) Background investigations

2.3 Conditional Hire/Physical Examination

Upon conditional appointment, full-time Law Enforcement employees and any others deemed necessary based on job classification by the Human Resource Director are required to submit to a pre-employment physical examination by a doctor selected by the City.

As a condition of employment, prospective employees may be required to submit themselves to background checks, which may include polygraph examination, fingerprinting, criminal history, driving history, credit history, past employment history, and personal references. If a background check is required, it must be completed before employment begins. Conditional offers shall be withdrawn if the results of the background check are deemed to disqualify the applicant for the position.

2.4 Promotions & Transfers

2.4.1 Promotions

Subject to some exceptions, the City will announce to all employees promotional opportunities and job openings and the pay range for the openings. Notices of promotional opportunities shall be posted on official City bulletin boards.

A promotional opportunity exists when an employer has or anticipates a vacancy in an existing or new position that could be considered a promotion for one or more employee in terms of compensation, benefits, status, duties or access to further advancement. Promotions may occur either with or without competitive examination.

2.4.2 Transfers

An employee may be transferred to a similar position in a different department. An employee desiring to be transferred shall make a written request to both Department Heads for consideration when a vacancy occurs. The request must be approved by the City Manager and the Department Director receiving the employee.

Transfer of an employee from one position to another may be permitted if the Department Head determines that the employee meets the qualifications of the position, that the transfer is in the best interest of the City, and that further training and development of the employee in the new position would be beneficial to the City.

2.4.3 Appointment to Acting Capacity

When, in the opinion of the City Council or the City Manager, as appropriate, a vacancy occurs which requires immediate filling and it is not feasible to make an immediate appointment, the appointing authority may appoint, for a period of up to 6 months, an employee from another position to fill the vacant position in an acting capacity. City Council or the City Manager has the ability to extend the 6 month period if the situation warrants it. The individual's pay in the acting position shall be adjusted within the range for the acting position or as the City Manager deems appropriate. Upon expiration of the acting appointment, the individual will return to his/her previous position and pay. However, the employee's previous pay may be adjusted if the employee would normally have received an adjustment in the regular position during the period of temporary appointment. The employee's anniversary date shall not be affected.

2.5 Nepotism Policy

For the purposes of this section, "family member" includes mother, father, sister, brother, husband, wife, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandchildren, grandparents, aunts, uncles, nieces, nephews, first cousins, and step-relatives of the employee, or relatives who live with the employee during the time that they are employed by the City.

A family member of an employee shall not be considered for employment by the City in circumstances where one relative directly would exercise supervisory, appointment, or dismissal authority, financial oversight, or disciplinary action over the other relative; provided, however, this restriction shall not apply for part-time, seasonal positions in the City's Parks and Recreation Department if they meet the job qualifications.

If employees begin a dating relationship or become relatives, partners or members of the same household after employment by the City, and if one party is in a supervisory position or and any of the circumstances exist or would exist as described in the preceding paragraphs, one of the employees will be moved to a non-conflicting position if possible. If no such resolution is possible, one of the employees shall be separated from employment, the affected employees may choose the one to be separated but, if no agreement can be reached, the City Manager shall decide.

No family member of or person serving as a member of the City Council shall be eligible for employment with the City until the Council member has been out of office for one year; provided, however, a Council member or a family member of a member of City Council shall be eligible for part-time, seasonal positions in the City's Parks and Recreation Department if they meet the job qualifications.

No appointing authority shall participate in or vote on decisions related to hiring, retention, promotion, or determination of the salary level of a member of his or her family.

The foregoing restrictions do not preclude consideration of a relative of an elected official or City employee for City employment except as specifically restricted herein. Evidence should be available

demonstrating that procedures of the personnel policies were followed during the selection process and that the most qualified person was selected.

Violation of this policy by any appointing authority may lead to the immediate termination of the relative and appropriate disciplinary action against the appointing authority.

2.6 Residency

In addition to requirements set forth in the Rifle City Charter, those employees who live outside the City should be made aware that they may have to come into Rifle after hours, if necessary, and they must do so at their own expense and travel will be on their own time.

2.7 Employee Orientation

New employees will attend an orientation session that will include information concerning the City's salary and benefits programs, personnel policies, safety, and other City policies or programs relating to employment. New employees may also receive orientation information from their supervisor. Upon six months of employment, new employees may be evaluated.

2.8 Essential Personnel

Emergency situations may arise that dictate which City employees will be designated as "Essential Personnel." Emergencies can be caused by such developments as heavy snow or severe icing conditions, floods, earthquakes, or other natural disasters; air pollution; massive power failure; major fires; or epidemics. Significant emergency situations of the scope and impact reflected in this guideline will be the subject of public declaration of emergency or disaster by appropriate State or local authority.

The designation of Essential Personnel may be outlined in an employee's Job Description. These Personnel are required to report for duty during emergencies. Additionally, Essential Personnel are required to have a Family Care Plan that will describe how the employee's family will be cared for in the event of his/her absence from the home during the emergency.

2.9 Reduction in Force/Recall

The City, at its discretion, will determine whether layoffs and reductions in force are necessary as a result of lack of work, lack of funds, reorganization, curtailment of operations or programs or other circumstances in the City's best interest. Work hours for some or all positions may also be adjusted in lieu of or in addition to layoffs if City circumstances warrant such action as determined by the City Manager. There is no City appeal process for decisions regarding layoffs and reductions in force.

- 1) When a layoff is necessary, Department Heads in consultation with the City Manager may consider the following factors, in no particular order of magnitude, in determining which position(s) will be necessary to dissolve:
 - a. Performance of the employee.

- b. Versatility and future needs.
 - c. Experience and special abilities possessed by the employee.
- 2) Any employee on leave of absence, including FMLA leave, during a layoff period will be subject to layoff on return to work, in accordance with the above considerations.
- 3) The reinstatement of laid off employees requires the approval of the Department Head and City Manager.
- 4) Under normal conditions, the order of recall for employees being reinstated will be in reverse order of the layoff. Employees recalled will be required to report to work within a two-week period and failure to do so may result in a waiver of the recall opportunity.
- 5) An employee reinstated after a layoff lasting 13 months or longer will be treated as a new employee for all purposes including any requirement for a pre-employment physical examination at the City's expense.
- 6) An employee reinstated after a layoff lasting less than 13 months will maintain continuation of service if he or she reports to work within two weeks of notification of recall.
- 7) For compensation and benefit purposes, an employee's length of service will not include the length of time the employee was laid off.
- 8) An employee who is involuntarily terminated due to reduction in force, and who is rehired, will have subsequent service "bridged" after a year of continuous service. For example, if an employee worked for the City for 3 years, was laid off and later rehired, after a year of continuous service, his/her length of service would be 4 years. An employee who resigned or was discharged, and who is rehired, will not have any prior service restored or "bridged." The date of rehire will become his/her service date.

However, computation of service for pension purposes and the effect of breaks in service on pension rights will be determined in accordance with the provisions of the City's pension plan.

2.10 Separation and Severance Pay Policy

This policy defines the various types of separations from the employ of the City and the effect of separation on benefits and continuous service.

2.10.1 Types of Separations

- 1) Voluntary Termination occurs when the separation is initiated by the employee. Voluntary terminations include, but are not necessarily limited to, the following:
 - a) Written or oral resignation (a two-week notice is preferred). When an employee resigns, the effective date of separation is the last day the employee works. Except as otherwise specified in

this Manual, an employee cannot use paid leave to extend the separation date beyond the last date worked.

- b) Absence from work for three consecutive working days without notifying the employee's supervisor.
- c) Failure to report for work upon recall from layoff on the date designated.
- d) Failure to return from an approved leave of absence at the expiration of the leave.
- e) Retirement.

2) Involuntary Termination occurs when the separation is not initiated by the employee. Involuntary terminations include, but are not necessarily limited to, the following:

- a) Reduction in force - The City must reduce its work force for economic or other reasons.
- b) Termination without cause.
- c) Termination for cause - An employee is terminated for such reasons as inadequate performance, inefficiency, absenteeism, and violation of rules of conduct set forth in this Personnel Manual under [Section 11](#).
- d) Death of the employee.
- e) Disability - An employee who has exhausted his/her accumulated leave, who is not on leave without pay status, and who is unable to perform his/her usual work assignment regardless of the employee's eligibility for disability benefits.

2.10.2 Exit Interview

Employees are requested to participate in a voluntary exit interview with the Human Resource Director or designee.

2.10.3 Final Paycheck

Employees will receive their final paycheck on the City's next scheduled payday.

2.10.4 Severance Pay

Contingent upon the employee signing a severance agreement and release, the City will make severance payments described below to eligible employees whose employment with the City is involuntarily terminated due to reduction in force. No severance pay pursuant to this section will be granted for separations which are the result of voluntary termination, termination with or without cause, disability, or death.

- 1) Full-time Employees - In the event of reduction in force of a full-time employee, the following severance pay schedule will be applicable:

- a) At least one year but less than five years of continuous service - two weeks' severance pay.
 - b) At least five years but less than ten years of continuous service -three weeks' severance pay.
 - c) Ten years or more of continuous service - four weeks' severance pay.
- 2) Part-time, Temporary, or Seasonal Employees - No severance pay will be granted to part-time, temporary, or seasonal employees.

2.10.5 Accrued Vacation, Floating Holiday, and Sick Leave Pay

Upon termination, either voluntary or involuntary, employees will be paid for accrued vacation time. Upon termination, either voluntary or involuntary, there will be no payment for floating holidays or accrued sick leave, except as noted below:

Persons hired between January 01, 2011 and January 01, 2006, shall be eligible to receive ½ of their sick time if voluntarily terminated, let go through a reduction in force, or in the event of the employee's death

Persons hired prior to January 01, 2006, shall be eligible to receive full value of their sick time if voluntarily terminated, let go through a reduction in force, or in the event of the employee's death.

In the event of an employee's death, any sick time pay the employee would have been entitled to receive will be paid to the beneficiary.

2.10.6 Group Insurance

Upon termination, either voluntary or involuntary, any life, accident, and short- and long-term disability insurance is canceled subject to the policies in force at the time.

Upon termination, either voluntary or involuntary, any health insurance coverage will terminate on the last day of the month in which separation occurs unless the employee elects continuation of benefits under COBRA laws.

2.11 Personnel Records

The City of Rifle shall maintain information on each employee pertinent to his employment and shall retain all personnel records of City employees in accordance with §24-72-201 et seq., C.R.S. This Personnel Record resides with the Human Resource Department.

An employee, the employee's Department Head, the City Manager, the City Attorney, or a former employee or his/her designated representative may examine the employee's personnel file during regular business hours. Designation of a representative shall be in writing, witnessed, and signed by the employee or former employee, and filed with the Personnel Department, before the representative may examine the file.

No documents shall be copied from a personnel record, except as required by the Open Records Act, without a written request from the employee designating the documents to be released and the person or entity to which the release is to be made, and indemnifying and holding harmless the City from any liability, claims, and demands resulting from such release.

Medical records obtained by the City containing or regarding the genetic information or medical condition or history of an applicant or employee shall be kept in a secured medical file separate from the personnel file and shall be treated as a confidential medical record.

2.12 Verification of Employment

To ensure that consistent and only need-to-know information is provided, all verification of current or former employment is made through the Human Resource Director or his/her designee.

Upon reasonable request, the Human Resources Department may verify to prospective employers of a present or former employee the dates of such individual's employment with the City and the latest or last position title held. No other information concerning an employee shall be released to any prospective employer, collection agency, credit bureau, or any other person or entity, unless the employee has designated the same as his representative in accordance with the above paragraph.

3 EMPLOYMENT STATUS

Employment with the City of Rifle is at will, and can be terminated at any time without procedures, cause, or notice.

During the course of their employment with the City, employees may be classified in the following categories:

3.1 Temporary

A temporary employee is defined as a person employed either on a part- or full-time basis in a job which has been established for a specific period of time or for the duration of a specific project or group of assignments. The duration of a temporary position cannot exceed a total hours worked of 1,559 annually. A temporary employee is not eligible for employee benefits with the exception of sick leave as set forth in section 6.3., nor may he/she exercise appeals per Section 11.3.

3.2 Seasonal

A seasonal employee is defined as a person employed either on a part- or full-time basis, in a job which has been established annually for specific dates and is employed only between these specific dates. The duration of a seasonal position cannot extend outside of the established Seasonal Dates or exceed a total hours worked of 1,559 for the duration of the season. A seasonal employee is not eligible for employee benefits with the exception of sick leave as set forth in section 6.3., nor may he/she exercise appeals per Section 11.3.

3.3 Part-time with Benefits

A part-time with benefits employee is defined as a person regularly scheduled to work more than 30 but less than 40 hours per week. A part-time with benefits employee is eligible for full employee insurance benefits, appeal rights per Chapter 11, 0.75 of retirement benefits and 0.75 of leave programs.

3.4 Part-time without Benefits

A part-time without benefits employee is defined as a person regularly scheduled to work no more than 29 hours per week. A part-time without benefits employee is not eligible for employee benefits with the exception of sick leave as set forth in section 6.3., nor may he/she exercise appeals per Section 11.3.

3.5 Full-time

A full-time employee is defined as a person employed in a position which normally requires at least 40 hours per week. A full-time employee is eligible to participate in all employee benefit and leave programs.

3.6 Full-time Sworn Non-exempt Law Enforcement Officers

A full-time sworn non-exempt law enforcement officer is defined as a Colorado POST Certified person employed in a sworn position and normally requires at least 84 hours per 14 day work period (see also Section 4.2). A full-time sworn non-exempt law enforcement officer is eligible to participate in all employee benefit and leave programs, with specifications outlined in section 6.1.

3.7 Exempt Positions

Those positions considered to be exempt as defined by the FLSA. Payment of overtime is not made to this class of employee. Exempt employees are paid a guaranteed salary each pay period that covers all hours worked. Exempt employees may be entitled to additional compensation, at the discretion of the City Manager, for performing extra or irregular work because of during a City-declared emergency that threatens the safety of the City's citizens and/or employees. City Council will determine when an emergency exists. The additional compensation may be paid on any basis (e.g., flat sum, bonus payment, straight-time hourly amount, time and one-half or any other basis), and may include paid time off.

3.8 Non-exempt Positions

Those positions not classified as exempt per the FLSA. A non-exempt employee receives overtime compensation for work hours in excess of those set forth in the Fair Labor Standards Act.

4 EMPLOYMENT CONDITIONS

4.1 Attendance

The City offers full municipal service to citizens and visitors. In order to do this in a tradition of high quality, our departments must be fully staffed. Employees are expected to arrive at work on time according to their work schedule. Absenteeism detracts from this service and causes an undue burden for

those employees who must fill in for absent employees. Absenteeism is cause for disciplinary action (see [Section 11.2 Discipline](#)).

4.2 Work Schedule

Departments shall observe working hours as necessary to perform the services required.

The normal work week begins at 12:01 a.m. Sunday and runs through midnight on the following Saturday. The standard work schedule for full-time employees is forty (40) hours within the seven day period described. Normal working hours are 8:00 a.m. to 5:00 p.m., Monday through Friday. However, the workweek and working hours may be left to department discretion, with the approval of the City Manager.

The Police Department operates 24 hours a day, 7 days a week. The standard work schedule for sworn law enforcement officers is 84 hours within a 14 day work period. Overtime is paid after 86 hours worked in the work period. Shift assignments and work periods shall be established by the Police Chief as set forth in the Police Department's policies. Meal periods will be counted as time worked only if officers are available for assignments as required during meal periods.

4.2.1 Rest Periods

At the supervisor's discretion, employees working four consecutive hours may be granted one (1) paid 15- minute break during every four hour period if it does not disrupt work flow. Breaks not taken may not be accumulated or used at the beginning or end of the day or in conjunction with meal periods. The rest period should be granted near the middle of each four (4) hour shift whenever this is feasible. Rest periods shall be taken on or near the premises of the work site.

4.2.2 Meal Period

With the exception of sworn non-exempt law enforcement officers, all full-time employees shall be granted a 60 minute non-paid meal period during each eight (8) hour work shift. Department supervisors should see to it that employees have the opportunity to take scheduled lunch breaks and do not work during lunch breaks, unless specifically requested to do so. Employees who work during lunch breaks will be compensated for time worked.

4.3 Job Duties

Job descriptions are meant to be general outlines of duties performed and specific requirements of skills and abilities needed to perform the position; they are descriptive. The City reserves the right to change an employee's job duties at any time. An employee who feels that his/her responsibilities have grown substantially should discuss the new duties with the Department Head and the City Manager and may request a review of job description and salary at any time. Classification upgrades and pay increases are subject to the annual budgeting and appropriation process.

5 SALARY ADMINISTRATION AND BENEFITS

5.1 Timesheets

Non-exempt employees will accurately record on timesheets, or through electronic timekeeping program, the time they begin and end their work as well as the total number of hours worked during the day. They must record the beginning and ending time of any duty free lunch break or departure from work for personal reasons. Completed time sheets for the pay period will be signed by both the employee and supervisor. Altering, falsifying, tampering with timesheets, or recording time on another employee's timesheet is prohibited and may result in disciplinary action, up to and including termination of employment.

Payday occurs every other Friday. Time sheets must be turned in to their Department Head by 8:00 a.m. the Monday before payday. The Department Head must then turn in the time sheets to Payroll by 12:00 noon the Monday before payday.

Exempt employees are required to turn in a timesheet reflecting all vacation or sick leave taken during the pay period. Taking sick time or vacation leave without recording it on a timesheet may result in disciplinary action, up to and including discharge.

5.2 Call Back

If an employee's position is considered "non-exempt" and he or she is officially called back to work after departing from their regularly scheduled shift, the employee will be credited for the actual hours worked. Call-back hours will be counted as hours worked for the purposes of determining overtime during the work period. Workers who are called back to work on a holiday will be compensated for those hours in accordance with the holiday work policies.

5.3 Stand-by

Some "non-exempt" employees may be expected to be on stand-by for some periods of time. Stand-by may be required for, but not limited to, law enforcement, snow removal, parks maintenance, and water and sewer personnel. Stand-by classification is based on the following three-tiered system:

<u>Level</u>	<u>Response Time</u>	<u>Compensation*</u>
Level 1	< 10 minutes	20%
Level 2	< 30 minutes	10%
Level 3	< 120 minutes	5%

* in percentage of hours on stand-by

All levels of stand-by require "reliable communication." Reliable communication refers to communication by radio, pager, or cell phone. Stand-by compensation in the form of straight time is based on the percentage of hours on stand-by duty. For example, if an employee is on Level 1 stand-by for an 8 hour period, 1.6 hours of straight time will be awarded (20% of 8 hours equals 1.6 hours).

Employees on stand-by are expected to be able to perform their job in a competent manner if called in. If called back while on stand-by, the call back provision will apply in addition to applicable straight time. Any stand-by time must be specifically authorized ahead of time by the Department Head and must be noted on time sheets. Stand-by duty is not considered overtime work and is not used to calculate overtime compensation, except to the extent that the employee is actually called into work while on stand-by duty.

5.4 Computation of Overtime

With the exception of sworn law enforcement officers who are partially exempt from overtime under Section 7(k) of the FLSA and are subject to the Police Department's overtime policies, overtime work is defined as work in excess of the normal 40-hour-per-week work schedule in a given work period, subject to prior approval of the Supervisor. The intent is that overtime is to meet emergency response or the highest priority work which cannot be accomplished during normally scheduled hours.

Only nonexempt personnel will receive overtime compensation for hours worked over forty per week.

Overtime will be calculated at 1.5 times the actual time worked and paid as overtime pay subject to the provisions of this manual. For purposes of computing overtime, time spent in City-initiated or required training as defined in [Section 5.4.2](#) will be considered as time worked. The following types of leave will not be considered time worked when calculating overtime: vacation, holidays, including floating holidays, sick leave, funeral leave, maternity/paternity leave, jury leave, and administrative leave, or military duty.

All overtime must be approved in advance by the employee's Department Head. If an emergency arises that requires the employee to remain at work beyond the employee's regular schedule and it is not possible to get the time pre-approved, the employee must report the extra time worked to the Department Head by the next work day. Non-exempt personnel who work overtime without authorization or an emergency situation may be disciplined or discharged.

5.4.1 Adjusting the Work-week Schedule

Supervisors may make adjustments to the employee's scheduled work week to avoid the accumulation of unnecessary overtime. Employees may not adjust their schedules without the direction and approval of their supervisor.

For example, if an employee's regular schedule is:

<u>Mon</u>	<u>Tue</u>	<u>Wed</u>	<u>Thur</u>	<u>Fri</u>
8	8	8	8	8

but the employee actually works, for an approved reason,

<u>Mon</u>	<u>Tue</u>	<u>Wed</u>	<u>Thur</u>
8	12	10	10

the supervisor may tell the employee not to report on Friday as he/she already has accumulated 40 hours by Thursday. In this case, the employee would receive no overtime.

5.4.2 Time spent in City-initiated or required training

Time spent in City-initiated or required training programs, lectures, and meetings is considered hours worked for the purposes of determining overtime, but must be approved in advance. Taking courses in a public or private institution or pursuing additional education on a voluntary basis is not considered hours worked for the purposes of determining overtime regardless of whether the activity is job related.

Travel time for City-initiated or required training using approved methods of transportation for out-of-town City business is included in the calculation of overtime. Employees will only be paid for time spent on City approved transportation. For example, if an employee elects to drive an automobile when the City provides air transportation, he or she will only be paid for the hours he or she would have spent traveling by air. Time spent away from home but not in training or not traveling is not considered "hours worked."

5.5 Pay Advances

No "advances" on paychecks shall be made by the City.

5.6 Wage Deductions

5.6.1 Required Deductions

The City shall automatically take the legally required deductions (e.g. FICA, income tax withholdings) from employees' gross wages. Deductions for insurance premiums, and other benefits shall require the prior written authorization from the employee, except in cases of court order or where otherwise permitted by law.

5.6.2 Deductions from Exempt Employees' Salary

Exempt employees are paid on a salary basis and, in general, must be paid their full salary for any pay period in which they perform work. Exceptions to this general rule include:

- 1) Exempt employees who are absent for a full day for personal reasons or because of sickness or disability need not be paid for that day once they have exhausted all applicable paid leave benefits.
- 2) Exempt employees who take leave under the Family Medical Leave Act (if it applies) will not be paid for that time unless they have accrued benefits under applicable paid leave benefits. Their pay will be

reduced by the hours missed even if it is less than a full day.

- 3) Exempt employees who are absent from work for temporary military leave will have their pay reduced by the amount of payment they receive in the form of military pay (not including reimbursement of expenses). Their pay will not be reduced by the number of hours or days they are absent from work unless they perform no work for the City in a given pay period.
- 4) Exempt employees may be suspended without pay for violating workplace conduct policies, but only in full-day increments. Their pay will be reduced in an amount that is proportionate to the number of days suspended. "Workplace conduct" policies are related to misconduct in the workplace, like engaging in prohibited discrimination and harassment, dishonesty, falsification of records. "Workplace conduct" does not include performance or attendance deficiencies.
- 5) Exempt employees who work less than 40 hours during their first or last workweek of employment will be paid a proportionate part of their full salary for the time actually worked.

The City will not make deductions from an exempt employee's pay which are prohibited by the FLSA. The City will reimburse any exempt employee whose pay is reduced in violation of this policy and who reports the improper deduction. Improper deductions must be reported immediately by the employee to the Human Resources Department.

5.6.3. Deductions for Property Not Returned at Time of Termination

Employees may be entrusted with property that belongs to the City and that has value. Employees are responsible for returning this property to the City upon request or at the time of termination of employment, whichever is first. The City has the right to withhold an employee's final pay check for up to 10 days in order to audit the return of all property and to determine the value of any property not returned.

- 1) Deduction from Final Pay Check. The City will deduct from an employee's final pay check the value of any City property that is not returned within this 10-day audit period, to the fullest extent permitted by law.
- 2) Damages and Penalties. Employees are responsible for paying the balance of any amount owed for property not returned to the City. Employees who convert or steal the City's property may be liable to the City for three times the value of the property not returned, plus the City's costs and attorneys' fees incurred in obtaining a judgment for the damages and penalties, pursuant to Colorado's civil theft statute (§18-4-405).

5.7 Reporting Errors in Pay

An employee who believes that the City failed to properly compensate him/her for all hours worked or for any paid leave, must report this error to the Human Resources Department immediately so that the City can investigate the situation and correct any errors or improper compensation. Reporting must be in writing, dated, and signed by the employee to avoid any miscommunication. This applies to improper

deductions from salary, failure to pay overtime rate when applicable, missed hours and other errors resulting in under-compensation. It also applies to errors that result in over-compensation.

5.8 Vacation Cash-Out

An employee may request and receive payment with the approval and in the sole discretion of the Department Head in exchange for accrued vacation leave, so long as forty (40) hours of accrued vacation remain for the benefit of the employee. The maximum number of vacation hours that may be exchanged is eighty (80) hours annually. Disbursements will only be made in accordance with the City's payroll calendar, and separate checks are not allowed. Vacation cash-outs are irrevocable; once cashed out, the vacation hours cannot be bought back. Vacation cash-outs are paid at the full wage of the employee's regular position.

5.9 Health Care Benefits

Full-time and part-time with benefits employees are eligible to participate in the current health insurance plans and benefits package offered by the City of Rifle.

Employees hired after the beginning of a fiscal year will receive a contribution to their HRA or HSA accounts at the next full quarter.

Eligibility for health insurance is governed by the Insurance Plan, and to the extent it differs from this policy, the Insurance Plan controls. In addition, employees must properly submit all required information and documentation for enrollment before the health insurance will become active and must pay their portion of any premiums. For detailed information about eligibility and insurance coverage, please contact the Insurance Plan Administrator.

6 LEAVES

Eligibility for leave as presented in this Chapter is based on Employment Status as defined in Chapter 3 of this manual.

6.1 Holidays

With the exception of Police Department Sworn Non-Exempt law enforcement officers who receive PD Floating Holidays as described below, the following are the official City holidays for employees except as otherwise provided herein:

- | | | |
|----|---------------------------|-----------------------------|
| 1. | New Year's Day | First Day of January |
| 2. | President's Day | 3rd Monday in February |
| 3. | Memorial Day | Last Monday in May |
| 4. | Independence Day | July 4th |
| 5. | Labor Day | First Monday in September |
| 6. | Thanksgiving Day | Fourth Thursday in November |
| 7. | Friday after Thanksgiving | |
| 8. | Christmas Eve | December 24th |

9.	Christmas Day	December 25th
10.-12.	Three Floating Holidays	One holiday awarded in January, May, and September. Floating holidays may be used only with prior approval of the Department Head.

Full-time employees receive eight (8) hours of pay per holiday. Part-time with benefits employees receive six (6) hours of pay per holiday. Floating holidays must be used in the grant increment (8 hours or 6 hours) and may not be taken in partial increments.

Floating holidays shall not be considered to be scheduled holidays.

Floating Holidays must be used by the last day of the last payroll of the year in which they are granted.

Floating holiday leave that is unused may not be carried over to the following calendar year, and may not be exchanged for pay. Floating holiday leave will not be considered for purposes of overtime calculation.

Whenever a holiday falls on Saturday, the preceding Friday shall be observed as the holiday; when it falls on a Sunday, the following Monday shall be observed. When a holiday falls within a period of paid leave (i.e., vacation, sick, etc.) the employee shall be paid for the holiday and the holiday shall not be subtracted from accrued leave.

If a full-time or part-time with benefits employee is regularly scheduled to work on a scheduled holiday, he/she will receive overtime. If an employee is called out to work on a scheduled holiday (i.e., water break, snow plowing), he/she shall receive overtime. Such overtime work will be computed at 1.5 times the hours worked. The employee will receive overtime pay for these hours worked.

The following are the official holidays for all Police Department Sworn, Non-Exempt law enforcement officers: Police Department Sworn Non-Exempt full-time law enforcement officers shall be provided with 108 Floating Holiday hours per year. Employees in this category shall receive no fixed holiday leave. This Floating holiday leave will accrue on a tri-annual basis at the rate of 36 hours per four month period. PD Floating Holiday hours may be used in quarter hour increments.

6.2 Vacation Leave

Vacation time must be accrued in advance of the pay period in which it is taken.

Full-time employees accrue vacation time as follows per pay period:

Completed Years of Service:	Non-Exempt	Exempt	Total Hrs. Rolled Forward 12/31
1-4	3.08 hrs.	4.62 hrs.	320 hrs.
5-14	4.62 hrs.	6.15 hrs.	360 hrs.
15 or more	6.15 hrs.	7.69 hrs.	400 hrs.

Employees who are classified as part-time with benefits accrue .75 of the vacation accrual rates set forth above.

“Completed Years of Service” are determined by anniversary date. Part-time employees who become full-time employees will earn vacation hours based on completed years of service by converting part-time hours worked to full-time equivalent. For example, a part-time employee who worked 20 hours a week for 8 years and then became a full-time employee would have 4 years of service.

Employees must request vacation time by submitting a leave request form to their department head for approval. Department heads should submit their leave request form to the City Manager. Taking vacation time without advance approval may subject an employee to discipline up to and including discharge.

Scheduling of vacation time is at the discretion of the Department Head (or the City Manager when leave is requested by a department head) based on operational considerations, departmental personnel demands, and the number of employees scheduled to be on leave at any particular time. A reasonable effort will be made to accommodate employee’s requested dates of leave. Leave will typically be approved on a first-come, first-served basis.

The maximum number of vacation hours that an employee will be allowed to carry over from calendar year to calendar year is listed in the above table.

6.3 Sick Leave

6.3.1 Amount of Sick Leave

Full-time employees shall receive 3.69 hours sick leave credit per pay period. Part-time employees with benefits receive 2.77 hours of sick leave credit per pay period. Sick leave may be carried over from year to year to a maximum of 480 hours. Part-time employees without benefits, seasonal and temporary employees receive 1 hour of sick leave for every 30 hours worked up to a maximum of 48 hours sick leave annually. Part-time employees without benefits, seasonal and temporary employees may carry over from year to year unused paid sick leave but may not use more than 48 hours of sick leave per year, except as set forth below. No employee may take more sick leave than they have accrued.

6.3.2 Use of Sick Leave

Employees may use accrued sick leave for the following reasons:

- 1) The employee has or is caring for a family member that has a mental or physical illness, injury, or health condition that prevents the employee from working;
- 2) The employee or family member the employee is caring for needs to obtain a medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition;
- 3) The employee or a family member the employee is caring for needs to obtain preventive care; or
- 4) The employee or a family member(s) has been the victim of domestic abuse, sexual assault, or harassment and the use of leave is to seek medical attention, obtain services from a victim

services organization, obtain mental health, seek relocation or seek legal services.

For purposes of this policy, a family member is defined as another person related by blood, marriage, civil union or adoption; foster or legal guardianship; or any person whom the employee is responsible for providing or arranging health-related care.

In the event of a public health emergency related to infectious pandemics, epidemics or bioterrorism, full-time employees may use 80 hours of paid sick (part-time employees may use an amount equal to how much they are scheduled to work or work on average in a 14-day period) leave for the following reasons:

- 1) The employee's need to self-isolate or seek medical care after experiencing symptoms or being diagnosed with a communicable illness that is the cause of the public health emergency;
- 2) The employee's need to seek preventive care or to care for a family member who is seeking preventive care concerning a communicable disease that is the cause of the public health emergency;
- 3) The employee's need to care for a family member who is self-isolating or needs medical care after experiencing symptoms of or being diagnosed with an illness that is the cause of the public health emergency;
- 4) The employee's inability to work due to a health condition that may increase the employee's susceptibility to or risk of a communicable disease that is the cause of the public health emergency;
- 5) The City or a public official or health authority with jurisdiction over the City determines that the employee's presence on the job or in the community would jeopardize the health of others because of the employee's exposure to the communicable disease that is the cause of a public health emergency or because the employee is exhibiting symptoms of the communicable disease regardless of whether the employee has been diagnosed with the communicable illness;
- 6) The employee's need to care for a family member after the family member's employer or a public official or health authority with jurisdiction over the family member's employer determines that the family member's presence on the job or in the community would jeopardize the health of others because of the family member's exposure to the communicable disease that is the cause of a public health emergency or because the family member is exhibiting symptoms of the communicable disease regardless of whether the family member has been diagnosed with the illness; or
- 7) The employee's need to care for their child or other family member because the individual's child care provider is unavailable due to a public health emergency, or if the individual's school or place of care has been closed by a public official or at the discretion of the school or place of care due to a public health emergency, including if a school or place of care is physically closed but providing instruction remotely.

If an employee does not have enough hours of accrued paid sick leave for use during a public health emergency (80 hours for full-time employee and prorated amount for part-time employee), the City will supplement the employee's accrued paid leave as necessary.

6.3.3 Reporting Sick Leave

An employee who is unable to work because of illness shall, prior to the employee's scheduled time to report for work if possible, notify by telephone his/her immediate supervisor or other person designated by the City Manager.

6.3.4 Charging Sick Leave

Absence for a fraction or a part of the day that is chargeable to sick leave in accordance with these provisions shall be charged proportionally to the actual time taken. Sick leave taken shall be charged in increments of one quarter hour.

Part-time with benefits employees can charge sick leave only according to the employee's regular established work schedule.

6.3.5 Doctor Certificate

Employees may be required to verify their use of sick leave by requiring certification of illness from a licensed physician on the fourth consecutive day of sick leave.

6.3.6 On-the-Job Illness

If the employee's supervisor determines that an illness is impairing that employee's performance or that of others in the department, the Department Head may require the employee to leave work and use sick leave.

6.3.7 Automatic Sick Leave Conversion

For sick leave hours accrued over the annual carryover maximum of 480 hours, employees will automatically receive, on December 31, 1 hour of vacation for every 2 hours of sick leave above 480. These vacation hours will be in addition to the next year's vacation accrual.

