



Document No: _____

Effective Date: _____

TITLE	Social Media
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Organizational Level: City

Document Type: Policy

PURPOSE

The City encourages the responsible use of social media to connect with residents, share accurate information, and reflect our values of Integrity, Collaboration, Innovation, Respect, and Excellence. This policy provides clear expectations for employees' professional and personal use of social media to ensure compliance with City values, applicable law, and the public nature of municipal employment.

SCOPE

This policy applies to all employees. For employees covered by a Collective Bargaining Agreement (CBA), the terms of that agreement govern where different.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Social Media: Platforms that allow users to create, share, or exchange content and information, including but not limited to Facebook, Instagram, LinkedIn, YouTube, TikTok, X (Twitter), and Nextdoor.

City-managed account: Any social media account created, maintained, owned, or administered on behalf of the City or a City department, program, or initiative.

Personal social media: Accounts or platforms employees use in a personal capacity and not under City direction or control.

Confidential information: Non-public data or information protected by law or policy, including HR records, safety/security information, attorney-client privileged content, or health/financial data.

POLICY

This Social Media policy is not to be applied or interpreted in a manner that interferes with any activities protected by state or federal law. Employees should feel free to discuss wages, benefits, or other terms and conditions of their employment with each other, to form, join, or support labor unions, or to raise complaints about working conditions for their own and their fellow employees' mutual aid and protection. However, such rights do

not protect speech that discloses confidential information, violates privacy laws, or materially disrupts City operations.

General Expectations

- **Be respectful and professional.** Treat others online the same way you would in person and maintain professionalism in all communications.
- **Be accurate.** Share information that is correct, timely, and complete.
- **Protect confidentiality.** Never post private, restricted, or safety-sensitive information.
- **Know your role.** Speak for yourself unless you are authorized to post on behalf of the City.
- **Follow the law.** Comply with state and federal law, including employee rights to discuss workplace conditions (e.g., wages, benefits, safety, or other terms and conditions of employment), and City policies.

Personal Use of Social Media

Use personal social media accounts on your own time and personal devices, unless posting is part of your job.

- Employees should refrain from posting anything on personal accounts that might create the impression they are posting or communicating on behalf of the City.
- If employees comment on City-related issues, employees are encouraged to include a disclaimer such as *“The views expressed here are my own and do not represent the City of Commerce City.”*
- Avoid posting content that could reasonably be seen as threatening, harassing, discriminatory, or retaliatory.
- Personal posts must follow all City policies, including the Code of Conduct, Ethics Code, Respectful Workplace, Harassment & Discrimination, IT Acceptable Use, and Records Retention.
- Employees should have no expectation of privacy in any information or communication transmitted to, printed from, or stored/recorded on the City’s electronic and communications systems.
- Remember: Employees should understand that public posts may be subject to records requests, discovery in litigation, or wide sharing.

Official City Accounts

- Only authorized and trained employees may create, post to, or manage City-managed social media accounts. All such accounts must:
 - Be approved by the Communications and IT Departments prior to launch.
 - Use official City branding and follow established style and accessibility standards (e.g., alt text, captioning where available).
 - Post content that is factual, timely, and viewpoint-neutral where required.
 - Use secure passwords and multifactor authentication.
 - Immediately report unauthorized access, security breaches, or inappropriate content to the Communications department.
 - Posts on official City accounts are public records and must be retained and managed consistent with the City's Records Retention Schedule.

Social Media Use During Work Hours

- **Work first.** Official social media use at work must support your job duties or serve the public.
- **Limited personal use.** Brief, incidental personal use is permitted during breaks if it does not interfere with work performance or City resources and operations.

Reporting Concerns

Employees must not use social media to report discrimination, harassment, retaliation, or workplace safety issues.

Concerns should be reported through established HR or safety channels. Retaliation for good-faith reporting is strictly prohibited.

Violation of the policy will be managed under the Disciplinary Action Process and be reviewed on a case by case basis.

GENERAL NOTES

The City reserves the right to review activity on City-managed accounts and systems, consistent with law.

The City does not monitor employees' personal social media unless such activity directly violates City policy, law, or materially disrupts City operations.

Violations of this policy may result in corrective action under existing policies. Nothing in this policy limits employee rights under federal or state law (e.g., whistleblower protections, lawful off-duty conduct).

Employees are required to comply with the City’s Artificial Intelligence (AI) Policy when applicable.

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

Information Technology Policy (IT)

Disciplinary Action Policy

Harassment and Discrimination Policy

Use of City Property Policy

Document Retention Policy

Colorado Open Records Act (CORA), C.R.S. § 24-72-201 et seq.

First Amendment to the U.S. Constitution (Public Employee Speech)

CIRSA Employment Practices Guidance – Social Media Risks

Department use of Social Media- 342.5 Prohibited Content

Council Policy #CP-24

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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TITLE	Travel and Travel Expenses
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Organizational Level: City

Document Type: Policy

PURPOSE

The City values employee participation in trainings, conferences, and work assignments that require travel, and it is committed to reimbursing authorized travel expenses that are reasonable, properly documented, and aligned with the City's stewardship of public funds. This policy ensures fairness, consistency, and compliance with the Fair Labor Standards Act (FLSA), IRS accountable plan rules, GSA per diem rates, CIRSA financial management standards, and other applicable laws. It reflects the City's commitment to responsible stewardship of public funds while supporting employee participation in work-related travel.

SCOPE

This policy applies to all employees, where a Collective Bargaining Agreement (CBA) provides different terms, the CBA will govern.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Commuting: Regular travel between an employee's home and their primary worksite. This is not compensable time and is not reimbursable as a travel expense.

Compensable Travel Time (Non-Exempt Employees): Travel time that must be counted as hours worked under the FLSA. Rules vary by type of travel (see section on FLSA Guidance).

Per Diem / Meal Allowance: A daily allowance for meals and incidental expenses, established in accordance with IRS and GSA rates based on destination and travel dates.

Reimbursable Expense: A necessary and reasonable cost directly related to official City business (e.g., lodging, meals, transportation, parking, baggage handling, and certain incidental expenses).

POLICY

Authorization and Reporting

- All employee travel must be authorized in advance by the department director or designee, except in emergencies.
- Employees are expected to exercise good judgment and moderate spending, recognizing the City's responsibility to the public.
- Itemized receipts are required for each purchase.
- Expense reports must be completed honestly, ethically, and in compliance with this policy.

Air Travel

Employees should use the lowest available coach class or discounted airfare. Exceptions may be made when the lowest airfare would:

- Require unreasonable or circuitous routing
- Require travel at unreasonable hours
- Significantly prolong travel

Use of Personal Vehicles

- Employees using a personal vehicle for City business are eligible to be reimbursed at the IRS-established mileage rate.
- This rate accounts for fuel, maintenance, depreciation, and insurance.
- The City does not provide insurance coverage for personal vehicles. Employees must rely on their personal auto policy for liability and physical damage.

Meal Allowance

- Employees on overnight travel will be reimbursed, or receive per diem when eligible, for meals based on IRS/GSA per diem rates, inclusive of tips.
- Rates vary by destination and time of year.

Ground Transportation

- Reasonable costs for taxis, rideshare services, shuttles, and other local transportation connected with business travel are reimbursable.
- Employees must use the most cost-effective and safe transportation available.
- Rental cars may be authorized if necessary and documented for business purposes.

Business Phone Calls and Connectivity

Reasonable costs for business phone calls, internet access, or other communication needed for City business are reimbursable.

Other Reimbursable Expenses

- Parking and tolls
 - Tolls should be limited and used only when necessary or when they significantly save mileage or time.
- Baggage handling
- Copying, printing, or other necessary business services
- Travel insurance

Examples of Non-Reimbursable Travel Expenses

- Car wash
- Traffic violations, such as parking, speeding, or towing
- Mechanical repairs
- Locksmith charges
- Damage to rental car while not using for official business

Please note that this list is not intended to be exhaustive—there are many other expenses that are not reimbursable.

Commuting Expenses:

- Normal commuting between an employee's home and primary worksite is not reimbursable.
- Travel to alternate worksites during the workday is considered work time and may be reimbursed but is not treated as a travel expense.

FLSA Guidance for Non-Exempt Employees

Travel time for non-exempt employees is subject to the following FLSA rules:

Home-to-Work (Regular Commute)

Not compensable. For example, driving from home to the employee's regular office.

Home-to-Work on Special One-Day Assignment in Another City

Compensable for all travel time during the day, minus the time normally spent commuting. For example, an employee with a normal commute time of 30 minutes drives one hour from home to another city for a meeting and returns the same day. All travel time is work

time, minus their usual commute (e.g. two hours travel minus one-hour normal commute equals one compensable hour of travel time).

Travel That is All in a Day's Work

Compensable. For example, traveling between worksites during the workday.

Overnight Travel

Travel time that occurs during regular work hours is compensable, regardless of the day of the week. For example, if an employee's normal work hours are 8:30 a.m.–5:00 p.m. and they travel on Sunday, time between 8:30 a.m. and 5:00 p.m. counts as hours worked.

Driving at Employer's Direction

All driving time is compensable if the employee is required to drive (self or others).

If the employee chooses to drive instead of flying, only the time that would have fallen within normal work hours may be counted as compensable, unless otherwise directed.

Work Performed While Traveling

Any work performed while traveling (e.g., preparing a presentation on a flight) is compensable in compliance with the FSLA.

Ethical and Safety Expectations

- Employees traveling on behalf of the City are representatives of the organization and must conduct themselves professionally.
- Employees must comply with all applicable City policies, including the Code of Conduct, Vehicle Use, and Drug- and Alcohol-Free Workplace policies.
- Employees must follow CIRSA and departmental safety requirements when traveling.

Travel That Extends Approved Time

Employees traveling more than one day before or after a City-supported trip must cover any extra costs. These costs need to be documented and separated from business expenses, then reimbursed to the City as per procedures. Approval from the department head is required before booking. Additional time off will require the use of General Leave when applicable.