6.3.8 Sick Leave Bank

The purpose of the City of Rifle Voluntary Sick Leave Bank (Bank) Policy is to provide additional paid leave for employees who have exhausted their sick and vacation leave benefits due to a catastrophic illness or injury that requires prolonged absence from duty and will result in a substantial loss of income. The Bank serves as a depository into which participating employees may voluntarily contribute leave for allocation to other participating employees. The purpose of the Bank is not to provide unlimited paid sick leave for any medical reason, but to alleviate the hardship caused when employees lose compensation as the result of a catastrophic illness or injury.

A City employee who has exhausted his/her vacation, sick, or compensation leave due to a non-work related illness or injury, which has totally incapacitated the employee from work, may request hours from the sick leave bank. Hours from the sick leave bank may also be used when an employee is required to take time off for an extended period of time to care for a member of his/her immediate family.

This program is strictly voluntary. Donors must have a minimum balance of eighty (80) hours of sick

leave after making the donation. Donations are irrevocable once posted to the Sick Leave Bank.

It is the sole discretion of the City Manager to grant such leave to an employee. The City Manager's decision may not be appealed.

6.4 Domestic Violence Leave

6.4.1 Statutory Rights

Domestic Violence Leave is governed by Colorado law, C.R.S. 24-34-402.7, and is available only to individuals who qualify under the law, as it may be amended from time to time. The provisions of this policy are intended to comply with the State law and not to create rights that are different from or in addition to the law. This policy is automatically amended or repealed if the State law is amended or repealed.

6.4.2 Eligibility

In order to qualify for Domestic Violence Leave, Employer must have 50 or more employees and the employee must have been employed by Employer for twelve months or more, must be a victim of a crime of domestic violence, must have a qualifying reason for the leave, and must provide Employer sufficient notice of this qualifying reason.

6.4.3 Leave Benefit

Eligible employees shall be permitted to take up to three working days of unpaid leave from work in any twelve-month period, for qualifying reason, if the Employee is the victim of a crime of domestic violence.

6.4.4 Crime of Domestic Violence

A crime of domestic violence includes:

- 1) Domestic Abuse is defined in C.R.S. 13-14-101(2). This statute provides that "Domestic Abuse" means any act or threatened act of violence that is committed by any person against another person to whom the actor is currently or was formerly related, or with whom the actor is living or has lived in the same domicile, or with whom the actor is involved or has been involved in an intimate relationship. "Domestic abuse" may also include any act or threatened act of violence against the minor children of either of the parties;
- 2) Stalking as defined in C.R.S. 18-3-602. This statute provides that a person commits stalking if directly or indirectly through another person, such person knowingly:
 - a) Makes a credible threat to another person, and, in connection with such threat, repeatedly follows, approaches, contacts, or places under surveillance that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship; or
 - b) Makes a credible threat to another person, and, in connection with such threat, repeatedly makes any form of communication with that person, a member of that person's immediate

family, or someone with whom that person has or has had a continuing relationship, regardless of whether a conversation ensues; or repeatedly follows, approaches, contacts, places under surveillance, or makes any form of communication with another person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship in a manner that would cause a reasonable person to suffer serious emotional distress and does cause that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship to suffer serious emotional distress. For purposes of this subsection 6.4.4.2.c) victim need not show that he or she received professional treatment or counseling to show that he or she suffered serious emotional distress.

- c) For the purposes of this subsection 6.4.4.2: (I) Conduct "in connection with" a credible threat means acts that further, advance, promote, or have a continuity of purpose, and may occur before, during, or after the credible threat; (II) "Credible threat" means a threat, physical action, or repeated conduct that would cause a reasonable person to be in fear for the person's safety or the safety of his or her immediate family, or of someone with whom the person has or has had a continuing relationship. The threat need not be directly expressed if the totality of the conduct would cause a reasonable person such fear; (III) "Immediate family" includes the person's spouse, and the person's parent, grandparent, sibling, or child; and (IV) "Repeated" or "repeatedly" means on more than one occasion.

3) Sexual assault as defined in C.R.S. 18-3-402. This statute provides that a person who knowingly inflicts sexual intrusion or sexual penetration on a victim commits sexual assault if:

- a) The actor causes submission of the victim by means of sufficient consequences reasonably calculated to cause submission against the victim's will; or
- b) The actor knows that the victim is incapable of appraising the nature of the victim's conduct;
- c) The actor knows that the victim submits erroneously, believing the actor to be the victim's spouse; or
- d) At the time of the commission of the act, the victim is less than fifteen years of age and the actor is at least four years older than the victim, and is not the spouse of the victim; or
- e) At the time of the commission of the act, the victim is at least fifteen years of age but less than seventeen years of age, and the actor is at least ten years older than the victim and is not the spouse of the victim; or
- f) The victim is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over the victim, and uses this position of authority to coerce the victim to submit, unless the act is incident to a lawful search; or
- g) The actor, while purporting to offer a medical service, engages in treatment or examination of a

victim for other than a bona fide medical purpose or in a manner substantially inconsistent with reasonable medical practices; or

h) The victim is physically helpless and the actor knows the victim is physically helpless and the victim has not consented; and

- 4) Any other crime, the underlying factual basis of which has been found by a court on the record to include an act of domestic violence, as that term is defined in C.R.S. 18-6-800.3(1). This statute provides that “Domestic Violence” means an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. “Domestic Violence” also includes any other crime against a person or against property or any municipal ordinance violation against property, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship. “Intimate relationship” means a relationship between spouses, former spouses, past or present unmarried couples, or persons who are both the parents of the same child regardless of whether the persons have been married or have lived together at any time.

6.4.5 Qualifying Reasons for Leave

The Employee must be using the Leave from work to protect himself or herself by:

- 1) Seeking a civil restraining order to prevent domestic abuse pursuant to C.R.S. 13-14-100.2 et seq.;
- 2) Obtaining medical care or mental health counseling or both for himself or herself or for his or her children to address physical or psychological injuries resulting from the act of domestic abuse, stalking, or sexual assault or other crime involving domestic violence;
- 3) Making his or her home secure from the perpetrator of the act of domestic abuse, stalking, or sexual assault or other crime involving domestic violence or seeking new housing to escape the perpetrator;
- 4) Seeking legal assistance to address issues arising from the act of domestic abuse, stalking, or sexual assault or other crime involving domestic violence and attending and preparing for court-related proceeding arising from the act or crime.

6.4.6 Notice to Employer

Except in cases of imminent danger to the health or safety of the Employee, an Employee seeking leave from work under this policy shall provide his or her immediate supervisor with advance notice by the next business day after the Employee becomes aware of the need for leave. The request must be accompanied by a copy of any subpoenas, court orders, police reports, medical provider’s statements, or other documentation that will substantiate the need for leave. In the event prior notice is not possible because of imminent danger, the Employee must provide notice and supporting documentation, as required above, at the earliest opportunity.

6.4.7 Exhaustion of Other Paid Leave

Domestic Violence Leave is unpaid, unless the employee has accrued available leave (i.e. vacation, sick, or comp time). In this event, the Domestic Violence Leave will be used simultaneously with the accrued leave, to the extent available so that the leave will be paid. If the available accrued leave is less than three days, the remainder of the Domestic Violence Leave will be unpaid.

6.4.8 Confidentiality

Employer shall treat Employee's request for and use of this leave as confidential and shall discuss it only with those individuals who need to know for purposes of confirming the Employee's need for leave, granting or denying the request, coordinating the Employee's absence and work coverage during the period of absence, or for other legitimate business needs.

6.4.9 No Retaliation

Employee shall not be retaliated against for any request or use of this leave when the request or use is pursuant to an honest belief that the Domestic Violence Leave law applies to the circumstances.

6.4.10 No Greater Rights

An employee shall have no greater rights to continued employment or to other benefits and conditions of employment than if the employee was not entitled to leave under this policy. Nothing in this policy shall be construed to limit Employer's right to discipline or terminate any employee for any reason.

6.5 Leave under Family and Medical Leave Act

6.5.1 Family and Medical Leave

To the extent that the Family and Medical Leave Act (FMLA) applies, eligible employees may receive a total of 12 workweeks of unpaid leave during any 12-month period. This Act provides for leave in connection with incapacity due to pregnancy, prenatal medical care or childbirth; the care of the employee's child after birth or placement for adoption or foster care; the care of a child, spouse, as that term is defined by the FMLA, or parent who has a serious health condition; or serious health condition of the employee that makes the employee unable to perform the employee's job.

For purposes of this policy, a serious health condition is an illness, injury, impairment, or physical or mental condition that involves either:

- 1) An overnight stay in a medical care facility, OR
- 2) Continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents a qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of

incapacity of more than 3 consecutive full calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

6.5.2 Military Caregiver Leave

Military caregiver leave is available to care for a “covered service member” with a “serious injury or illness” as those terms are defined by the FMLA. Eligible employees may take up to 26 weeks of leave to care for a covered service member during a single 12-month period. FMLA leave already taken for other FMLA circumstances will be deducted from the total 26 weeks available for military caregiver leave.

Eligible employees with a spouse, child, or parent on covered active duty or called to covered active duty status may also use their 12-week FMLA leave entitlement to address certain qualifying exigencies as set forth in the FMLA.

6.5.3 Eligibility and Terms of Leave

An employee is eligible for family leave if he/she has been employed by the City for at least 12 months and has worked at least 1,250 hours during the 12-month period preceding the requested leave. Leave will consist of accumulated paid leave (which shall be used first) and leave without pay.

Intermittent leave or leave on a reduced leave schedule may be approved to coincide with a health treatment plan or other appropriate requirements for an individual employee, spouse, parent, or child. Such intermittent leave must be determined to be medically necessary by a health care provider. Leave due to qualifying exigencies may also be taken on an intermittent basis. Employees taking approved intermittent leave or reduced schedule leave may be required to temporarily transfer to another job with equivalent pay and benefits that better accommodates that type of leave.

When necessary FMLA leave is foreseeable, the employee must provide the City with at least 30 days’ notice before the date the leave begins. If the event requires leave to begin in less than 30 days, the employee must provide such notice as is practicable and make a reasonable effort to schedule the treatment so as to avoid unduly disrupting City operations. A family member of the employee may give the notice if the employee is unable to do so.

Employees must provide sufficient information for the City to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Employees must also inform the City if the requested leave is for a reason for which FMLA leave was previously taken or certified. The City may also require that a request for FMLA leave be supported by a certification and periodic recertification supporting the need for leave. If notification and appropriate certification are not provided in a timely manner, approval of leave may be denied.

The City will inform employees requesting leave whether they are eligible under FMLA. If they are, the notice will specify any additional information required. If they are not eligible, the City will provide the

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

The City will not interfere with, restrain, or deny the exercise of any right provided under FMLA. The City will not discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for their involvement in any proceeding under or relating to the FMLA.

Most employees returning from FMLA leave shall be restored to the original or equivalent position with equivalent pay, benefits and other employment terms. Certain highly compensated employees (key employees) may have limited reinstatement rights.

The taking of FMLA leave will not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

The City will maintain equivalent coverage and premium level under the City's group health plan for the duration of an employee's FMLA leave. The City may recover any benefit premiums paid for the employee if the employee fails to return from leave, unless the failure to return from leave has resulted from a continuation of a serious health condition or other circumstances beyond the employee's control. If an employee is taking FMLA leave without pay, no other fringe benefits will continue to accrue nor will contributions to retirement plans continue during this period.

If an employee fails to report to work promptly at the end of the medical leave, the City of Rifle will assume that the employee has resigned, and the employee's separation will be effective on the date the employee was scheduled to return to work from FMLA leave.

6.6 Work-Related Injury Leave

See [Section 7](#) of this manual.

6.7 Administrative Leave

An employee may be granted administrative leave with pay with approval of the City Manager for matters as deemed appropriate by the City Manager.

6.8 Jury or Court Leave

To the extent required by law, employees shall be granted time off with pay when performing jury duty. An employee released from jury duty before the end of his or her normal workday shall return to work to complete the remaining portion of his/her scheduled shift.

Employees shall be granted unpaid time off if summoned to appear in court as a witness.

6.9 Educational Leave

Educational leave with or without pay may be granted to full-time employees at the discretion of Department Heads, subject to approval by the City Manager (see [Section 9, Education and Training](#)

[Assistance Program](#)). The direct relationship of the proposed educational experience to the employee's duties, ability, or potential may be considered in approving or disapproving requests for educational leave. The City Manager shall make the final determination whether to grant any educational leave and, if granted, whether such leave shall be with or without pay.

6.10 Leave without Pay Not Covered by FMLA

6.10.1 When leave without pay not covered by the FMLA may be granted

Leave without pay not covered by the FMLA (see [Section 6.5, Leave under Family and Medical Leave Act](#)) may be granted without pay in cases of emergency and/or when a leave of absence would not be contrary to the best interests of the City. Employees are required to exhaust accrued vacation and floating holiday leave prior to taking unpaid leave under this section. A leave of absence may be granted only upon written request by an employee who presents the reason for the leave. Request for leave without pay shall be made through use of the City's Request for Time Off form. A request for a leave of absence without pay may be approved in writing by a Department Head, at his or her sole discretion, with the written approval of the City Manager, depending on the merit of the individual case.

If approved, an employee may work a modified schedule while taking periods of leave without pay. In this circumstance, the employee will accrue vacation and sick leave based on the number of hours actually worked.

6.10.2 Conditions

If an employee is taking leave without pay that is not covered by the FMLA, the following conditions will apply:

- 1) The City may fill a position formerly held by an employee on leave without pay not covered under FMLA.
- 2) Fringe benefits shall not accrue during a period of leave without pay not covered under FMLA, nor will the City make any contributions during such period for retirement or group insurance programs. However, the employee may participate in the group insurance programs during such period, provided the employee deposits in advance with the City the amounts necessary to cover the total cost of the premiums. Computation of service, for pension purposes other benefit plans, and the effect of leave without pay not covered by FMLA will be determined in accordance with the provisions of the applicable plan.
- 3) The City will make reasonable efforts to reinstate the employee to the same position previously occupied or to a similar position following a leave of absence not covered under FMLA. The City, however, cannot guarantee that the same position or a similar position will be available at the time an employee desires to return to work.
- 4) In the event an employee has been granted non-FMLA leave without pay and the City decides to fill

the position while the employee is on leave, the employee will be given written notice of the City's decision and the option to return to work on a designated date. The designated return to work date shall be no less than two (2) weeks after the date of the notice. This notice will be sent via first class mail to the last official address provided by the employee. The employee shall have one week from the date of the notice to advise the City whether he or she will return to work on the designated date. If the employee fails to respond timely or advises the City that he or she will not return to work on the designated date, the employee shall be deemed to have resigned from his or her employment with the City. The resignation shall be effective the date the employee advises the City of his or her intent not to return to work or ten days after the date of the notice, whichever occurs first.

6.11 Military Leave and Emergency Military Leave

6.11.1 Purpose

The purpose of this policy is to outline the City of Rifle's accommodation for service in the uniformed forces. The terms of this policy are subject to the Uniformed Services Employment and Reemployment Act (USERRA).

6.11.2 Applicability/Scope

This policy applies to regular employees who are a member of the uniformed services (which includes all branches of the military and their respective reserves, Commissioned Corps of the Public Health Service, and any other category or persons designated by the President of the United States in time or war or emergency):

- 1) Who provide advance written notice or verbal notice to their supervisor and the Human Resources Department prior to leave;
- 2) Whose leave does not exceed five years (subject to exceptions required by law); and
- 3) Who report to work or submit applications for reemployment in accordance with this policy.

This policy does not apply to temporary employees, or employees who were:

- 1) Separated from service with dishonorable or bad conduct discharge;
- 2) Separated from service under other than honorable discharge;
- 3) Dismissed as commissioned officers in certain situations such as a result of a court martial or by the President in time of war;
- 4) Dropped from the military rolls as a result of being absent without authority for more than three months or being imprisoned by a civilian court.

6.11.3 Time-off and Benefits Continuance

- 1) Up to 15 days per calendar year of paid time-off for military duty will be granted to full-time

employees. Employees granted such time off will receive the difference, if any, between their base rates and their military pay (remuneration including but not limited to base pay, longevity, subsistence, flight hazard or overseas pay, but not including travel pay) for the period. Appropriate pay vouchers and copies of orders must be submitted to receive the City's portion. Reserves are eligible to receive the pay differential for their required military reserve duty and training, however, they will not be eligible for the pay differential for voluntary training or duty assignments.

- 2) In addition to the benefits described in paragraph 1) above, unpaid time-off will be granted in addition to any vacation time to which the employee is entitled. If the military time-off involuntarily coincides with the employee's scheduled vacation, the employee will be granted vacation at some other time. Employees who elect to have their military time-off coincide with their vacation shall not be entitled to receive make-up pay in addition to their regular vacation pay.
- 3) Life and health insurance as well as dental and vision coverage may be continued by the Employee and his or her dependents (if covered at the start of leave) for up to 31 days, as long as the employee pays his or her regular contribution. Employees on military leave are not covered by accidental death and dismemberment insurance (AD&D) or long-term disability insurance (LTD).
- 4) The benefits mentioned in paragraph 3) above will be discontinued after 31 days or, if earlier, the day after the deadline for the employee's return to work or application for reemployment. Upon termination of the employee's coverage, the employee (and eligible dependents) will be eligible for continuation coverage under COBRA, generally up to 18 months, at the full cost of the extended benefit as determined by the City at the regular COBRA rate. At the City's discretion, the employee may be required to produce documentation of length of service and status of discharge.
- 5) The City may, in its sole discretion, provide additional benefits during periods of war or national emergency.

6.11.4 Reemployment

- 1) Notification of Intent to Return to Work is required to maintain reemployment eligibility. Absent unusual circumstances, notice requirements are based on the following leave durations:
 - a) Less than 31 days or Fitness-for-Service Exam – the employee must report to his or her immediate supervisor at the beginning of the first full regular scheduled work period that starts at least eight hours after the employee has returned from the location of service;
 - b) More than 30 days but less than 181 days – the employee must submit a request for reemployment to Human Resources within 14 days of the completion of service;
 - c) More than 180 days – the employee must submit a request for reemployment to Human Resources no later than 90 days after completion of the period of service.
 - d) Disability Incurred or Aggravated – An employee who has been hospitalized or is recovering from an injury or illness incurred or aggravated while serving must report to the Human

Resources Department (if the service was less than 31 days), or submit a request for reemployment (if the service was greater than 30 days), at the end of the necessary recovery period (but which may not exceed two years).

- 2) Return to Work – In general, an employee will be reinstated to the position that he/she would have held had he/she been continuously employed and for which he or she is qualified (or for which he or she can become qualified in a reasonable period of time). The same applies for an employee with a disability that was incurred in, or aggravated during, the period of service. If the employee is unable to fulfill the duties due to disability or lack of qualifications, the employee may be placed in the same position the employee held prior to taking leave. If that position is no longer available, or the employee is no longer able to perform the duties of that position, the City shall place the employee in a similar position with similar benefits, to the extent such a position exists.
- 3) Benefits upon Return – Returning employees are eligible for immediate reinstatement to all welfare and benefit plans, and the period of military service will be deemed to constitute service for vesting and accrual purposes. If accrued benefits are based on employee contributions, returning employees are entitled to those benefits only to the extent that they make such contributions. Returning employees will be given three times the period of leave to make-up employee contributions that were missed, with the repayment period not to exceed five years. For example, if an employee was on leave for 90 days, he or she has 270 days (3 x 90) to make-up contributions to the 457 plan, subject to IRS Regulations.

6.12 Funeral Leave

All full-time and part-time with benefits employees are eligible for paid Funeral Leave in the event of a death in the immediate family. Funeral Leave will be provided for a maximum of three working days, up to and including the day of the funeral. Employees needing additional time off may request vacation in accordance with applicable provisions. Temporary and seasonal employees are eligible for unpaid Funeral Leave.

6.13 Time Off to Vote

The City of Rifle encourages employees to fulfill their civic responsibility by participating in elections. Therefore, an employee shall be granted leave with pay, up to a maximum of two hours, for voting in a local, statewide, primary or general election if the employee is scheduled to work eight hours or more on that day and does not have time to vote outside of working hours. Employees should request time off to vote from their supervisor at least two working days prior to the election. Advance notice is required so that the necessary time off can be scheduled. The City may require time off to be taken only at the beginning or end of the employee's workday or shift.

6.14 Suspension of Paid Leave

The City of Rifle reserves the right to postpone all paid leave for an employee, or recall an employee from paid leave, in the event of an emergency, except during a period of authorized sick leave, or worker's compensation leave.

7 WORK-RELATED INJURY AND RETURN TO WORK POLICY

7.1 Return-to-Work Policy

The City of Rifle has elected to adopt a return-to-work policy with the intent to utilize eligible workers in a job-related incident in a productive capacity while they are recovering from an injury. The goal of temporary modified duty is to provide a progression of job duties that will return the injured worker to their regular job.

The Human Resources Director or his/her designee will be responsible for coordinating the return-to-work program.

7.2 Return to Work Program

The following return-to-work program should be followed when an employee sustains a work-related injury or illness.

- 1) All injuries will be reported immediately by the injured worker to the worker's direct supervisor, who will then notify the designated coordinator. Injuries will be filed with the City's Worker's Compensation Provider within two working days.
- 2) The injured worker will seek medical attention from the designated medical provider.
- 3) In case of an emergency, the injured worker is to seek medical attention from the nearest medical facility. Follow-up care must be coordinated through the designated medical provider. The Worker's Compensation Provider may not pay for medical expenses incurred by the injured worker, if he or she seeks unauthorized treatment from a non-designated medical provider. When possible, follow-up medical appointments are to be made before or after work hours. Time off for medical appointments will be treated consistently with other personnel policies.
- 4) The injured worker should deliver a copy of the medical provider's work status report to the designated coordinator within 24 hours of the medical visit, if feasible.
- 5) The designated coordinator is responsible for maintaining regular contact with the injured worker and the medical provider, and obtaining recovery status information and work restriction updates.
- 6) The designated coordinator will maintain a list of modified duty tasks. Once the employer is ready to make a job offer to the injured worker, the coordinator sends the proposed tasks to the treating physician for approval, in accordance with the formal job offer process.

- 7) During the modified duty period, the designated coordinator will provide to the Worker's Compensation Provider records of wages paid to the injured worker. If the injured worker is receiving full wages during the modified duty period, the designated coordinator will provide the Worker's Compensation Provider a statement to that effect; no ongoing provision of pay records is then required.
- 8) Modified duty will be allowed as long as it is realistic for the job to continue, or until the injured worker receives a release to full duty or reaches maximum medical improvement (MMI).
- 9) The supervisor will monitor the injured worker's performance while on modified duty.

While on modified duty, the injured worker will be held to all existing personnel policies and will be responsible for maintaining acceptable performance standards as a condition of continued employment.

Modified duty assignments are designed to be temporary and transitional in nature. They will be reviewed jointly by the supervisor, injured worker and relevant staff to address increasing work duties and overall performance. While on worker's compensation leave, an employee may continue to receive health insurance benefits. The modified duty is not intended to exceed six months, unless authorized in writing by the Designated Coordinator.

8 EMPLOYEE ASSISTANCE PROGRAM (EAP)

The City of Rifle strives to provide assistance for employees with personal problems that may affect job performance. The purpose of this EAP is to offer employees assistance in such a way as to restore individual productivity and enable employees to lead meaningful lives.

8.1 Drugs or Alcohol

An employee who desires assistance with substance abuse may request an evaluation to assess the need for professional assistance. The City will pay for one evaluation. If in-patient treatment is required, the employee may use sick leave and vacation time to the extent available. Costs incurred over and above the amount allowed by the City's medical insurance carrier will be the sole responsibility of the employee.

8.2 Mental/Physical Health

When in the judgment of the Department Head and with the concurrence of the City Manager, an employee's mental or physical health is such that it appears to adversely affect the employee's ability to perform duties of his/her position, the City may require the employee to undergo an examination by medical personnel of the City's choice and at the City's cost. If in-patient treatment is required, the employee may use sick leave and vacation time to the extent available.

9 EDUCATION AND TRAINING ASSISTANCE PROGRAM

In order to provide employees with the skills necessary for performance of the requirements of their positions, employees may be eligible for tuition reimbursement. Consideration for reimbursement is contingent on satisfactory job performance as determined by the Department Head.

9.1 Employee-Initiated Education

A permanent, full-time employee seeking tuition reimbursement for an educational course must obtain advance approval from his or her Department Head. The Department Head may consider the availability of funds and content of the course as it relates to job responsibilities and potential advancement in determining whether tuition reimbursement shall be available. Department Heads have discretion to approve all, part, or none of the tuition and/or expenses associated with any educational course.

Reimbursement of tuition and book fees may be available upon presentation of both of the following:

- 1) Evidence of satisfactory completion (grade C or better) and the class grade in the form of a grade slip from the school or a letter from the instructor of the class.
- 2) A copy of a paid invoice detailing expenses for which the employee is seeking reimbursement.

The City will not pay for courses for employees whose employment is terminated, for any reason, prior to completing the class. Study and class attendance must be accomplished during non-working hours, unless arrangements to change an employee's work schedule are made in advance with the Department Head's approval. Employees may request paid or unpaid leave to pursue employee-initiated education pursuant to Section 6.9.

9.2 City-Initiated Training

When an employee attends a seminar, training program, or school at the request of the Department Head, all reasonable expenses directly incident to the training shall be paid by the City. Training expenses are reimbursable to the employee for all training required by the City or by law.

Time spent traveling to attend courses using modes of transportation deemed acceptable to the City shall be considered hours worked. All other time spent preparing for and/or waiting for courses to begin shall not be considered hours worked.

10 RULES, POLICIES, AND PROCEDURES

10.1 Safety Policy - Program Policy Statement - Goals

The City of Rifle acknowledges that a valid safety program should be a part of the overall function of City government. Therefore, the City has adopted an Injury & Illness Prevention Program Manual containing the City's safety rules. A copy of the manual is available for each employee's review in the City facility to which the employee is assigned, as well as on the City's computer system. The safety program pertains

to all employees and officers of the City.

All employees are responsible for requesting any equipment, equipment repairs, training, changes in procedures, or any activity necessary for the safe performance of their job.

Employees are expected to take individual responsibility for the safe performance of their job functions. It is the responsibility of each employee to read and understand all City safety rules. Each Department Head will evaluate his or her employees on how well each follows safety rules in the performance of their jobs.

A safety committee should hold meetings as necessary to review each Department's safety program activities.

10.2 Establishment of Rules, Policies, and Procedures

Subject to the approval of the City Manager, each department may establish written rules, policies, and procedures pertaining to its individual operating needs and requirements. Departmental rules may be reviewed, amended, and/or repealed at the discretion of the Department Head.

10.3 Public Health Emergency Whistleblower Policy

The City encourages employees to express concerns about safety in the workplace to their supervisor, department head or the City Manager. In accordance with C.R.S. 8-14.4-101, et seq., the City prohibits discrimination or retaliation against an employee who, during a public health emergency, (a) raises reasonable concerns about, (b) opposes, or (c) testifies, assists or participates in a hearing about workplace violations of government health or safety rules, or about an otherwise significant workplace threat to health or safety related to a public health emergency. The protections in this policy do not apply to an employee who discloses information he/she knows to be false or with reckless disregard for the truth or falsity of the information.

Employees are permitted to voluntarily wear their own personal protective equipment (PPE), such as a mask, faceguard, or gloves, if the PPE provides more protection than equipment provided by the City; is recommended by a government health agency; and does not make the employee unable to do their job. The City shall not discriminate or retaliate against an employee for wearing their own PPE in accordance with this policy.

An employee who believes the City has violated this policy should submit a written complaint pursuant to the complaint procedure set forth in Section 1.7 of this Handbook.

10.4 Hepatitis A & B Vaccination

The City offers free hepatitis A & B vaccination to employees who are reasonably anticipated to have exposure to blood or other potentially infectious materials during performance of their job. Employees should consult with their department to determine whether they qualify for the vaccine. Employees who qualify for the vaccination but decline to be vaccinated are required to execute a waiver form.

10.5 Use of City Equipment

The use of City equipment for employees' personal purposes or for private gain is prohibited unless authorized in advance by the City Manager.

10.6 Use of Tobacco Products

The use of tobacco products, including but not limited to cigarettes, cigars, pipes, and chewing tobacco is prohibited in all City buildings, facilities, and vehicles, or while operating mechanized equipment. The use of electronic cigarettes in City buildings, facilities, and vehicles or while operating mechanized equipment is also prohibited.

10.7 Seatbelt Policy

Employees who drive City vehicles and equipment in which seatbelts are installed are required to wear seatbelts at all times when the vehicle or equipment is in motion. Employees with passengers are responsible for ensuring that the passengers are also wearing seatbelts.

10.8 Personal Appearance

During business hours or when representing the City, employees are expected to present a clean neat professional appearance that is appropriate for the workplace and for the work being performed. Employees should follow the following personal appearance guidelines:

- 1) Office clothing must be free of holes or rips and should not be excessively tight, short, revealing or otherwise inappropriate for the workplace.
- 2) Closed-toed shoes are required for those employees working in the field or in a position where open-toes shoes pose a safety risk.
- 3) An employee must dress in uniform and/or protective clothing if his/her job requires it.
- 4) Offensive body odor and poor personal hygiene is not professionally acceptable.

10.9 Uniform and Clothing Policy

10.9.1 Department Head approval required

Any clothing purchased by the City for employee use is to be approved by the Department Head and shall be paid for by that Department's clothing budget line item. Department Heads shall submit planned clothing purchases for the following year to be considered along with their annual budget requests. The clothing plan must be approved by the City Manager prior to implementation.

10.9.2 Property of the City

All clothing purchased by the City is the property of the City and shall be returned to the City if an employee leaves City employment, unless the Department Head determines otherwise.

10.9.3 Responsibility of the Department

The purchase of safety equipment and clothing is responsibility of the Department and is to be replaced based on need and/or as required by law at the determination of the Department Head.

10.9.4 Clothing to be functional

Clothing purchases should be driven by an employee's job duties and requirements and be functional in nature without unnecessary or excessive embroidery, trim, tailoring or styling.

10.9.5 Office Staff

Unless approved by the City Manager, the City will not purchase clothing or provide a clothing stipend for any "office staff". Office staff is defined as those City employees whose jobs are not associated with special clothing requirements or where an employee's personal clothing will not ordinarily be damaged in carrying-out their normal job duties.

10.9.6 Care

Unless approved by the City Manager, employees are responsible for laundering and proper care of all City-purchased clothing. Tattered, torn, ripped or badly faded City-clothing shall not be worn.

10.9.7 Volunteers

At the discretion of the Department Head, clothing may be provided to volunteers as a gift from the City.

10.9.8 Purchase of Clothing from the City

Clothing bearing the City name, City logo and/or Department designation may be purchased from the City by any City employee at their expense.

10.9.9 Worn Only While On Duty

All clothing bearing the City name, City logo and/or City Department designation purchased by the City should be worn only while "on-duty" conducting City business.

10.9.10 Department Policies

Individual City Departments may adopt additional policies to supplement this uniform and clothing policy with the approval of the City Manager.

10.10 Office/Workstation Decorations Policy

Posters, pictures, notes, etc., are permitted in offices and on the inside of workstation panels as long as they are tasteful and professional, and not abusive, profane, threatening, defamatory or offensive. In addition, in displaying posters, pictures, notes, etc., employees are prohibited from, in any manner, implying or suggesting that the City either supports a particular candidate, political issue or endorses the personal political opinions of the employee. Employees are expected to exercise great care, at all times, to distinguish their personal opinions about candidates or political issues from that of the City.

10.11 Recording of Work Conversations Policy

Recording conversations with a tape recorder, cell phone or any other recording device is prohibited. The purpose of this policy is to eliminate a chilling effect to the expression of views that may exist when one person is concerned that his or her conversation with another is being secretly recorded. This concern can inhibit spontaneous and honest dialogue especially when sensitive or confidential matters are being discussed. This policy does not apply to the recording of formal disciplinary hearings, complaint investigations and law enforcement interviews.

11 CONDUCT AND DISCIPLINE

Nothing in this section constitutes an agreement of employment for a specific period of time or is intended to affect the at-will employment relationship.

11.1 Conduct

City employees are expected to conduct themselves in a manner which reflects positively on the City and its departments. Every employee shall be held accountable for his/her actions, including, where appropriate, imposition of disciplinary action up to and including dismissal.

11.2 Discipline

An employee whose conduct or work performance detracts from the effectiveness of service provided to the community or hinders organizational operation shall be subject to discipline, up to and including dismissal.

11.2.1 Causes for Disciplinary Action

Many different kinds of conduct, including but not limited to the following, may result in the imposition of disciplinary measures, including, without limitation, suspension, demotion, or dismissal:

- 1) Breach of any City/Departmental policy, procedure or rule
- 2) Insubordination by failure to follow instructions or direction of a supervisor
- 3) Inability to perform the essential duties of the job
- 4) Abusive, disrespectful, or discourteous language or conduct directed toward any other employee or a member of the public
- 5) Discrimination toward fellow employees or a member of the public
- 6) Violation of the City's discrimination or harassment policy (see [Section 1](#))
- 7) Violation of the City's workplace violence policy (see [Section 12](#))
- 8) Violation of the City's drug and alcohol policy (see [Section 13](#))

- 9) Soliciting or accepting any fee, gift, or item of value for personal gain, in the course of work or in connection with work
- 10) Attempting deception in work-related matters
- 11) Absence from work without notification or authorization
- 12) Negligence or willful misconduct which endangers the health and safety of any person, or violation of safety rules/policies
- 13) Failure to properly maintain or operate City equipment or property
- 14) Inappropriate dress or appearance (see [Section 10.7](#))
- 15) Being charged with any felony or misdemeanor crime
- 16) Being charged with any traffic violation while operating a City-owned vehicle
- 17) Inadequate or unsatisfactory job performance
- 18) Theft of City Property
- 19) Sleeping on the job
- 20) Falsification of records

11.2.2 Types of Discipline

An employee may be terminated as a result of a first disciplinary action; same termination need not necessarily be preceded by warnings or other less severe disciplinary actions.

Disciplinary actions may include any or all of the following steps, which may be repeated or bypassed as deemed appropriate:

- 1) Oral Warning - An immediate supervisor's or Department Head's verbal notice to an employee that his/her behavior or performance must be improved or corrected. An oral warning defines the improvement or corrective action required and informs the employee that failure to comply with the oral warning may result in more severe discipline. Supervisors shall retain a record of the oral warning. An oral warning is not appealable.
- 2) Written Reprimand - A written notice to an employee that his/her performance or behavior must be improved or corrected. The notice may be given by an immediate supervisor, Department Head, or City Manager, and shall be presented to the employee for review, signature, and written response at the option of the employee. Written reprimands contain a statement of the cause for the disciplinary action, improvement or corrective action required of the employee, time frames for such action, and consequences of the employee's failure to comply. Written reprimands shall be

included in the employee's permanent personnel file. A written warning is not appealable.

- 3) Suspension - An employee may be suspended by the Department Head with or without pay for any period, depending upon the seriousness of the problem. The circumstances resulting in suspension shall be explained in a written communication to the employee and the signed copy shall be placed in the employee's permanent personnel file. Procedures for appealing a suspension are outlined in Appeal Procedures.
- 4) Demotion/Reduction in Grade - An employee may be demoted or reduced in grade by the Department Head. The employee shall be informed of the reasons for and terms of said demotion or reduction in grade and may appeal this action per Appeal Procedures.
- 5) Termination - An employee may be permanently removed from City service. A Department Head may impose a termination with the concurrence of the Human Resource Director and City Manager. The employee shall be advised of the cause of the termination, which shall be a final action of the City not subject to appeal.

11.3 Appeal Procedures

An employee who is subject to a disciplinary action eligible for appeal shall have five (5) working days after the disciplinary action to appeal the action to the Department Head who shall make inquiry into the facts and circumstances of the grievance. Written requests for extensions will be considered by the Department Head on a case by case basis. The Department Head shall review the matter and notify the employee of the appeal decision in writing within ten (10) working days. A copy of the written grievance shall be forwarded to the City Manager.

If the employee is dissatisfied with the Department Head's decision, the employee shall submit a written request for review of the decision to the City Manager within five (5) working days. The City Manager will take the necessary steps to review and investigate the complaint, and will then issue a written, final, and binding decision within ten (10) working days, or other mutually agreeable time period. If the Department Head imposed the disciplinary action, the appeal may be taken to the City Manager.

Department Heads or employees subject to disciplinary action imposed by the City Manager may appeal the action by filing a written request for the review of the decision within five (5) working days to the City Manager. A Committee consisting of the Mayor, a Department Head appointed by the City Manager, and a Department Head selected by the appealing Department Head or employee will take the necessary steps to review and investigate the complaint, and will then issue a written, final, and binding decision within fifteen (15) working days, or other mutually agreeable time period.

12 WORKPLACE VIOLENCE POLICY

12.1 Introduction

The City strives to promote a safe environment free from violence, threats of violence, harassment, intimidation, stalking, and other disruptive behavior.

12.2 Violent Behavior Defined

Violence, threats, harassment, intimidation, stalking, and other disruptive behavior in the workplace will not be tolerated. Such behavior may include, but is not limited to, oral or written statements, gestures, bullying, or expressions that communicate a direct or indirect threat of physical harm toward employees, citizens, or City property or facilities. Threats may include veiled, conditional, or direct threats in verbal or written form that result in intimidation, harassment, harm, or endangerment to the safety of another person or property. Bullying is defined as the repeated mistreatment of a person at work by a coworker, supervisor, manager, or customer. The mistreatment may involve repeated acts of: 1) shouting, yelling, screaming, or swearing; 2) insults, put-downs, name-calling, or belittling; 3) public humiliation, criticism, or “dressing down”; 4) cruel or offensive pranks, jokes; or 5) physical behavior, such as pushing, blocking, or tripping. Individuals who commit such acts may be removed from the premises and may be subject to disciplinary action, criminal penalties, or both.

Possession of an unpermitted firearm or illegal weapon of any kind, including those defined by Colorado Revised Statute Title 18, Article 12, is prohibited at work, including in a City vehicle or on a City-owned facility or parking lot, except when such possession is a necessary requirement of an employee’s job.

12.3 Procedures

Threats or assaults that require immediate attention by police should be reported first to police at 9-1-1. Employees who observe or experience violent, threatening, harassing, intimidating, stalking, or other disruptive behavior by anyone on City property should report it immediately to their supervisor or department head.

Supervisors or department heads who receive such reports should report the incident by the next business day to the City Manager. The City shall address responsibility and timing of any investigation to be made. All reports of incidents will be taken seriously and will be dealt with appropriately. The employee making the report will be notified of the results of the investigation. To the extent possible, complaints and investigations will be handled in a confidential manner.

If it is determined that an employee’s conduct violates the City’s workplace violence policy, the offending employee may be subject to corrective and/or disciplinary action, including but not limited to termination of employment.

No employee shall be subjected to reprisal or retaliation for making a report of workplace violence; the employee should report to his/her supervisor or department head immediately any incidents of reprisal, retaliation, or harassment which occur as a result of making such a report.

13 DRUG AND ALCOHOL POLICY

13.1 Drug and Alcohol Policy Overview

The City of Rifle has a vital interest in maintaining safe, healthful, and efficient working conditions for its employees. Individuals under the influence of drugs, alcohol, or other controlled substances may cause serious safety and health risks, not only to themselves, but also to others who work with them.

The City of Rifle recognizes that the success of its operations is dependent upon the physical and psychological health of its employees. Accordingly, it is the right, obligation, and intent of the City of Rifle to take reasonable measures to ensure that alcohol, drugs, and controlled substances do not jeopardize the success of its operations or otherwise affect the City of Rifle, its employees, or its customers.

With these basic objectives in mind, the City of Rifle has established the following policy and procedures with regard to alcohol, drugs, and controlled substances.

13.2 Definitions

13.2.1 City Facilities

Any City property including, but not limited to, all land (including parking lots), property and buildings owned or leased by the City, as well as any jobsite where the City is responsible for furnishing products or where City employees may perform services. Property includes motor vehicles and equipment owned or leased by the City.

13.2.2 Controlled Substance

Any drug which is not legally obtainable or which is legally obtainable but has not been legally obtained. The term includes marijuana, as well as prescribed drugs which are not being used for the prescribed purposes.

13.2.3 Legal Drugs

All prescribed drugs and over-the-counter drugs which have been legally obtained and are being used for the purpose for which they have been prescribed or manufactured.

13.2.4 Under the Influence Of

The employee is affected by a drug, alcohol, or controlled substance, or any combination thereof, in any detectable manner. The symptoms of influence are not confined to those consistent with misbehavior, nor to obvious impairment of physical or mental ability, such as slurred speech or difficulty in maintaining balance. This term includes a positive result in a drug or alcohol test.

13.2.5 Collection Site

A location for specific applicant/employees to report for the purpose of providing urine specimens and/or blood samples, for testing for the presence of drugs and/or alcohol. The collection of urine specimens is to be conducted under tightly controlled conditions. This site will be separate from City facilities.

13.2.6 Accident

Any event where property is damaged or personal injury occurs.

13.2.7 Reasonable Suspicion

Facts and circumstances that would lead a reasonable person to believe that another individual is under the influence of drugs, alcohol, or controlled substances.

13.3 Prohibited Activities

13.3.1 Alcohol

The use of, or being under the influence of, alcohol by any employee, subcontractor, contractor, or volunteer performing City business is strictly prohibited.

13.3.2 Controlled Substance

The use, sale, purchase, transfer, manufacture, or possession of a controlled substance by any employee, while in a City facility or while performing City business, is prohibited. The presence of an amount of any controlled substance that results in a positive test of any employee, while in a City facility or while performing City business, is prohibited. Being under the influence of a controlled substance, while in a City facility or while performing City business, is prohibited. Although the Colorado Constitution has decriminalized marijuana use, marijuana use is still illegal under federal law. The City prohibits marijuana use by employees and will treat its use the same as any other use of a controlled substance.

13.3.3 Legal Drugs

The use, or being under the influence of, any legally obtainable drug by any employee while in a City facility or while performing City business, is prohibited, as such usage or influence may affect the safety of others. Employees who are under the influence of a legal drug may continue to work provided management has determined, after seeking appropriate medical counsel, that the employee does not pose a threat to his/her own safety or to the safety of others. Employees who feel, or who have been informed that the use of a legal drug may impair their performance or present a safety risk, must report the use of such drug to management.

13.4 Testing

13.4.1 Pre-employment screening practices

Each department may maintain pre-employment screening practices designed to prevent the hiring of individuals who use illegal drugs or individuals whose use of legal drugs or alcohol indicates a potential

for impaired or unsafe job performance.

13.4.2 Pre-employment Testing

Testing may take place at the time an applicant undergoes a pre-employment physical exam. Applicants whose test results are at a positive level for either drugs or alcohol will be rejected for employment.

13.4.3 Post-accident Testing

Any employee involved in an on-the job accident, whether as a victim, or the probable cause of the accident, may be subject to a blood test, urinalysis, or other drug or alcohol test. However, testing will not be limited to such situations.

13.4.4 Reasonable suspicion

All employees are subject to testing if the employee's supervisor has a reasonable suspicion of drug or alcohol use.

13.4.5 Commercial Driver's License

Employees whose position requires a Commercial Driver's License (CDL) are subject to random drug testing.

13.4.6 Samples and specimens

When conducting testing, the City of Rifle may require its employees to provide a urine specimen or blood sample at a collection site, and may require the testing of such samples and specimens. A positive-level test may result in disciplinary action at the City's exclusive discretion, including termination of employment. An employee's consent to submit to such a test is required as a condition of employment, and an employee's refusal to consent may result in disciplinary action at the City of Rifle's exclusive discretion, up to and including termination of employment, even for a first refusal.

13.5 Searches

The City, in its discretion, may conduct unannounced searches for illegal drugs or alcohol in City facilities. It is understood that these facilities are those of the City's, and there is no expectation of privacy in employee lockers and/or other property which belongs to the City. There is absolutely no basis for the bringing of drugs or alcohol on the premises and locations such as lockers, desks, etc. These areas are the property of the City of Rifle, and they, as well as personal belongings, may be searched by the employer when it is considered necessary, at the City's exclusive discretion.

13.6 Employee Responsibility

13.6.1 Employee's Duty to Report Drug-related Arrests

Each employee shall notify his/her supervisor of any criminal drug statute arrest, no later than five (5) days after such arrest.

13.6.2 Employee Responsibilities and Assistance

The City of Rifle may offer referral to rehabilitation programs which emphasize education, prevention, counseling, and treatment to employees when problems arise which may affect the employee's

performance, safety, and/or safety of others.

Each employee is responsible for complying with the requirements of this policy and should seek assistance before drug or alcohol problems lead to disciplinary action.

13.7 Disciplinary Action

Violation of this policy may result in disciplinary action at exclusive discretion of the employee's Department Head. Such disciplinary action could result in termination of employment, even for the first offense.

Any employee who refuses to submit to a search or inspection, refuses to give a urine specimen or blood sample, or is found under the influence of alcohol, drugs, or controlled substances, will be subject to disciplined at the City of Rifle's exclusive discretion, up to and including termination of employment.

14 VEHICLE AND TRAVEL POLICY

14.1 City Vehicles

Employees who are subject to call back may be required to drive home a City vehicle for quicker response time. Except for Department Heads or when on-call, City employees who live more than two (2) miles outside the City Limits will be required to leave their assigned vehicle at a designated City facility.

While traveling between home and their assigned work location, employees may, on occasion, perform small items of personal business in order to avoid wasting energy by retracing their route in their private vehicle. Employees must exercise good judgment in using City vehicles for personal business.

14.2 Motor Vehicle Records

Employees who operate a City vehicle or a personal vehicle on City business must have a valid Colorado drivers' license of the appropriate type, if one is required for the position. It is the employee's responsibility to notify the supervisor immediately if the employee's driver's license is suspended, revoked or restricted for any reason. The City will review the employee's Motor Vehicle Record (MVR) prior to hire to ensure it meets the standards and guidelines of the City and its insurer. Thereafter, the City will obtain and review the employee's MVR annually or after receiving notification from the employee that there has been a change in their license status. If an employee's MVR falls into an unacceptable category, corrective action up to and including termination of employment will be taken. The City also reserves the right to require the employee to attend a defensive driver training program at the employee's expense.

14.3 Distracted Driving Prohibited

Emergency Personnel shall refer to current Police Department policy related to this topic and are exempt from this Section 14.3.

The City advocates safe and responsible driving habits while operating a City vehicle or a personal vehicle on

City business. This includes not only adherence to traffic laws, speed limits, and use of seat belts, but also to limiting distractions through the use of cell phones, computers, and other hand-held electronic devices. For purposes of this policy, "hand-held electronic devices" includes but is not limited to, wireless phones, computers, laptops, text messaging devices, entering information into Global Positioning System (GPS) tools and devices, pagers, tablets, and any other communication devices.

Using cell phones, computers, and other hand-held electronic devices; reading; and engaging in personal grooming activities are prohibited while driving a City vehicle or personal vehicle on City business.

Employees shall make all calls or other necessary communications before departing on a trip or after arriving at your destination. Employees shall pull off the road to a safe location before making or returning cell phone calls or any form of electronic communication, and to enter locations to GPS Systems for navigational purposes.

14.4 Travel Policy

14.4.1 Department Budget

Each department may generally budget a set amount for travel expenses each year. The Department Head is responsible for monitoring and controlling that budget.

14.4.2 Advances

The City may, upon sufficient request, advance money to an employee to cover anticipated travel expenses. The employee must file a report and acceptable receipts with his/her supervisor detailing amounts actually spent within one week of returning to work. Any money not spent according to this policy will be returned to the City at that time.

14.4.3 Out-of-state Travel

Out-of-state travel must be approved, in advance, by the City Manager. Air travel is limited to the round trip economy fare between Denver or Grand Junction and the destination city. Airfare should be booked in advance to get the most economic prices available.

14.4.4 City Vehicle

The City may make a City vehicle available, and the employee may use that vehicle for any travel. If the employee must use his/her own vehicle, expenses will be reimbursed at the mileage rate established by current IRS guidelines.

14.3.5 Family Members

An employee may allow family members to travel with him/her in the City vehicle with the advance approval of the City Manager. If approval is granted, only the City employee is authorized to drive the vehicle. The employee is responsible for ensuring the passengers comply with all applicable laws and regulations.

14.4 Reimbursement Expenses

The City will reimburse employees for reasonable business travel expenses incurred while on assignments away from their normal work location. All business travel must be approved in advance by the employee's Department Head or City Manager. When approved, the actual costs of travel, meals, lodging, and other expenses directly related to City business or City-initiated or required training will be reimbursed by the City. Employees are expected to limit expenses to reasonable amounts. Expenses that generally will be reimbursed include the following:

- 1) Reasonable meal expenses, including non-alcoholic beverages
- 2) Reasonable parking, tolls, etc. Self-parking should be used instead of valet whenever available.
- 3) Tips (no receipt required but must follow common practice)
- 4) Phone calls required by City business plus one phone call of reasonable duration home for each 24 hour period
- 5) Reasonable taxi fares, driver services fees, bus rides, airport shuttle, etc.
- 6) Airfare or train fare for travel in coach or economy or the lowest available fare
- 7) Car rental fees for compact or mid-size cars
- 8) Mileage costs for use of personal cars
- 9) Cost of standard accommodations in low to mid-priced hotels, motels or similar lodgings.

Examples of expenses that will not be reimbursed:

- 1) Any alcoholic beverages
- 2) Snacks, beverages not associated with a meal
- 3) In-room movies or other entertainment
- 4) Any strictly personal items
- 5) Toiletries, dry cleaning, etc.

When travel is completed, employees should submit completed travel expense reports, along with supporting receipts, within 30 days to the Finance Department. The City reserves the right to deny repayment of expenses not submitted within 30 days of their occurrence.

14.5 Vehicle Maintenance Responsibility

14.5.1 Assigned Vehicles

Employees with assigned vehicles are responsible for securing maintenance on the vehicles. Assigned vehicles must be kept clean and presentable.

14.5.2 Motor Pool Vehicles

Employees using motor pool vehicles are responsible for reporting defects or maintenance needs. After they are returned, motor pool vehicles must be vacuumed, have a full tank of gas, and all trash and personal items removed. Motor pool vehicles must be ready to go for the next user.

15 ELECTRONIC MEDIA ACCESS AND ACCEPTABLE USE POLICY

15.1 Policy

This policy governs the use of computers, networks, and related services of the City. Users of these resources are responsible for reading, understanding, and complying with this policy. Computers and networks can provide access to resources within and outside the City, as well as the ability to communicate with other users worldwide. Such access is a privilege and requires that individual users act responsibly.

Users must respect the rights of others, respect the integrity of the computers, networks, and related services, conform to network etiquette, customs and courtesies, and observe all relevant laws, regulations, contractual obligations, and City policies and procedures. Misuse of the City Computer System can undermine public confidence and waste taxpayer resources.

15.2 The City Computer System

The City Computer System includes: computers and related equipment, e-mail, telephones, voice mail, facsimile systems, communications networks, computer accounts, internet and/or web access, network access, central computing and telecommunications facilities, and related services.

Access to and use of the City Computer System is a privilege granted to City staff. All users of the Computer System must act responsibly and maintain the integrity of the Computer System. The City reserves the right to deny, limit, revoke, or extend computing privileges and access to the Computer System in its discretion.

The City may, in its discretion, limit the use of specified portions of the Computer System to certain employees, and/or deny the use of specified portions of the Computer system to certain employees.

The City may, in its discretion, regulate which applications may be downloaded on City issued telephones, tablets, and similar devices. The GPS Find function shall be activated on all City issued devices.

The City Computer System may not be used in any manner or for any purpose which is illegal, dishonest, disruptive, threatening, is damaging to the reputation of the City, is inconsistent with the mission of the City, or could subject the City to liability.

Any violation of this policy or of other City policies in the course of using the Computer System may result in an immediate loss of computing privileges, disciplinary action up to and including termination of employment, and referral of the matter to the appropriate authorities.

15.3 No Expectation of Privacy

City personnel have no expectation of privacy in City property and equipment. Such property and equipment includes, but is not limited to, the City Computer System, and all messages, data files and programs stored in or transmitted via the Computer System ("Electronic Communications"). The City reserves the right to monitor, access, use, and disclose all messages, data files and programs sent over or stored in its Computer System for any purpose. City management reserves the right to monitor, inspect, and examine any portion of the Computer System at any time and without notice.

Further, correspondence of an employee in the form of e-mail may be a public record under the public records law, and may be subject to public inspection under C.R.S. Section 24-72-203, unless an exception provided by law applies. The City may monitor or access an employee's e-mail, with or without notice, for any business-related purpose, including any situation in which a supervisor has reason to believe that an employee is misusing or abusing e-mail privileges, or is violating any other City policy.

15.4 Passwords

Portions of the City Computer System may be accessible by password only. The purpose of a password is not to provide privacy, but to control and prevent unauthorized access.

Every password issued for the use of any part of the City Computer System is the responsibility of the person in whose name it is issued. That individual must keep the account secure from unauthorized access by keeping the password secret, by changing the password often, and by reporting to the City when anyone else is using the password without permission.

Passwords are intended to help prevent unauthorized access and may not be shared with unauthorized persons. The contents of all password protected data files and programs belong to the City and are subject to access and disclosure by the City as set forth in this policy.

15.5 Improper Use of the Computer System.

Improper use of the Computer System is prohibited. The following are examples of improper use of the Computer System:

15.5.1 Storage, Transmission, or Printing of Improper Materials

Storing, transmitting or printing any of the following types of Electronic Communications on the Computer System is prohibited: material that infringes upon the rights of another person; material that is obscene; material that consists of any advertisements for commercial enterprises; material or behaviors that violate laws, regulations, contractual obligations, and City policies and procedures; or material that may injure someone else and/or lead to a lawsuit or criminal charges.

15.5.2 Harassment

Any electronic communication that violates the City harassment policy is prohibited. Additionally, any electronic communication that is annoying, abusive, profane, threatening, defamatory or offensive is prohibited. Some examples include: obscene, threatening, or repeated unnecessary messages; sexually, ethnically, racially, or religiously offensive messages; and continuing to send messages after a request to stop.

15.5.3 Destruction, Sabotage

Intentionally destroying anything stored on the Computer System, including anything stored in primary or random access memory is prohibited. Deliberately performing any act that will seriously impact the operation of the Computer System. This includes, but is not limited to, tampering with components of a network, otherwise blocking communication lines, or interfering with the operational readiness of a computer or peripheral.

15.5.4 Evasive Techniques

Attempts to avoid detection of improper or illegal behavior by encrypting or passwording electronic messages and computer files are prohibited.

15.5.5 Unauthorized Use/Access

Using the Computer System to gain or attempt to gain unauthorized access to remote computers is prohibited. Other prohibited behaviors include: actions that give simulated sign off messages, public announcements, or other fraudulent system responses; possessing or changing system control information (e.g., program status, protection codes, and accounting information), especially when used to defraud others, obtain passwords, gain access to and/or copy other user's electronic communications, or otherwise interfere with or destroy the work of other users.

15.5.6 E-Mail Forgery

Forging e-mail, including concealment of the sender's identity, is prohibited.

15.5.7 Theft/Unauthorized Use of Data

Data created and maintained by the City, or acquired from outside sources, are vital assets of the City and must be used only for authorized purposes. Theft of or unauthorized access to or use of data is prohibited.

15.5.8 Program Theft

Unless specifically authorized, copying computer program(s) from the Computer System is prohibited.

15.5.9 Viruses, etc.

Intentionally running or installing on the Computer System, or giving to another, a program that could result in damage to a file or the Computer System, and/or the reproduction or transmission of itself, is prohibited. This prohibition includes, but is not limited to, the classes of programs known as computer viruses, Trojan horses, and worms.

15.5.10 Security

Attempting to circumvent data protection schemes or uncover security loopholes is prohibited.

15.5.11 Wasting Resources

Performing acts that are wasteful of computing resources or that unfairly monopolize resources to the exclusion of others is prohibited. These acts include, but are not limited to: sending mass mailings or chain letters; creating unnecessary multiple jobs or processes; generating unnecessary or excessive output or printing; or, creating unnecessary network traffic.

15.5.12 Occasional Non-Commercial Uses Permitted

It is understood that, occasionally, staff members use e-mail or internet access for non-commercial, personal use. Such occasional non-commercial uses are permitted if they are not excessive and are limited to breaks or lunch hours, do not interfere with the performance of the employee's duties, do not interfere with the efficient operation of the City, and are not otherwise prohibited by this policy or any other City policy.

15.5.13 Accessing User Accounts

Unauthorized attempts to access or monitor another user's electronic communications are prohibited. Unauthorized accessing, reading, copying, changing, disclosing, or deleting another user's messages, files or software without permission of the owner is prohibited.

15.5.14 Backup Copies

All data on the Computer System is subject to backup at the discretion of the City.

15.5.15 Deleting Electronic Communications

Users of the Computer System should be aware that Electronic Communications are not necessarily erased from the Computer System when the user "deletes" the file or message. Deleting an Electronic Communication causes the Computer System only to "forget" where the message or file is stored on the Computer System. In addition, Electronic Communications may

continue to be stored on a backup copy long after it is "deleted" by the user. As a result, deleted messages often can be retrieved or recovered after they have been deleted.

15.5.16 Criminal Laws

Under C.R.S. Section 18-5.5-101 et seq., criminal sanctions are imposed for offenses involving computers, computer systems, and computer networks. Any person committing an offense with respect to them may be subject personally to criminal sanctions and other liability. Federal laws may also apply to some circumstances.

15.5.17 Copyright Infringement

The Copyright Laws of the United States prohibit unauthorized copying. Violators may be subject to criminal prosecution and/or be liable for monetary damages.

In general, employees may not copy, download, install or use software on the Computer System without acquiring a license from the publisher. (For example, employees may not copy it from a friend or other source.) Furthermore, employees may not copy the City's software, unless such copying is specifically authorized by the City and permitted by the license agreement.

The ability to download documents from the Internet, and to attach files to E-mail messages, increases the opportunity for and risk of copyright infringement. A user can be liable for the unauthorized copying and distribution of copyrighted material through the use of download programs and E-mail. Accordingly, employees may not copy and/or distribute any materials of a third party (including software, database files, documentation, articles, graphics files, audio or video files) unless they have the written permission of the copyright holder to do so. Any questions regarding copying or downloading should be directed to the IT Director.

16 SOCIAL MEDIA POLICY

The City recognizes that social media internet applications can be used to enhance communication and collaboration and further citizen involvement in government issues. The City also recognizes that access to the City's social media sites may directly impact the image and the operation of the City as a whole and each individual department. This policy governs the use of social media and social networking by all authorized personnel in order to mitigate potential risk and abuse of any social media efforts.

16.1 Definitions

16.1.1 Social Media

Any internet-based application that facilitates the exchange of user-generated content, communications and conversations including, but not limited to LinkedIn, Facebook, Twitter, web feeds, blogs, wikis, photo-sharing, video-sharing, podcasts and other means of transferring information through the internet.

16.1.2 Post

A comment by City Personnel or a Public Citizen uploaded to and displayed on a social media site.

16.1.3 Moderator

An authorized City official who reviews, authorizes and allows content submitted by City Personnel and

Public Citizens to be posted to a social media site.

16.2 Policies

16.2.1 Existing Policies

All existing laws, rules, regulations and other existing policies governing the conduct of City personnel are applicable to conduct associated with social media.

16.2.2 City of Rifle

City social media sites shall make clear that the site is maintained by the City and that the site complies with this social media Policy. Each social media site should state the general purpose fully stated in Section I. All City social media sites shall be approved by the City Manager. Each site should also include a link connecting a user to this Policy to facilitate full user compliance.

16.2.3 Colorado Open Records Act

City social media sites are subject to the Colorado Public Records Act. Any content maintained in a social media format that is related to City affairs, including lists of subscribers, posted communications, and communications submitted for posting, may be a public record subject to public disclosure.

16.2.4 Site Content

The Moderator shall review social media sites daily to ensure that posts comply with this policy and may remove posts that violate the following guidelines. Removed posts will be documented and retained as required by law. Social media sites that allow public comment shall inform visitors that the purpose of the site is to present matters of public interest in the City, including its residents, businesses and visitors and that it is a moderated online discussion site.

- 1) Comments must be topically related to the particular content being commented on;
- 2) No posts of any unlawful purposes, promotion of illegal activities or posts that are in violation of the law
- 3) No posts that contain profane or obscene content;
- 4) No disclosure of social security numbers, credit card numbers of another person, or other personal identifying information that could be used to perpetrate identification fraud;

- 5) No posts related to commercial speech (i.e. no solicitations of commerce
- 6) Posts with Links that are suspecting of containing a virus will be removed from the application immediately;
- 7) No posts containing information that may tend to compromise the safety or security of the public or public systems;
- 8) No posts that promote or endorse political campaigns or candidates.

16.2.5 Authorized Use

Only official spokespersons and other specifically selected persons authorized by the City Manager may have access to publish, post, or comment on behalf of the City.

All persons granted access shall:

- 1) Identify themselves as a member of the City.
- 2) Conduct themselves as representatives of the City and by the same standards, principles and guidelines that apply to all City Personnel in the performance of their assigned duties.

All persons granted access shall NOT:

- 1) Post, transmit or otherwise disseminate classified data or confidential information without the express written consent of the Moderator or his designee.
- 2) Conduct political activities or private business. Employees are prohibited from, in any manner, implying or suggesting that the City either supports a particular candidate, political issue or endorses the personal political opinions of the employee. Employees are expected to exercise great care, at all times, to distinguish their personal opinions about candidates or political issues from that of the City.

16.2.6 Personal Use

City Personnel who are off-duty and engage in the use of social media do not represent the City of Rifle or any official position maintained by any department of the City. Postings of this manner are personal communications, and City Personnel are personally responsible for the content they publish. Postings by an employee concerning the City are not prohibited provided they comply with the guidelines set forth in this Personnel Manual and do not:

- 1) Use their rank, title, or position in a manner that would suggest they are representing the interest of the City;
- 2) Post any depiction, illustration, text, photo, video, audio, or any multimedia file containing the uniform, official seal, badge, logo, or any instrumentality used during the

execution of the City Personnel's official duties to any social media;

3) Disclose any sensitive, proprietary, confidential, or financial information about the City.

If a City employee identifies himself or herself as a City employee on a social media site, the employee must indicate that his or her views are not the official views of the City of Rifle. If a City employee publishes content on any social media site that relates to his or her work or any subjects associated with the City, the employee must post a conspicuous disclaimer such as "The views expressed on this site (or in this post) are my own and do not necessarily represent the City of Rifle's positions, strategies or opinions."

A social media site is not the appropriate place to make a complaint regarding alleged discrimination, unlawful harassment, or safety issues. Such complaints must be made consistent with the complaint procedures in this Handbook.

17 ISSUE RESOLUTION PROCEDURES

The City has adopted the following two procedures for addressing employee questions, concerns and complaints. When the complaint includes allegations of prohibited harassment, discrimination or retaliation, employees should follow the procedure set forth in Section 1. When a complaint relates to disciplinary action, employees should follow the appeal procedures set forth in Section 11.3. It does not apply to matters of policy, such as the establishment of wages or benefits, or matters affecting individual employee evaluations.

17.1 Open Door Policy

Employees should take and issue of concern to their immediate supervisor first, unless the issue of concern is in regard to the immediate supervisor. If the immediate supervisor is unable/unwilling to address the issue, then they can bring any complaint, problem, suggestion or question they may have regarding City matters to their department head, Human Resources Director or his/her designee, and/or the City Manager in a reasonable and professional manner. City employees shall not take the above items to Council members or the Mayor.

18 Personal Identifying Information

The following policy is intended to safeguard personal identifying information received by the City of Rifle. For purposes of this policy, "personal identifying information" (PII) includes social security numbers; personal identification numbers; passwords; pass codes; official state or government-issued driver's license or identification card numbers; government passport numbers; biometric data (i.e. finger print or retina scan); employer, student, or military identification numbers; or financial transaction devices (i.e. credit cards, debit cards, banking cards, electronic fund transfer cards, guaranteed check cards, and financial account numbers).

In order to ensure the protection of PII, including that of City employees, from unauthorized access, use,

modification, disclosure or destruction, access to PII is limited to Human Resources personnel.

Unless otherwise required by state or federal law or regulation, when paper and electronic documents received by the City containing PII are no longer needed for its business purposes, the City will destroy or arrange for the destruction of the documents in its custody by shredding, erasing, or otherwise modifying the PII in the documents to make the information unreadable or indecipherable through any means.

The City will take no more than 30 days to provide Employees notice of a security breach that results in or is likely to result in the misuse of PII when the breach involves a Colorado resident's first name or first initial and last name in combination with: the individual's social security number; student, military, or passport identification number; driver's license number or identification card number; medical information; health insurance identification number; or biometric data; username or email address, in combination with a password or security questions and answers, that would permit access to an online account; or an account number or credit or debit card number in combination with any required security code, access code, or password that would permit access to that account, when any of these data elements are not encrypted, redacted, or secured by any other method rendering the name or the element unreadable or unusable.

January 1, 2021

City of Rifle



Adopted by the
City Council
December 16,
2020

Personnel Manual

INTRODUCTION

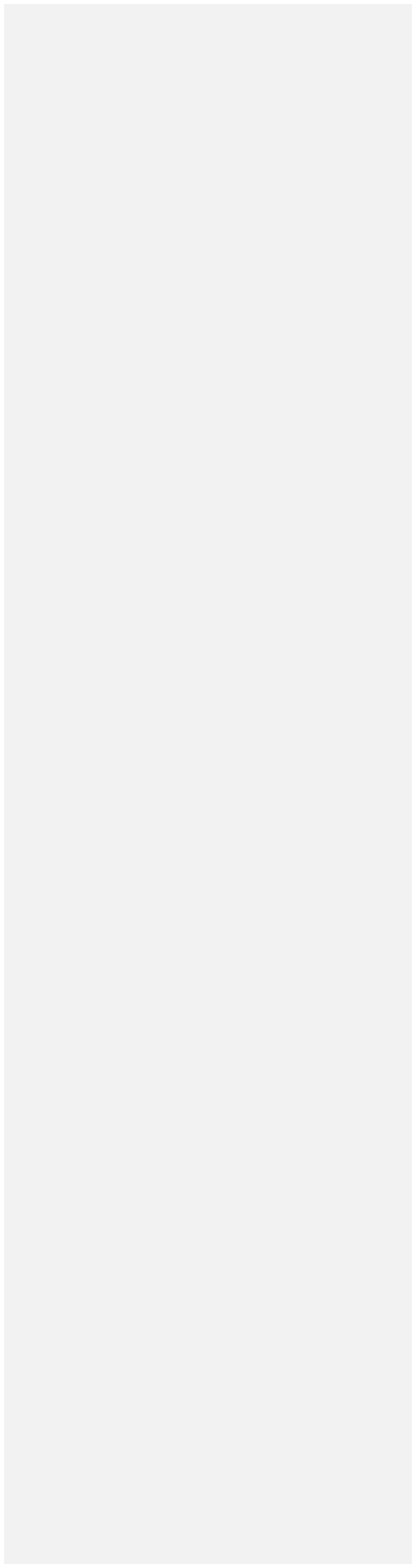
The purpose of this manual is to inform employees of the City of Rifle's personnel policies of general applicability. This manual is not all-inclusive and does not purport to address all conceivable circumstances, but addresses those topics likely to be of interest to employees in the course of day-to-day operations.