GENERAL NOTES

Employees are responsible for ensuring travel expenses are incurred and reported responsibly.

Supervisors are responsible for reviewing and approving expenses in accordance with this policy.

Misuse of travel funds or failure to follow FLSA guidelines may result in corrective action.

The City reserves the right to audit travel records at any time.

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

Vehicle Use Policy

Procurement and Purchasing Policy

Employee Conduct and Discipline Policy

Overtime and Compensatory Time Policy

Fair Labor Standards Act (29 U.S.C. § 201 et seq.)

IRS Accountable Plan Regulations (26 CFR § 1.62-2)

General Services Administration (GSA) Per Diem Guidelines

CIRSA Risk Management Best Practices for Public Employee Travel

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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TITLE	Tuition Reimbursement
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Organizational Level: City

Document Type: Policy

PURPOSE

The purpose of this Tuition Reimbursement Policy is to promote professional development, continuous learning, and internal career growth by providing financial reimbursement to employees who successfully complete eligible coursework that enhances job-related skills or prepares them for future roles within the City. This policy supports employee development while aligning with operational needs and organizational goals.

SCOPE

This policy applies to all full-time City employees who have successfully completed their initial probationary period. Employees covered by a Collective Bargaining Agreement (CBA) may be subject to additional or alternative provisions outlined in that agreement.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Accredited Institution: A college, university, program, or trade school formally accredited by an agency recognized by the U.S. Department of Education.

Eligible Coursework: Credit-bearing or continuing education courses directly related to the employee's current position, a future promotional opportunity within the City, or a skillset that enhances overall job performance or organizational effectiveness.

Reimbursement Year: The City's fiscal year (January 1 through December 31)

POLICY

Eligibility

Criteria

To qualify for tuition reimbursement:

1. The employee must:
 - a. Be a full-time, regular employee in good standing
 - b. Have successfully completed the probationary period.

- c. Have obtained advance written approval for the course(s) through the City's Tuition Reimbursement Request Form.
2. The course or program must:
 - a. Be provided by an accredited institution.
 - b. Be job-related, career-enhancing, or aligned with City workforce development priorities.
 - c. Result in college credit, certification, or documented continuing education units (CEUs).

Courses required by the City or funded directly by a department's training budget are not eligible under this policy.

- Employees are eligible for reimbursement of up to 100% of approved tuition costs, not to exceed \$1,000 per fiscal year, subject to budget availability.
- Reimbursement is based on the employee's final grade.

GRADE	AMOUNT REIMBURSED
A	100% reimbursed
B	100% reimbursed
C	50% reimbursed
D or below	0% reimbursed
Pass/Certificate of completion	100% reimbursed

The City reserves the right to adjust the reimbursement cap or percentage annually through the budget process.

Funding and Priority

- Tuition reimbursement funding is limited and subject to annual budget appropriation.
- Requests are processed on a first-come, first-served basis within the approved fiscal year.
- Employees who have not previously used tuition reimbursement will be given priority if available funds become limited.
- At year-end, the Human Resources Director may allocate remaining funds to employees who have not received full reimbursement for previously approved coursework.

Application and Approval Process

1. Employees must submit a Tuition Reimbursement Request Form to Human Resources before the first day of class.
2. HR will verify eligibility and funding availability, and the employee's department director must approve the request.
3. Within 90 days of course completion, employees must submit:
 - An official grade report or certificate of completion.
 - Proof of payment (e.g., tuition receipt).
 - Confirmation that no other reimbursement source (grant, scholarship, GI Bill, etc.) covered the same expenses.

Incomplete submissions or missed deadlines may result in denial of reimbursement.

Tax Compliance

Tuition reimbursement provided under this policy is intended to qualify as tax-exempt educational assistance under IRS Code §127, up to the annual federal limit (currently \$5,250).

Reimbursements exceeding the allowable limit, or those that do not meet IRS criteria, may be treated as taxable income to the employee.

GENERAL NOTES

This program is contingent on annual budget appropriation and may be modified or discontinued at any time.

FOP employees must use the designated FOP Tuition Reimbursement Form.

This policy does not apply to courses required by the City or funded through departmental training budgets. It is not intended to replace department-level career development resources.

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

Internal Revenue Code §127 (Educational Assistance Programs)

Equal Pay for Equal Work Act (C.R.S. § 8-5-101 et seq.)

CIRSA Risk Management Guidelines for Employee Reimbursement Programs

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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TITLE	Use of City Property
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Organizational Level: City

Document Type: Policy

PURPOSE

The City invests public funds to provide property, facilities, and equipment that support the delivery of high-quality services to our community. Employees are trusted stewards of these resources and are expected to use and safeguard them responsibly, ethically, and in compliance with law and policy.

SCOPE

This policy applies to all City employees. For employees covered by a Collective Bargaining Agreement (CBA), the terms of the CBA will govern in the event of any conflict with this policy.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

City Property: All assets, facilities, vehicles, equipment, tools, telephones, computers, software, mobile devices, records, and other resources purchased, leased, maintained, or provided by the City for official business.

Personal Use: Limited, incidental, and occasional use of City property that does not interfere with work responsibilities, create additional cost for the City, or conflict with law or policy. Personal use never includes outside business activities or secondary employment.

Electronic Media: All City-owned systems, including computers, networks, internet access, email, voicemail, mobile devices, and other forms of electronic communication and information systems.

POLICY

General Use

City property is provided for the purpose of conducting official City business. Employees may make limited personal use of City resources (e.g., brief personal calls or incidental email) so long as it does not:

- Interfere with work performance.

- Result in additional cost to the City.
- Conflict with City policy, the public trust, or applicable law.
- Employees are expected to exercise care to prevent waste, loss, abuse, or unauthorized use of City resources.

Offices, Workspaces, and Storage

- Offices, desks, lockers, file cabinets, and storage spaces are provided for employee use during work and remain City property.
- Employees have no expectation of privacy in these spaces, as they remain City property and may be accessed by the City at any time, with or without notice.
- Employees are discouraged from storing personal valuables or sensitive personal items in City facilities. The City is not responsible for the loss, theft, or damage of personal property kept in City facilities.

Telephones, Workplace Communication Systems, and Mobile Devices

- Incidental personal use of City telephones, workplace communication systems, or mobile devices is permitted if the use is minimal and non-disruptive.
- Employees have no expectation of privacy in communications made on City-owned equipment, including phone calls, text messages, and faxes.
- Personal use must never include transmitting material that is unlawful, discriminatory, harassing, or untruthful.
 - This includes sharing offensive, defamatory, or harmful content based on race, gender, religion, sexual orientation, or any other protected characteristic. Additionally, avoid spreading false information, rumors, or any content that could damage the City's or employees' reputation. Always maintain a professional and respectful environment, both online and offline.
- Employees may be responsible for reimbursing costs associated with personal use that exceeds incidental levels.

Voicemail

- Employees may receive or leave personal voicemail messages on City systems provided the use is incidental and appropriate.
- Voicemail messages are City property.
- Employees should not expect privacy, as voicemail messages may be reviewed in accordance with City business needs, compliance requirements, or applicable law.

Computers, Internet, Email, and Electronic Media

- The City encourages responsible and professional use of technology. Incidental personal use is permitted if limited and not disruptive.
- Employees should not expect privacy when using City electronic systems. All data, emails, messages, and files created, sent, or stored on City systems are City property and may be reviewed or disclosed in accordance with law, policy, or business needs.
- Electronic records, including email, may be considered public records under the Colorado Open Records Act (CORA).
- The following activities are strictly prohibited:
 - Transmitting or accessing unlawful, discriminatory, harassing, or sexually explicit materials;
 - Using City systems for outside employment, business ventures, political campaigns, or personal financial gain;
 - Downloading or installing unapproved software or applications;
 - Bypassing security controls or accessing restricted systems without authorization.

Remote and Hybrid Work

Employees authorized for remote or hybrid work arrangements must protect City property and information with the same diligence as if located on-site.

- City-issued equipment remains City property and must be used primarily for official City business.
- Employees must:
 - Keep City equipment secure and free from unauthorized access or use;
 - Use City-approved VPNs, firewalls, and security tools when accessing City systems remotely;
 - Store, transmit, and dispose of City data in compliance with City information security and records policies;
 - Return all City property promptly upon request, reassignment, or separation.
- Employees authorized for remote or hybrid work must protect City property and information as if working on-site.
- A telework contract must be signed by all employees who attend to work remote or hybrid

Monitoring, Inspection, and Access

To ensure compliance, security, and operational integrity:

- The City reserves the right to monitor or review use of its property, systems, and data at any time, with or without notice, when conducted for legitimate business, safety, or legal purposes.
- Access to employee workspaces, emails, voicemails, or electronic records may be authorized by the City Manager, Human Resources Director, or Information Technology Director in consultation with the City Attorney's Office.
- Monitoring will be conducted in a manner consistent with law, policy, and the City's commitment to fairness and professionalism.

GENERAL NOTES

Employees are expected to use City property responsibly and in alignment with City values of Integrity, Collaboration, Innovation, Respect, and Excellence. Misuse of City property may result in corrective or disciplinary action, up to and including termination, consistent with applicable law. Employees may not use City property for outside employment or private business activities and the City reserves the right to review, inspect, or access City property at any time to protect City interests, ensure compliance with law and policy, and maintain security

Employees are required to comply with the City's Artificial Intelligence (AI) Policy when applicable.

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

Code of Ethics

Cybersecurity Policy

Conduct and Performance Policy

Policy Owner

Title/Name:

Policy Review By:

Last Review Date:

RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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TITLE	Vehicle Operations and Take-Home Vehicles
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Organizational Level: City

Document Type: Policy

PURPOSE

To provide clear and consistent guidelines for the safe, responsible, and authorized use of Commerce City (the “City”) and personal vehicles when conducting City business. This policy establishes uniform standards for driver eligibility, vehicle use, care, and reporting, which reflects the City’s commitment to public trust, safety, and stewardship of taxpayer-funded resources.