The policies in this manual are not intended to supersede the City's home rule charter, ordinances, or other applicable laws; in case of any conflict between these policies and such charter, ordinances, or laws, the latter shall prevail. The provisions of this manual apply to all employees of the City except as otherwise specified. Departments may have their own policies and procedures.

The policies in this manual are not intended and shall not be construed to vest any employee of the City of Rifle with any rights arising from any express or implied contract of employment, and employment with the City of Rifle is at will, and can be terminated at any time without procedures, cause, or notice. The City reserves the right to change or rescind these policies and to determine the application of these policies to specific circumstances using its sole discretion. The City further reserves the right to alter or eliminate any benefits provided to its employees as referenced in the personnel policies. Any alteration, elimination, or revision may be made applicable to then-current as well as future employees.

Certain provisions of this manual identify potential disciplinary action which may result from specified conduct. The inclusion of these provisions does not, and is not intended to, limit the imposition of disciplinary action which may be imposed for any violation, nor is the inclusion of disciplinary provisions intended to limit the City of Rifle's discretion with respect to imposition of discipline.

Any matter not specifically covered by this manual may be administered by the City Manager in a manner consistent with this manual.



CITY OF RIFLE PERSONNEL MANUAL

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DEFINITIONS

The following definitions apply whenever these words and phrases are used in this manual, unless the context clearly indicates otherwise:

Appointing Authority means the City Manager or the City Manager's designee.

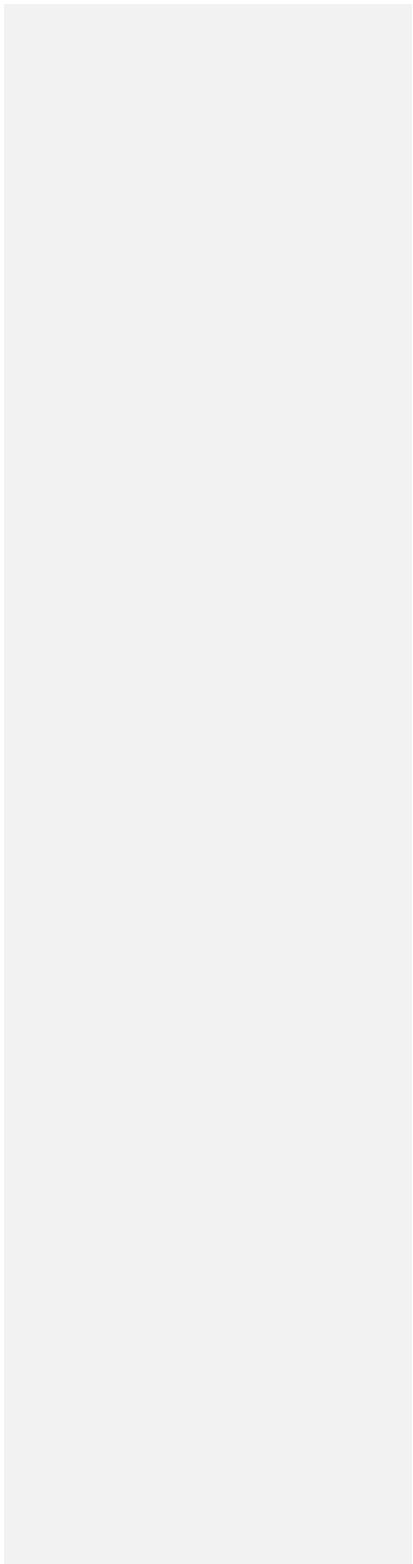
Charter means the City of Rifle City Charter as found in the Rifle Municipal Code.

Department Head an individual who oversees a department

FLSA or Fair Labor Standards Act means the Fair Labor Standards Act, 29 USC 201 et seq., as amended from time to time.

FMLA or Family and Medical Leave Act means the Family and Medical Leave Act, 5 USC 6382 et seq., as amended from time to time.

Immediate Family, except as otherwise defined herein, consists of the mother, father, sister, brother, spouse, partner (through a civil union or domestic partnership), son, daughter, mother-in-law, father-in-law, daughter-in-law, son-in-law, grandchildren, and grandparents of the employee, or relatives who live with the employee during the time that they are employed by the City.



1 DISCRIMINATION AND HARASSMENT PROHIBITION

1.1 Equal Employment Opportunity

It is the policy of the City of Rifle that there shall be no unlawful discrimination or harassment against employees or job applicants on the basis of race or color, religion or creed, sex or gender, sexual orientation, national origin or ancestry, age, physical or mental disability, health conditions related to pregnancy or the physical recovery from childbirth, military status, genetic information, or any other protected status. "Genetic information" includes information about an individual's genetic tests and the genetic tests of an individual's family members, including fetuses, family medical history, receipt of and/or results of genetic testing, and participation in genetic clinical research. Equal opportunity, as required by law, shall apply to all personnel actions including, but not limited to, recruitment, hiring, placement, promotion, transfer, demotion, layoff or termination. Equal opportunity shall also apply to all administrative actions such as compensation, benefits, training, and education.

This policy does not add to any rights that employees may be entitled to by law. Further, employment with the City may be terminated at any time, with or without cause, and with or without notice.

1.2 Equal Pay Policy

The City will not pay an employee of one sex a wage rate less than the rate paid to an employee of a different sex for substantially similar work, except where the wage differential is based on a seniority system; a merit system; a system that measures earnings by quantity or quality of production; the geographic location where the work is performed; education, training or experience to the extent that they are reasonably related to the work in question; or travel if the travel is a regular and necessary condition of the work performed. An employee who believes their compensation does not comply with this policy should follow the Complaint Procedure below.

Comment [ASI1]: I added this to comply with the new Equal Pay for Equal Work Act which goes into effect January 1, 2021.

The City will not seek the wage rate history of a perspective employee or require disclosure of wage rate as a condition of employment; rely on a prior wage rate to determine a wage rate; discriminate or retaliate against a prospective employee for failing to disclose the employee's wage rate history; discharge or retaliate against an employee for actions by an employee in asserting the rights established by Colorado law against an employer; or discharge, discipline, discriminate against, or otherwise interfere with an employee for inquiring about, disclosing, or discussing the employee's wage rate.

1.3 Equal Employment Opportunity Officer

The Human Resource Director or his/her designee shall serve as the equal employment opportunity officer to carry out the City's equal employment opportunity policy.

1.43 Reasonable Accommodations

"Disability" includes physical and mental disabilities that substantially limit one or more major life activity. Disabled individuals must be otherwise qualified for the job and able to perform essential job

functions with or without reasonable accommodations. The City will reasonably accommodate disabled employees and applicants who are otherwise qualified to perform the essential job functions, so long as the accommodation does not create an undue burden on the City.

The City will also reasonably accommodate employees for health conditions related to pregnancy or the physical recovery from childbirth, if the employee requests the reasonable accommodation, so long as the accommodation does not impose an undue hardship on the City. The City may require the employee or applicant to provide a note stating the necessity of a reasonable accommodation from a licensed health care provider before providing a reasonable accommodation.

The City will also reasonably accommodate nursing mothers by providing a private space to express milk that is near their work location and is not a toilet stall in a restroom. Nursing mothers may use their regularly scheduled meal and rest breaks to express milk. In the event an employee needs additional time to express milk, the employee and supervisor will agree upon a plan which may include the employee taking unpaid breaks or using PTO, arriving at work earlier or leaving later.

Requests for reasonable accommodations pursuant to this section must be directed to the employee's supervisor, Department Head, or the Human Resources Director or his/her designee.

1.54 Unlawful Harassment

The City is committed to maintaining a work environment free of unlawful harassment. In doing so, the City prohibits harassment because of age, race, sex, gender, color, religion, national origin, disability, marital status, military status, genetic information, sexual orientation, or any other protected class.

Unlawful harassment includes verbal or physical conduct that has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. Prohibited behavior may include but is not limited to the following:

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

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

1.65 Sexual Harassment

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

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

a sexual nature, when:

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

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

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

1.76 Complaint Procedure

Any employee who witnesses or believes they have experienced any act or acts of sexual harassment or other unlawful harassment or discrimination shall report such behavior in writing immediately to his/her immediate supervisor or Department Head, the Human Resource Director or his/her designee, the City Manager, or any Department Head, as the employee chooses (in cases involving the City Manager, the Mayor should be notified). Supervisors and Department Heads who knowingly allow or tolerate unlawful harassment, discrimination or retaliation, including the failure to report such misconduct pursuant to this policy, are in violation of this policy and subject to discipline.

To ensure the prompt and thorough investigation of the complaint, the complainant should provide as much of the following information as possible: the name of the person allegedly causing the unlawful harassment or discrimination; a description of the incident, including the date, location, and presence of any witnesses; the effect of the incident on the complainant's ability to perform his or her job or on other terms or conditions of his or her employment; the names of other people who may have been subject to the same or similar harassment or discrimination; what, if any, steps the complainant has taken to try to stop the harassment or discrimination; any other information the complainant believes to be relevant to the complaint.

An investigation shall be made of all complaints. Employees must cooperate fully with the City's investigation and provide honest and complete responses. During such investigation, the City will take all reasonable precautions to safeguard the privacy of both the complainant and the alleged harasser, if that is requested, and to the extent it is feasible. If deemed necessary and in the sole discretion of the City, an outside investigator may be retained to undertake any investigation and make appropriate

recommendations. The employee making the report will be notified of the results of the investigation.

An employee who honestly and in good faith reports unlawful harassment and discrimination will not suffer retaliation or discipline as a result of using this complaint process. Complaints will receive prompt attention and appropriate action will be taken against any employee who is found to violate this policy. The issue of whether harassment has occurred requires a factual determination based on all the evidence received. Dishonestly or maliciously reporting false information is against policy and may result in discipline or termination.

2 EMPLOYMENT PRACTICES

2.1 Application for Vacancies

Whenever a job vacancy occurs, it shall be filled with the most qualified applicant available. To the extent permitted by law, if two equally qualified applicants apply for a City position, preference may be given to a City employee, a City resident, or a veteran of the U.S. Armed Forces.

Vacancies in positions are encouraged to be filled by promotion of qualified City employees. In each case, a determination will be made as to whether an open competitive examination or a promotional examination would best serve the interests of the City. Any City employee interested in a job vacancy shall submit a written letter of intent to apply for such vacancy stating job skills and qualifications. Promotions in every case must involve a definitive increase in duties and/or responsibilities, and shall not be made merely for the purpose of affecting an increase in compensation.

Job announcements ~~shall may~~ be posted on official City bulletin boards for a minimum of five (5) working days. An announcement shall specify the title, salary range, benefits and other compensation, duties and minimum qualifications, the method and deadline for making applications, and other pertinent information. All vacancy announcements shall include a statement that the City is an equal opportunity employer. Summaries of job announcements may be placed in newspapers or other advertising media as deemed appropriate.

Résumés/application forms of an applicant who is hired will be placed in the employee's personnel file. Applications, unless renewed, shall be considered active for a period of 12 months. ~~Applications for employment over one (1) year old may be destroyed to the extent permitted by law.~~

Applicants may be disqualified for consideration for employment when any of the following factors exists:

- 1) The applicant does not meet the minimum qualifications for the job as set forth in the job description;
- 2) The applicant has demonstrated an unsatisfactory employment record as evidenced by the results of the reference check;

Comment [ASI2]: Do these applications actually get destroyed after one year? Why not just leave them in the file? The Equal Work Act states an employer shall keep records of job descriptions and wage rate history for each employee for duration of employment plus two years thereafter. I am not sure if the application would be considered a record of the job description and wage rate history but it seems safer to err on the side of keeping the document longer than necessary to ensure compliance with the new law.

- 3) The applicant has given any false information in his/her application or has otherwise practiced deception during the selection process;
- 4) The applicant fails to respond in a timely fashion to an invitation to interview; or
- 5) The applicant has a conviction record or personal history which negatively affects fitness to perform the required duties.

Comment [ASI3]: Can we delete this section? If it is applied to an existing employee and any of those factors exist, the employee would likely be terminated already. If it applies to applicants who are not employees, they would not have access to this manual so it does not seem like it is providing any helpful information to applicants. While a supervisor may consider these factors, they can also consider other factors that are not on the list and we don't want there to be an issue with disqualifying an applicant for a reason that is not included here. There is also the new "ban the box" legislation that prohibits an employer from asking about prior conviction on an application so I am concerned about paragraph 5. Unless this provides really helpful guidance to a supervisor making the hiring decision, I recommend taking this out. If necessary, perhaps we can have a separate "hiring checklist" for those making the hiring decision.

2.2 Selection Techniques

Such selection techniques as deemed appropriate may be used in the selection process. Those selection techniques may include, but are not limited to, the following:

- 1) Screening job applications and résumés based on previous work experience and/or job qualifications as well as format and written presentation found within the job applications and resumes when pertinent to the job.
- 2) Written testing
- 3) Examination based on practical application of skills
- 4) Interviews
- 5) Job-related tests of physical ability
- 6) Polygraph or psychological testing, upon conditional hire
- 7) Background investigations

2.3 Conditional Hire/Physical Examination

Upon conditional appointment, full-time Law Enforcement employees and any others deemed necessary based on job classification by the Human Resource Director are required to submit to a pre-employment physical examination by a doctor selected by the City.

As a condition of employment, prospective employees may be required to submit themselves to background checks, which may include polygraph examination, fingerprinting, criminal history, driving history, credit history, past employment history, and personal references. If a background check is required, it must be completed before employment begins. Conditional offers shall be withdrawn if the results of the background check are deemed to disqualify the applicant for the position.

2.4 Promotions & Transfers

2.4.1 Promotions

Subject to some exceptions, the City will announce to all employees promotional opportunities and job openings and the pay range for the openings. Notices of promotional opportunities shall be posted on official City bulletin boards.

A promotional opportunity exists when an employer has or anticipates a vacancy in an existing or new position that could be considered a promotion for one or more employee in terms of compensation, benefits, status, duties or access to further advancement. Promotions may occur either with or without competitive examination. ~~The City Manager or designee may authorize the promotion without examination of a qualified employee upon the written recommendation of the Department Head.~~

Notices of promotional opportunities may be posted on official City bulletin boards.

Comment [ASI4]: The added language is required by the Equal Pay Act. I am a little unclear what this sentence means and want to make sure it complies with the new requirement that promotional opportunities be posted before the promotion decision is made. To the extent this means a promotion can be authorized without posting the opportunity, we need to take out this highlighted sentence.

2.4.2 Transfers

An employee may be transferred to a similar position in a different department. An employee desiring to be transferred shall make a written request to both Department Heads for consideration when a vacancy occurs. The request must be approved by the City Manager and the Department Director receiving the employee.

Transfer of an employee from one position to another may be permitted if the Department Head determines that the employee meets the qualifications of the position, that the transfer is in the best interest of the City, and that further training and development of the employee in the new position would be beneficial to the City.

2.4.3 Appointment to Acting Capacity

When, in the opinion of the City Council or the City Manager, as appropriate, a vacancy occurs which requires immediate filling and it is not feasible to make an immediate appointment, the appointing authority may appoint, for a period of up to 6 months, an employee from another position to fill the vacant position in an acting capacity. City Council or the City Manager has the ability to extend the 6 month period if the situation warrants it. The individual's pay in the acting position shall be adjusted within the range for the acting position or as the City Manager deems appropriate. Upon expiration of the acting appointment, the individual will return to his/her previous position and pay. However, the employee's previous pay may be adjusted if the employee would normally have received an adjustment in the regular position during the period of temporary appointment. The employee's anniversary date shall not be affected.

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2.5 Nepotism Policy

For the purposes of this section, "family member" includes mother, father, sister, brother, husband, wife, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandchildren, grandparents, aunts, uncles, nieces, nephews, first cousins, and step-relatives of the employee, or relatives who live with the employee during the time that they are employed by the City.

A family member of an employee shall not be considered for employment by the City in circumstances where one relative directly would exercise supervisory, appointment, or dismissal authority, financial

oversight, or disciplinary action over the other relative; provided, however, this restriction shall not apply for part-time, seasonal positions in the City's Parks and Recreation Department if they meet the job qualifications.

If employees begin a dating relationship or become relatives, partners or members of the same household after employment by the City, and if one party is in a supervisory position or and any of the circumstances exist or would exist as described in the preceding paragraphs, one of the employees will be moved to a non-conflicting position if possible. If no such resolution is possible, one of the employees shall be separated from employment, the affected employees may choose the one to be separated but, if no agreement can be reached, the City Manager shall decide.

No family member of or person serving as a member of the City Council shall be eligible for employment with the City until the Council member has been out of office for one year; provided, however, a Council member or a family member of a member of City Council shall be eligible for part-time, seasonal positions in the City's Parks and Recreation Department if they meet the job qualifications.

No appointing authority shall participate in or vote on decisions related to hiring, retention, promotion, or determination of the salary level of a member of his or her family.

The foregoing restrictions do not preclude consideration of a relative of an elected official or City employee for City employment except as specifically restricted herein. Evidence should be available demonstrating that procedures of the personnel policies were followed during the selection process and that the most qualified person was selected.

Violation of this policy by any appointing authority may lead to the immediate termination of the relative and appropriate disciplinary action against the appointing authority.

2.6 Residency

In addition to requirements set forth in the Rifle City Charter, those employees who live outside the City should be made aware that they may have to come into Rifle after hours, if necessary, and they must do so at their own expense and travel will be on their own time.

2.7 Employee Orientation

New employees will attend an orientation session that will include information concerning the City's salary and benefits programs, personnel policies, safety, and other City policies or programs relating to employment. New employees may also receive orientation information from their supervisor. Upon six months of employment, new employees may be evaluated.

2.8 Essential Personnel

Emergency situations may arise that dictate which City employees will be designated as "Essential

Personnel.” Emergencies can be caused by such developments as heavy snow or severe icing conditions, floods, earthquakes, or other natural disasters; air pollution; massive power failure; major fires; or epidemics. Significant emergency situations of the scope and impact reflected in this guideline will be the subject of public declaration of emergency or disaster by appropriate State or local authority.

The designation of Essential Personnel may be outlined in an employee’s Job Description. These Personnel are required to report for duty during emergencies. Additionally, Essential Personnel are required to have a Family Care Plan that will describe how the employee’s family will be cared for in the event of his/her absence from the home during the emergency.

2.9 Reduction in Force/Recall

The City, at its discretion, will determine whether layoffs and reductions in force are necessary as a result of lack of work, lack of funds, reorganization, curtailment of operations or programs or other circumstances in the City’s best interest. Work hours for some or all positions may also be adjusted in lieu of or in addition to layoffs if City circumstances warrant such action as determined by the City Manager. There is no City appeal process for decisions regarding layoffs and reductions in force.

- 1) When a layoff is necessary, Department Heads in consultation with the City Manager may consider the following factors, in no particular order of magnitude, in determining which position(s) will be necessary to dissolve:
 - a. Performance of the employee.
 - b. Versatility and future needs.
 - c. Experience and special abilities possessed by the employee.
- 2) Any employee on leave of absence, including FMLA leave, during a layoff period will be subject to layoff on return to work, in accordance with the above considerations.
- 3) The reinstatement of laid off employees requires the approval of the Department Head and City Manager.
- 4) Under normal conditions, the order of recall for employees being reinstated will be in reverse order of the layoff. Employees recalled will be required to report to work within a two-week period and failure to do so may result in a waiver of the recall opportunity.
- 5) An employee reinstated after a layoff lasting 13 months or longer will be treated as a new employee for all purposes including any requirement for a pre-employment physical examination at the City's expense.
- 6) An employee reinstated after a layoff lasting less than 13 months will maintain continuation of service if he or she reports to work within two weeks of notification of recall.

- 7) For compensation and benefit purposes, an employee's length of service will not include the length of time the employee was laid off.
- 8) An employee who is involuntarily terminated due to reduction in force, and who is rehired, will have subsequent service "bridged" after a year of continuous service. For example, if an employee worked for the City for 3 years, was laid off and later rehired, after a year of continuous service, his/her length of service would be 4 years. An employee who resigned or was discharged, and who is rehired, will not have any prior service restored or "bridged." The date of rehire will become his/her service date.

However, computation of service for pension purposes and the effect of breaks in service on pension rights will be determined in accordance with the provisions of the City's pension plan.

2.10 Separation and Severance Pay Policy

This policy defines the various types of separations from the employ of the City and the effect of separation on benefits and continuous service.

2.10.1 Types of Separations

- 1) Voluntary Termination occurs when the separation is initiated by the employee. Voluntary terminations include, but are not necessarily limited to, the following:

- a) Written or oral resignation (a two-week notice is preferred). When an employee resigns, the effective date of separation is the last day the employee works. Except as otherwise specified in this Manual, an employee cannot use paid leave to extend the separation date beyond the last date worked.
- b) Absence from work for three consecutive working days without notifying the employee's supervisor.
- c) Failure to report for work upon recall from layoff on the date designated.
- d) Failure to return from an approved leave of absence at the expiration of the leave.
- e) Retirement.

- 2) Involuntary Termination occurs when the separation is not initiated by the employee. Involuntary terminations include, but are not necessarily limited to, the following:

- a) Reduction in force - The City must reduce its work force for economic or other reasons.
- b) Termination without cause.

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- c) Termination for cause - An employee is terminated for such reasons as inadequate performance, inefficiency, absenteeism, and violation of rules of conduct set forth in this Personnel Manual under [Section 11](#).
- d) Death of the employee.
- e) Disability - An employee who has exhausted his/her accumulated leave, who is not on leave without pay status, and who is unable to perform his/her usual work assignment regardless of the employee's eligibility for disability benefits.

2.10.2 Exit Interview

Employees are requested to participate in a voluntary exit interview with the Human Resource Director or designee.

2.10.3 Final Paycheck

Employees will receive their final paycheck on the City's next scheduled payday.

2.10.4 Severance Pay

Contingent upon the employee signing a severance agreement and release, the City will make severance payments described below to eligible employees whose employment with the City is involuntarily terminated due to reduction in force. No severance pay pursuant to this section will be granted for separations which are the result of voluntary termination, termination with or without cause, disability, or death.

- 1) Full-time Employees - In the event of reduction in force of a full-time employee, the following severance pay schedule will be applicable:
 - a) At least one year but less than five years of continuous service - two weeks' severance pay.
 - b) At least five years but less than ten years of continuous service -three weeks' severance pay.
 - c) Ten years or more of continuous service - four weeks' severance pay.
- 2) Part-time, Temporary, or Seasonal Employees - No severance pay will be granted to part-time, temporary, or seasonal employees.

2.10.5 Accrued Vacation, Floating Holiday, and Sick Leave Pay

Upon termination, either voluntary or involuntary, employees will be paid for accrued vacation time. Upon termination, either voluntary or involuntary, there will be no payment for floating holidays or accrued sick leave, except as noted below:

Persons hired between January 01, 2011 and January 01, 2006, shall be eligible to receive ½ of their sick time

if voluntarily terminated, let go through a reduction in force, or in the event of the employee's death

Persons hired prior to January 01, 2006, shall be eligible to receive full value of their sick time if voluntarily terminated, let go through a reduction in force, or in the event of the employee's death.

In the event of an employee's death, any sick time pay the employee would have been entitled to receive will be paid to the beneficiary.

2.10.6 Group Insurance

Upon termination, either voluntary or involuntary, any life, accident, and short- and long-term disability insurance is canceled subject to the policies in force at the time.

Upon termination, either voluntary or involuntary, any health insurance coverage will terminate on the last day of the month in which separation occurs unless the employee elects continuation of benefits under COBRA laws.

2.11 Personnel Records

The City of Rifle shall maintain information on each employee pertinent to his employment and shall retain all personnel records of City employees in accordance with §24-72-201 et seq., C.R.S. [This Personnel Record resides with the Human Resource Department.](#)

An employee, the employee's Department Head, the City Manager, the City Attorney, or a former employee or his/her designated representative may examine the employee's personnel file during regular business hours. Designation of a representative shall be in writing, witnessed, and signed by the employee or former employee, and filed with the Personnel Department, before the representative may examine the file.

No documents shall be copied from a personnel record, except as required by the Open Records Act, without a written request from the employee designating the documents to be released and the person or entity to which the release is to be made, and indemnifying and holding harmless the City from any liability, claims, and demands resulting from such release.

Medical records obtained by the City containing or regarding the genetic information or medical condition or history of an applicant or employee shall be kept in a secured medical file separate from the personnel file and shall be treated as a confidential medical record.

2.12 Verification of Employment

To ensure that consistent and only need-to-know information is provided, all verification of current or former employment is made through the Human Resource Director or his/her designee.

Upon reasonable request, the Human Resources Department may verify to prospective employers of a present or former employee the dates of such individual's employment with the City and the latest or last position title held. No other information concerning an employee shall be released to any prospective employer, collection agency, credit bureau, or any other person or entity, unless the employee has designated the same as his representative in accordance with the above paragraph.

3 EMPLOYMENT STATUS

Employment with the City of Rifle is at will, and can be terminated at any time without procedures, cause, or notice.

During the course of their employment with the City, employees may be classified in the following categories:

3.1 Temporary

A temporary employee is defined as a person employed either on a part- or full-time basis in a job which has been established for a specific period of time or for the duration of a specific project or group of assignments. The duration of a temporary position cannot exceed a total hours worked of 1,559 annually. A temporary employee is not eligible for employee benefits with the exception of sick leave as set forth in section 6.3., nor may he/she exercise appeals per Section 11.3. ~~is not eligible to participate in employee benefit and leave programs nor may he/she exercise appeals per Section 11.3~~

3.2 Seasonal

A seasonal employee is defined as a person employed either on a part- or full-time basis, in a job which has been established annually for specific dates and is employed only between these specific dates. The duration of a seasonal position cannot extend outside of the established Seasonal Dates or exceed a total hours worked of 1,559 for the duration of the season. A seasonal employee is not eligible for employee benefits with the exception of sick leave as set forth in section 6.3., nor may he/she exercise appeals per Section 11.3.

~~is not eligible to participate in employee benefit or leave programs nor may he/she exercise appeals per Section 11.3.~~

3.3 Part-time with Benefits

A part-time with benefits employee is defined as a person regularly scheduled to work more than 30 but less than 40 hours per week. A part-time with benefits employee is eligible for full employee insurance benefits, appeal rights per Chapter 11, 0.75 of retirement benefits and 0.75 of leave programs.

3.4 Part-time without Benefits

A part-time without benefits employee is defined as a person regularly scheduled to work no more than 29 hours per week. A part-time without benefits employee is not eligible for employee benefits with the exception of sick leave as set forth in section 6.3., nor may he/she exercise appeals per Section 11.3.

~~is not eligible for employee benefits and may not exercise appeals per Section 11.3.~~

3.5 Full-time

A full-time employee is defined as a person employed in a position which normally requires at least 40 hours per week. A full-time employee is eligible to participate in all employee benefit and leave programs.

3.6 Full-time Sworn Non-exempt Law Enforcement Officers

A full-time sworn ~~non-exempt law enforcement officer~~ ~~Police employee~~ is defined as a Colorado POST Certified person employed in a sworn position and normally requires at least 84 hours per 14 day work period (see also Section 4.2). A full-time sworn ~~non-exempt law enforcement officer~~ ~~Police employee~~ is eligible to participate in all employee benefit and leave programs, with specifications outlined in section 6.1.

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Comment [DH5]: need this added as we do have this classification of employee and it is not addressed here.

~~3.6 Probationary~~

~~Employees who have been placed on probationary status for disciplinary reasons (see Section 11.2.2-Types of Discipline).~~

3.7 Exempt Positions

Those positions considered to be exempt as defined by the FLSA. Payment of overtime is not made to this class of employee. Exempt ~~e~~employees are paid a guaranteed salary each pay period that covers all hours worked. Exempt employees may be entitled to additional compensation, at the discretion of the City Manager, for performing extra or irregular work because of during a City-declared emergency that threatens the safety of the City's citizens and/or employees. City Council will determine when an emergency exists. The additional compensation may be paid on any basis (e.g., flat sum, bonus payment, straight-time hourly amount, time and one-half or any other basis), and may include paid time off.

3.8 Non-exempt Positions

Those positions not classified as exempt per the FLSA. A non-exempt employee receives overtime compensation for work hours in excess of those set forth in the Fair Labor Standards Act.

4 EMPLOYMENT CONDITIONS

4.1 Attendance

The City offers full municipal service to citizens and visitors. In order to do this in a tradition of high quality, our departments must be fully staffed. Employees are expected to arrive at work on time according to their work schedule. Absenteeism detracts from this service and causes an undue burden for those employees who must fill in for absent employees. Absenteeism is cause for disciplinary action (see [Section 11.2 Discipline](#)).

4.2 Work Schedule

Departments shall observe working hours as necessary to perform the services required.

The normal work week begins at 12:01 a.m. Sunday and runs through midnight on the following Saturday. The standard work schedule for full-time employees is forty (40) hours within the seven day period described. Normal working hours are 8:00 a.m. to 5:00 p.m., Monday through Friday. However, the workweek and working hours may be left to department discretion, with the approval of the City Manager.

The Police Department operates 24 hours a day, 7 days a week. The standard work schedule for sworn law enforcement officers is 84 hours within a 14 day work period. Overtime is paid after 86 hours worked in the work period. Shift assignments and work periods shall be established by the Police Chief as set forth in the Police Department's policies. Meal periods will be counted as time worked only if officers are available for assignments as required during meal periods.

4.2.1 Rest Periods

At the supervisor's discretion, employees working four consecutive hours may be granted one (1) paid 15- minute break during every four hour period if it does not disrupt work flow. Breaks not taken may not be accumulated or used at the beginning or end of the day or in conjunction with meal periods. The rest period should be granted near the middle of each four (4) hour shift whenever this is feasible. Rest periods shall be taken on or near the premises of the work site.

4.2.2 Meal Period

With the exception of sworn non-exempt law enforcement officersemployees, all full-time employees shall be granted a 60 minute non-paid meal period during each eight (8) hour work shift. Department supervisors should see to it that employees have the opportunity to take scheduled lunch breaks and do not work during lunch breaks, unless specifically requested to do so. Employees who work during lunch breaks will be compensated for time worked.

4.3 Job Duties

Job descriptions are meant to be general outlines of duties performed and specific requirements of skills and abilities needed to perform the position; they are descriptive. The City reserves the right to change an employee's job duties at any time. An employee who feels that his/her responsibilities have grown substantially should discuss the new duties with the Department Head

and the City Manager and may request a review of job description and salary at any time. Classification upgrades and pay increases are subject to the annual budgeting and appropriation process.

5 SALARY ADMINISTRATION AND BENEFITS

5.1 Timesheets

Non-exempt employees will accurately record on timesheets, or through electronic timekeeping program, the time they begin and end their work as well as the total number of hours worked during the day. They must record the beginning and ending time of any duty free lunch break or departure from work for personal reasons. Completed time sheets for the pay period will be signed by both the employee and supervisor. Altering, falsifying, tampering with timesheets, or recording time on another employee's timesheet is prohibited and may result in disciplinary action, up to and including termination of employment.

Payday occurs every other Friday. Time sheets must be turned in to their Department Head by 8:00 a.m. the Monday before payday. The Department Head must then turn in the time sheets to Payroll by 12:00 noon the Monday before payday.

Exempt employees are required to turn in a timesheet reflecting all vacation or sick leave taken during the pay period. Taking sick time or vacation leave without recording it on a timesheet may result in disciplinary action, up to and including discharge.

5.2 Call Back

If an employee's position is considered "non-exempt" and he or she is officially called back to work after departing from their regularly scheduled shift, the employee will be credited for the actual hours worked. Call-back hours will be counted as hours worked for the purposes of determining overtime during the work period. Workers who are called back to work on a holiday will be compensated for those hours in accordance with the holiday work policies.

5.3 Stand-by

Some "non-exempt" employees may be expected to be on stand-by for some periods of time. Stand-by may be required for, but not limited to, law enforcement, snow removal, parks maintenance, and water and sewer personnel. Stand-by classification is based on the following three-tiered system:

<u>Level</u>	<u>Response Time</u>	<u>Compensation*</u>
Level 1	< 10 minutes	20%
Level 2	< 30 minutes	10%
Level 3	< 120 minutes	5%

* in percentage of hours on stand-by

All levels of stand-by require “reliable communication.” Reliable communication refers to communication by radio, pager, or cell phone. Stand-by compensation in the form of straight time is based on the percentage of hours on stand-by duty. For example, if an employee is on Level 1 stand-by for an 8 hour period, 1.6 hours of straight time will be awarded (20% of 8 hours equals 1.6 hours).

Employees on stand-by are expected to be able to perform their job in a competent manner if called in. If called back while on stand-by, the call back provision will apply in addition to applicable straight time. Any stand-by time must be specifically authorized ahead of time by the Department Head and must be noted on time sheets. Stand-by duty is not considered overtime work and is not used to calculate overtime compensation, except to the extent that the employee is actually called into work while on stand-by duty.

5.4 Computation of Overtime

With the exception of sworn law enforcement officers who are partially exempt from overtime under Section 7(k) of the FLSA and are subject to the Police Department’s overtime policies, overtime work is defined as work in excess of the normal 40-hour-per-week work schedule in a given work period, subject to prior approval of the Supervisor. The intent is that overtime is to meet emergency response or the highest priority work which cannot be accomplished during normally scheduled hours.

Only nonexempt personnel will receive overtime compensation for hours worked over forty per week.

Overtime will be calculated at 1.5 times the actual time worked and paid as overtime pay subject to the provisions of this manual. For purposes of computing overtime, time spent in City-initiated or required training as defined in [Section 5.4.2](#) will be considered as time worked. The following types of leave will not be considered time worked when calculating overtime: vacation, holidays, including floating holidays, sick leave, funeral leave, maternity/paternity leave, jury leave, and administrative leave, or military duty.