SCOPE

This policy applies to all employees who operate City vehicles. For employees covered by a Collective Bargaining Agreement (CBA), any conflicting CBA provisions will control.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

City Vehicle: Any vehicle owned, leased, or otherwise provided by the City for official business.

Personal Vehicle on City Business: A privately owned vehicle used by an employee to perform authorized City work.

Take-Home Vehicle: A City vehicle authorized for an employee’s commute or operational use from their residence when necessary to meet job-related response or operational requirements.

Covered Party: An employee operating a City vehicle with City authorization, within the course and scope of employment, or as a permissive driver under Colorado law.

Colorado Intergovernmental Risk Sharing Agency (CIRSA): An agency that provides the City with auto liability and physical damage coverage.

De minimis: A minimal, incidental, and infrequent use.

POLICY

Authorized use of City Vehicles

- City vehicles are provided solely for official City business.
- Take-home vehicles are for commuting and work-related duties only and should not be used for personal errands except in a de minimis manner.
- City vehicles will normally remain on City premises unless otherwise authorized for operational needs or approved take-home purposes.

Driving Records and Licensing

- Employees must maintain a valid driver's license appropriate for the vehicle class (e.g., CDL if required).
- The City may review driving records and request proof of licensure at any time.
- Driving history may be considered in employment, assignment, or retention decisions.

Insurance Requirements

- Employees operating a personal vehicle for City business must carry liability insurance at or above Colorado's minimum statutory limits and maintain proof of coverage as required by law.
- All City vehicles carry certificates of insurance. Employees should verify that a certificate is present in the vehicle before use.
- The City's Auto Physical Damage (APD) coverage with CIRSA applies if a City-owned vehicle is parked overnight at an employee's home.
- The City's Auto Liability (AL) coverage with CIRSA applies to third-party claims when an employee is driving within the scope of employment or as an authorized permissive driver.
- Coverage under CIRSA and the immunities and limits of the Colorado Governmental Immunity Act (CGIA) may also apply under this policy.

Safe and Responsible Operation

Employees operating a personal vehicle for City business, or a City vehicle at any time, are expected to:

- Drive safely, courteously, and in compliance with all traffic laws.
- Ensure all occupants use seat belts and safety restraints as required by law.
- Never operate a vehicle under the influence of alcohol, drugs, or impairing medications.

- Refrain from using mobile devices while driving unless authorized for job duties or safely using hands-free technology.
- Use vehicles only for authorized purposes and never allow unauthorized individuals to operate City vehicles.
- Comply with Department of Transportation regulations.

Vehicle Care, Inspection, and Security

Employees assigned a City take-home vehicle or work vehicle are responsible for maintaining its safety and cleanliness.

- Conduct a daily inspection of the vehicle for visible damage, tire condition, lights, and safety equipment before operating the vehicle.
- Report any damage, malfunction, or unsafe condition immediately to a supervisor.
- All City vehicles shall be locked when not in use or when unattended.
- Smoking, vaping, or transporting hazardous materials (unless job-related) is prohibited in City vehicles.
- Proper use, care, and cleanliness of City vehicles are the responsibility of the employee assigned to or utilizing the vehicle.

Other Requirements

Any vehicular accident or injury involving a City-owned vehicle, or any accident or injury in a personal vehicle while performing work-related business, must be immediately reported to the employee's supervisor and to the appropriate law enforcement agencies (i.e., 911 for emergencies). The employee's supervisor must immediately report such accidents or injuries from a City-owned vehicle to the department director who must then report this incident to the Risk Manager.

Any loss, theft, or damage of City equipment or vehicles must be immediately reported to the employee's supervisor and to the appropriate law enforcement agencies. The employee's supervisor must immediately report such loss, theft, or damage to the department director.

No persons other than City Employees are permitted in a City-owned vehicle at any time except when required for job-related purposes or City business. Any other deviations from this policy are strictly at the discretion of the department director. City-assigned vehicles that are used for emergency purposes are excluded from this requirement.

Enforcement and Accountability

- Employees must promptly report any citation, accident, or event that could affect their ability to operate a vehicle.
- Violations of this policy, including unauthorized use, negligence, or misuse may result in corrective or disciplinary action, up to and including termination.
- The City reserves the right to revoke take-home or driving privileges at any time based on operational needs or risk considerations.

GENERAL NOTES

Employees must promptly report any loss of driving privileges or incidents that may impact their ability to safely operate a vehicle.

The City will review complaints or concerns regarding vehicle use and may take corrective action as needed.

this policy supports safety, integrity and accountability in the use of public resources.

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

CIRSA Auto Liability and Physical Damage Coverage Guidelines

Fleet Management Procedures

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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TITLE
Work Week, Time and Attendance

Organizational Level: City

Document Type: Policy

PURPOSE

This policy establishes consistent, fair, and flexible standards for employee work hours, attendance, and timekeeping. It supports the City's operational needs and commitment to public service while ensuring compliance with applicable wage and hour laws.

SCOPE

This policy applies to all City employees, unless otherwise outlined in a collective bargaining agreement (CBA), employment contract, or applicable law.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Standard Business Hours: The City's general operating hours, 8:00 a.m. to 5:00 p.m., Monday through Friday.

Alternative Work Schedule: Any approved work schedule differing from the standard business hours (e.g., compressed workweeks, shift work, or flexible hours) designed to meet operational needs while maintaining service levels.

The Fair Labor Standards Act (FLSA): Federal Law establishing minimum wage, overtime eligibility, equal pay, recordkeeping, and child labor standards, 29 U.S.C. §§ 201, *et. seq.*

FLSA Non-Exempt/Exempt: Designations under the FLSA and Colorado Overtime that determine and employee's eligibility for overtime compensation.

Timekeeping System: The City's designated system for tracking hours worked, paid leave, and attendance data for payroll and compliance purposes.

POLICY

Work Hours and Scheduling

The City's standard business hours are 8:00 a.m. to 5:00 p.m., Monday through Friday. While many positions follow this schedule, departments have the flexibility to establish alternative schedules to meet operational, public safety, and community service needs.

Supervisors may approve flexible or alternative schedules, provided they:

- Maintain compliance with applicable wage and hour laws, including the FLSA and Colorado's applicable wage laws.
- Support operational and service delivery needs.
- Are applied consistently and equitably within the department.

Employees must obtain prior approval from their supervisor before modifying their regular work schedule.

Attendance Expectations

Employees are expected to report to work as scheduled and be ready to begin their duties on time.

In the event of an absence or delay:

- Planned absences: Employees should request time off (leave) in advance in accordance with the General Leave policy, and department procedures. Approval is subject to operational needs and director or designee discretion.
- Unplanned absences: Employees unable to report to work due to illness, emergency, or unforeseen circumstances must notify their supervisor (or designee) prior to the scheduled start of their shift. If the employee is unable to contact their supervisor, they should make every effort to have someone contact their supervisor on their behalf.

Employees who do not report to work and do not communicate with their supervisor for two consecutive scheduled workdays may be deemed to have voluntarily resigned from their position, unless mitigating circumstances exist, which will be evaluated on a case-by-case basis by Human Resources and the department leadership, considering medical or other qualifying events under Healthy Families and Workplaces Act (HFWA), Family and Medical Leave Insurance Program (FAMLI), the Americans with Disabilities Act (ADA), or other applicable laws.

Timekeeping

All City employees are responsible for accurately recording all hours worked using the City's designated timekeeping system. This includes start and end times, meal breaks (where applicable), and any approved paid or unpaid time off.

- Any discrepancies should be promptly reported to the employee’s supervisor or manager.
- Altering, falsifying, or misrepresenting time entries is strictly prohibited and may result in disciplinary action, up to and including termination.

Compliance

Timekeeping and scheduling practices must comply with:

- Fair Labor Standards Act (29 U.S.C. § 201 et seq.)
- Healthy Families and Workplaces Act (C.R.S. § 8-13.3-401 et seq.)
- Equal Pay for Equal Work Act (C.R.S. § 8-5-101 et seq.)

Enforcement and Corrective Action

Excessive unexcused absences, chronic tardiness, or failure to comply with timekeeping procedures may result in corrective or disciplinary action, in accordance with the City’s Employee Conduct and Discipline Policy.

GENERAL NOTES

Employees are prohibited from performing work off the clock or outside of scheduled hours without prior approval.

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

Performance and Conduct Policy

General Leave Policy

Remote Work and Telecommuting Policy

Collective Bargaining Agreements (where applicable)

Fair Labor Standards Act (29 U.S.C. § 201 et seq.)

Healthy Families and Workplaces Act (C.R.S. § 8-13.3-401 et seq.)

Equal Pay for Equal Work Act (C.R.S. § 8-5-101 et seq.)

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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Effective Date: _____

TITLE	Workplace Violence Prevention
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Organizational Level: City

Document Type: Policy

PURPOSE

The City is committed to providing a safe, respectful, and supportive workplace for all employees. This policy establishes clear expectations for preventing, reporting, and responding to workplace violence, threats, or intimidating behavior. The City fosters a culture of safety, trust, and open communication to ensure that all employees feel secure and valued while performing their duties.

SCOPE

This policy applies to all employees.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Workplace Violence: Any act or threat of physical violence, harassment, intimidation, or other threatening behavior that occurs in the workplace or in connection with work-related activities. This includes, but is not limited to, verbal or written threats, physical assaults, stalking, intimidation, or destruction of property.

Threat: Any verbal, written, or physical expression that could reasonably be interpreted as intent to cause harm to a person or property.

Intimidation: Conduct that causes another person to fear for their safety or the safety of others.

Workplace: Any location where City business is conducted, including offices, remote workspaces, vehicles, community sites, or City-sponsored events.

POLICY

Zero Tolerance for Workplace Violence

The City strictly prohibits any form of workplace violence, threat, or intimidation.

Employees who engage in such conduct may be subject to disciplinary action up to and including termination and may also face criminal prosecution.

The City will investigate all complaints filed and will also investigate any possible violation of this policy of which it is made aware. Retaliation against a person who makes a complaint regarding violent behavior or threats of violence made to him/her is also

prohibited. Investigations may be led by Human Resources in coordination with Risk Management, City Attorney's Office, and Commerce City Police Department, depending on the severity of the incident.

If a credible threat is identified, the City may take immediate steps including but not limited to:

- Escorting the individual from the premises;
- Suspending access to City property, technology, or equipment;
- Notifying affected departments;
- Seeking a restraining or protection order if appropriate under Colorado law.

Employees are encouraged to:

- Contribute to a respectful and safe work environment through professional and considerate interactions.
- Support colleagues by recognizing early warning signs and promoting a culture of care and awareness.
- Utilize available resources that promote well-being and safety.
- Participate in awareness opportunities that strengthen prevention and preparedness.

Prohibited Conduct Examples of prohibited behavior include, but are not limited to:

- Threatening, intimidating, harassing, or physically assaulting another person.
- Stalking or following an employee, whether in person or electronically.
- Possessing, brandishing, or using weapons or dangerous devices on City property or while conducting City business, unless specifically authorized by law (e.g., law enforcement).
- Vandalism, sabotage, or intentional damage to City or personal property.
- Verbal or written statements, whether in person, electronically, or on social media that a reasonable person would interpret as a threat of harm.
- Any other act that a reasonable person would perceive as a threat of violence

GENERAL NOTES

It is a violation of City policy to retaliate against anyone who raises a concern or supports a safe workplace culture.

The City reserves the right to conduct workplace searches and to cooperate fully with law enforcement investigations when violence or threats occur.

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

Harassment Prevention

Discrimination Prevention

Performance and Conduct

Title VII of the Civil Rights Act of 1964

Colorado Anti-Discrimination Act (CADA)

Protecting Opportunities and Workers' Rights (POWR) Act

Risk Management Procedures

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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Effective Date: _____

TITLE	Return-to-Work / Modified Duty Policy
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Organizational Level: City

Document Type: Policy

PURPOSE

The purpose of this policy is to facilitate the timely, safe, and productive return to work for employees who are temporarily unable to perform regular job duties due to a verified medical condition or injury. The City is committed to making reasonable efforts to identify temporary modified duty opportunities that align with physician-imposed restrictions and support recovery.

SCOPE

This policy applies to all employees.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Americans with Disabilities Act (ADA): A federal civil rights law establishing a clear and comprehensive prohibition of discrimination on the basis of disability.

Authorized Treating Provider (ATP): A medical provider selected by an injured worker from the City's list of Designated Medical Providers or any other physician or medical provider to which an injured worker is properly referred.

Employee: An individual who is employed in a full- or part-time position with the City.

Family Medical Leave Act of 1993 (FMLA): A federal law that allows 480 hours per 12-month period of unpaid protected leave for specified family and medical reasons, which runs concurrently with General Leave, Short Term Disability, Injury Leave, holidays, and compensatory time.

Maximum Medical Improvement (MMI): A point in time when the injured employee's medical condition has become stable and no further treatment is expected to improve the condition, as determined by the employee's Authorized Treating Provider (for Workplace Injuries) or a personal medical provider for Non-Work Injuries.

Modified Duty: A temporary, interim assignment that meets work restrictions provided by Authorized Treating Provider (for Workplace Injuries) or a personal medical provider for Non-Work Injuries.

Non-Work Injury: An illness or injury sustained by an employee outside the course and scope of their work with the City.

Short-Term Disability (STD): An employer-funded income-replacement benefit that provides partial or full wage continuation for an employee who is temporarily unable to work due to a verified non-work-related illness, injury, or pregnancy. Short-Term Disability benefits typically begin after an elimination period and may run concurrently with Family and Medical Leave Act (FMLA) leave when applicable.

Temporary Total Disability (TTD): Benefits paid for lost time due to injuries when the disability does not allow for a return to work and before MMI is reached. TTD ends when an employee reaches MMI or is released to full duty.

Workers' Compensation Insurance: Provides medical and lost wage benefits to workers who are injured on the job.

Workplace Injury: An injury or illness sustained during the course and scope of an employee's work with the City.

POLICY

The City is committed to assisting employees in their return to gainful, productive employment as quickly as possible following both Workplace Injuries and Non-Work Injuries. To this end, this City will make reasonable efforts to provide temporary Modified Duty work assignments to an employee who is injured and under the care of an ATP (in the case of a Workplace Injury) or a personal medical provider (in the case of a Non-Work Injury).

At the City's sole discretion and in accordance with applicable state and federal law, employees may be eligible to return to work on a Modified Duty status as long as the following criteria are met:

- The injury sustained by the employee is a Workplace Injury and is being treated by an ATP in accordance with the Workers' Compensation Policy;
OR
- The injury is a Non-Work Injury for which the employee is seeking professional medical treatment from a personal medical provider;
AND
- The restrictions imposed by the ATP or personal medical provider are specific (e.g., no lifting over 10 pounds);
AND
- The restrictions imposed by the ATP or personal medical provider are for a specified temporary period (e.g., 10 days).
AND
- Work-related tasks which align with the restrictions imposed by the ATP or personal medical provider are available, as dictated by departmental needs and defined by City leadership, and within the physical skills/limitations of the employee.

While on a Modified Duty assignment, an employee's position description, classification/title, assigned supervisor, and current performance plan will not change unless the employee is otherwise selected for promotion or is demoted through disciplinary action.

Modified Duty assignments are temporary and should not be construed as permanent work activities. No Modified Duty assignment may last more than 90 days without review and recertification by Human Resources and the employee's supervisor.

Modified Duty assignments may be extended on a case-by-case basis in accordance with operational needs, medical provider recommendations, state and federal law, and other policy or collective bargaining agreements applicable to the employee's classification/title.

Modified Duty assignments may be reviewed, cancelled, or changed at any time, based on the operational or business needs of the City. A Modified Duty assignment begins on the date an employee returns to work and continues until the earliest date on which:

- An employee reaches MMI and is released to full duty (for Workplace Injuries);

- Human Resources receives a written release to full duty from an employee's personal medical provider (for Non-Work Injuries); or
- An employee's assigned supervisor determines that the employee's restrictions can no longer be met and notifies Human Resources, at which time the employee will be placed on General Leave and notified by Human Resources in writing of their rights under FMLA and ADA.

If an employee on a Modified Duty assignment violates temporary work restrictions, the City may place the employee on General Leave until Human Resources receives a written release to full duty for that employee. An employee placed on General Leave for violating temporary work restrictions will be notified by Human Resources of their rights under FMLA and the ADA. Violation of temporary work restrictions by the employee assigned to modified duty due to a work-related injury may also result in the termination of the employee's TTD benefits under Workers' Compensation.

Provided that a Modified Duty assignment does not violate restrictions imposed by an ATP (for Workplace Injuries) or personal medical provider (for non-work injuries), an employee is expected to return to work. An employee's refusal of a Modified Duty assignment may result in termination of indemnity benefits or disciplinary action up to and including termination.

If an employee is given permanent work restrictions by an ATP (for Workplace Injuries) or personal medical provider (for Non-Work Injuries), the employee must provide written documentation of those permanent work restrictions to their supervisor and Human Resources. If the City cannot meet the permanent restrictions, the employee will be placed on General Leave and notified by Human Resources of their rights under FMLA, ADA, and STD. The City will also engage in the ADA interactive process with the employee.

Employees and supervisors are expected to adhere to all Return-to-Work/Modified Duty processes set forth by Human Resources, Risk Management, and other relevant representatives (including the City's Workers' Compensation insurance provider in the case of Workplace Injuries).

Confidentiality

All medical and disability-related documentation will be maintained in confidential files, separate from personnel records, and handled in compliance with the ADA, HIPAA, and applicable privacy regulations.

GENERAL NOTES

If an employee's restrictions change during approved Modified Duty, they must inform their supervisor and Human Resources within two (2) business days.

For questions or additional information regarding FMLA, ADA, and STD, please contact Human Resources.

For questions or additional information regarding Workers' Compensation, please contact the Risk Management office.

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

Workers' Compensation Policy

Injury Leave Policy

Safety Policy

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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Document No: _____

Effective Date: _____

TITLE
Safety

Organizational Level: City

Document Type: Policy

PURPOSE

To affirm the City's commitment and approach to ensuring a safe, healthy environment.

SCOPE

This policy applies to all employees.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Workplace Injury: An injury or illness sustained during the course and scope of an employee's work with the City, which generally means while performing actions they need to do to perform their job correctly

POLICY, PROCESS, PROCEDURE, or STANDARD

The City is committed to ensuring the safety of its employees, the public, and its partners. Safety and loss prevention are of the utmost importance.

The City's safety programs are designed to manage safety and reduce loss on an ongoing basis, with emphasis on the following core principles:

- All employees are responsible for working safely. Working safely is a condition of employment, and employees will be held accountable for safety in the operations in which they are involved.
- All levels of leadership are responsible for promoting safety to prevent injury and loss, promoting and enforcing safe work practices, ensuring required safety training is completed and documented, and communicating known hazards to employees and Risk Management.
- There will be no reprisal for reporting safety concerns.

Employees are expected to:

- Observe all safety rules and regulations.
- Cooperate with and support safety and loss control programs and objectives.
- Use required safety equipment, including personal protective equipment (PPE).
- Practice safety in work areas.
- Report any unsafe conditions or equipment.
- Ask for instructions when they are unsure how to perform a specific task safely.
- Refrain from behavior that may negatively impact safety (including, but not limited to, roughhousing, running, and throwing objects).