All overtime must be approved in advance by the employee’s Department Head. If an emergency arises that requires the employee to remain at work beyond the employee’s regular schedule and it is not possible to get the time pre-approved, the employee must report the extra time worked to the Department Head by the next work day. Non-exempt personnel who work overtime without authorization or an emergency situation may be disciplined or discharged.

5.4.1 Adjusting the Work-week Schedule

Supervisors may make adjustments to the employee’s scheduled work week to avoid the accumulation of unnecessary overtime. Employees may not adjust their schedules without the direction and approval of their supervisor.

For example, if an employee's regular schedule is:

<u>Mon</u>	<u>Tue</u>	<u>Wed</u>	<u>Thur</u>	<u>Fri</u>
8	8	8	8	8

but the employee actually works, for an approved reason,

<u>Mon</u>	<u>Tue</u>	<u>Wed</u>	<u>Thur</u>
8	12	10	10

the supervisor may tell the employee not to report on Friday as he/she already has accumulated 40 hours by Thursday. In this case, the employee would receive no overtime.

5.4.2 Time spent in City-initiated or required training

Time spent in City-initiated or required training programs, lectures, and meetings is considered hours worked for the purposes of determining overtime, but must be approved in advance. Taking courses in a public or private institution or pursuing additional education on a voluntary basis is not considered hours worked for the purposes of determining overtime regardless of whether the activity is job related.

Travel time for City-initiated or required training using approved methods of transportation for out-of-town City business is included in the calculation of overtime. Employees will only be paid for time spent on City approved transportation. For example, if an employee elects to drive an automobile when the City provides air transportation, he or she will only be paid for the hours he or she would have spent traveling by air. Time spent away from home but not in training or not traveling is not considered "hours worked."

5.5 Pay Advances

No "advances" on paychecks shall be made by the City.

5.6 Wage Deductions

5.6.1 Required Deductions

The City shall automatically take the legally required deductions (e.g. FICA, income tax withholdings) from employees' gross wages. Deductions for insurance premiums, and other benefits shall require the prior written authorization from the employee, except in cases of court order or where otherwise permitted by law.

5.6.2 Deductions from Exempt Employees' Salary

Exempt employees are paid on a salary basis and, in general, must be paid their full salary for any pay period in which they perform work. Exceptions to this general rule include:

- 1) Exempt employees who are absent for a full day for personal reasons or because of sickness or disability need not be paid for that day once they have exhausted all applicable paid leave benefits.
- 2) Exempt employees who take leave under the Family Medical Leave Act (if it applies) will not be paid for that time unless they have accrued benefits under applicable paid leave benefits. Their pay will be reduced by the hours missed even if it is less than a full day.
- 3) Exempt employees who are absent from work for temporary military leave will have their pay reduced by the amount of payment they receive in the form of military pay (not including reimbursement of expenses). Their pay will not be reduced by the number of hours or days they are absent from work unless they perform no work for the City in a given pay period.
- 4) Exempt employees may be suspended without pay for violating workplace conduct policies, but only in full-day increments. Their pay will be reduced in an amount that is proportionate to the number of days suspended. "Workplace conduct" policies are related to misconduct in the workplace, like engaging in prohibited discrimination and harassment, dishonesty, falsification of records. "Workplace conduct" does not include performance or attendance deficiencies.
- 5) Exempt employees who work less than 40 hours during their first or last workweek of employment will be paid a proportionate part of their full salary for the time actually worked.

The City will not make deductions from an exempt employee's pay which are prohibited by the FLSA. The City will reimburse any exempt employee whose pay is reduced in violation of this policy and who reports the improper deduction. Improper deductions must be reported immediately by the employee to the Human Resources Department.

5.6.3. Deductions for Property Not Returned at Time of Termination

Employees may be entrusted with property that belongs to the City and that has value. Employees are responsible for returning this property to the City upon request or at the time of termination of employment, whichever is first. The City has the right to withhold an employee's final pay check for up to 10 days in order to audit the return of all property and to determine the value of any property not returned.

- 1) Deduction from Final Pay Check. The City will deduct from an employee's final pay check the value of any City property that is not returned within this 10-day audit period, to the fullest extent permitted by law.
- 2) Damages and Penalties. Employees are responsible for paying the balance of any amount owed for property not returned to the City. Employees who convert or steal the City's

property may be liable to the City for three times the value of the property not returned, plus the City's costs and attorneys' fees incurred in obtaining a judgment for the damages and penalties, pursuant to Colorado's civil theft statute (§18-4-405).

5.7 Reporting Errors in Pay

An employee who believes that the City failed to properly compensate him/her for all hours worked or for any paid leave, must report this error to the Human Resources Department immediately so that the City can investigate the situation and correct any errors or improper compensation. Reporting must be in writing, dated, and signed by the employee to avoid any miscommunication. This applies to improper deductions from salary, failure to pay overtime rate when applicable, missed hours and other errors resulting in under-compensation. It also applies to errors that result in over-compensation.

5.8 Vacation Cash-Out

An employee may request and receive payment with the approval and in the sole discretion of the Department Head in exchange for accrued vacation leave, so long as forty (40) hours of accrued vacation remain for the benefit of the employee. The maximum number of vacation hours that may be exchanged is eighty (80) hours annually. Disbursements will only be made in accordance with the City's payroll calendar, and separate checks are not allowed. Vacation cash-outs are irrevocable; once cashed out, the vacation hours cannot be bought back. Vacation cash-outs are paid at the full wage of the employee's regular position.

5.9 Health Care Benefits

Full-time and part-time with benefits employees are eligible to participate in the current health insurance plans and benefits package offered by the City of Rifle.

Employees hired after the beginning of a fiscal year will receive a contribution to their HRA or HSA accounts at the next full quarter.

Eligibility for health insurance is governed by the Insurance Plan, and to the extent it differs from this policy, the Insurance Plan controls. In addition, employees must properly submit all required information and documentation for enrollment before the health insurance will become active and must pay their portion of any premiums. For detailed information about eligibility and insurance coverage, please contact the Insurance Plan Administrator.

6 LEAVES

Eligibility for leave as presented in this Chapter is based on Employment Status as defined in Chapter 3 of this manual.

6.1 Holidays

With the exception of Police Department Sworn Non-Exempt ~~law enforcement officers~~ ~~employees~~ who receive PD Floating Holidays as described below, the following are the official City holidays for employees except as otherwise provided herein:

1.	New Year's Day	First Day of January
2.	President's Day	3rd Monday in February
3.	Memorial Day	Last Monday in May
4.	Independence Day	July 4th
5.	Labor Day	First Monday in September
6.	Thanksgiving Day	Fourth Thursday in November
7.	Friday after Thanksgiving	
8.	Christmas Eve	December 24th
9.	Christmas Day	December 25th
10.-12.	Three Floating Holidays	One holiday awarded in January, May, and September. Floating holidays may be used only with prior approval of the Department Head.

Full-time employees receive eight (8) hours of pay per holiday. Part-time with benefits employees receive six (6) hours of pay per holiday. Floating holidays must be used in the grant increment (8 hours or 6 hours) and may not be taken in partial increments.

Floating holidays shall not be considered to be scheduled holidays.

Floating Holidays must be used by the last day of the last payroll of the year in which they are granted.

Floating holiday leave that is unused may not be carried over to the following calendar year, and may not be exchanged for pay. Floating holiday leave will not be considered for purposes of overtime calculation.

Whenever a holiday falls on Saturday, the preceding Friday shall be observed as the holiday; when it falls on a Sunday, the following Monday shall be observed. When a holiday falls within a period of paid leave (i.e., vacation, sick, etc.) the employee shall be paid for the holiday and the holiday shall not be subtracted from accrued leave.

If a full-time or part-time with benefits employee is regularly scheduled to work on a scheduled holiday, he/she will receive overtime. If an employee is called out to work on a scheduled holiday (i.e., water break, snow plowing), he/she shall receive overtime. Such overtime work will be computed at 1.5 times the hours worked. The employee will receive overtime pay for these hours worked.

The following are the official holidays for all Police Department Sworn, Non-Exempt ~~law enforcement~~ ~~officers~~ ~~employees~~: Police Department Sworn Non-Exempt full-time ~~law enforcement officers~~ ~~employees~~

shall be provided with 108 Floating Holiday hours per year. Employees in this category shall receive no fixed holiday leave. This Floating holiday leave will accrue on a tri-annual basis at the rate of 36 hours per four month period. [PD Floating Holiday hours may be used in quarter hour increments.](#)

6.2 Vacation Leave

Vacation time must be accrued in advance of the pay period in which it is taken.

Full-time employees accrue vacation time as follows per pay period:

Completed Years of Service:	Non-Exempt	Exempt	Total Hrs. Rolled Forward 12/31
1-4	3.08 hrs.	4.62 hrs.	320 hrs.
5-14	4.62 hrs.	6.15 hrs.	360 hrs.
15 or more	6.15 hrs.	7.69 hrs.	400 hrs.

Employees who are classified as part-time with benefits accrue .75 of the vacation accrual rates set forth above.

“Completed Years of Service” are determined by anniversary date. Part-time employees who become full-time employees will earn vacation hours based on completed years of service by converting part-time hours worked to full-time equivalent. For example, a part-time employee who worked 20 hours a week for 8 years and then became a full-time employee would have 4 years of service.

Employees must request vacation time by submitting a leave request form to their department head for approval. Department heads should submit their leave request form to the City Manager. Taking vacation time without advance approval may subject an employee to discipline up to and including discharge.

Scheduling of vacation time is at the discretion of the Department Head (or the City Manager when leave is requested by a department head) based on operational considerations, departmental personnel demands, and the number of employees scheduled to be on leave at any particular time. A reasonable effort will be made to accommodate employee’s requested dates of leave. Leave will typically be approved on a first-come, first-served basis.

The maximum number of vacation hours that an employee will be allowed to carry over from calendar year to calendar year is listed in the above table.

6.3 Sick Leave

6.3.1 Amount of Sick Leave

Full-time employees shall receive 3.69 hours sick leave credit per pay period. Part-time employees with benefits receive 2.77 hours of sick leave credit per pay period. [Sick leave may be carried over from year](#)

~~to year to a maximum of 480 hours. Part-time employees without benefits, seasonal and temporary employees receive 1 hour of sick leave for every 30 hours worked up to a maximum of 48 hours sick leave annually. Part-time employees without benefits, seasonal and temporary employees may carry over from year to year unused paid sick leave but may not use more than 48 hours of sick leave per year, except as set forth below. No employee may take more sick leave than they have accrued. Employees may not take more sick leave than they have accrued. Sick leave may be carried over from year to year to a maximum of 480 hours.~~

6.3.2 Use of Sick Leave

Employees may use accrued sick leave for the following reasons:

~~personal illness or physical incapacity resulting from causes beyond the employee's control; enforced quarantine of the employee in accordance with community health regulations; a doctor, optical, or dental appointment; in accordance with Domestic Violence Leave; or in certain circumstances to allow an employee to provide care for an immediate family member.~~

Comment [ASI6]: Just to be safe I replaced this with language directly from the Healthy Families and Workplaces Act.

- 1) The employee has or is caring for a family member that has a mental or physical illness, injury, or health condition that prevents the employee from working;
- 2) The employee or family member the employee is caring for needs to obtain a medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition;
- 3) The employee or a family member the employee is caring for needs to obtain preventive care; or
- 4) The employee or a family member has been the victim of domestic abuse, sexual assault, or harassment and the use of leave is to seek medical attention, obtain services from a victim services organization, obtain mental health, seek relocation or seek legal services.

For purposes of this policy, a family member is defined as another person related by blood, marriage, civil union or adoption; foster or legal guardianship; or any person whom the employee is responsible for providing or arranging health-related care.

In the event of a public health emergency related to infectious pandemics, epidemics or bioterrorism, full-time employees may use 80 hours of paid sick (part-time employees may use an amount equal to how much they are scheduled to work or work on average in a 14-day period) leave for the following reasons:

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- 1) The employee's need to self-isolate or seek medical care after experiencing symptoms or being diagnosed with a communicable illness that is the cause of the public health emergency;
- 2) The employee's need to seek preventive care or to care for a family member who is seeking preventive care concerning a communicable disease that is the cause of the public health emergency;
- 3) The employee's need to care for a family member who is self-isolating or needs medical care after experiencing symptoms of or being diagnosed with an illness that is the cause of the public health emergency;
- 4) The employee's inability to work due to a health condition that may increase the employee's susceptibility to or risk of a communicable disease that is the cause of the public health emergency;
- 5) The ~~Town~~ City or a public official or health authority with jurisdiction over the ~~Town~~ City

determines that the employee's presence on the job or in the community would jeopardize the health of others because of the employee's exposure to the communicable disease that is the cause of a public health emergency or because the employee is exhibiting symptoms of the communicable disease regardless of whether the employee has been diagnosed with the communicable illness;

- 6) The employee's need to care for a family member after the family member's employer or a public official or health authority with jurisdiction over the family member's employer determines that the family member's presence on the job or in the community would jeopardize the health of others because of the family member's exposure to the communicable disease that is the cause of a public health emergency or because the family member is exhibiting symptoms of the communicable disease regardless of whether the family member has been diagnosed with the illness; or
- 7) The employee's need to care for their child or other family member because the individual's child care provider is unavailable due to a public health emergency, or if the individual's school or place of care has been closed by a public official or at the discretion of the school or place of care due to a public health emergency, including if a school or place of care is physically closed but providing instruction remotely.

If an employee does not have enough hours of accrued paid sick leave for use during a public health emergency (80 hours for full-time employee and prorated amount for part-time employee), the City will supplement the employee's accrued paid leave as necessary.

6.3.3 Reporting Sick Leave

An employee who is unable to work because of illness shall, prior to the employee's scheduled time to report for work if possible, notify by telephone his/her immediate supervisor or other person designated by the City Manager.

6.3.4 Charging Sick Leave

Absence for a fraction or a part of the day that is chargeable to sick leave in accordance with these provisions shall be charged proportionally to the actual time taken. Sick leave taken shall be charged in increments of one quarter hour.

Part-time with benefits employees can charge sick leave only according to the employee's regular established work schedule.

6.3.5 Doctor Certificate

Employees may be required to verify their use of sick leave by requiring certification of illness from a licensed physician on the fourth~~third~~ consecutive day of sick leave ~~or after six (6) days of sick leave taken in any 12-month period.~~

Comment [AS17]: I revised this pursuant to CRS 8-13.3-404(6).

6.3.6 On-the-Job Illness

If the employee's supervisor determines that an illness is impairing that employee's performance or that of

others in the department, the Department Head may require the employee to leave work and use sick leave.

6.3.7 Automatic Sick Leave Conversion

For sick leave hours accrued over the annual carryover maximum of 480 hours, employees will automatically receive, on December 31, 1 hour of vacation for every 2 hours of sick leave above 480. The vacation hours will apply toward the next year's vacation accrual.

6.3.8 Sick Leave Bank

The purpose of the City of Rifle Voluntary Sick Leave Bank (Bank) Policy is to provide additional paid leave for employees who have exhausted their sick and vacation leave benefits due to a catastrophic illness or injury that requires prolonged absence from duty and will result in a substantial loss of income. The Bank serves as a depository into which participating employees may voluntarily contribute leave for allocation to other participating employees. The purpose of the Bank is not to provide unlimited paid sick leave for any medical reason, but to alleviate the hardship caused when employees lose compensation as the result of a catastrophic illness or injury.

A City employee who has exhausted his/her vacation, sick, or compensation leave due to a non-work related illness or injury, which has totally incapacitated the employee from work, may request hours from the sick leave bank. Hours from the sick leave bank may also be used when an employee is required to take time off for an extended period of time to care for a member of his/her immediate family.

This program is strictly voluntary. Donors must have a minimum balance of eighty (80) hours of sick leave after making the donation. Donations are irrevocable once posted to the Sick Leave Bank.

It is the sole discretion of the City Manager to grant such leave to an employee. The City Manager's decision may not be appealed.

6.4 Domestic Violence Leave

6.4.1 Statutory Rights

Domestic Violence Leave is governed by Colorado law, C.R.S. 24-34-402.7, and is available only to individuals who qualify under the law, as it may be amended from time to time. The provisions of this policy are intended to comply with the State law and not to create rights that are different from or in addition to the law. This policy is automatically amended or repealed if the State law is amended or repealed.

6.4.2 Eligibility

In order to qualify for Domestic Violence Leave, Employer must have 50 or more employees and the

employee must have been employed by Employer for twelve months or more, must be a victim of a crime of domestic violence, must have a qualifying reason for the leave, and must provide Employer sufficient notice of this qualifying reason.

6.4.3 Leave Benefit

Eligible employees shall be permitted to take up to three working days of unpaid leave from work in any twelve-month period, for qualifying reason, if the Employee is the victim of a crime of domestic violence.

6.4.4 Crime of Domestic Violence

A crime of domestic violence includes:

- 1) Domestic Abuse is defined in C.R.S. 13-14-101(2). This statute provides that “Domestic Abuse” means any act or threatened act of violence that is committed by any person against another person to whom the actor is currently or was formerly related, or with whom the actor is living or has lived in the same domicile, or with whom the actor is involved or has been involved in an intimate relationship. “Domestic abuse” may also include any act or threatened act of violence against the minor children of either of the parties;
- 2) Stalking as defined in C.R.S. 18-3-602. This statute provides that a person commits stalking if directly or indirectly through another person, such person knowingly:
 - a) Makes a credible threat to another person, and, in connection with such threat, repeatedly follows, approaches, contacts, or places under surveillance that person, a member of that person’s immediate family, or someone with whom that person has or has had a continuing relationship; or
 - b) Makes a credible threat to another person, and, in connection with such threat, repeatedly makes any form of communication with that person, a member of that person’s immediate family, or someone with whom that person has or has had a continuing relationship, regardless of whether a conversation ensues; or repeatedly follows, approaches, contacts, places under surveillance, or makes any form of communication with another person, a member of that person’s immediate family, or someone with whom that person has or has had a continuing relationship in a manner that would cause a reasonable person to suffer serious emotional distress and does cause that person, a member of that person’s immediate family, or someone with whom that person has or has had a continuing relationship to suffer serious emotional distress. For purposes of this subsection 6.4.4.2.c) victim need not show that he or she received professional treatment or counseling to show that he or she suffered serious emotional distress.
 - c) For the purposes of this subsection 6.4.4.2: (I) Conduct “in connection with” a credible threat means acts that further, advance, promote, or have a continuity of purpose, and may occur before, during, or after the credible threat; (II) “Credible threat” means a threat, physical action,

or repeated conduct that would cause a reasonable person to be in fear for the person's safety or the safety of his or her immediate family, or of someone with whom the person has or has had a continuing relationship. The threat need not be directly expressed if the totality of the conduct would cause a reasonable person such fear; (III) "Immediate family" includes the person's spouse, and the person's parent, grandparent, sibling, or child; and (IV) "Repeated" or "repeatedly" means on more than one occasion.

- 3) Sexual assault as defined in C.R.S. 18-3-402. This statute provides that a person who knowingly inflicts sexual intrusion or sexual penetration on a victim commits sexual assault if:
- a) The actor causes submission of the victim by means of sufficient consequences reasonably calculated to cause submission against the victim's will; or
 - b) The actor knows that the victim is incapable of appraising the nature of the victim's conduct;
 - c) The actor knows that the victim submits erroneously, believing the actor to be the victim's spouse; or
 - d) At the time of the commission of the act, the victim is less than fifteen years of age and the actor is at least four years older than the victim, and is not the spouse of the victim; or
 - e) At the time of the commission of the act, the victim is at least fifteen years of age but less than seventeen years of age, and the actor is at least ten years older than the victim and is not the spouse of the victim; or
 - f) The victim is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over the victim, and uses this position of authority to coerce the victim to submit, unless the act is incident to a lawful search; or
 - g) The actor, while purporting to offer a medical service, engages in treatment or examination of a victim for other than a bona fide medical purpose or in a manner substantially inconsistent with reasonable medical practices; or
 - h) The victim is physically helpless and the actor knows the victim is physically helpless and the victim has not consented; and
- 4) Any other crime, the underlying factual basis of which has been found by a court on the record to include an act of domestic violence, as that term is defined in C.R.S. 18-6-800.3(1). This statute provides that "Domestic Violence" means an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. "Domestic Violence" also includes any other crime against a person or against property or any municipal ordinance violation against property, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship.

“Intimate relationship” means a relationship between spouses, former spouses, past or present unmarried couples, or persons who are both the parents of the same child regardless of whether the persons have been married or have lived together at any time.

6.4.5 Qualifying Reasons for Leave

The Employee must be using the Leave from work to protect himself or herself by:

- 1) Seeking a civil restraining order to prevent domestic abuse pursuant to C.R.S. 13-14-100.2 et seq.;
- 2) Obtaining medical care or mental health counseling or both for himself or herself or for his or her children to address physical or psychological injuries resulting from the act of domestic abuse, stalking, or sexual assault or other crime involving domestic violence;
- 3) Making his or her home secure from the perpetrator of the act of domestic abuse, stalking, or sexual assault or other crime involving domestic violence or seeking new housing to escape the perpetrator;
- 4) Seeking legal assistance to address issues arising from the act of domestic abuse, stalking, or sexual assault or other crime involving domestic violence and attending and preparing for court-related proceeding arising from the act or crime.

6.4.6 Notice to Employer

Except in cases of imminent danger to the health or safety of the Employee, an Employee seeking leave from work under this policy shall provide his or her immediate supervisor with advance notice by the next business day after the Employee becomes aware of the need for leave. The request must be accompanied by a copy of any subpoenas, court orders, police reports, medical provider’s statements, or other documentation that will substantiate the need for leave. In the event prior notice is not possible because of imminent danger, the Employee must provide notice and supporting documentation, as required above, at the earliest opportunity.

6.4.7 Exhaustion of Other Paid Leave

Domestic Violence Leave is unpaid, unless the employee has accrued available leave (i.e. vacation, sick, or comp time). In this event, the Domestic Violence Leave will be used simultaneously with the accrued leave, to the extent available so that the leave will be paid. If the available accrued leave is less than three days, the remainder of the Domestic Violence Leave will be unpaid.

6.4.8 Confidentiality

Employer shall treat Employee’s request for and use of this leave as confidential and shall discuss it only with those individuals who need to know for purposes of confirming the Employee’s need for leave, granting or denying the request, coordinating the Employee’s absence and work coverage during the period of absence, or for other legitimate business needs.

6.4.9 No Retaliation

Employee shall not be retaliated against for any request or use of this leave when the request or use is pursuant to an honest belief that the Domestic Violence Leave law applies to the circumstances.

6.4.10 No Greater Rights

An employee shall have no greater rights to continued employment or to other benefits and conditions of employment than if the employee was not entitled to leave under this policy. Nothing in this policy shall be construed to limit Employer's right to discipline or terminate any employee for any reason.

6.5 Leave under Family and Medical Leave Act

6.5.1 Family and Medical Leave

To the extent that the Family and Medical Leave Act (FMLA) applies, eligible employees may receive a total of 12 workweeks of unpaid leave during any 12-month period. This Act provides for leave in connection with incapacity due to pregnancy, prenatal medical care or childbirth; the care of the employee's child after birth or placement for adoption or foster care; the care of a child, spouse, as that term is defined by the FMLA, or parent who has a serious health condition; or serious health condition of the employee that makes the employee unable to perform the employee's job.

For purposes of this policy, a serious health condition is an illness, injury, impairment, or physical or mental condition that involves either:

- 1) An overnight stay in a medical care facility, OR
- 2) Continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents a qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive full calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

6.5.2 Military Caregiver Leave

Military caregiver leave is available to care for a "covered service member" with a "serious injury or illness" as those terms are defined by the FMLA. Eligible employees may take up to 26 weeks of leave to care for a covered service member during a single 12-month period. FMLA leave already taken for other FMLA circumstances will be deducted from the total 26 weeks available for military caregiver leave.

Eligible employees with a spouse, child, or parent on covered active duty or called to covered active duty status may also use their 12-week FMLA leave entitlement to address certain qualifying exigencies as set forth in the FMLA.

6.5.3 Eligibility and Terms of Leave

An employee is eligible for family leave if he/she has been employed by the City for at least 12 months and has worked at least 1,250 hours during the 12-month period preceding the requested leave. Leave will consist of accumulated paid leave (which shall be used first) and leave without pay.

Intermittent leave or leave on a reduced leave schedule may be approved to coincide with a health treatment plan or other appropriate requirements for an individual employee, spouse, parent, or child. Such intermittent leave must be determined to be medically necessary by a health care provider. Leave due to qualifying exigencies may also be taken on an intermittent basis. Employees taking approved intermittent leave or reduced schedule leave may be required to temporarily transfer to another job with equivalent pay and benefits that better accommodates that type of leave.

When necessary FMLA leave is foreseeable, the employee must provide the City with at least 30 days' notice before the date the leave begins. If the event requires leave to begin in less than 30 days, the employee must provide such notice as is practicable and make a reasonable effort to schedule the treatment so as to avoid unduly disrupting City operations. A family member of the employee may give the notice if the employee is unable to do so.

Employees must provide sufficient information for the City to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Employees must also inform the City if the requested leave is for a reason for which FMLA leave was previously taken or certified. The City may also require that a request for FMLA leave be supported by a certification and periodic recertification supporting the need for leave. If notification and appropriate certification are not provided in a timely manner, approval of leave may be denied.

The City will inform employees requesting leave whether they are eligible under FMLA. If they are, the notice will specify any additional information required. If they are not eligible, the City will provide the reason for the ineligibility. The City will also inform employees if leave will be designated as FMLA protected and the amount of leave counted against the employee's leave entitlement. If the City determines that the leave is not FMLA-protected, the City will notify the employee.

The City will not interfere with, restrain, or deny the exercise of any right provided under FMLA. The City will not discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for their involvement in any proceeding under or relating to the FMLA.

Most employees returning from FMLA leave shall be restored to the original or equivalent position with equivalent pay, benefits and other employment terms. Certain highly compensated employees (key employees) may have limited reinstatement rights.

The taking of FMLA leave will not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

The City will maintain equivalent coverage and premium level under the City's group health plan for the duration of an employee's FMLA leave. The City may recover any benefit premiums paid for the employee if the employee fails to return from leave, unless the failure to return from leave has resulted from a continuation of a serious health condition or other circumstances beyond the employee's control. If an employee is taking FMLA leave without pay, no other fringe benefits will continue to accrue nor will contributions to retirement plans continue during this period.

If an employee fails to report to work promptly at the end of the medical leave, the City of Rifle will assume that the employee has resigned, and the employee's separation will be effective on the date the employee was scheduled to return to work from FMLA leave.

6.6 Work-Related Injury Leave

See [Section 7](#) of this manual.

6.7 Administrative Leave

An employee may be granted administrative leave with pay with approval of the City Manager for matters as deemed appropriate by the City Manager.

6.8 Jury or Court Leave

To the extent required by law, employees shall be granted time off with pay when performing jury duty. An employee released from jury duty before the end of his or her normal workday shall return to work to complete the remaining portion of his/her scheduled shift.

Employees shall be granted unpaid time off if summoned to appear in court as a witness.

6.9 Educational Leave

Educational leave with or without pay may be granted to full-time employees at the discretion of Department Heads, subject to approval by the City Manager (see [Section 9, Education and Training Assistance Program](#)). The direct relationship of the proposed educational experience to the employee's duties, ability, or potential may be considered in approving or disapproving requests for educational leave. The City Manager shall make the final determination whether to grant any educational leave and, if granted, whether such leave shall be with or without pay.

6.10 Leave without Pay Not Covered by FMLA

6.10.1 When leave without pay not covered by the FMLA may be granted

Leave without pay not covered by the FMLA (see [Section 6.5, Leave under Family and Medical Leave Act](#)) may be granted without pay in cases of emergency and/or when a leave of absence would not be contrary to the best interests of the City. Employees are required to exhaust accrued vacation and ~~compensatory time~~[floating holiday leave](#) prior to taking unpaid leave under this section. A leave of absence may be granted only upon written request by an employee who presents the reason for the leave. Request for leave without pay shall be made through use of the City's Request for Time Off form. A request for a leave of absence without pay may be approved in writing by a Department Head, at his or her sole discretion, with the written approval of the City Manager, depending on the merit of the individual case.

If approved, an employee may work a modified schedule while taking periods of leave without pay. In this circumstance, the employee will accrue vacation and sick leave based on the number of hours actually worked.

6.10.2 Conditions

If an employee is taking leave without pay that is not covered by the FMLA, the following conditions will apply:

- 1) The City may fill a position formerly held by an employee on leave without pay not covered under FMLA.
- 2) Fringe benefits shall not accrue during a period of leave without pay not covered under FMLA, nor will the City make any contributions during such period for retirement or group insurance programs. However, the employee may participate in the group insurance programs during such period, provided the employee deposits in advance with the City the amounts necessary to cover the total cost of the premiums. Computation of service, for pension purposes other benefit plans, and the effect of leave without pay not covered by FMLA will be determined in accordance with the provisions of the applicable plan.
- 3) The City will make reasonable efforts to reinstate the employee to the same position previously occupied or to a similar position following a leave of absence not covered under FMLA. The City, however, cannot guarantee that the same position or a similar position will be available at the time an employee desires to return to work.
- 4) In the event an employee has been granted non-FMLA leave without pay and the City decides to fill the position while the employee is on leave, the employee will be given written notice of the City's decision and the option to return to work on a designated date. The designated return to work date shall be no less than two (2) weeks after the date of the notice. This notice will be sent via first class mail to the last official address provided by the employee. The employee shall have one week from

the date of the notice to advise the City whether he or she will return to work on the designated date. If the employee fails to respond timely or advises the City that he or she will not return to work on the designated date, the employee shall be deemed to have resigned from his or her employment with the City. The resignation shall be effective the date the employee advises the City of his or her intent not to return to work or ten days after the date of the notice, whichever occurs first.

6.11 Military Leave and Emergency Military Leave

6.11.1 Purpose

The purpose of this policy is to outline the City of Rifle's accommodation for service in the uniformed forces. The terms of this policy are subject to the Uniformed Services Employment and Reemployment Act (USERRA).

6.11.2 Applicability/Scope

This policy applies to regular employees who are a member of the uniformed services (which includes all branches of the military and their respective reserves, Commissioned Corps of the Public Health Service, and any other category or persons designated by the President of the United States in time or war or emergency):

- 1) Who provide advance written notice or verbal notice to their supervisor and the Human Resources Department prior to leave;
- 2) Whose leave does not exceed five years (subject to exceptions required by law); and
- 3) Who report to work or submit applications for reemployment in accordance with this policy.

This policy does not apply to temporary employees, or employees who were:

- 1) Separated from service with dishonorable or bad conduct discharge;
- 2) Separated from service under other than honorable discharge;
- 3) Dismissed as commissioned officers in certain situations such as a result of a court martial or by the President in time of war;
- 4) Dropped from the military rolls as a result of being absent without authority for more than three months or being imprisoned by a civilian court.

6.11.3 Time-off and Benefits Continuance

- 1) Up to 15 days per calendar year of paid time-off for military duty will be granted to full-time employees. Employees granted such time off will receive the difference, if any, between their base

rates and their military pay (remuneration including but not limited to base pay, longevity, subsistence, flight hazard or overseas pay, but not including travel pay) for the period. Appropriate pay vouchers and copies of orders must be submitted to receive the City's portion. Reserves are eligible to receive the pay differential for their required military reserve duty and training, however, they will not be eligible for the pay differential for voluntary training or duty assignments.

- 2) In addition to the benefits described in paragraph 1) above, unpaid time-off will be granted in addition to any vacation time to which the employee is entitled. If the military time-off involuntarily coincides with the employee's scheduled vacation, the employee will be granted vacation at some other time. Employees who elect to have their military time-off coincide with their vacation shall not be entitled to receive make-up pay in addition to their regular vacation pay.
- 3) Life and health insurance as well as dental and vision coverage may be continued by the Employee and his or her dependents (if covered at the start of leave) for up to 31 days, as long as the employee pays his or her regular contribution. Employees on military leave are not covered by accidental death and dismemberment insurance (AD&D) or long-term disability insurance (LTD).
- 4) The benefits mentioned in paragraph 3) above will be discontinued after 31 days or, if earlier, the day after the deadline for the employee's return to work or application for reemployment. Upon termination of the employee's coverage, the employee (and eligible dependents) will be eligible for continuation coverage under COBRA, generally up to 18 months, at the full cost of the extended benefit as determined by the City at the regular COBRA rate. At the City's discretion, the employee may be required to produce documentation of length of service and status of discharge.
- 5) The City may, in its sole discretion, provide additional benefits during periods of war or national emergency.

6.11.4 Reemployment

- 1) Notification of Intent to Return to Work is required to maintain reemployment eligibility. Absent unusual circumstances, notice requirements are based on the following leave durations:
 - a) Less than 31 days or Fitness-for-Service Exam – the employee must report to his or her immediate supervisor at the beginning of the first full regular scheduled work period that starts at least eight hours after the employee has returned from the location of service;
 - b) More than 30 days but less than 181 days – the employee must submit a request for reemployment to Human Resources within 14 days of the completion of service;

- c) More than 180 days – the employee must submit a request for reemployment to Human Resources no later than 90 days after completion of the period of service.
 - d) Disability Incurred or Aggravated – An employee who has been hospitalized or is recovering from an injury or illness incurred or aggravated while serving must report to the Human Resources Department (if the service was less than 31 days), or submit a request for reemployment (if the service was greater than 30 days), at the end of the necessary recovery period (but which may not exceed two years).
- 2) Return to Work – In general, an employee will be reinstated to the position that he/she would have held had he/she been continuously employed and for which he or she is qualified (or for which he or she can become qualified in a reasonable period of time). The same applies for an employee with a disability that was incurred in, or aggravated during, the period of service. If the employee is unable to fulfill the duties due to disability or lack of qualifications, the employee may be placed in the same position the employee held prior to taking leave. If that position is no longer available, or the employee is no longer able to perform the duties of that position, the City shall place the employee in a similar position with similar benefits, to the extent such a position exists.
- 3) Benefits upon Return – Returning employees are eligible for immediate reinstatement to all welfare and benefit plans, and the period of military service will be deemed to constitute service for vesting and accrual purposes. If accrued benefits are based on employee contributions, returning employees are entitled to those benefits only to the extent that they make such contributions. Returning employees will be given three times the period of leave to make-up employee contributions that were missed, with the repayment period not to exceed five years. For example, if an employee was on leave for 90 days, he or she has 270 days (3 x 90) to make-up contributions to the 457 plan, subject to IRS Regulations.