Risk Management Responsibilities

The Risk Management Department will:

- Administer the City's safety and loss control programs.
- Manage records of training, incident reports, and corrective actions.
- Oversee safety audits, investigations, and trend analyses.
- Coordinate with departments to ensure compliance with this policy and with applicable safety standards.
- Recommend corrective or preventative measures to mitigate hazards.

Training and Compliance

- All employees must complete all City-mandated safety training during onboarding and participate in refresher or task-specific training as required by their position.
- Departments are responsible for ensuring timely completion.
- Supervisors who fail to enforce safety policies may be subject to corrective action.

Injury and Incident Reporting

- Any workplace injury, illness, or near-miss (an unplanned event that almost causes injury or damage but doesn't) must be reported immediately to the employee's supervisor.
- Supervisors must ensure that all incidents are reported to Risk Management via established processes within one business day.
- Failure to promptly report may affect eligibility for Workers' Compensation benefits under state law.

- Risk Management will coordinate investigation of the incident, medical treatment through a designated provider if applicable, and any required follow-up.

Safety Enforcement

Non-compliance with this policy, including failure to use PPE, disregard for safety procedures, or unreported hazards may result in corrective action, up to and including termination.

GENERAL NOTES

For additional information on Workers' Compensation matters, please contact the Risk Management office.

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

Workers' Compensation Policy

Modified Duty/Return-to-Work Policy

Injury Leave Policy

Insurer Standards

Policy Owner Title/Name:	
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TITLE	Voting Leave
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Organizational Level: City

Document Type: Policy

PURPOSE

The purpose of this policy is to define the circumstances under which employees may take time off to vote.

SCOPE

This policy applies to all employees.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Active and engaged citizenship: The active participation in community and national activities, including voting. It involves taking responsibility for community welfare by making informed choices, expressing opinions, volunteering, advocating for causes, and collaborating with others to work towards common goals and social change.

Election Day: The date designated by local, state or national election officials in which eligible citizens may cast their vote.

POLICY

Because the City has a continuing interest in encouraging active and engaged citizenship, employees are urged to vote in local, state, and national elections either before or after work hours on Election Day or by early voting by mail or in-person. If an employee does not have sufficient time outside of working hours in which to vote, employees will be allowed to take up to two (2) hours with pay to cast their vote. Time off should be taken at the beginning or end of an employee's regular shift, whichever allows for more free time to vote. No action will be taken against any employee in any manner for requesting or taking any time off as provided for in this policy.

GENERAL NOTES

General information, FYI, or Summary

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

CO HOUSE BILL 18-1033

Colorado Revised Statute § 1-7-102

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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TITLE	Workers' Compensation Policy
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Organizational Level: City

Document Type: Policy

PURPOSE

The purpose of this policy is to establish the City's approach to Workers' Compensation benefits and the responsibilities of both employees and the City in the event of a workplace injury or illness. The City provides Workers' Compensation coverage for all eligible employees to protect against medical costs and lost wages arising from job-related injuries or illnesses.

SCOPE

This policy applies to all employees.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Authorized Treating Provider: A physician or medical provider selected by an Injured Worker from the City's list of Designated Medical Providers or any other physician or medical provider to which an Injured Worker is properly referred (CDLE Employer Guide).

Designated Medical Provider: A physician or other medical provider selected by the City (as employer) to treat workplace injuries and illnesses (CDLE Employer Guide).

Designated Provider List: A list of Designated Medical Providers given to an Injured Worker to choose from when they report an injury (CDLE Employer Guide).

Injured Worker: A full-time or part-time employee of the City who sustains an injury or illness in the course and scope of their employment.

Maximum Medical Improvement (MMI): A point in time when an Injured Worker's medical condition has become stable and no further treatment is reasonably expected to improve the condition, as determined by a Designated Medical Provider (CRS 8-40-201).

Workers' Compensation Insurance: Provides medical and lost wage benefits to workers who are injured on the job (CDLE Employer Guide).

Workplace Injury: An injury or illness sustained during the course and scope of an employee's work with the City.

POLICY, PROCESS, PROCEDURE, or STANDARD

Work-related injuries and illnesses must be reported in writing to the City's Risk Manager in the Human Resources Department as soon as possible after an injury or illness occurs. Initial reports of injury or illness should be made by the Injured Worker or their supervisor, if the employee is unable. Reports of workplace injuries and illnesses must be made in writing via the City Risk Manager using the Human Resources Department's established process.

With few exceptions, an Injured Worker should choose and seek care from one of the City's Designated Medical Providers. Injured Workers with life, limb, or sense-threatening injuries or other emergencies should seek immediate medical treatment from the nearest facility. Injured Workers who seek emergency medical treatment may be required to continue their care with a Designated Medical Provider, in accordance with applicable law and policy.

The City's Risk Management office reports workplace injuries and illnesses to its Workers' Compensation insurer. Injured Workers are expected to respond to outreach from the City's Risk Management office and Workers' Compensation insurer regarding their workplace injury or illness, and to cooperate with any investigation into situations related to workplace injuries and illnesses.

An Injured Worker whose Authorized Treating Provider imposes work-related restrictions may be eligible for modified job duties under the City's Modified Duty/Return-to-Work Policy.

An Injured Worker who is unable to work due to a workplace injury or illness may be eligible for up to 480 hours (or up to 640 hours for Police Department employees) of fully paid injury leave. If an absence due to a workplace injury or illness also qualifies under FMLA, the City will designate the leave concurrently to ensure compliance with federal law.

The City strives to protect the confidentiality of Injured Workers in compliance with applicable law and policy.

GENERAL NOTES

For additional information on Workers' Compensation matters, please contact the Risk Management office.

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

Modified Duty/Return-to-Work Policy

Safety Policy

FMLA

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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Document No: _____
Effective Date: _____

TITLE
Policy Ensuring Compliance with the Americans with Disabilities Act (ADA)

Organizational Level: City **Document Type:** Policy

PURPOSE

The purpose of this policy is to ensure that all requests for accommodations under the ADA are considered and implemented where reasonable.

SCOPE

This policy applies to all City of Commerce City (“City”) employees and applicants for employment.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Applicant: An individual who expresses interest in employment with the City.

Direct Threat: A significant risk of substantial harm to the health or safety of the disabled individual or others that cannot be eliminated by reasonable accommodation.

Disability: An individual with a disability is a person who: (1) has a physical or mental impairment that substantially limits one or more of the major life activities of such individual; (2) has a record of such an impairment; or (3) is regarded as having such an impairment. An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.

Essential Functions: Those job duties that are determined by the City as so fundamental to the position that the employee cannot do the job without being able to perform them. A function can be essential, if among other things, the position exists specifically to perform that function, there are a limited number of employees who could perform the function, or the function is specialized.

Interactive Process: The process of the mutual information exchange between the City and an employee or applicant, and/or the City and an employee/applicant’s health care provider, about possible accommodations of employee/applicant’s disabilities that may

allow an employee to perform the essential functions of their jobs or applicant to participate equally in the hiring process and to perform the essential functions of the job.

Mental Impairment: Any mental or psychological disorder, organic brain syndrome, emotional or mental illness, and specific learning disabilities. This term includes, but is not limited to, such diseases and conditions as the following: emotional illness, anxiety disorders, mood disorders, post-traumatic stress disorder, depression, schizophrenia and bipolar disorder.

Physical Impairment: Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems including, but not limited to: neurological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin and endocrine. This term also includes, but is not limited to, such diseases and conditions as the following: orthopedic, visual impairment, speech impairment, hearing impairment, cerebral palsy, epilepsy, muscular dystrophy, cancer, heart disease, diabetes and human immunodeficiency virus (HIV) infection.

Qualified Individual with a Disability: An individual with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the position, and can perform the essential functions of the position, with or without a reasonable accommodation.

Reasonable Accommodation: A modification, adjustment, alteration or change that ensures a qualified individual with a disability the right to equal employment opportunities during the job application process, to perform the essential functions of the job, or to experience equal benefits and privileges of employment.

Reassignment: Reassignment is a form of reasonable accommodation that, absent undue hardship, is provided to employees (not applicants) who, because of a disability, can no longer perform the essential functions of their position, with or without reasonable accommodation.

Undue hardship: An action requiring significant difficulty or expense, or that would fundamentally alter the nature or operation of the business, when considered in light of a number of factors.

POLICY

The ADA, the ADA Amendments Act of 2008 (ADAAA), the Rehabilitation Act of 1973, and the Colorado Anti-Discrimination Act (CADA) prohibit discrimination against applicants and employees. It is the City's policy to ensure that qualified individuals with a disability are not discriminated against based on a disability and to comply with the reasonable accommodation requirements of the ADA, ADAAA, and state disabilities laws. The City is committed to providing reasonable accommodations to qualified employees and applicants to ensure that individuals with disabilities enjoy full access to equal employment opportunity at the City unless doing so would cause undue hardship to the City.

Furthermore, it is the City's policy to not discriminate against qualified individuals with disabilities regarding the application process, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

The City will ensure that all qualified individuals with a disability have the right to request and receive reasonable accommodations so that they may enjoy the same employment opportunities and access to programs, facilities and services as employees without disabilities. The City will actively engage in the interactive process with an applicant or employee once it is notified that a request for accommodation has been made.

General Provisions:

- The City may not discriminate against individuals based on a disability regarding any employment practices or terms, conditions, and privileges of employment. This prohibition covers all aspects of the employment process, including application process, testing, hiring, compensation, assignments, promotion, training, evaluation, medical examination, disciplinary action, layoff/recall and termination.
- Possible discriminatory actions include the following:
 - Limiting, segregating or classifying a job applicant or employee in a way that adversely affects employment opportunities.
 - Denying employment opportunities to a qualified individual because they have a relationship or association with a person with a disability.
 - Refusing to make reasonable accommodation to the known physical or mental impairment limitations of a qualified applicant or employee with a

disability, unless the accommodation would pose an undue hardship to the operation of the department.

- Using qualifications standards, employment tests or other selection criteria that screen out or tend to screen out an individual with a disability unless the standards, tests or selection criteria are job-related and necessary for City business.
- Applicants may be asked about their ability to perform specific job functions with or without an accommodation and may be asked to describe or demonstrate their ability if all applicants are asked the same questions.
- The City may not make medical inquiries or conduct a medical examination until after a job offer has been made.
- The City is not required to lower quantity or quality standards to make an accommodation.
- The City is not required to cease disciplinary action based on belated notice of disability and request for accommodations.
- The City shall not require a candidate or employee to accept a reasonable accommodation that is:
 - Unnecessary for the candidate or the employee to perform the essential duties of the job or
 - To accept a reasonable accommodation if the applicant or employee does not have a known limitation.

Not all Accommodation Requests Can Be Honored:

Occasionally a qualified applicant or an employee may ask for an accommodation that is not reasonable or necessary that poses an undue hardship on the City or its employees, or that might be a direct threat to the safety of the individual who has made the request or of others. Even in such cases, the City will discuss whether some other form of workplace accommodation may be effective.

Reassignment as an Accommodation:

Reassignments will only be made to vacant positions that an employee is qualified to perform. The employee does not have to be the best qualified individual for the position in order to obtain as a reassignment. An employee is qualified to be reassigned into a vacancy if:

- The employee satisfies the requisite skill, experience, education and other job-related requirements of the position; and

- The employee can perform the essential functions of the position with or without reasonable accommodation.

The City does not have an obligation to provide special training to employees to assist them in becoming qualified for positions to which they are being reassigned. However, employees with a disability that are being reassigned as part of an accommodation process should receive the same training that is normally provided to anyone hired for or transferred to the position.

Employees and applicants are not required to accept accommodations they have not requested. However, if the individual refuses an accommodation necessary to complete the employment process or perform essential job functions and as a result cannot perform those functions, they may be considered not qualified for the position.

Confidential Medical Records

All medical information received or created by the City in connection with a request for a reasonable accommodation must be kept in Human Resources separate from the employee's personnel file. This confidentiality requirement encompasses information about an individual's function limitations and reasonable accommodation needs.

An employee with a disability may voluntarily choose to disclose to co-workers their disability, limitations, and/or the fact that they are receiving a reasonable accommodation. Managers may not make such disclosure to the disabled employee's co-workers even when responding to questions. Instead, they may tell co-workers that the City as an employer has a practice of assisting employees who encounter difficulties in the workplace and that these issues are personal and confidential.

GENERAL NOTES

General information, FYI, or Summary

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

Family and Medical Leave Act (FMLA)

Title II: State and Local Governments

Americans with Disabilities Act

Discrimination Prevention

Equal Employment Opportunity

Colorado Anti-Discrimination Act (CADA)

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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Effective Date: _____

TITLE	Safe Leave (Domestic Violence) Policy
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Organizational Level: City

Document Type: Policy

PURPOSE

The purpose of this policy is to provide employees with job-protected leave to attend to their needs if they or a family member experiences domestic violence, stalking, sexual assault, or another crime where a court has found an act of domestic violence occurred. This policy reflects the City's commitment to employee safety, recovery, and compliance with according state and federal laws.

SCOPE

This policy applies to all employees who have been employed with the City for at least twelve (12) months prior to the leave request.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Domestic violence: An act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship.

Family member: Includes a spouse, partner in a civil union, parent, child, sibling, or any other person related by blood, marriage, civil union, or whose close association is equivalent to a family relationship.

POLICY

Employees may request up to three (3) days of unpaid leave in any twelve (12) month period if they or a family member is the victim of domestic violence, stalking, or sexual assault. Employees must exhaust all general leave before using domestic violence leave.

Employees may use this leave to protect themselves or their family members by:

- seeking a civil protection order to prevent domestic abuse or harassment;
- obtaining medical care and/or mental health counseling for themselves or for their family member(s) to address physical or psychological injuries resulting from the violence;
- making their homes secure from the perpetrator of the violence or seeking new housing to escape the perpetrator;

- seeking legal assistance to address issues arising from the violence and/or attending and preparing for court-related proceedings arising from any of these crimes; and/or
- taking any other steps the employee reasonably believes will protect them or their children from domestic violence or help them cope with what has happened.

Except in cases of imminent danger to the health or safety of the employee, an employee must provide his or her supervisor with reasonable advance notice of the need for this leave. The City may require that the employee submit documentation of the need for the leave to the City's leave administrator. Types of documentation may include a police report, a court order, or a statement from a licensed professional or victim services organization.

GENERAL NOTES

Employees experiencing domestic violence are encouraged to contact Human Resources or the Employee Assistance Program (EAP) for confidential support.

The City will work collaboratively with affected employees to ensure workplace safety.

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

Family and Medical Leave

General Leave

FAMLI

C.R.S. Section 24-34-402.7

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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Effective Date: _____

TITLE	Retirement Plan – 401(a)
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Organizational Level: City

Document Type: Policy

PURPOSE

This policy outlines the terms and conditions of the employer-sponsored 401(a) Retirement Plan provided to employees. The plan provides eligible employees with a structured, tax-deferred mechanism for retirement savings through mandatory contributions and a structured vesting schedule.

SCOPE

This policy applies to all benefits-eligible City employees.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

401(a) Retirement Plan: A tax-qualified retirement plan established under Internal Revenue Code (IRC) Section 401(a). It allows for employer and employee contributions on a tax-deferred basis, subject to annual IRS limits.

Vesting schedule: The defined period of time where an employee gradually acquires rights to the employer-paid 401(a) retirement contribution benefits and forfeits the unvested portion if they leave employment before the schedule is complete.

Plan Administrator: The third-party financial services provider designated by the City to administer contributions, manage investment options, and ensure compliance with applicable federal laws and regulations.

POLICY

Eligibility

Eligible employees are automatically enrolled to participate in the 401(a) Retirement Plan.

Employee Contributions

- Employees are required to contribute a fixed percentage of their bi-weekly wages to the 401(a) plan. The City determines the contribution rate for non-represented employees and certain executive-level classifications. Relevant contribution rates will be communicated to employees upon their enrollment in the plan. Represented

employees should refer to their collective bargaining agreement for the agreed-upon contribution rate.

- Contributions will be deducted from an employee's paycheck on a bi-weekly basis.
- Employee contributions to the 401(a) plan are tax deferred, and employees are always 100% vested in their own contributions.

Vesting Schedule

The vesting of employer contributions follows a graduated schedule over a three-year period for non-represented employees, as outlined below:

- a. Year 1: 33% vested
- b. Year 2: 66% vested
- c. Year 3: 100% vested

Employees gain full ownership of employer contributions only after completing the relevant number of years of continuous service.

Upon separation prior to full vesting, any unvested employer contributions are forfeited.

Investment Options

Employees direct the investment of their contributions and vested employer funds among the investment options offered under the plan. The Plan Administrator provides a range of investment options within the 401(a) Retirement Plan, which may include various mutual funds, stocks, and bonds. Employees are encouraged to select investments that align with their retirement goals and risk tolerance.

The City does not provide individual investment advice and is not liable for investment outcomes resulting from employee selections. The City reserves the right to abolish or modify the terms of its 401(a) Retirement Plan at any time.

GENERAL NOTES

Certain executive-level classifications and represented groups may have a different vesting schedule. Employees in relevant classifications and groups will receive communication regarding their designated vesting schedule.

Employees are encouraged to review plan materials and consult independent financial advisors for investment guidance.

457(b) Deferred Compensation Plan

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

Retirement- 457 Plan Policy

Internal Revenue Code (IRC) Section 414(d)

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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Effective Date: _____

TITLE	Disciplinary Action Policy
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Organizational Level: City

Document Type: Policy

PURPOSE

The City is committed to creating a safe, respectful, and productive workplace where employees have the opportunity to succeed. This policy outlines a fair, constructive, and consistent approach for addressing conduct or performance concerns. The City's goal is to support employee success, ensure accountability, and maintain a professional, safe, and productive workplace.

SCOPE

This policy applies to all career service employees who have successfully completed their probationary period, and to all at-will employees in non-appointed or elected positions.

Employees covered by a Collective Bargaining Agreement (CBA) are subject to the terms of that agreement when provisions differ from this policy.

DEFINITIONS

Verbal Counseling: An initial coaching conversation focused on clarifying expectations, identifying performance or behavioral concerns, and supporting improvement. A brief memo may be placed in the employee's personnel file.

Written Warning: A written document outlining the concern, expectations, and timeframes for improvement. Employees will be asked to acknowledge receipt (by signing or writing a note of refusal). The document is retained in the personnel file.

Final Written Warning: A written notice used for repeated, serious, or significant concerns. It clearly states expectations, timelines, and consequences if improvements are not made.

Involuntary Termination: Separation from employment, used when repeated or severe violations occur. The decision is made by the department director in consultation with HR, consistent with applicable law and policy.

POLICY

Progressive Discipline

The City generally follows a progressive discipline process designed to give employees an opportunity to improve. The steps may include:

- Verbal Counseling
- Written Warning
- Final Written Warning
- Termination

Progressive discipline is not required in every case. The City reserves discretion to skip or repeat steps based on the nature, severity, or frequency of the policy violation and any behavioral or performance issue(s).

Disciplinary action will remain active and referenced for future action in the employee's personnel file for the following periods:

- Verbal Warning: Six (6) months from the date of issuance
- Written Warning: Nine (9) months from the date of issuance
- Final Written Warning: Twelve (12) months from the date of issuance

If no further incidents occur within the specified timeframe, the disciplinary action will expire and no longer be considered in future evaluations or decisions. However, if repeated violations occur while the warning is active, all records may be considered in determining appropriate disciplinary actions. Previous discipline, however, may be considered if any future discipline is imposed. Even after a warning has expired, the City may still consider an employee's overall behavior or performance history to identify patterns, provide coaching or inform future disciplinary decisions.