6.12 Funeral Leave

All full-time and part-time with benefits employees are eligible for paid Funeral Leave in the event of a death in the immediate family. Funeral Leave will be provided for a maximum of three working days, up to and including the day of the funeral. Employees needing additional time off may request vacation in accordance with applicable provisions. Temporary and seasonal employees are eligible for unpaid Funeral Leave.

~~6.13 School Activity Leave~~

~~Employees requesting time off for school-related activities may request up to six (6) hours in any month and eighteen (18) hours in an academic year to attend school-related activities. These activities include:~~

- ~~1) The attendance of school and early childhood educational activities that are directly related to the~~

Comment [DH8]: This was added pursuant to a statute that has since expired.

~~educational advancement of a child. This includes, but is not limited to, parent teacher conferences, meetings with child care providers, interviews for a new school or child care facility, participation in volunteer activities which support a child's educational advancement, or school sponsored activities.~~

~~2) Employees who do not have children may request leave under this heading for participation in school activities deemed important to the educational advancement of a child, such as tutoring or attendance at school board meetings. "School" refers to elementary, secondary, and high schools, Head Start programs, or child care facilities.~~

~~Requests for time off must be approved by the employee's supervisor so the employee's work schedule can be adjusted.~~

~~Eligible employees may use accrued vacation or time off without pay while attending these activities.~~

6.134 Time Off to Vote

The City of Rifle encourages employees to fulfill their civic responsibility by participating in elections. Therefore, an employee shall be granted leave with pay, up to a maximum of two hours, for voting in a local, statewide, primary or general election if the employee is scheduled to work eight hours or more on that day and does not have time to vote outside of working hours. Employees should request time off to vote from their supervisor at least two working days prior to the election. Advance notice is required so that the necessary time off can be scheduled. The City may require time off to be taken only at the beginning or end of the employee's workday or shift.

6.145 Suspension of Paid Leave

The City of Rifle reserves the right to postpone all paid leave for an employee, or recall an employee from paid leave, in the event of an emergency, except during a period of authorized sick leave, or worker's compensation leave.

7 WORK-RELATED INJURY AND RETURN TO WORK POLICY

7.1 Return-to-Work Policy

The City of Rifle has elected to adopt a return-to-work policy with the intent to utilize eligible workers in a job-related incident in a productive capacity while they are recovering from an injury. The goal of temporary modified duty is to provide a progression of job duties that will return the injured worker to their regular job.

The Human Resources Director or his/her designee will be responsible for coordinating the return-to-work program.

7.2 Return to Work Program

The following return-to-work program should be followed when an employee sustains a work-related injury or illness.

- 1) All injuries will be reported immediately by the injured worker to the worker's direct supervisor, who will then notify the designated coordinator. Injuries will be filed with the City's Worker's Compensation Provider within two working days.
- 2) The injured worker will seek medical attention from the designated medical provider.
- 3) In case of an emergency, the injured worker is to seek medical attention from the nearest medical facility. Follow-up care must be coordinated through the designated medical provider. The Worker's Compensation Provider may not pay for medical expenses incurred by the injured worker, if he or she seeks unauthorized treatment from a non-designated medical provider. When possible, follow-up medical appointments are to be made before or after work hours. Time off for medical appointments will be treated consistently with other personnel policies.
- 4) The injured worker should deliver a copy of the medical provider's work status report to the designated coordinator within 24 hours of the medical visit, if feasible.
- 5) The designated coordinator is responsible for maintaining regular contact with the injured worker and the medical provider, and obtaining recovery status information and work restriction updates.
- 6) The designated coordinator will maintain a list of modified duty tasks. Once the employer is ready to make a job offer to the injured worker, the coordinator sends the proposed tasks to the treating physician for approval, in accordance with the formal job offer process.
- 7) During the modified duty period, the designated coordinator will provide to the Worker's Compensation Provider records of wages paid to the injured worker. If the injured worker is receiving full wages during the modified duty period, the designated coordinator will provide the Worker's Compensation Provider a statement to that effect; no ongoing provision of pay records is then required.
- 8) Modified duty will be allowed as long as it is realistic for the job to continue, or until the injured worker receives a release to full duty or reaches maximum medical improvement (MMI).
- 9) The supervisor will monitor the injured worker's performance while on modified duty.

While on modified duty, the injured worker will be held to all existing personnel policies and will be responsible for maintaining acceptable performance standards as a condition of continued employment.

Modified duty assignments are designed to be temporary and transitional in nature. They will be reviewed jointly by the supervisor, injured worker and relevant staff to address increasing work duties and overall performance. While on worker's compensation leave, an employee may continue to receive health insurance benefits. The modified duty is not intended to exceed six months, unless authorized in writing by the Designated Coordinator.

8 EMPLOYEE ASSISTANCE PROGRAM (EAP)

The City of Rifle strives to provide assistance for employees with personal problems that may affect job performance. The purpose of this EAP is to offer employees assistance in such a way as to restore individual productivity and enable employees to lead meaningful lives.

8.1 Drugs or Alcohol

An employee who desires assistance with substance abuse may request an evaluation to assess the need for professional assistance. The City will pay for one evaluation. If in-patient treatment is required, the employee may use sick leave and vacation time to the extent available. Costs incurred over and above the amount allowed by the City's medical insurance carrier will be the sole responsibility of the employee.

8.2 Mental/Physical Health

When in the judgment of the Department Head and with the concurrence of the City Manager, an employee's mental or physical health is such that it appears to adversely affect the employee's ability to perform duties of his/her position, the City may require the employee to undergo an examination by medical personnel of the City's choice and at the City's cost. If in-patient treatment is required, the employee may use sick leave and vacation time to the extent available.

9 EDUCATION AND TRAINING ASSISTANCE PROGRAM

In order to provide employees with the skills necessary for performance of the requirements of their positions, employees may be eligible for tuition reimbursement. Consideration for reimbursement is contingent on satisfactory job performance as determined by the Department Head.

9.1 Employee-Initiated Education

A permanent, full-time employee seeking tuition reimbursement for an educational course must obtain advance approval from his or her Department Head. The Department Head may consider the availability of funds and content of the course as it relates to job responsibilities and potential advancement in

determining whether tuition reimbursement shall be available. Department Heads have discretion to approve all, part, or none of the tuition and/or expenses associated with any educational course.

Reimbursement of tuition and book fees may be available upon presentation of both of the following:

- 1) Evidence of satisfactory completion (grade C or better) and the class grade in the form of a grade slip from the school or a letter from the instructor of the class.
- 2) A copy of a paid invoice detailing expenses for which the employee is seeking reimbursement.

The City will not pay for courses for employees whose employment is terminated, for any reason, prior to completing the class. Study and class attendance must be accomplished during non-working hours, unless arrangements to change an employee's work schedule are made in advance with the Department Head's approval. Employees may request paid or unpaid leave to pursue employee-initiated education pursuant to Section 6.9.

9.2 City-Initiated Training

When an employee attends a seminar, training program, or school at the request of the Department Head, all reasonable expenses directly incident to the training shall be paid by the City. Training expenses are reimbursable to the employee for all training required by the City or by law.

Time spent traveling to attend courses using modes of transportation deemed acceptable to the City shall be considered hours worked. All other time spent preparing for and/or waiting for courses to begin shall not be considered hours worked.

10 RULES, POLICIES, AND PROCEDURES

10.1 Safety Policy - Program Policy Statement - Goals

The City of Rifle acknowledges that a valid safety program should be a part of the overall function of City government. Therefore, the City has adopted an Injury & Illness Prevention Program Manual containing the City's safety rules. A copy of the manual is available for each employee's review in the City facility to which the employee is assigned, as well as on the City's computer system. The safety program pertains to all employees and officers of the City.

All employees are responsible for requesting any equipment, equipment repairs, training, changes in procedures, or any activity necessary for the safe performance of their job.

Employees are expected to take individual responsibility for the safe performance of their job functions. It is the responsibility of each employee to read and understand all City safety rules. Each Department Head will evaluate his or her employees on how well each follows safety rules in the performance of their jobs.

A safety committee should hold meetings as necessary to review each Department's safety program activities.

10.2 Establishment of Rules, Policies, and Procedures

Subject to the approval of the City Manager, each department may establish written rules, policies, and procedures pertaining to its individual operating needs and requirements. Departmental rules may be reviewed, amended, and/or repealed at the discretion of the Department Head.

10.3 **Public Health Emergency Whistleblower Policy**

The City encourages employees to express concerns about safety in the workplace to their supervisor, department head or the City Manager. In accordance with C.R.S. 8-14.4-101, et seq., the City prohibits discrimination or retaliation against an employee who, during a public health emergency, (a) raises reasonable concerns about, (b) opposes, or (c) testifies, assists or participates in a hearing about workplace violations of government health or safety rules, or about an otherwise significant workplace threat to health or safety related to a public health emergency. The protections in this policy do not apply to an employee who discloses information he/she knows to be false or with reckless disregard for the truth or falsity of the information.

Employees are permitted to voluntarily wear their own personal protective equipment (PPE), such as a mask, faceguard, or gloves, if the PPE provides more protection than equipment provided by the City; is recommended by a government health agency; and does not make the employee unable to do their job. The City shall not discriminate or retaliate against an employee for wearing their own PPE in accordance with this policy.

An employee who believes the City has violated this policy should submit a written complaint pursuant to the complaint procedure set forth in Section 1.7 of this Handbook.

Comment [DH9]: Added to comply with Colorado's new PHEW Law

10.4 Hepatitis A & B Vaccination

The City offers free hepatitis A & B vaccination to employees who are reasonably anticipated to have exposure to blood or other potentially infectious materials during performance of their job. Employees should consult with their department to determine whether they qualify for the vaccine. Employees who qualify for the vaccination but decline to be vaccinated are required to execute a waiver form.

10.54 Use of City Equipment

The use of City equipment for employees' personal purposes or for private gain is prohibited unless authorized in advance by the City Manager.

10.65 Use of Tobacco Products

The use of tobacco products, including but not limited to cigarettes, cigars, pipes, and chewing tobacco is prohibited in all City buildings, facilities, and vehicles, or while operating mechanized equipment. The use of electronic cigarettes in City buildings, facilities, and vehicles or while operating mechanized equipment is also prohibited.

10.76 Seatbelt Policy

Employees who drive City vehicles and equipment in which seatbelts are installed are required to wear seatbelts at all times when the vehicle or equipment is in motion. Employees with passengers are responsible for ensuring that the passengers are also wearing seatbelts.

10.87 Personal Appearance

During business hours or when representing the City, employees are expected to present a clean, neat, and tasteful professional appearance that is appropriate for the workplace and for the work being performed. ~~Employees should dress and groom themselves according to the requirements of their position and accepted social standards.~~ Employees should follow the following personal appearance guidelines:

- 1) Office clothing must be free of holes or rips and should not be excessively tight, short, revealing or otherwise inappropriate for the workplace.
- ~~2) Dress and skirt length should be at a length at which you can sit comfortably in public. Skirts and dresses that ride halfway up the thigh and spaghetti strap clothing are not allowed.~~
- ~~23) Closed-toed shoes are required for those employees working in the field or in a position where open-toes shoes pose a safety risk.~~
- ~~34) An employee must dress in uniform and/or protective clothing if his/her job requires it.~~
- ~~5) Facial hair must be clean, well-trimmed and neat.~~
- ~~6) Hairstyles are expected to be in good taste.~~
- ~~7) Excessive makeup is not permitted.~~
- ~~48) Offensive body odor and poor personal hygiene is not professionally acceptable.~~
- ~~9) Extreme facial jewelry, such as eyebrow rings, bull rings, lip rings, tongue studs, gauges, tunnels, and plugs, should not be worn during business hours.~~
- ~~10) Torso body piercings with visible jewelry or jewelry that can be seen through or under clothing should not be worn during business hours.~~
- ~~11) Visible tattoos should be covered during business hours.~~

Comment [ASI10]: There was a note to revise the dress code but no specific guidance regarding the revisions, so I made some suggested revisions. Do you have any insight on what specific revisions are desired? Colorado's new CROWN Act defines characteristics of discrimination to include "hairtexture, hairtype, or a protective hairstyle that is commonly or historically associated with race." To be safe and ensure compliance I would at least delete the paragraph regarding hair. I also suggested removing the policies regarding jewelry, tattoos, piercings – does anyone care about that anymore?

Comment [ASI11]: What is "tasteful" and an "accepted social standard" is pretty subjective at this point so I would avoid those terms.

10.98 Uniform and Clothing Policy

10.98.1 Department Head approval required

Any clothing purchased by the City for employee use is to be approved by the Department Head and shall be paid for by that Department's clothing budget line item. Department Heads shall submit planned clothing purchases for the following year to be considered along with their annual budget requests. The clothing plan must be approved by the City Manager prior to implementation.

10.98.2 Property of the City

All clothing purchased by the City is the property of the City and shall be returned to the City if an employee leaves City employment, unless the Department Head determines otherwise.

10.98.3 Responsibility of the Department

The purchase of safety equipment and clothing is responsibility of the Department and is to be replaced based on need and/or as required by law at the determination of the Department Head.

10.98.4 Clothing to be functional

Clothing purchases should be driven by an employee's job duties and requirements and be functional in nature without unnecessary or excessive embroidery, trim, tailoring or styling.

10.98.5 Office Staff

Unless approved by the City Manager, the City will not purchase clothing or provide a clothing stipend for any "office staff". Office staff is defined as those City employees whose jobs are not associated with special clothing requirements or where an employee's personal clothing will not ordinarily be damaged in carrying-out their normal job duties.

10.98.6 Care

Unless approved by the City Manager, employees are responsible for laundering and proper care of all City-purchased clothing. Tattered, torn, ripped or badly faded City-clothing shall not be worn.

10.98.7 Volunteers

At the discretion of the Department Head, clothing may be provided to volunteers as a gift from the City.

10.98.8 Purchase of Clothing from the City

Clothing bearing the City name, City logo and/or Department designation may be purchased from the City by any City employee at their expense.

10.98.9 Worn Only While On Duty

All clothing bearing the City name, City logo and/or City Department designation purchased by the City

should be worn only while “on-duty” conducting City business.

10.98.10 Department Policies

Individual City Departments may adopt additional policies to supplement this uniform and clothing policy with the approval of the City Manager.

10.109 Office/Workstation Decorations Policy

Posters, pictures, notes, etc., are permitted in offices and on the inside of workstation panels as long as they are tasteful and professional, and not ~~annoying~~, abusive, profane, threatening, defamatory or offensive. In addition, in displaying posters, pictures, notes, etc., employees are prohibited from, in any manner, implying or suggesting that the City either supports a particular candidate, political issue or endorses the personal political opinions of the employee. Employees are expected to exercise great care, at all times, to distinguish their personal opinions about candidates or political issues from that of the City.

10.110 Recording of Work Conversations Policy

Recording conversations with a tape recorder, cell phone or any other recording device is prohibited. The purpose of this policy is to eliminate a chilling effect to the expression of views that may exist when one person is concerned that his or her conversation with another is being secretly recorded. This concern can inhibit spontaneous and honest dialogue especially when sensitive or confidential matters are being discussed. This policy does not apply to the recording of formal disciplinary hearings, complaint investigations and law enforcement interviews.

11 CONDUCT AND DISCIPLINE

Nothing in this section constitutes an agreement of employment for a specific period of time or is intended to affect the at-will employment relationship.

11.1 Conduct

City employees are expected to conduct themselves in a manner which reflects positively on the City and its departments. Every employee shall be held accountable for his/her actions, including, where appropriate, imposition of disciplinary action up to and including dismissal.

11.2 Discipline

An employee whose conduct or work performance detracts from the effectiveness of service provided to the community or hinders organizational operation shall be subject to discipline, up to and including

dismissal.

11.2.1 Causes for Disciplinary Action

Many different kinds of conduct, including but not limited to the following, may result in the imposition of disciplinary measures, including, without limitation, suspension, demotion, or dismissal:

- 1) Breach of any City/Departmental policy, procedure or rule
- 2) Insubordination by failure to follow instructions or direction of a supervisor
- 3) Inability to perform the essential duties of the job
- 4) Abusive, disrespectful, or discourteous language or conduct directed toward any other employee or a member of the public
- 5) Discrimination toward fellow employees or a member of the public
- 6) Violation of the City's discrimination or harassment policy (see [Section 1](#))
- 7) Violation of the City's workplace violence policy (see [Section 12](#))
- 8) Violation of the City's drug and alcohol policy (see [Section 13](#))
- 9) Soliciting or accepting any fee, gift, or item of value for personal gain, in the course of work or in connection with work
- 10) Attempting deception in work-related matters
- 11) Absence from work without notification or authorization
- 12) Negligence or willful misconduct which endangers the health and safety of any person, or violation of safety rules/policies
- 13) Failure to properly maintain or operate City equipment or property
- 14) Inappropriate dress or appearance (see [Section 10.7](#))
- 15) Being charged with any felony or misdemeanor crime
- 16) Being charged with any traffic violation while operating a City-owned vehicle
- 17) Inadequate or unsatisfactory job performance
- 18) Theft of City Property
- 19) Sleeping on the job

20) Falsification of records

11.2.2 Types of Discipline

An employee may be terminated as a result of a first disciplinary action; same termination need not necessarily be preceded by warnings or other less severe disciplinary actions.

Disciplinary actions may include any or all of the following steps, which may be repeated or bypassed as deemed appropriate:

- 1) Oral Warning - An immediate supervisor's or Department Head's verbal notice to an employee that his/her behavior or performance must be improved or corrected. An oral warning defines the improvement or corrective action required and informs the employee that failure to comply with the oral warning may result in more severe discipline. Supervisors shall retain a record of the oral warning. An oral warning is not appealable.
- 2) Written Reprimand - A written notice to an employee that his/her performance or behavior must be improved or corrected. The notice may be given by an immediate supervisor, Department Head, or City Manager, and shall be presented to the employee for review, signature, and written response at the option of the employee. Written reprimands contain a statement of the cause for the disciplinary action, improvement or corrective action required of the employee, time frames for such action, and consequences of the employee's failure to comply. Written reprimands shall be included in the employee's permanent personnel file. A written warning is not appealable.
- ~~3) Probationary Status - An employee may be placed on probationary status for various reasons, including but not limited to unacceptable job performance. An employee is placed on probationary status in writing and for a specific period of time by his/her Department Head. An employee on probationary status is not eligible to receive pay increases of any kind. An employee may appeal placement on probationary status as outlined in Appeal Procedures.~~
- 34) Suspension - An employee may be suspended by the Department Head with or without pay for any period, depending upon the seriousness of the problem. The circumstances resulting in suspension shall be explained in a written communication to the employee and the signed copy shall be placed in the employee's permanent personnel file. Procedures for appealing a suspension are outlined in Appeal Procedures.
- 45) Demotion/Reduction in Grade - An employee may be demoted or reduced in grade by the Department Head. The employee shall be informed of the reasons for and terms of said demotion or reduction in grade and may appeal this action per Appeal Procedures.
- 56) Termination - An employee may be permanently removed from City service. A Department Head may impose a termination with the concurrence of the Human Resource Director and City Manager.

The employee shall be advised of the cause of the termination, which shall be a final action of the City not subject to appeal.

11.3 Appeal Procedures

An employee who is subject to a disciplinary action eligible for appeal shall have five (5) working days after the disciplinary action to appeal the action to the Department Head who shall make inquiry into the facts and circumstances of the grievance. Written requests for extensions will be considered by the Department Head on a case by case basis. The Department Head shall review the matter and notify the employee of the appeal decision in writing within ten (10) working days. A copy of the written grievance shall be forwarded to the City Manager.

If the employee is dissatisfied with the Department Head's decision, the employee shall submit a written request for review of the decision to the City Manager within five (5) working days. The City Manager will take the necessary steps to review and investigate the complaint, and will then issue a written, final, and binding decision within ten (10) working days, or other mutually agreeable time period. If the Department Head imposed the disciplinary action, the appeal may be taken to the City Manager.

Department Heads or employees subject to disciplinary action imposed by the City Manager may appeal the action by filing a written request for the review of the decision within five (5) working days to the City Manager. A Committee consisting of the Mayor, a Department Head appointed by the City Manager, and a Department Head selected by the appealing Department Head or employee will take the necessary steps to review and investigate the complaint, and will then issue a written, final, and binding decision within fifteen (15) working days, or other mutually agreeable time period.

12 WORKPLACE VIOLENCE POLICY

12.1 Introduction

The City strives to promote a safe environment free from violence, threats of violence, harassment, intimidation, stalking, and other disruptive behavior.

12.2 Violent Behavior Defined

Violence, threats, harassment, intimidation, stalking, and other disruptive behavior in the workplace will not be tolerated. Such behavior may include, but is not limited to, oral or written statements, gestures, bullying, or expressions that communicate a direct or indirect threat of physical harm toward employees, citizens, or City property or facilities. Threats may include veiled, conditional, or direct threats in verbal or written form that result in intimidation, harassment, harm, or endangerment to the safety of another person or property. Bullying is defined as the repeated mistreatment of a person at work by a coworker, supervisor, manager, or customer. The mistreatment may involve repeated acts of:

1) shouting, yelling, screaming, or swearing; 2) insults, put-downs, name-calling, or belittling; 3) public humiliation, criticism, or “dressing down”; 4) cruel or offensive pranks, jokes; or 5) physical behavior, such as pushing, blocking, or tripping. Individuals who commit such acts may be removed from the premises and may be subject to disciplinary action, criminal penalties, or both.

Possession of an unpermitted firearm or illegal weapon of any kind, including those defined by Colorado Revised Statute Title 18, Article 12, is prohibited at work, including in a City vehicle or on a City-owned facility or parking lot, except when such possession is a necessary requirement of an employee’s job.

12.3 Procedures

Threats or assaults that require immediate attention by police should be reported first to police at 9-1-1. Employees who observe or experience violent, threatening, harassing, intimidating, stalking, or other disruptive behavior by anyone on City property should report it immediately to their supervisor or department head.

Supervisors or department heads who receive such reports should report the incident by the next business day to the City Manager. The City shall address responsibility and timing of any investigation to be made. All reports of incidents will be taken seriously and will be dealt with appropriately. The employee making the report will be notified of the results of the investigation. To the extent possible, complaints and investigations will be handled in a confidential manner.

If it is determined that an employee’s conduct violates the City’s workplace violence policy, the offending employee may be subject to corrective and/or disciplinary action, including but not limited to termination of employment.

No employee shall be subjected to reprisal or retaliation for making a report of workplace violence; the employee should report to his/her supervisor or department head immediately any incidents of reprisal, retaliation, or harassment which occur as a result of making such a report.

13 DRUG AND ALCOHOL POLICY

13.1 Drug and Alcohol Policy Overview

The City of Rifle has a vital interest in maintaining safe, healthful, and efficient working conditions for its employees. Individuals under the influence of drugs, alcohol, or other controlled substances may cause serious safety and health risks, not only to themselves, but also to others who work with them.

The City of Rifle recognizes that the success of its operations is dependent upon the physical and psychological health of its employees. Accordingly, it is the right, obligation, and intent of the City of Rifle to take reasonable measures to ensure that alcohol, drugs, and controlled substances do not jeopardize the success of its operations or otherwise affect the City of Rifle, its employees, or it

customers.

With these basic objectives in mind, the City of Rifle has established the following policy and procedures with regard to alcohol, drugs, and controlled substances.

13.2 Definitions

13.2.1 City Facilities

Any City property including, but not limited to, all land (including parking lots), property and buildings owned or leased by the City, as well as any jobsite where the City is responsible for furnishing products or where City employees may perform services. Property includes motor vehicles and equipment owned or leased by the City.

13.2.2 Controlled Substance

Any drug which is not legally obtainable or which is legally obtainable but has not been legally obtained. The term includes marijuana, as well as prescribed drugs which are not being used for the prescribed purposes.

13.2.3 Legal Drugs

All prescribed drugs and over-the-counter drugs which have been legally obtained and are being used for the purpose for which they have been prescribed or manufactured.

13.2.4 Under the Influence Of

The employee is affected by a drug, alcohol, or controlled substance, or any combination thereof, in any detectable manner. The symptoms of influence are not confined to those consistent with misbehavior, nor to obvious impairment of physical or mental ability, such as slurred speech or difficulty in maintaining balance. This term includes a positive result in a drug or alcohol test.

13.2.5 Collection Site

A location for specific applicant/employees to report for the purpose of providing urine specimens and/or blood samples, for testing for the presence of drugs and/or alcohol. The collection of urine specimens is to be conducted under tightly controlled conditions. This site will be separate from City facilities.

13.2.6 Accident

Any event where property is damaged or personal injury occurs.

13.2.7 Reasonable Suspicion

Facts and circumstances that would lead a reasonable person to believe that another individual is under the influence of drugs, alcohol, or controlled substances.

13.3 Prohibited Activities

13.3.1 Alcohol

The use of, or being under the influence of, alcohol by any employee, subcontractor, contractor, or volunteer performing City business is strictly prohibited.

13.3.2 Controlled Substance

The use, sale, purchase, transfer, manufacture, or possession of a controlled substance by any employee, while in a City facility or while performing City business, is prohibited. The presence of an amount of any controlled substance that results in a positive test of any employee, while in a City facility or while performing City business, is prohibited. Being under the influence of a controlled substance, while in a City facility or while performing City business, is prohibited. Although the Colorado Constitution has decriminalized marijuana use, marijuana use is still illegal under federal law. The City prohibits marijuana use by employees and will treat its use the same as any other use of a controlled substance.

13.3.3 Legal Drugs

The use, or being under the influence of, any legally obtainable drug by any employee while in a City facility or while performing City business, is prohibited, as such usage or influence may affect the safety of others. Employees who are under the influence of a legal drug may continue to work provided management has determined, after seeking appropriate medical counsel, that the employee does not pose a threat to his/her own safety or to the safety of others. Employees who feel, or who have been informed that the use of a legal drug may impair their performance or present a safety risk, must report the use of such drug to management.

13.4 Testing

13.4.1 Pre-employment screening practices

Each department may maintain pre-employment screening practices designed to prevent the hiring of individuals who use illegal drugs or individuals whose use of legal drugs or alcohol indicates a potential for impaired or unsafe job performance.

13.4.2 Pre-employment Testing

Testing may take place at the time an applicant undergoes a pre-employment physical exam. Applicants whose test results are at a positive level for either drugs or alcohol will be rejected for employment.

13.4.3 Post-accident Testing

Any employee involved in an on-the job accident, whether as a victim, or the probable cause of the accident, may be subject to a blood test, urinalysis, or other drug or alcohol test. However, testing will not be limited to such situations.

13.4.4 Reasonable suspicion

All employees are subject to testing if the employee's supervisor has a reasonable suspicion of drug or alcohol use.

13.4.5 Commercial Driver's License

Employees whose position requires a Commercial Driver's License (CDL) are subject to random drug testing.

13.4.6 Samples and specimens

When conducting testing, the City of Rifle may require its employees to provide a urine specimen or blood sample at a collection site, and may require the testing of such samples and specimens. A positive-level test may result in disciplinary action at the City's exclusive discretion, including termination of employment. An employee's consent to submit to such a test is required as a condition of employment, and an employee's refusal to consent may result in disciplinary action at the City of Rifle's exclusive discretion, up to and including termination of employment, even for a first refusal.

13.5 Searches

The City, in its discretion, may conduct unannounced searches for illegal drugs or alcohol in City facilities. It is understood that these facilities are those of the City's, and there is no expectation of privacy in employee lockers and/or other property which belongs to the City. There is absolutely no basis for the bringing of drugs or alcohol on the premises and locations such as lockers, desks, etc. These areas are the property of the City of Rifle, and they, as well as personal belongings, may be searched by the employer when it is considered necessary, at the City's exclusive discretion.

13.6 Employee Responsibility

13.6.1 Employee's Duty to Report Drug-related Arrests

Each employee shall notify his/her supervisor of any criminal drug statute arrest, no later than five (5) days after such arrest.

13.6.2 Employee Responsibilities and Assistance

The City of Rifle may offer referral to rehabilitation programs which emphasize education, prevention, counseling, and treatment to employees when problems arise which may affect the employee's performance, safety, and/or safety of others.

Each employee is responsible for complying with the requirements of this policy and should seek assistance before drug or alcohol problems lead to disciplinary action.

13.7 Disciplinary Action

Violation of this policy may result in disciplinary action at exclusive discretion of the employee's

Department Head. Such disciplinary action could result in termination of employment, even for the first offense.

Any employee who refuses to submit to a search or inspection, refuses to give a urine specimen or blood sample, or is found under the influence of alcohol, drugs, or controlled substances, will be subject to disciplined at the City of Rifle’s exclusive discretion, up to and including termination of employment.

14 VEHICLE AND TRAVEL POLICY

14.1 City Vehicles

Employees who are subject to call back may be required to drive home a City vehicle for quicker response time. Except for Department Heads or when on-call, City employees who live more than two (2) miles outside the City Limits will be required to leave their assigned vehicle at a designated City facility.

While traveling between home and their assigned work location, employees may, on occasion, perform small items of personal business in order to avoid wasting energy by retracing their route in their private vehicle. Employees must exercise good judgment in using City vehicles for personal business.

14.2 Motor Vehicle Records

Employees who operate a City vehicle or a personal vehicle on City business must have a valid Colorado drivers’ license of the appropriate type, if one is required for the position. It is the employee’s responsibility to notify the supervisor immediately if the employee’s driver’s license is suspended, revoked or restricted for any reason. The City will review the employee’s Motor Vehicle Record (MVR) prior to hire to ensure it meets the standards and guidelines of the City and its insurer. Thereafter, the City will obtain and review the employee’s MVR annually or after receiving notification from the employee that there has been a change in their license status. If an employee’s MVR falls into an unacceptable category, corrective action up to and including termination of employment will be taken. The City also reserves the right to require the employee to attend a defensive driver training program at the employee’s expense.

14.32 Distracted Driving Prohibited Cell Phone Use in City Vehicles
Emergency Personnel shall refer to current Police Department policy related to this topic and are exempt from this Section 14.3.

The City advocates safe and responsible driving habits while operating a City vehicle or a personal vehicle on City business. This includes not only adherence to traffic laws, speed limits, and use of seat belts, but also to

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limiting distractions through the use of cell phones, computers, and other hand-held electronic devices. For purposes of this policy, "hand-held electronic devices" includes but is not limited to, wireless phones, computers, laptops, text messaging devices, entering information into Global Positioning System (GPS) tools and devices, on-line email, pagers, palm pilots, pda's, tablets, and any other communication devices. ~~The u~~

Comment [ASI12]: GPS devices were included in CIRSA's Distracted Driving policy, but I can't find anything without a GPS. Maybe we can clarify that you can use a GPS if it is provided through the car but not through a hand held device?

Use of cell phones, computers, and other hand-held electronic devices; reading; and engaging in personal grooming activities is ~~is~~ are prohibited generally discouraged while driving operating a City vehicle or personal vehicle on City business.

~~, and should comply with the following guidelines:~~

~~1. Employees shall not text message, email or use any similar form of electronic communication while operating a City vehicle or personal vehicle on City business.~~

~~2. Employees shall not use a cell phone while operating a City vehicle or a personal vehicle on City business, unless such use is through a hands-free device, or in an emergency situation, in which case the communication should be as short as reasonably necessary for the situation.~~

~~3. Employees shall make all calls or other necessary communications before departing on a trip or after arriving at your destination.~~

~~4. Employees shall pull off the road to a safe location before making or returning cell phone calls or any form of electronic communication.~~ and to enter locations to GPS Systems for navigational purposes.

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14.43 Travel Policy

14.43.1 Department Budget

Each department may generally budget a set amount for travel expenses each year. The Department Head is responsible for monitoring and controlling that budget.

14.43.2 Advances

The City may, upon sufficient request, advance money to an employee to cover anticipated travel expenses. The employee must file a report and acceptable receipts with his/her supervisor detailing amounts actually spent within one week of returning to work. Any money not spent according to this policy will be returned to the City at that time.

14.43.3 Out-of-state Travel

Out-of-state travel must be approved, in advance, by the City Manager. Air travel is limited to the round trip economy fare between Denver or Grand Junction and the destination city. Airfare should be booked in advance to get the most economic prices available.

14.4.4 City Vehicle

The City may make a City vehicle available, and the employee may use that vehicle for any travel. If the employee must use his/her own vehicle, expenses will be reimbursed at the mileage rate established by current IRS guidelines.

14.3.5 Family Members

An employee may allow family members to travel with him/her in the City vehicle with the advance approval of the City Manager. If approval is granted, only the ,but only the City employee is authorized to may drive the vehicle. The employee is responsible for ensuring the passengers comply with all applicable laws and regulations.