Additional actions that can be considered before and/or with other disciplinary action include:

Suspension with pay.

- A suspension with pay may be given when: (1) time is needed for the City to investigate the facts and circumstances before a disciplinary decision is made; or (2) when a supervisor decides to give an employee time ("decision day(s)") to consider his or her employment with the City or to develop improvement plans.

Suspension without pay:

- Suspensions without pay may only be given: (1) in conjunction with a Written or Final Written Warning; (2) during an investigation into conduct which, if true, would likely result in termination or other serious disciplinary action; or (3) when the manager believes the employee, who is facing serious disciplinary action, needs a decision day or days to consider his or her employment with the City.

Termination:

Termination of employment may occur when:

- Repeated violations occur despite prior corrective action;
- The conduct or performance issue is severe enough to warrant immediate dismissal; or
- Continued employment poses risk to City operations, safety, or public trust.

All terminations must be reviewed and approved by the Human Resources Department before final action.

GENERAL NOTES

When an employee covered under a Collective Bargaining Agreement receives verbal counseling, or a written or final written warning, the employee shall be permitted to have a representative present during the meeting where the action is discussed.

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

Hearing Procedures for Serious Discipline

Involuntary Separation of Employment

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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Document No: _____

Effective Date: _____

TITLE	Reinstatement
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Organizational Level: City

Document Type: Policy

PURPOSE

To establish a consistent and equitable process for evaluating the reinstatement of former employees to City service. This policy supports workforce continuity while ensuring that all employment decisions comply with applicable laws and reflect the City's mission, values, and operational needs.

SCOPE

This policy applies to all former City employees seeking reemployment, regardless of position or department.

Employees covered by a collective bargaining agreement (CBA) will follow reinstatement provisions in the CBA when different from this policy.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Reinstatement: The reemployment of a former City employee following a separation from service, typically through the City's standard hiring process.

Competitive Hiring Process: The open recruitment and selection process required under Colorado Equal Pay for Equal Work Act (CEPEWA), Colo. Rev. Stat. § 8-5-101, et seq., which is state law governing job postings, promotions, and application processes to ensure transparency and equal opportunity.

Break in Service: The period between an employee's separation date and subsequent reemployment date. A break in service exceeding ninety (90) days generally results in loss of prior leave accruals and service credit.

Career Service Status: The classification of employment attained upon successful completion of a probationary period, entitling the employee to procedural protections under City policy.

POLICY

Reemployment and Selection

- Former employees who wish to return to City employment must apply through the competitive selection process in accordance with the CEPEWA and City hiring procedures.
- The City does not guarantee reinstatement or preferential treatment to former employees, except as provided by law or a governing agreement.
- Human Resources will verify prior employment records, eligibility for rehire, and separation reason before extending any offer of reemployment.

Eligibility for Reinstatement

Employees are eligible for reinstatement consideration if:

- Their prior separation was voluntary and in good standing (i.e., not for cause or misconduct).
- They meet the minimum qualifications for the new position.
- They comply with all pre-employment requirements, including background checks, licensing, and certifications.

Former employees terminated for gross misconduct, policy violations, or disqualifying performance are not eligible for reinstatement without a review of conditions by the Human Resources Director or designee.

Restoration of Benefits and Service Credit

- Employees reinstated within twelve (12) months of separation may have certain benefits restored, including:
 - General Leave not paid out at separation
 - If less than 48 hours is added back to the bank, the employee will receive a sick bank in lieu of a General Leave bank, where one (1) hour of sick time is accrued per 30 hours worked, up to 48 hours a calendar year. If the employee receives their full General Leave bank, the sick bank will be removed and replaced with General Leave hours.
 - Seniority date and service credit for purposes of calculating future leave banks and longevity

- Reinstatement after twelve (12) months constitutes a new hire for purposes of benefits, leave accrual rates, and seniority.
- Health, dental, and vision coverage will resume according to plan waiting periods and open enrollment rules.

All reinstated employees must complete all required new-hire paperwork and onboarding procedures.

Probationary Period

Reinstated employees may be required to complete a new probationary period to ensure successful adjustment and performance in the reemployed position, unless waived by the Human Resources Director for prior satisfactory service in the same classification.

Documentation and Recordkeeping

- All reinstatements must be processed and reviewed by Human Resources.
- The employee's personnel file must document the original separation reason, break in service, and restored benefits (if any).
- Human Resources will ensure reinstatement decisions are applied consistently and without discrimination based on protected class status under Title VII, ADA, ADEA, CADA, or any other applicable law.

GENERAL NOTES

This policy does not guarantee reinstatement or continued employment.

The City reserves discretion to determine eligibility, approve reinstatements, and interpret this policy consistent with operational needs and legal requirements.

Any reinstatement beyond twelve (12) months, up to a maximum of eighteen (18) months, requires written approval from the City Manager or their designee.

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

Equal Employment Opportunity/Non-discrimination Policy

Serious Discipline Process

Probationary Status Policy

Performance Evaluations Process

Colorado Equal Pay for Equal Work Act, C.R.S. § 8-5-101 et seq.

Colorado Anti-Discrimination Act (CADA), C.R.S. § 24-34-301 et seq.

Title VII of the Civil Rights Act of 1964

Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 et seq.

CIRSA Employment Practices Risk Management Guidelines

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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Effective Date: _____

TITLE	Employee Benefits Policy
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Organizational Level: City

Document Type: Policy

PURPOSE

To provide employees with a summary of benefits offered by the City of Commerce City (City).

SCOPE

This policy applies to all eligible employees.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Affordable Care Act (ACA): The 2010 federal law that makes health insurance accessible to employees working an average of 30 hours per week in a 12-month assessment period.

Americans with Disabilities Act (ADA): The federal civil rights law that prohibits discrimination against people with disabilities in various areas, including employment, public accommodations, and government services.

Consolidated Omnibus Budget Reconciliation Act (COBRA): The federal law that allows certain employees, retirees, and their families to continue their group health insurance coverage temporarily after losing it due to specific events such as job loss, a reduction in work hours, or divorce.

Family and Medical Leave Act (FMLA): The federal law that provides eligible employees with up to 12 weeks of unpaid, job-protected leave per year for specific family and medical reasons.

POLICY

The City may offer employees the opportunity to participate in City-sponsored insurance programs, such as health insurance, dental insurance, vision insurance, disability insurance, and life insurance. An employee's eligibility to participate in and the coverage provided by each program are determined by the benefit program plan, if such a plan exists, or by the terms of the agreement between the City and the benefit provider.

Enrollment:

Benefit eligible employees must complete and submit their online benefit enrollment document(s) within thirty-one (31) days of their date of hire. Elected benefits become effective on the first day of the month following an employee's hire date. If an employee fails to complete and submit their document(s) within thirty-one (31) days, they will forfeit their right to elect benefits until the next open enrollment period or they experience a qualifying life event.

Leaves of Absence:

- Benefits may be affected by leaves of absence (with or without pay). During a leave of absence with pay, all employee benefits will be continued, but if an employee fails to pay for a voluntary benefit (e.g., life insurance), the benefit could be subject to termination. During a leave of absence without pay, health insurance coverage will be continued as required under the ACA.
- Disability coverage will end on the last day the employee is actively at work.
- Life insurance will be continued for up to ninety (90) days during a non-medical leave of absence and up to one hundred eighty (180) days during a medical leave of absence. An employee who is permanently and totally disabled may qualify for continued life insurance under the Waiver of Premium provision of the policy.
- Employees on leave without pay will be required to pay any employee premium during the leave or as a payroll deduction on return from leave.

Family and Medical Leave:

Employees who are on qualified leave under the FMLA will have medical and dental coverage for up to twelve (12) weeks or as mandated by federal or state law. For employees who remain on extended medical leave, city-paid health insurance may be continued following the 12-week FMLA period if required by the ACA.

Affordable Care Act:

- As of January 1, 2015, the ACA requires employers to offer affordable health insurance to fulltime employees. Fulltime status is based on actual hours of service and includes paid leave time. Fulltime employees, including temporary employees, must be offered employer-sponsored health insurance effective no later than ninety (90) days after the date of hire.
- Under the ACA, fulltime employees are defined as those who work on average thirty (30) or more hours per week in a month during a period known as the measurement period. There is no measurement period for new regular fulltime or temporary fulltime employees.
 - The measurement period for **new variable hour temporary** employees is twelve (12) months, beginning on the employee's date of hire and ending on the one-year work anniversary.

- The measurement period for **ongoing regular and temporary** employees is from October 15 through October 14 of each year with an enrollment effective date of the following January 1.

Employees are entitled to twelve (12) months of coverage even if an employee later becomes a part-time employee and works less than an average of thirty (30) hours per week as defined under the ACA. The entitlement to health insurance ends when the employee is separated from service or fails to meet the hours requirement for coverage.

Separation from Service:

Employees who are separating from service may not use paid or unpaid leave time to extend their period of employment for the purpose of gaining additional employee benefits.

When an employee is separated from employment with the City, other than termination, or when a dependent is no longer eligible for coverage under the program plan, the employee or dependent may be eligible for continued healthcare coverage as specified by COBRA guidelines. In such cases, employees are responsible for paying the costs of coverage themselves.

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

Affordable Care Act (ACA)

Americans with Disabilities Act (ADA)

Consolidated Omnibus Budget Reconciliation Act (COBRA)

Family and Medical Leave Act (FMLA)

Separation from Employment

Discrimination Prevention

ADEA

ADA

Genetic Information Nondiscrimination Act (GINA)

Policy Owner

Title/Name:

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TITLE	Long Term Disability
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Organizational Level: City

Document Type: Policy

PURPOSE

The purpose of this policy is to establish the City's approach to providing income protection to employees who experience an extended inability to work due to illness, injury, or other qualifying medical condition. This policy supports employee financial stability while aligning with applicable laws, benefit plan provisions, and the City's obligations under the Americans with Disabilities Act (ADA) and the Family and Medical Leave Act (FMLA).