14.4 Reimbursement Expenses

The City will reimburse employees for reasonable business travel expenses incurred while on assignments away from their normal work location. All business travel must be approved in advance by the employee's Department Head or City Manager. When approved, the actual costs of travel, meals, lodging, and other expenses directly related to City business or City-initiated or required training will be reimbursed by the City. Employees are expected to limit expenses to reasonable amounts. Expenses that generally will be reimbursed include the following:

- 1) Reasonable meal expenses, including non-alcoholic beverages
- 2) Reasonable parking, tolls, etc. Self-parking should be used instead of valet whenever available.
- 3) Tips (no receipt required but must follow common practice)
- 4) Phone calls required by City business plus one phone call of reasonable duration home for each 24 hour period
- 5) Reasonable taxi fares, driver services fees, bus rides, airport shuttle, etc.
- 6) Airfare or train fare for travel in coach or economy or the lowest available fare
- 7) Car rental fees for compact or mid-size cars
- 8) Mileage costs for use of personal cars
- 9) Cost of standard accommodations in low to mid-priced hotels, motels or similar lodgings.

Examples of expenses that will not be reimbursed:

- 1) Any alcoholic beverages

- 2) Snacks, beverages not associated with a meal
- 3) In-room movies or other entertainment
- 4) Any strictly personal items
- 5) Toiletries, dry cleaning, etc.

When travel is completed, employees should submit completed travel expense reports, along with supporting receipts, within 30 days to the Finance Department. The City reserves the right to deny repayment of expenses not submitted within 30 days of their occurrence.

14.5 Vehicle Maintenance Responsibility

14.5.1 Assigned Vehicles

Employees with assigned vehicles are responsible for securing maintenance on the vehicles. Assigned vehicles must be kept clean and presentable.

14.5.2 Motor Pool Vehicles

Employees using motor pool vehicles are responsible for reporting defects or maintenance needs. After they are returned, motor pool vehicles must be vacuumed, have a full tank of gas, and all trash and personal items removed. Motor pool vehicles must be ready to go for the next user.

15 ELECTRONIC MEDIA ACCESS AND ACCEPTABLE USE POLICY

15.1 Policy

This policy governs the use of computers, networks, and related services of the City. Users of these resources are responsible for reading, understanding, and complying with this policy. Computers and networks can provide access to resources within and outside the City, as well as the ability to communicate with other users worldwide. Such access is a privilege and requires that individual users act responsibly.

Users must respect the rights of others, respect the integrity of the computers, networks, and related services, conform to network etiquette, customs and courtesies, and observe all relevant laws, regulations, contractual obligations, and City policies and procedures. Misuse of the City Computer System can undermine public confidence and waste taxpayer resources.

15.2 The City Computer System

The City Computer System includes: computers and related equipment, e-mail, telephones, voice mail,

facsimile systems, communications networks, computer accounts, internet and/or web access, network access, central computing and telecommunications facilities, and related services.

Access to and use of the City Computer System is a privilege granted to City staff. All users of the Computer System must act responsibly and maintain the integrity of the Computer System. The City reserves the right to deny, limit, revoke, or extend computing privileges and access to the Computer System in its discretion.

The City may, in its discretion, limit the use of specified portions of the Computer System to certain employees, and/or deny the use of specified portions of the Computer system to certain employees.

The City may, in its discretion, regulate which applications may be downloaded on City issued telephones, tablets, and similar devices. The GPS Find function shall be activated on all City issued devices.

The City Computer System may not be used in any manner or for any purpose which is illegal, dishonest, disruptive, threatening, is damaging to the reputation of the City, is inconsistent with the mission of the City, or could subject the City to liability.

Any violation of this policy or of other City policies in the course of using the Computer System may result in an immediate loss of computing privileges, disciplinary action up to and including termination of employment, and referral of the matter to the appropriate authorities.

15.3 No Expectation of Privacy

City personnel have no expectation of privacy in City property and equipment. Such property and equipment includes, but is not limited to, the City Computer System, and all messages, data files and programs stored in or transmitted via the Computer System ("Electronic Communications"). The City reserves the right to monitor, access, use, and disclose all messages, data files and programs sent over or stored in its Computer System for any purpose. City management reserves the right to monitor, inspect, and examine any portion of the Computer System at any time and without notice.

Further, correspondence of an employee in the form of e-mail may be a public record under the public records law, and may be subject to public inspection under C.R.S. Section 24-72-203, unless an exception provided by law applies. The City may monitor or access an employee's e-mail, with or without notice, for any business-related purpose, including any situation in which a supervisor has reason to believe that an employee is misusing or abusing e-mail privileges, or is violating any other City policy.

15.4 Passwords

Portions of the City Computer System may be accessible by password only. The purpose of a password is not to provide privacy, but to control and prevent unauthorized access.

Every password issued for the use of any part of the City Computer System is the responsibility of the person in whose name it is issued. That individual must keep the account secure from unauthorized access by keeping the password secret, by changing the password often, and by reporting to the City when anyone else is using the password without permission.

Passwords are intended to help prevent unauthorized access and may not be shared with unauthorized persons. The contents of all password protected data files and programs belong to the City and are subject to access and disclosure by the City as set forth in this policy.

15.5 Improper Use of the Computer System.

Improper use of the Computer System is prohibited. The following are examples of improper use of the Computer System:

15.5.1 Storage, Transmission, or Printing of Improper Materials

Storing, transmitting or printing any of the following types of Electronic Communications on the Computer System is prohibited: material that infringes upon the rights of another person; material that is obscene; material that consists of any advertisements for commercial enterprises; material or behaviors that violate laws, regulations, contractual obligations, and City policies and procedures; or material that may injure someone else and/or lead to a lawsuit or criminal charges.

15.5.2 Harassment

Any electronic communication that violates the City harassment policy is prohibited. Additionally, any electronic communication that is annoying, abusive, profane, threatening, defamatory or offensive is prohibited. Some examples include: obscene, threatening, or repeated unnecessary messages; sexually, ethnically, racially, or religiously offensive messages; and continuing to send messages after a request to stop.

15.5.3 Destruction, Sabotage

Intentionally destroying anything stored on the Computer System, including anything stored in primary or random access memory is prohibited. Deliberately performing any act that will seriously impact the operation of the Computer System. This includes, but is not limited to, tampering with components of a network, otherwise blocking communication lines, or interfering with the operational readiness of a computer or peripheral.

15.5.4 Evasive Techniques

Attempts to avoid detection of improper or illegal behavior by encrypting or passwording electronic messages and computer files are prohibited.

15.5.5 Unauthorized Use/Access

Using the Computer System to gain or attempt to gain unauthorized access to remote computers is prohibited. Other prohibited behaviors include: actions that give simulated sign off messages, public announcements, or other fraudulent system responses; possessing or changing system control information (e.g., program status, protection codes, and accounting information), especially when used to defraud others, obtain passwords, gain access to and/or copy other user's electronic communications, or otherwise interfere with or destroy the work of other users.

15.5.6 E-Mail Forgery

Forging e-mail, including concealment of the sender's identity, is prohibited.

15.5.7 Theft/Unauthorized Use of Data

Data created and maintained by the City, or acquired from outside sources, are vital assets of the City and must be used only for authorized purposes. Theft of or unauthorized access to or use of data is prohibited.

15.5.8 Program Theft

Unless specifically authorized, copying computer program(s) from the Computer System is prohibited.

15.5.9 Viruses, etc.

Intentionally running or installing on the Computer System, or giving to another, a program that could result in damage to a file or the Computer System, and/or the reproduction or transmission of itself, is prohibited. This prohibition includes, but is not limited to, the classes of programs known as computer viruses, Trojan horses, and worms.

15.5.10 Security

Attempting to circumvent data protection schemes or uncover security loopholes is prohibited.

15.5.11 Wasting Resources

Performing acts that are wasteful of computing resources or that unfairly monopolize resources to the exclusion of others is prohibited. These acts include, but are not limited to: sending mass mailings or chain letters; creating unnecessary multiple jobs or processes; generating unnecessary or excessive output or printing; or, creating unnecessary network traffic.

15.5.12 Occasional Non-Commercial Uses Permitted

It is understood that, occasionally, staff members use e-mail or internet access for non-commercial, personal use. Such occasional non-commercial uses are permitted if they are not excessive and are limited to breaks or lunch hours, do not interfere with the performance of the employee's duties, do not interfere with the efficient operation of the City, and are not otherwise prohibited by this policy or any other City policy.

15.5.13 Accessing User Accounts

Unauthorized attempts to access or monitor another user's electronic communications are prohibited. Unauthorized accessing, reading, copying, changing, disclosing, or deleting another user's messages, files or software without permission of the owner is prohibited.

15.5.14 Backup Copies

All data on the Computer System is subject to backup at the discretion of the City.

15.5.15 Deleting Electronic Communications

Users of the Computer System should be aware that Electronic Communications are not necessarily erased from the Computer System when the user "deletes" the file or message. Deleting an Electronic Communication causes the Computer System only to "forget" where the message or file is stored on the Computer System. In addition, Electronic Communications may continue to be stored on a backup copy long after it is "deleted" by the user. As a result, deleted messages often can be retrieved or recovered after they have been deleted.

15.5.16 Criminal Laws

Under C.R.S. Section 18-5.5-101 et seq., criminal sanctions are imposed for offenses involving computers, computer systems, and computer networks. Any person committing an offense with respect to them may be subject personally to criminal sanctions and other liability. Federal laws may also apply to some circumstances.

15.5.17 Copyright Infringement

The Copyright Laws of the United States prohibit unauthorized copying. Violators may be subject to criminal prosecution and/or be liable for monetary damages.

In general, employees may not copy, download, install or use software on the Computer System without acquiring a license from the publisher. (For example, employees may not copy it from a friend or other source.) Furthermore, employees may not copy the City's software, unless such copying is specifically authorized by the City and permitted by the license agreement.

The ability to download documents from the Internet, and to attach files to E-mail messages, increases the opportunity for and risk of copyright infringement. A user can be liable for the unauthorized copying and distribution of copyrighted material through the use of download programs and E-mail. Accordingly, employees may not copy and/or distribute any materials of a third party (including software, database files, documentation, articles, graphics files, audio or video files) unless they have the written permission of the copyright holder to do so. Any questions regarding copying or downloading should be directed to the IT Director.

16 SOCIAL MEDIA POLICY

The City recognizes that social media internet applications can be used to enhance communication and

collaboration and further citizen involvement in government issues. The City also recognizes that access to the City's social media sites may directly impact the image and the operation of the City as a whole and each individual department. This policy governs the use of social media and social networking by all authorized personnel in order to mitigate potential risk and abuse of any social media efforts.

16.1 Definitions

16.1.1 Social Media

Any internet-based application that facilitates the exchange of user-generated content, communications and conversations including, but not limited to LinkedIn, Facebook, Twitter, web feeds, blogs, wikis, photo-sharing, video-sharing, podcasts and other means of transferring information through the internet.

16.1.2 Post

A comment by City Personnel or a Public Citizen uploaded to and displayed on a social media site.

16.1.3 Moderator

An authorized City official who reviews, authorizes and allows content submitted by City Personnel and Public Citizens to be posted to a social media site.

16.2 Policies

16.2.1 Existing Policies

All existing laws, rules, regulations and other existing policies governing the conduct of City personnel are applicable to conduct associated with social media.

16.2.2 City of Rifle

City social media sites shall make clear that the site is maintained by the City and that the site complies with this social media Policy. Each social media site should state the general purpose fully stated in Section I. All City social media sites shall be approved by the City Manager. Each site should also include a link connecting a user to this Policy to facilitate full user compliance.

16.2.3 Colorado Open Records Act

City social media sites are subject to the Colorado Public Records Act. Any content maintained in a social media format that is related to City affairs, including lists of subscribers, posted communications, and communications submitted for posting, may be a public record subject to public disclosure.

16.2.4 Site Content

The Moderator shall review social media sites daily to ensure that posts comply with this policy and may remove posts that violate the following guidelines. Removed posts will be documented and retained as required by law. ~~prevent inappropriate, topically irrelevant, or technically harmful information, posts, comments and links.~~ Social media sites that allow public comment shall inform visitors that the purpose of

the site is to present matters of public interest in the City, including its residents, businesses and visitors and that it is a moderated online discussion site and not a public forum. ~~Inappropriate posts are subject to removal including but not limited to the following types of postings:~~

Comment [ASI13]: We can leave this here but court cases have found that a public entity's social media site is a public forum so we should make sure the policy does not impinge on protected speech. For this reason I revised some of the content based limitations listed below. The item prohibiting "comments not topically related" is the easiest content neutral way to justify deleting comments on social media but we should make sure it is applied in a content neutral manner.

1) Comments ~~must be not~~ topically related ~~to the particular content being commented on;~~

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~~2) No posts of any unlawful purposes, promotion of illegal activities or posts that are in violation of the law~~

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~~3) No posts that contain profane or obscene Profane language or content;~~

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~~3) 4) No disclosure of social security numbers, credit card numbers of another person, or other personal identifying information that could be used to perpetrate identification fraud Content that promotes or perpetuates discrimination on the basis of race, sex, creed, color, age, religion, gender, marital status, public assistance, national origin, physical or mental disability or sexual orientation;~~

~~5) No posts related to commercial speech (i.e. no solicitations of commerce)~~

~~6) Posts with Links that are suspecting of containing a virus will be removed from the application immediately Sexual content;~~

~~5) Advertisements or solicitations of commerce;~~

~~7) No posts containing information that may tend to compromise the safety or security of the public or public systems;~~

~~7) Content that violates a legal ownership of interest of another party;~~

~~8) No posts that promote or endorse political campaigns or candidates. Defamatory statements, personal attacks, violent or aggressive statements, encouragement of illegal activity or other comments that may incite, aggravate, or generally not conducive to the good will of the Citizens of the City of Rifle.~~

16.2.5 Authorized Use

Only official spokespersons and other specifically selected persons authorized by the City Manager may have access to publish, post, or comment on behalf of the City.

All persons granted access shall:

1) Identify themselves as a member of the City.

- 2) Conduct themselves as representatives of the City and by the same standards, principles and guidelines that apply to all City Personnel in the performance of their assigned duties.

All persons granted access shall NOT:

- 1) Post, transmit or otherwise disseminate classified data or confidential information without the express written consent of the Moderator or his designee.
- 2) Conduct political activities or private business. Employees are prohibited from, in any manner, implying or suggesting that the City either supports a particular candidate, political issue or endorses the personal political opinions of the employee. Employees are expected to exercise great care, at all times, to distinguish their personal opinions about candidates or political issues from that of the City.

16.2.6 Personal Use

City Personnel who are off-duty and engage in the use of social media do not represent the City of Rifle or any official position maintained by any department of the City. Postings of this manner are personal communications, and City Personnel are personally responsible for the content they publish. Postings by an employee concerning the City are not prohibited provided they comply with the guidelines set forth in this Personnel Manual and do not:

- 1) Use their rank, title, or position in a manner that would suggest they are representing the interest of the City;
- 2) Post any depiction, illustration, text, photo, video, audio, or any multimedia file containing the uniform, official seal, badge, logo, or any instrumentality used during the execution of the City Personnel's official duties to any social media;
- 3) Disclose any sensitive, proprietary, confidential, or financial information about the City.

If a City employee identifies himself or herself as a City employee on a social media site, the employee must indicate that his or her views are not the official views of the City of Rifle. If a City employee publishes content on any social media site that relates to his or her work or any subjects associated with the City, the employee must post a conspicuous disclaimer such as "The views expressed on this site (or in this post) are my own and do not necessarily represent the City of Rifle's positions, strategies or opinions."

A social media site is not the appropriate place to make a complaint regarding alleged discrimination, unlawful harassment, or safety issues. Such complaints must be made consistent with the complaint procedures in this Handbook.

17 ISSUE RESOLUTION PROCEDURES

The City has adopted the following two procedures for addressing employee questions, concerns and complaints. When the complaint includes allegations of prohibited harassment, discrimination or retaliation, employees should follow the procedure set forth in Section 1. When a complaint relates to disciplinary action, employees should follow the appeal procedures set forth in Section 11.3. It does not apply to matters of policy, such as the establishment of wages or benefits, or matters affecting individual employee evaluations.

17.1 Open Door Policy

Employees should take and issue of concern to their immediate supervisor first, unless the issue of concern is in regard to the immediate supervisor. If the immediate supervisor is unable/unwilling to address the issue, then they can bring any complaint, problem, suggestion or question they may have regarding City matters to their department head, Human Resources Director or his/her designee, and/or the City Manager in a reasonable and professional manner. City employees shall not take the above items to Council members or the Mayor.

18 Personal Identifying Information

The following policy is intended to safeguard personal identifying information received by the City of Rifle. For purposes of this policy, "personal identifying information" (PII) includes social security numbers; personal identification numbers; passwords; pass codes; official state or government-issued driver's license or identification card numbers; government passport numbers; biometric data (i.e. finger print or retina scan); employer, student, or military identification numbers; or financial transaction devices (i.e. credit cards, debit cards, banking cards, electronic fund transfer cards, guaranteed check cards, and financial account numbers).

In order to ensure the protection of PII, including that of City employees, from unauthorized access, use, modification, disclosure or destruction, access to PII is limited to Human Resources personnel.

Unless otherwise required by state or federal law or regulation, when paper and electronic documents received by the City containing PII are no longer needed for its business purposes, the City will destroy or arrange for the destruction of the documents in its custody by shredding, erasing, or otherwise modifying the PII in the documents to make the information unreadable or indecipherable through any means.

The City will take no more than 30 days to provide Employees notice of a security breach that results in or is likely to result in the misuse of PII when the breach involves a Colorado resident's first name or first initial and last name in combination with: the individual's social security number; student, military, or passport identification number; driver's license number or identification card number; medical information; health insurance identification number; or biometric data; username or email address, in combination with a password or security questions and answers, that would permit access to an online account; or an account number or credit or debit card number in combination with any required security code, access code, or password that would permit access to that account, when any of these data elements are not encrypted, redacted, or secured by any other method rendering the name or the element unreadable or unusable.



Agenda Item #7.e.

Agenda Item Name:

Consider Contract to Provide Services and Pre-Annexation Agreement with Alfredo Salazar, owner of property adjacent to Rifle Village South.

Presenter:

Brian Rusche, Planner II

Item Description:

A contract to provide water and sewer services to an out-of-city parcel adjacent to Rifle Village South, which is serviced by City water and sewer. The contract includes a pre-annexation agreement, as required by Rifle Code.

Recommended Action:

Approve the Contract to Provide Services and Pre-Annexation Agreement for Parcel # 2177-291-00-011.

Fiscal Impact:

The finances of the Water Fund will be improved by allowing out-of-city water connections using existing water and sewer mains. Revenue is contributed to the system with no additional infrastructure and no negative impact to the City's Comprehensive Plan for growth.

Operational Impact:

Prior Board Motions:

Background Information:

Rifle Municipal Code requires an applicant to apply to City Council for water service outside of City limits. The current code language on this topic is somewhat restrictive, as it was written before construction of the City's new Water Treatment Plant. At that time plant capacity issues were of concern, as was the possibility of encouraging unwise growth in rural areas. Thus, the Code's criteria for approval of out-of-city water service are restrictive but still include flexibility for Council to approve or deny the application:

Sec. 13-1-50. - Service outside of City.

1. It is the policy of the City to decline to extend water service to property lying outside the corporate limits of the City, except for areas located within the Rifle Institutional Control Boundary, unless:

(1) the lack of municipal water creates a real hardship upon the owner of the property;

Staff comment: The applicant applied for a well permit but was declined due to proximity to the municipal system.

(2) the property is capable of being annexed to the City within a reasonable time, as determined by the City Council;

Staff comment: The property is not currently eligible for annexation as it is not contiguous with property within the City limits. It is uncertain when that would be the case. However, Council may deem this "reasonable" in this situation for the reasons listed below in the Staff Recommendation.

(3) the owners, for themselves, their successors and assigns, sign a binding agreement to annex the property to the City at such time as it becomes eligible for annexation. The City expressly reserves the right, as may be limited by state or federal law, to impose such conditions as it may see fit relative to the furnishing of such service and to refuse such service in its discretion.

Staff comment: The owner has agreed to sign the pre-annexation agreement.

Executive Summary:

The applicant requests Council approval of out-of-city water and sewer service for a 35-acre property adjacent to Rifle Village South (Parcel # 2177-291-00-011). The parcel is currently accessed from County Road 320 across property to the east, but there is an easement to access for Village Drive (tentative address 300 Village Drive). The applicant desires to construct a single-family residence. City water and sewer mains are located within Village Drive to serve the Rifle Village South development. The proposed location of the residence would permit connection to these existing mains, though the precise design of the water and sewer taps will be the responsibility of the applicant, in coordination with the City.

Notification Requirements:

Prepared By:

Brian Rusche, Planner II

Attachments:

1. Salazar Out of City Request MEMO_2020-031
2. Salazar Pre-Annexation Agreement-Legal-20201216

Phone: 970-665-6490



MEMORANDUM

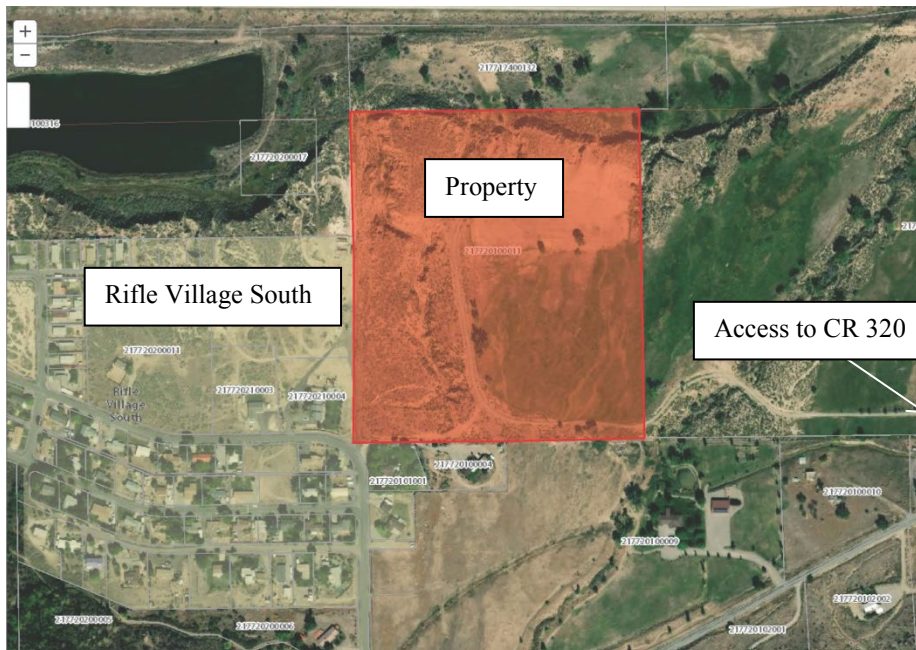
To: Honorable Mayor and City Council
From: Brian Rusche, Planner II
Date: December 7, 2020
Subject: Request for Out of City Water Service adjacent to Rifle Village South
Applicant: Alfredo Salazar

REQUEST

The applicant requests Council approval of out-of-city water and sewer service for a 35-acre property adjacent to Rifle Village South (Parcel # 2177-291-00-011). The parcel is currently accessed from County Road 320 across property to the east, but there is an easement to access for Village Drive (tentative address 300 Village Drive). The applicant desires to construct a single-family residence.

LOCATION

The lot was created as an unplatted 35-acre split from a larger parcel and was purchased by the applicant in May 2019.



UTILITY AVAILABILITY

Existing water and sewer mains are located within Village Drive, to serve the Rifle Village South development (under previous agreement). The precise design of the water and sewer taps will be the responsibility of the applicant, in coordination with the City. The proposed location of the residence would be along the west side of the property (see Site Plan attached to this report). The Utility Manager has already been consulted regarding this request (see email attached to this report).



BACKGROUND

Rifle Municipal Code requires an applicant to apply to City Council for water service outside of City limits. The current code language on this topic is somewhat restrictive, as it was written before construction of the City's new Water Treatment Plant. At that time plant capacity issues were of concern, as was the possibility of encouraging unwise growth in rural areas. Thus, the Code's criteria for approval of out-of-city water service are restrictive but still include flexibility for Council to approve or deny the application:

Sec. 13-1-50. - Service outside of City.

- (a) It is the policy of the City to decline to extend water service to property lying outside the corporate limits of the City, except for areas located within the Rifle Institutional Control Boundary, unless:
 - (1) the lack of municipal water creates a real hardship upon the owner of the property;

Staff comment: The applicant applied for a well permit but was declined due to proximity to the municipal system.

(2) the property is capable of being annexed to the City within a reasonable time, as determined by the City Council;

Staff comment: The property is not currently eligible for annexation as it is not contiguous with property within the City limits. It is uncertain when that would be the case. However, Council may deem this “reasonable” in this situation for the reasons listed below in the Staff Recommendation.

(3) the owners, for themselves, their successors and assigns, sign a binding agreement to annex the property to the City at such time as it becomes eligible for annexation. The City expressly reserves the right, as may be limited by state or federal law, to impose such conditions as it may see fit relative to the furnishing of such service and to refuse such service in its discretion.

Staff comment: The owner has agreed to sign the pre-annexation agreement.

STAFF RECOMMENDATION

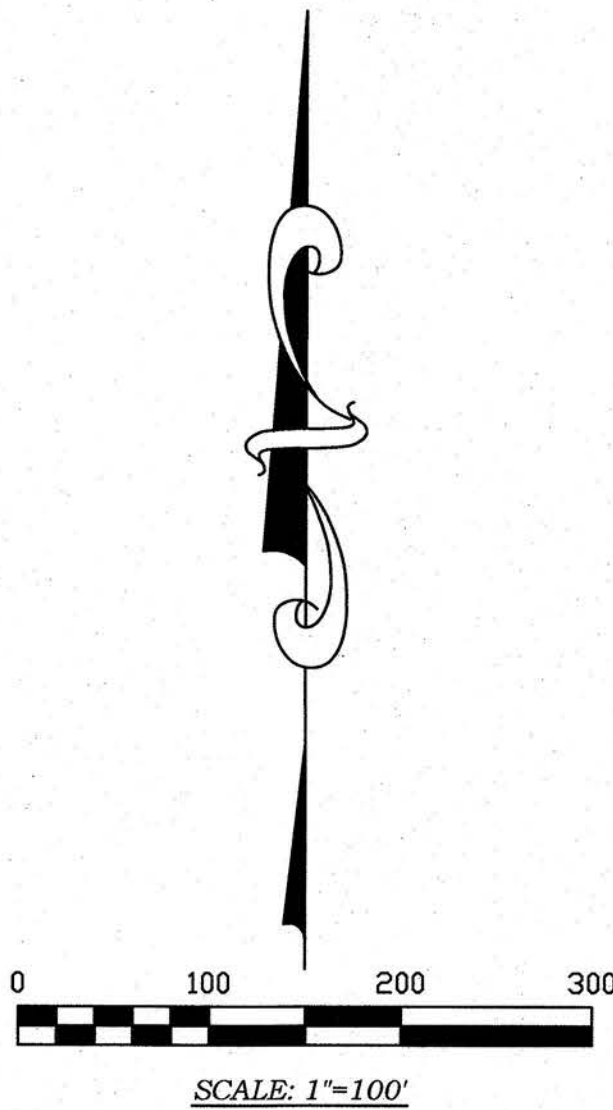
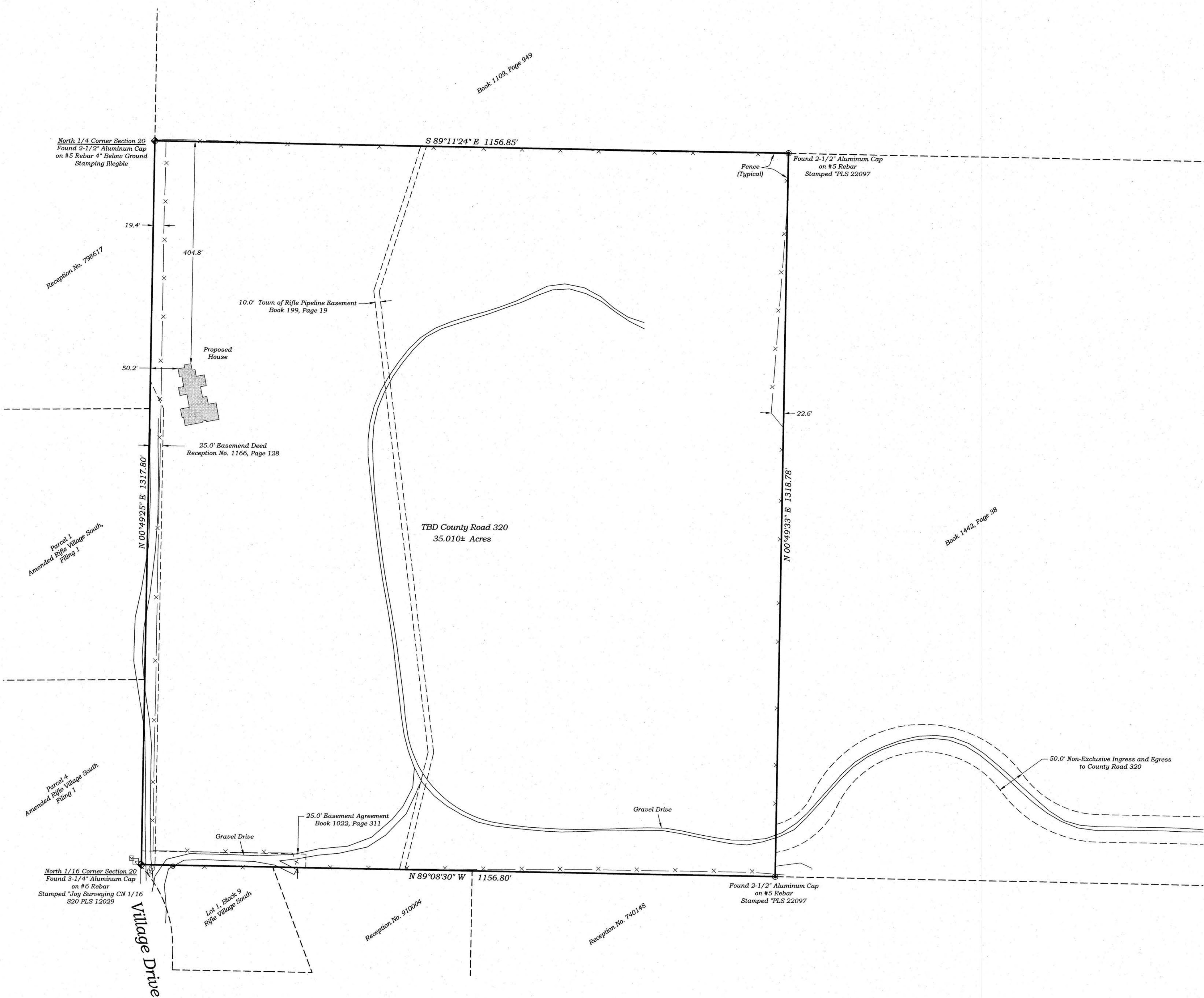
Staff recommends **APPROVAL** of this request for the following reasons:

1. The property is only proposed to have one home on a lot that was exempt from County subdivision requirements (per State law). The residence would be similar to other residences along County Road 320 and adjacent to Rifle Village South on larger acreage lots. The use of existing water and sewer mains in this situation is not contributing to unwise growth outside of City limits. The area will maintain its rural agricultural character as envisioned in the City's Comprehensive Plan.
2. The property can tap directly into an existing water and sewer main that serves Rifle Village South, meaning no new mains or additional responsibilities to the City's system.
3. With the construction of the new Water Treatment Plant, capacity is no longer a concern.
4. The finances of the Water Fund will be improved by allowing out-of-city water connections in circumstances where #1 and #2 (above) exist. Revenue is contributed to the system with no additional infrastructure and no negative impact to the City's Comprehensive Plan for growth.

Attachments: Bookcliff Survey Site Plan
Email correspondence with Robert Burns

SITE PLAN

A Parcel of Land Situate the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 20, Township 6 South, Range 93 West of the 6th P.M.
County of Garfield, State of Colorado



LEGEND	
⊙	Electric Meter
⊕	Power Pole
⊙	Sewer Manhole
⊠	Telephone Pedestal
⊙	Water Meter
⊙	Water Service T-Post

PROPERTY DESCRIPTION

A TRACT OF LAND IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 6 SOUTH, RANGE 93 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF GARFIELD, STATE OF COLORADO:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 20; THENCE SOUTH 89°11'24" EAST, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 20, A DISTANCE OF 1156.85 FEET; THENCE SOUTH 00°49'33" WEST, DEPARTING SAID NORTH LINE, A DISTANCE OF 1318.78 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 20; THENCE NORTH 89°08'30" WEST, ALONG SAID SOUTH LINE A DISTANCE OF 1156.80 FEET TO THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE NORTH 00°49'25" EAST, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER, A DISTANCE OF 1317.80 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH: A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS TO THE PROPERTY FROM COUNTY ROAD 320, AS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A FIFTY FOOT WIDE STRIP OF LAND FOR THE PURPOSE OF INGRESS AND EGRESS, BEING A PORTION OF THOSE LANDS DESCRIBED IN WARRANTY DEED TO RIFLE MIXED VENTURES LLC AS RECORDED IN BOOK 1442 AT PAGE 38 IN THE OFFICE OF THE GARFIELD COUNTY CLERK AND RECORDER; IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21, AND IN THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 20, ALL IN TOWNSHIP 6 SOUTH, RANGE 93 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF GARFIELD, STATE OF COLORADO, THE CENTERLINE OF SAID 50' WIDE STRIP DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21; THENCE ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21, SOUTH 89°08'52" EAST A DISTANCE OF 498.81 FEET TO A POINT OF NON TANGENT CURVATURE AND THE POINT OF BEGINNING; THENCE DEPARTING SAID SOUTH LINE, ALONG A CURVE TO THE LEFT A DISTANCE OF 138.12 FEET, SAID CURVE HAVING A RADIUS OF 100.00 FEET, A DELTA ANGLE OF 79°02'1" AND CHORD DISTANCE OF 127.40 FEET WHICH BEARS NORTH 61°39'33" WEST; THENCE SOUTH 78°46'17" WEST A DISTANCE OF 122.52 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT A DISTANCE OF 73.21 FEET, SAID CURVE HAVING A RADIUS OF 100.00 FEET, A DELTA ANGLE OF 43°05'22" AND CHORD DISTANCE OF 73.45 FEET WHICH BEARS NORTH 79°41'02" WEST; THENCE NORTH 58°08'21" WEST A DISTANCE OF 37.23 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT A DISTANCE OF 135.32 FEET SAID CURVE HAVING A RADIUS OF 250.00 FEET, A DELTA ANGLE OF 31°00'47" AND CHORD DISTANCE OF 133.67 FEET WHICH BEARS NORTH 73°38'45" WEST; THENCE NORTH 89°09'08" WEST A DISTANCE OF 923.37 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT A DISTANCE OF 184.37 FEET TO A POINT OF REVERSE CURVATURE, SAID CURVE HAVING A RADIUS OF 200.00 FEET, A DELTA ANGLE OF 52°49'02" AND CHORD DISTANCE OF 177.91 FEET WHICH BEARS NORTH 62°44'37" WEST; THENCE ALONG A CURVE TO THE LEFT A DISTANCE OF 413.75 FEET TO A POINT OF REVERSE CURVATURE, SAID CURVE HAVING A RADIUS OF 200.00 FEET, A DELTA ANGLE OF 118°31'47" AND CHORD DISTANCE OF 343.82 FEET WHICH BEARS SOUTH 84°24'01" WEST; THENCE ALONG A CURVE TO THE RIGHT A DISTANCE OF 115.89 FEET, SAID CURVE HAVING A RADIUS OF 125.00 FEET, A DELTA ANGLE OF 53°07'19" AND CHORD DISTANCE OF 111.79 FEET WHICH BEARS SOUTH 51°41'47" WEST TO THE EAST LINE OF A PROPOSED 35 ACRE TRACT AND THE POINT OF TERMINUS, FROM WHENCE THE SOUTHWEST CORNER OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 20 BEARS SOUTH 87°24'16" WEST A DISTANCE OF 1158.88 FEET.

NOTES

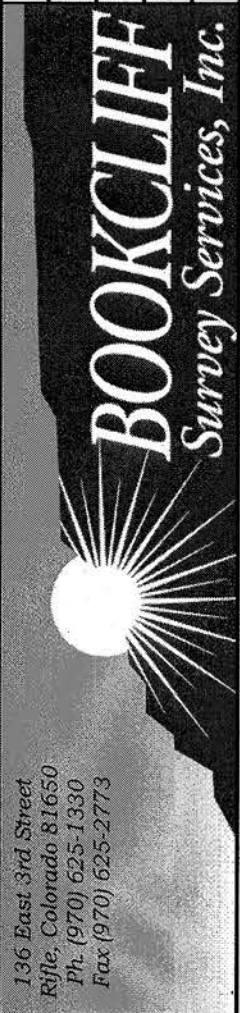
- 1.) DATE OF SURVEY WAS AUGUST 28, 2020.
- 2.) THIS SURVEY AND RIGHTS-OF-WAY AND EASEMENTS IS BASED ON COMMONWEALTH TITLE COMPANY OF GARFIELD COUNTY, INC. FILE NO. 1904083, DATED APRIL 28, 2019.
- 3.) THE PROPOSED BUILDING SITE AND LEACH FIELD ARE NOT LOCATED WITHIN A 30% SLOPE AREA.
- 4.) THIS SITE PLAN DOES NOT REPRESENT A BOUNDARY, IMPROVEMENT OR IMPROVEMENT LOCATION CERTIFICATE SURVEY BY BOOKCLIFF SURVEY SERVICES, INC. OR AND OF ITS ASSOCIATES.

SURVEYOR'S STATEMENT

I, MICHAEL J. LANGHORNE, DO HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND IS BASED ON MY KNOWLEDGE, INFORMATION, BELIEF AND THAT THIS SURVEY IS A TRUE REPRESENTATION THEREOF. THIS CERTIFICATE IS NOT INTENDED TO BE AN EXPRESS OR IMPLIED WARRANTY OR GUARANTEE OF ANY MATTERS EXCEPT THOSE STATED IN THE PRECEDING SENTENCE.

MICHAEL J. LANGHORNE, COLORADO REGISTRATION NO. 36572
FOR AND ON BEHALF OF
BOOKCLIFF SURVEY SERVICES, INC.

REVISION	DESCRIPTION



100 East 5th Street
Rifle, CO 81650
PH: (970) 625-1330
Fax: (970) 625-2773

SITE PLAN

JOSE ALFREDO SALAZAR
26 NATIVE SPRINGS DRIVE
RIFLE, CO 81650

FILE:	SITE
DFT.	TL
CK.	M.J.L.
DATE:	10/29/20
PROJECT NO.	19083-01
SHEET	1
OF	1

From: [Robert Burns](#)
To: [Brian Rusche](#); [Casey Boren](#)
Subject: RE: Water / Sewer connections in Rifle Village South
Date: Monday, May 04, 2020 8:54:27 AM

Sounds good.

Thanks Brian

Robert P. Burns
City of Rifle Utility Department
Utility Director
970-665-6599

From: Brian Rusche
Sent: Monday, May 04, 2020 8:53 AM
To: Robert Burns; Casey Boren
Subject: RE: Water / Sewer connections in Rifle Village South

Robert - thanks for the information.

The owner would like to construct a residence and applied for a well permit, but was denied since our water is accessible. The sewer may be trickier - since the property is in the County, they may opt for a septic.

I will give him your contact information and advise him to hire an engineer to do this properly.

Thanks !

Brian Rusche

From: Robert Burns
Sent: Monday, May 04, 2020 7:21 AM
To: Brian Rusche; Casey Boren
Subject: FW: Water / Sewer connections in Rifle Village South

Water shouldn't be an issue. Sewer could be done, there is the line in village and the trunk line is north of this property, on somebody else's land. Without knowing what they want to do with it they may need to install a pump to get to village drive sewer line

Robert P. Burns
City of Rifle Utility Department
Utility Director
970-665-6599

From: Brian Rusche
Sent: Friday, May 01, 2020 8:39 AM
To: Robert Burns
Subject: Water / Sewer connections in Rifle Village South

Robert,

I know that the City provides water and sewer to Rifle Village South.

There is a piece of property at the northeast corner of Village Drive (where the road turns from north to west) that is not a part of the subdivision, but appears to be close to a water and sewer main.

See attached drawing.

Can this property owner request water and/or sewer from the City?

I was going to give him your contact but wanted you to have a heads up first.

Brian Rusche
Planner II
City of Rifle, CO
970-665-6497
brusche@rifleco.org

CONTRACT TO PROVIDE SERVICES AND PRE-ANNEXATION AGREEMENT

THIS CONTRACT is made and entered into this 16th day of December 2020, by and between the CITY OF RIFLE, COLORADO, a municipal corporation (hereinafter "City") and ALFREDO SALAZAR, as the owner of the real property described hereafter (hereinafter "Owner");

W I T N E S S E T H:

WHEREAS, Owner desires to obtain the municipal service hereinafter described from the City, and the City is capable of providing such service; and

WHEREAS, the Owner's property, hereinafter described, is not presently capable of being annexed to the City of Rifle; however, at such time as Owners' property is eligible for annexation, Owners agree to annex the property to the City at the City's sole discretion; and

WHEREAS, the parties desire to enter into this Agreement pursuant to C.R.S. §31-12-121 to set forth the terms and conditions of the extension of such services by the City.

NOW THEREFORE, for and in consideration of the mutual promises and covenants herein contained, the parties agree as follows:

1. Service Provided. The City agrees to provide Owners with the following municipal service: water and sewer.

2. Property Served. The City will provide said service to Owners' property (hereinafter "Property"), situate in the County of Garfield and State of Colorado, and described on Exhibit A attached hereto and incorporated herein by this reference.

The street address of Owners' Property is: TBD Village Lane, Rifle, Colorado 81650
Garfield County Assessor Parcel No.: 2177-291-00-011

3. Uses. The service described in Paragraph 1 shall be provided to the Property described in Exhibit A for residential uses only.

4. Costs. The City will provide said service subject to the rules, regulations, charges, fees, and ordinances of the City of Rifle as are now in effect, or as they may hereafter be amended. The cost of extending service lines will be borne by Owner, as provided in the Rifle Municipal Code. At or prior to the first delivery of municipal service pursuant to this Contract, Owner agrees to pay all system improvement fees at the out-of-City rate. Owners further agree to reimburse the City for all engineering, legal, and associated fees and costs it incurs in the review and implementation of this Contract. Owner and their agents, employees, and tenants shall be bound by all of the ordinances of the City of Rifle insofar as they may pertain to the provision of the municipal service herein described.

5. Service Charges. During the term of this Contract, Owner agrees to pay for the above-described municipal service at the rate and in the manner which may be provided by the Rifle Municipal Code for municipal utility consumers residing outside the City limits. The City reserves the right to modify these charges or regulations.

6. No Precedential Value. Nothing herein shall obligate the City to extend additional service to Owner or to the Property, other than that service described in Paragraph 1, above. There shall be no expansion of such service without the express written consent of the City.

7. Service Subject to Municipal Code; Termination for Breach. The extension of municipal service under this Agreement is subject to all requirements of the Rifle Municipal Code applicable to the supplying of such services now in effect or as hereafter amended. A failure by Owner to comply with all applicable provisions of the Rifle Municipal Code or with the terms of this Contract shall constitute a material breach, and the City shall be entitled to terminate this Contract upon such a breach and/or to discontinue the municipal services provided hereunder.

8. Annexation. To the maximum extent permitted by law, the parties agree that this Contract, pursuant to C.R.S. §31-12-121, constitutes an enforceable obligation upon Owner, their successors, and assigns to annex the Property as required under the terms hereof. At such time as the Property is eligible for annexation to the City, as prescribed by statute or ordinance and at the City's direction in its sole discretion, Owner shall submit a petition for annexation to the City to annex the Property to the City. Owner may annex their Property in conjunction with adjoining property owners; provided, however, that a petition for annexation is filed within sixty (60) days of the time Owner's Property becomes eligible for annexation. Owner shall pay all costs for review of the annexation petition, as required by the Rifle Municipal Code. The passage of time between the eligibility of the Property for annexation and the time the City requests Owner file a petition for annexation shall not constitute a waiver of the City's right to enforce, or estop the City from enforcing, Owner's obligations under this paragraph.

9. Payment of Impact Fees. Owner agree to pay at the time of annexation all applicable offsite street impact fees and parkland dedication fees for the Property and any other fees prescribed by Resolution or Ordinance as may apply to annexations.

10. Termination Upon Annexation. This Contract shall terminate automatically on the effective date of the annexation to the City of the Property; provided, however, that nothing in this paragraph shall limit any other rights of termination provided in this Contract. Upon termination after annexation, service to the Property shall be provided pursuant to the Rifle Municipal Code and all applicable rules and regulations. Until annexation, nothing herein shall be construed as obligating the City to provide expanded or additional services of any kind to the Property.

11. Districts. Owner, upon execution of this Contract and at any time thereafter, shall join in any street, curb, sidewalk, or other improvement district which may be formed by the City and which affects the Property.

12. Reserved.

13. Failure or Refusal to Annex. In the event Owner fails to annex their Property to the City as required by this Contract, the City may, at its sole option and without otherwise limiting its legal rights, bring an action at law or equity, including an action for specific performance, to enforce the terms of this Contract, discontinue providing municipal service(s) to the Property, or treat this Contract as a petition for annexation and annex the Property without consent after thirty (30) days' written notice to Owner. The rights and remedies under this paragraph shall be cumulative. To the extent permitted by law, Owner hereby appoints the City Clerk as their attorney-in-fact to execute and deliver all documents necessary to annex Owner's Property to the City, should Owner fail or refuse to annex as required under this Contract. If the City proceeds to annex the Owner's Property as permitted under this paragraph, it may advance all fees and costs related to the annexation, and shall be entitled to recover the same as a personal obligation of Owner. Such fees and costs shall also constitute a lien against the Owner's Property, which may be foreclosed as provided by law.

14. Lien Rights. The City shall be entitled to prepare and record a lien against the Owner's Property for the amount of any costs, fees, and other expenses which it has advanced or which Owner is required to be pay pursuant to this Contract and/or the Rifle Municipal Code. Such costs and fees include, but are not limited to, system improvement fees, user fees, recording, annexation, and staff review and document preparation fees and costs; and engineering and attorneys' fees.

15. Time of Connection. Owner shall, at their expense, connect to the offered City service pursuant to the Rifle Municipal Code within one (1) year of the date of execution of this Contract and said connection shall comply with the requirements of the City of Rifle Public Works Manual. In the event Owner does not make such connection within such one-year time period, this Contract shall be null and void and of no precedential value, and all parties relieved of all obligations hereunder; provided, however, that if the City physically connects the offered City service to Owner's Property after one (1) year, the fact of connection shall constitute a waiver of the time limit contained in this paragraph, and a bonafide purchaser of Owner's Property shall be entitled to rely thereon.

16. No Guarantee of Fire Flows. Nothing herein shall be construed to obligate the City to provide adequate fire flows for residences or developments outside the City which receive City water or sewer services hereunder.

17. Miscellaneous. The parties agree time is of the essence in the implementation of this Contract. All of the terms and conditions of this Contract shall bind the heirs, successors, assigns, or personal representatives of the parties hereto. This Contract constitutes a covenant which runs with the real Property. This Contract sets forth the entire understanding between the parties, and any previous agreements, promises, or understandings have been included in this Contract.

18. Recording; Fees. The City shall record this Contract upon execution. Owner shall simultaneously with the execution of this Contract tender to the City the actual amount of recording fees. (Checks shall be payable to the Garfield County Clerk and Recorder.)

19. Affidavits. Upon completion or satisfaction by Owner, or their successor in title, of all of the terms and conditions of this Contract, the City Manager is authorized to prepare an affidavit to that effect, which Owner may record with the Garfield County Clerk and Recorder. If Owner does not connect to the offered City services within the time limit stated herein, the City shall have the right to record a notice of the termination of this Contract.

20. Regulatory Jurisdiction. The City shall have the right to terminate this Contract in its sole discretion in the event the Colorado Public Utility Commission, the Garfield County Commissioners, or any other governmental entity or body asserts regulatory jurisdiction over the rates, fees, or charges the City imposes pursuant to this Contract.

IN WITNESS WHEREOF, the parties have executed this Contract on the day and year first written above.

CITY OF RIFLE, COLORADO

By: _____
Mayor

ATTEST:

City Clerk

OWNER:

By: _____
Alfredo Salazar

STATE OF COLORADO)
) ss.
COUNTY OF _____)

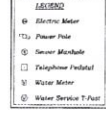
Acknowledged, subscribed, and sworn to before me this _____ day of _____,
202__, by Alfredo Salazar.

WITNESS my hand and official seal.

Notary Public

A

*A Parcel of Land Situate the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 20, Township 6 South, Range 93 West of the 6th P.M.
County of Garfield, State of Colorado*

[illegible]

2.) THIS SURVEY AND RIGHTS-OF-WAY AND EASEMENTS IS BASED ON COMMONWEALTH TITLE COMPANY OF GARFIELD COUNTY, INC. FILE NO. 1964084, DATED APRIL 28, 2019.

35672
Michael J. Fungshorne
MICHAEL J. FUNGSHORNE, CALIFORNIA REGISTRATION NO. 35672
FOR AND BY THE CLERK OF
BROOKLYN COUNTY RECORDS, INC.

JOSE ALFREDO SALAZAR
6 NATIVE SPRINGS DRIVE
RIFLE, CO 81650

FILE:	SITE
DFT:	TL
CK:	M.J.
DATE: 10/29/20	
PROJECT NO.	
19083-01	
SHEET 1	
OF 1	



Agenda Item #7.f.

Agenda Item Name:

Consider extending the temporary Development Fee Waiver - Ordinance No. 15, Series of 2020 - 1st Reading

Presenter:

Brian Rusche, Planner II
Nathan Lindquist, Planning Director

Item Description:

Consider extending the temporary Development Fee Waiver - Ordinance No. 15, Series of 2020 - 1st Reading

Recommended Action:

Approve Ordinance No. 15, Series of 2020 on 1st Reading.

Fiscal Impact:

Operational Impact:

Prior Board Motions:

Background Information:

Executive Summary:

Last year Council had extended the fee waiver program through 2020 with the direction that staff should work on a more permanent fee system that encourages infill development for implementation at the beginning of 2021.

Staff is recommending a three month extension of the fee waiver program because the Utility Master Plan should provide additional information for this permanent system when it is completed in February/March 2021. This will provide time to include this information.

It would also be beneficial to keep the fee waivers in place because they are helping finish out some of the

incomplete subdivisions on already installed infrastructure. The temporary waivers have created a momentum within the home building industry that the developers would like to continue. The staff finds this momentum to be beneficial to the completion of certain subdivisions that have languished in the past and, once completed, will provide significant infill housing without significant additional expense to public infrastructure in the near term.

Notification Requirements:

Prepared By:

Brian Rusche, Planner II

Attachments:

1. Ordinance No. 15-Development Fee Waivers-Legal-20201216
2. 2019 Impact Fee Sale_07Dec2020

CITY OF RIFLE, COLORADO
ORDINANCE NO. 15
SERIES OF 2020

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, EXTENDING
TEMPORARY DEVELOPMENT FEE WAIVERS TO STIMULATE GROWTH
AND ECONOMIC DEVELOPMENT IN THE CITY.

WHEREAS, the City of Rifle, like much of Western Colorado, has yet to fully recover from the impacts of the Great Recession while the Front Range has fully rebounded, increasing the costs of construction materials and labor in the region; and

WHEREAS, the City Council desires to attract building and construction activities in the City that will drive additional economic development and provide additional housing which is greatly needed; and

WHEREAS, City staff has researched and analyzed the various development fees assessed by the City on construction activities to determine which fees can be reduced or waived without jeopardizing the financial soundness of the City; and

WHEREAS, by Ordinance No. 1, Series of 2019, the City temporarily waived or reduced certain development fees that expired on April 1, 2020; and

WHEREAS, after examining the effect of this program on the various funds and listening to the development community, the City Council by Ordinance No. 21, Series of 2019 extended the waiver of certain development fees until the end of 2020; and

WHEREAS, the City has initiated a Utility Master Planning process analyzing development fees which will be completed in Spring 2021 that will provide useful information for establishing revised development fee amounts; and

WHEREAS, the COVID-19 pandemic has greatly affected the regional, state and national economy and impacted development in the City and the City Council desires to extend the waiver of certain development fees until April 30, 2021; and

WHEREAS, the City Council finds and determines that the development fee waivers and building incentives contained in this Ordinance are a sound long term investment for the City that will pay dividends exceeding the temporary foregone revenues.

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

1. Incorporation of Recitals. The foregoing recitals are incorporated herein as if set forth in full.
2. Parkland Dedication Fees. The Parkland Dedication Fee required by Section 16-1-

90 and Section 16-4-110 of the Rifle Municipal Code Code or applicable to a specific property pursuant to an appurtenant Annexation Agreement or Subdivision Improvements Agreement due at building permit is hereby waived. All other land or parkland dedication requirements in the Rifle Municipal Code shall continue to remain in full force and effect.

3. Offsite Street Impact Fees. The Offsite Street Impact Fee set forth in Section 16-1-100 of the Rifle Municipal Code or applicable to a specific property pursuant to an appurtenant Annexation Agreement or Subdivision Improvements Agreement due at building permit is hereby waived in full.

4. Termination. The development fee waivers set forth in this Ordinance shall remain in effect through **April 30, 2021 at 5pm** and apply to building permits submitted by such date to the City's Planning Department, after which time all applicable codified provisions of the Rifle Municipal Code and the terms of any Annexation Agreement or Subdivision Improvements Agreement shall apply.

INTRODUCED on December 16, 2020, read by title, passed on first reading, and ordered published by title as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on January 6, 2021, passed without amendment, approved, and ordered published in full as required by the Charter.

Dated this ____ day of _____, 2021.

CITY OF RIFLE, COLORADO

By _____
Mayor

ATTEST:

City Clerk

Residential Development Fee "Sale"

As of:

7-Dec-20

<u>Location</u>	<u>Parkland Dedication Fee</u>	<u>Water System Improvement ("tap") Fee</u>	<u>Offsite Street Impact Fees</u>	<u>Total Savings / Unit</u>	<u>Use Tax Collected</u>	<u>EQRs</u>	<u>Notes</u>
761 E. 17th St.	\$1,638.80	\$5,743.27		\$7,382.07	\$5,173.36	1	N. Pasture Filing 1 - MF rate for Parks
767 E. 17th St.	\$1,638.80	\$5,743.27		\$7,382.07	\$5,173.36	1	N. Pasture Filing 1 - MF rate for Parks
1645 E. 17th Cir.	\$3,129.92	\$5,743.27		\$8,873.19	\$4,887.50	1	
1136 E. 17th St.	\$3,129.92	\$5,743.27		\$8,873.19	\$6,866.94	1	
1647 Arabian Ave.	\$3,129.92	\$5,743.27		\$8,873.19	\$4,659.23	1	
2483 Conestoga Cir.	\$3,129.92	\$5,743.27		\$8,873.19	\$6,170.24	1	
1649 E. 17th Cir.	\$3,129.29	\$5,743.27		\$8,872.56	\$4,730.21	1	typo in park fee
1653 E. 17th Cir.	\$3,129.92	\$5,743.27		\$8,873.19	\$4,257.27	1	
2432 Pioneer Way	\$3,129.92	\$5,743.27		\$8,873.19	\$4,477.38	1	
1632 Arabaian Ave.	\$3,129.92	\$5,743.27		\$8,873.19	\$4,307.25	1	
1667 Balsam Loop	\$3,129.92	\$5,743.27		\$8,873.19	\$4,776.53	1	
1004 E. 17th St.	\$3,129.92	\$5,743.27		\$8,873.19	\$7,381.53	1	
108 Ray Avenue	\$2,980.88	\$5,743.27		\$8,724.15	\$5,876.31	1	Parks fee at 2018 rate
2469 Conestoga Cir.	\$3,129.92	\$5,743.27		\$8,873.19	\$4,675.00	1	
1657 E. 17th Cir.	\$3,286.42	\$5,743.27		\$9,029.69	\$6,587.50	1	2020 increase in park fee
1665 E. 17th Cir.	\$3,286.42	\$5,743.27		\$9,029.69	\$7,437.50	1	
1646 E. 17th Cir.	\$3,286.42	\$5,743.27		\$9,029.69	\$6,800.00	1	
1671 E. 17th Cir.	\$3,286.42	\$5,743.27		\$9,029.69	\$6,800.00	1	
1698 Arabian Ave	\$3,286.42	\$5,743.27		\$9,029.69	\$4,250.00	1	
1175 E. 16th St.	\$6,259.84	\$6,174.01		\$12,433.85	\$9,093.85	1.15	Vetter Homestead (2X park fee @ 2019 rate) - 5 beds
128 Willow Cir.	\$3,286.42	\$5,743.27		\$9,029.69	\$4,409.04	1	
130 Willow Cir.	\$3,286.42	\$5,743.27		\$9,029.69	\$4,409.04	1	
1641 E. 17th Cir.	\$3,286.42		\$4,729.58	\$8,016.00	\$5,950.00	1	Ordinance 21 replaced Ordinance 1
1691 Balsam Loop	\$3,286.42		\$4,729.58	\$8,016.00	\$5,114.03	1	
1679 Balsam Loop	\$3,286.42		\$4,729.58	\$8,016.00	\$5,954.51	1	
1699 E. 17th Cir.	\$3,286.42		\$4,729.58	\$8,016.00	\$4,250.00	1	
1687 E. 17th Cir.	\$3,286.42		\$4,729.58	\$8,016.00	\$4,045.49	1	
1683 E. 17th Cir.	\$3,286.42		\$4,729.58	\$8,016.00	\$4,655.32	1	
1675 E. 17th Cir.	\$3,286.42		\$4,729.58	\$8,016.00	\$3,947.74	1	
2100 Acacia Ave.	\$0.00		\$14,188.74	\$14,188.74	\$7,968.75	1.75	Old Bridge Sub (predates Parks fee) - SFD w/ 5 beds + ADU
1682 Arabian Ave.	\$3,286.42		\$4,729.58	\$8,016.00	\$4,577.93	1	
1690 Arabian Ave.	\$3,286.42		\$4,729.58	\$8,016.00	\$4,577.93	1	
116 E. 3rd St.	\$2,235.24		\$0.00	\$2,235.24	\$2,975.00	0.8	Upstairs apartment (4 beds) - No street impact fee (existing building)
1362 Rifle Heights Dr.	\$3,286.42		\$4,682.28	\$7,968.70	\$8,007.60	1	
1093 E. 17th St.	\$3,286.42		\$4,729.58	\$8,016.00	\$4,611.25	1	
161 Willow Cir.	\$3,286.42		\$7,094.37	\$10,380.79	\$4,409.04	1	
169 Willow Cir.	\$3,286.42		\$7,094.37	\$10,380.79	\$4,409.04	1	
1631 Balsam Loop	\$3,286.42		\$4,729.58	\$8,016.00	\$4,771.86	1	
1676 Arabian Ave.	\$3,286.42		\$4,682.29	\$7,968.71	\$4,557.45	1	
1607 Balsam Loop	\$3,286.42	\$5,743.27		\$9,029.69	\$8,633.11	1	Applied prior to April 2nd, but not yet issued
Totals:	\$124,769.71	\$132,525.95	\$89,767.43	\$347,063.09	\$216,615.09	40.70	



Agenda Item #8.a.

Agenda Item Name:

Report to City Manager

Presenter:

Scott Hahn, City Manager

Item Description:

Staff report on notable tasks completed within the individual departments.

Recommended Action:

No action necessary

Fiscal Impact:

None

Operational Impact:

None

Prior Board Motions:

None

Background Information:

None

Executive Summary:

Work Report to City Manager

12/04/2020

Notification Requirements:

None

Prepared By:

Misty Williams, Administrative Assistant

Attachments:

1. Report to City Manager 12.04.2020

WORK REPORT TO CITY MANAGER

12.04.2020

POLICE

- Jose and Shelby are receiving a teamwork award for CRFR this Saturday. An engine company and our officers will be recognized for their efforts to save the life of an infant
- Three candidates have accepted offers for employment. Background investigations have commenced. If all goes well, we will have two people attend the CLETA in Glenwood Springs.
- Kyle Mills graduated from the academy on December 9. We are very excited to have him in the field.
- We have formalized our promotional processes.
- Michael has been working on our webpage. Thank you Michael!
- Shop with a cop will be held on this Friday and Saturday. We are taking appropriate precautions to ensure that the kids will be safe. Starbucks will provide hot chocolate and Domino's is providing gift cards to the families.

UTILITIES

- Wastewater staff is working on repairing a pump shaft coupler at the south lift station.
- Screw press should be out to bid after 1/1/2021.
- C&D staff has completed work at the south lift station to interconnect the 4" and 6" lines to address capacity issues.
- Water staff is working to assist with the wastewater copper removal pilot system construction

PIO

- Attended Garfield County Health/Municipality PIO meeting. There is definite concern regarding the direction our numbers are trending.
- Assisted with the City Manager update videos with Scott and Carlos which we filmed at Crescent Moon Spiritual Goods. Thanks to Tamara for allowing us to film there! Really neat stuff. We are going to film at least the next several in local businesses to encourage people to shop local for the holidays.

COURT

- Handled 37 adult cases on December 2nd court day and held one bench trial.
- Attended Colorado Association of Municipal Court Administration annual meeting via Zoom (of course!).
- Jury trials scheduled for January 13th and 14th vacated due to the state restricting all jury trials until at least January 21st. We will attempt to set new dates for all 5 upcoming trials on our next court date, December 16th.

FINANCE

- 2021 Mill Levy certification sent to Garfield County.
- Settlement check received from Apple, Inc. in settlement of sales tax audit-\$74,000 for a period extending back several years.
- Preparing for interim audit work to take place next week.

PUBLIC WORKS

The following are engineering projects currently in progress, to include inspection and administration, design, and/or planning:

- Additional Airport Water Tank: design phase
- Utility Rate Study: Provision of data from PW is complete. To provide a basis for Rate Analysis, we are currently formulating a plan for further analysis of parameters.
- Centennial Bridge Rehabilitation: a pre-construction meeting will be held December 10th, as well as, contracting document completion.
- I-70 Exit 90 Beautification: to receive designs for consideration on December 11 to be turned around by January 8th for approval.
- Downtown Rehabilitation: out to bid by December 11, 2020. Bids will be due back to Public Works by January 5

The following are projects currently under construction:

- Lining of storm water drainage line in W. 3rd St.: while lining is here and available for installation, process is waiting on suitable weather for installation. This project has been delayed due to COVID-19 cases. Completion of concrete sidewalk and curb/gutter replacement along W. 3rd Street as part of the Storm Drain Lining Rehabilitation.

The following are completed projects, or are being closed out:

- Re-construction of (5) handicap ramps in the vicinity of Deerfield Park Subdivision for ADA compliance
- Fravert and W. 5th Re-construction
- W. 2nd Street Sidewalk – Railroad Ave to West Avenue
- W. 2nd Street Intersection at SH 6
- Scalzo Ranch Subdivision, as developed by John Kuersten
- RRV Improvements associated with Culver's Restaurant
- Installment of 2-post lift at the O&M Shop

Fleet

- Continue to work through an unknown problem with Vacuum truck which causes it to shut-down during operations.
- Continued development of Fleet Administration and Management.

Two weeks looking ahead:

- Commencement of channel work by KSK/Martinez for the Centennial Creek Bridge Rehabilitation project.
- Completion of the lining of the W. 3rd St. Storm Water Culvert.
- Downtown and City Hall Plaza holiday decorating.
- Completion of specs for Lease Fleet to be ordered in 2021.

INFORMATION TECHNOLOGY

Since our last update IT has been very busy with end-of-year projects:

- Network improvements continue:
 - Core switch project at City Hall and PD has been scheduled for the weekend of 12/12 and 12/13. This is a major upgrade including a redesign of the City Hall Datacenter. The network will be down for a substantial portion of the weekend.
 - Firewall redundancy project is moving forward and will be scheduled as soon as we have an ETA on the equipment.
- Email environment updated recently improving security and allowing the Domain Controller replacement to proceed.
- Domain Controllers have been replaced with servers on newer version of the OS, enhancing security.
- Our virtual infrastructure software was updated a few weeks ago and was another major project taking the majority of the weekend. The previous version's control panel utilized Adobe Flash extensively, and since Flash is being retired at the end of 2020, we needed to get this project completed before that happened.
- Security camera system replacement at the Police Department is underway.
- Court purchased their own Owl conference camera and Brenda helped get it setup.
- New iPads have been ordered for City Council, resolving several issues with different iOS versions and aging equipment. These iPads should arrive shortly after 12/16.
- Replacement Uninterruptable Power Supply ordered for the Police Department Datacenter; current UPS is nearing end-of-life.
- Monthly desktop OS, application, and security updates and quarterly server OS, application, and security updates are scheduled for December and should occur within the last 2 weeks of the year.

PARKS & RECREATION

- Air purification has been installed and is operating in the Ute Theater and City Hall.
- The Clorox 360 disinfection machine is in operation and has been used in the Ute and City Hall. We'll schedule a time soon to use the machine at the PD. Frequency of use is being rationed a bit, depending on circumstances related to COVID-19 and supply of chemicals for the machine.
- For a combination of reasons, the Sunlight Winter Sports Bus will not be running this winter. Many sponsors were struggling and withdrew, and low interest from riders has been a factor. This has been a high subsidy program with a great need for sponsors, and we've been working on making the program more cost effective. Staff is working on strategies next season.
- Christmas lighting in the roundabouts and Centennial Park has been installed by parks staff. O & M installs lighting on street light poles and overhead banner areas, and will help with the lift truck to light the "Community Tree" at Centennial Park. Lighting installation has been delayed due to COVID quarantines and the related shortage of staff, but staff is working diligently to catch up.
- Recreation staff will meet with school district personnel to determine if facility availability will allow some indoor winter programs to continue. Re-2 wants to be able to make the facilities available. A number of outside user groups are requesting space also.
- The Recreation Department has been taking registrations for the upcoming holiday house lighting contest. Recreation staff has teamed up to co-promote this event with the Chamber's business window decorating contest.
- Rifle Recreation is assisting with a food drive to benefit Lift-Up.
- Rifle Recreation, with the Sponsorship of Alpine Bank, GRIT, and Western Garfield Chamber of Commerce, will be distributing "Holiday Feast" packages for 20 families in the area. Nominations are being accepted through December 16th.

- Grounds and Facilities staff installed a memorial bench in Centennial Park. The bench is for Jodi Manera, sponsored by her friends at Gold Star Realty. It is located to the left of the main entrance on the way to the picnic shelter.
- Parks staff is underway working on equipment in preparation for next spring.
- Leaf raking seems to be ongoing more than usual, and with the mild daytime temperatures, trash removal has only declined slightly.
- Several security adjustments have been made in order to reduce problems that have arisen in the last couple of years. Gates are now keeping vehicles out of the parks facility area during closed areas. Pedestrians are still allowed to pass through.
- Fencing of the entire area may be necessary and will be considered for 2022.
- The Ute it still mostly on pause and awaiting the decision on whether the COVID-19 dial goes from orange to red in Garfield County. A pending live stream event, which was planned to allow an audience of 40 people, may be reduced to live stream only. The livestream for "The Mix" is sponsored by Bank of Colorado, Bay Equity, and KMTS. The live stream begins at 7:05 Thursday night and goes to approximately 9:05.
- "A Christmas Carol Radio Program" is hosted on KMTS on Saturday, 12/12 from 6:00 to 10:00 will be produced at the Ute and will be broadcast at various times through the Christmas season. This in the style of '40's radio programs.