SCOPE

This policy applies to all full-time employees.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Long-Term Disability (LTD): An employer-funded insurance benefit that provides partial income replacement to an eligible employee who remains unable to perform the essential functions of their job after the expiration of the Short-Term Disability (STD) benefit period (typically 90 days).

Pre-Disability Earnings: The employee's regular base rate of pay prior to the onset of disability, excluding overtime, or other supplemental pay.

Maximum Benefit Period: The maximum period during which LTD benefits may be paid, as defined by the City's group policy with its third-party carrier.

Inactive Employment Status: A temporary employment classification for employees who are receiving LTD benefits and are not actively working. This status preserves access to certain benefits for a defined period, pending reassessment of their ability to return to work or eligibility for ADA accommodation.

Authorized Treating Provider (ATP): A licensed healthcare provider responsible for certifying the employee's disability status and providing required medical documentation to the LTD insurer and the City.

POLICY

Eligibility and Coverage

- The City provides LTD insurance to eligible full-time employees, effective the first day of the month following the employee's date of hire.
- LTD coverage provides 60% of pre-disability earnings (as defined by the plan) for approved claims after a qualifying period of 90 consecutive calendar days of disability (the elimination period).
- LTD claims are administered and paid directly by the City's third-party insurance provider in accordance with the plan documents.

Employment Status During LTD

Employees approved for LTD benefits will be placed on Inactive Employment Status for up to 90 calendar days following LTD approval.

During inactive status:

- The City will continue to pay the employer portion of medical and dental insurance premiums for up to 90 days, provided the employee continues to pay their portion of premium costs.
- All other employee benefits (e.g., accruals, retirement contributions, paid leave accrual) will be suspended unless required by law or plan design.

Employees released by a physician to return to work within this 90-day inactive period may be reinstated to their previous position or to a comparable position, subject to operational availability.

If the employee is unable to return to work within 90 days, the City will initiate an ADA interactive process to determine whether reasonable accommodation or reassignment is possible.

If no reasonable accommodation can be made, the employee may be separated from employment under Medical Separation provisions.

Coordination with Other Benefits

LTD coverage begins only after STD benefits or other paid leave options are exhausted and the 90-day elimination period is satisfied.

FMLA:

If applicable, FMLA will run concurrently with STD or the initial portion of the LTD waiting period.

Workers' Compensation: LTD benefits do not apply to work-related injuries or illnesses covered under Workers' Compensation insurance.

Return to Work

- Employees medically released for duty must provide a fitness-for-duty certification before returning to work.
- If permanent medical restrictions are identified, the City will engage in the ADA interactive process to determine whether reassignment, accommodation, or alternative placement is appropriate.
- If an employee returns to work on a part-time or reduced schedule, the LTD carrier will determine whether partial disability benefits apply.

Termination of Employment

Employment may be administratively separated after:

- The employee has remained on inactive status beyond the 90-day LTD coordination period; and
- The City has completed an ADA assessment and determined that no reasonable accommodation or reassignment is available; and
- HR has notified the employee in writing of the final separation decision. Such separations are considered non-disciplinary and may qualify the employee for continued LTD benefits and COBRA continuation coverage, if applicable.

Confidentiality

All medical and disability-related documentation will be maintained in confidential files, separate from personnel records, and handled in compliance with the ADA, HIPAA, and applicable privacy regulations.

GENERAL NOTES

LTD coverage is governed by the terms of the City's group insurance policy. This policy document provides a summary; the plan document controls in the event of any conflict.

Employees with questions regarding their claim status should contact the third-party administrator directly.

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

Short Term Disability

General Leave

Insurance Benefits

Americans with Disabilities Act (ADA)

Family and Medical Leave Act (FMLA)

FAMLI

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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TITLE	Military Leave
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Organizational Level: City

Document Type: Policy

PURPOSE

To support City of Commerce City (the “City”) employees who serve in the United States Armed Forces or National Guard by providing military leave. This policy ensures job and benefit protection, fostering a supportive environment that honors their service. The policy outlines procedures and benefits to ensure transparency, fairness, and legal compliance.

SCOPE

This policy applies to all City employees who are members of the Reserves or enlisted in any branch of the United States Armed Forces or are members of the National Guard of any state in the United States.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Active Duty: Full-time duty in the active military service of the United States, including training, mobilization, or deployment.

Inactive Duty Training: Authorized training or instruction performed by Reserve or National guard members during non-active periods.

Salary Differential pay: The difference between an employee’s military pay and the pay they receive as a city employee.

POLICY

The City complies with all state and federal laws related to military leave including but not limited to Uniformed Services Employment and Reemployment Rights Act (“USERRA”). In accordance with these laws, the City provides employees with paid leave for a maximum of 15 working days per calendar year for active duty or training with the National Guard or any branch of the U.S. Armed Forces.

Compensation While on Leave:

After this 15-day period of paid leave, employees on active duty may request salary differential pay. The request for differential pay must be made in writing to the City Manager, who has the authority to grant or deny the employee’s request. The decision whether to grant the request will depend on the City’s ability to pay. Differential pay may be

terminated at any time based upon the City's inability to pay or if the City Manager determines that the continuation of such pay would undermine public confidence in the City.

After exhausting the 15 days of paid leave and/or the differential pay, employees may choose to use general leave, compensatory time, banked holiday time, and/or take leave without pay. An employee may not use any other type of paid leave during military leave.

Benefits While on Leave:

The City will continue to provide health insurance coverage for employees on military duty. In the event an employee no longer qualifies for health insurance coverage while on military duty, they may elect to continue their health insurance coverage on an individual basis for up to 24 months after their absence begins or for the period of service, whichever is shorter.

Employees on leave for less than 30 days must pay their regular cost share. For leave over 30 days, employees will use COBRA and pay the full cost plus a 2% admin fee.

Employee Responsibilities:

- Employees must provide advance notice (either written or verbal) of military orders to their supervisor and Human Resources whenever possible.
- If the military service is more than 30 days, employees may be required to provide copies of military orders after the military duty ends, unless doing so is impossible or impracticable.
- Employees may also be required to provide orders after a period of military leave ends if they requested to use any type of paid leave while away on military duty. Employees should notify his/her supervisor of his or her plans to return to work as soon as possible.

GENERAL NOTES

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

Uniformed Services Employment and Re-employment Rights Act (USERRA)

Family and Medical Leave Act (FMLA)

Colorado Military Leave Statute

Policy Owner

Title/Name:

Policy Review By:

Last Review Date:

RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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HR Approval By:	
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Document No: _____

Effective Date: _____

TITLE	Parental Leave for Academic Activities
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Organizational Level: City

Document Type: Policy

PURPOSE

This purpose of this policy is to define the terms in which an eligible employee may attend to their child(ren)'s academic activities.

SCOPE

This policy applies to part-time and seasonal employees. Full-time employees wishing to take time off to participate in the academic activities of their children should refer to the General Leave policy.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

In loco parentis: A person or organization that assumes the legal rights and responsibilities of a parent to a child without formal adoption.

Academic Activities: Includes, but is not limited to, parent-teacher conferences, academic performances, tutoring appointments, volunteer activities, and other school-sponsored events directly related to the educational advancement of the child.

POLICY

Eligibility and Leave Provided

The City provides up to 18 hours of unpaid leave per academic year to its part-time employees. The exact amount of leave a part-time employee is entitled is determined by multiplying the percentage of a full-time schedule (40 hours) the part-time employee works by 18.

The amount of leave is prorated based on the employee's regular work schedule.

Example: An employee working 20 hours per week (50% of full-time) is eligible for 9 hours of academic leave per school year.

Leave Use

Employees may use this unpaid leave to participate in the academic activities of their child(ren) or any child(ren) for whom employees have primary legal responsibility. This

leave applies to parents, guardians, or anyone standing in loco parentis to a child enrolled in kindergarten through 12th grade.

Scheduling Leave and Notice

- Leave must be requested at least one (1) week in advance, except in emergencies where advance notice is not feasible.
- Leave may be taken in increments of no less than one hour.
- Supervisors should approve requests unless the absence would cause a substantial disruption to City operations.

Verification and Documentation

- The City may require the employee to provide written verification from the school or school district confirming participation in an academic activity.
- Failure to provide verification, if requested, may result in the leave being treated as unapproved.

GENERAL NOTES

Leave cannot be denied without valid business necessity.

Supervisors should work cooperatively with employees to accommodate requests consistent with operational needs.

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

Parental Involvement in K-12 Education Act

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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Document No: _____

Effective Date: _____

TITLE	Holiday and Holiday Time
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Organizational Level: City

Document Type: Policy

PURPOSE

The City of Commerce City (“City”) provides designated paid holidays and floating holiday time to support employee well-being, recognize national observances, and maintain fairness in scheduling and compensation. This policy establishes the City’s official holidays, outlines eligibility requirements, and defines how holiday time is administered for all eligible employees.

SCOPE

This policy applies to all Full-time and benefit-eligible City employees. Employees covered by a Collective Bargaining Agreement (CBA) are subject to the terms of that agreement where different.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Holiday Time: The number of paid hours allocated to employees annually to observe designated City holidays.

Floating Holiday: A paid day of leave provided each year that employees may schedule, with supervisor approval, to accommodate personal or cultural observances.

Exempt / Non-Exempt: Employment classifications under the Fair Labor Standards Act (FLSA) that determine eligibility for overtime or compensatory time.

Active Status: An employee who is actively working, on paid leave, or otherwise in a paid status with the City on the day of the holiday.

The Fair Labor Standards Act (FLSA): Federal Law that sets minimum wage, overtime eligibility, equal pay, recordkeeping, and child labor standards, 29 U.S.C. § 201, *et. seq.*

POLICY

Holiday Time

Employees are allocated 96 hours of holiday time on the first paycheck of the year which includes 8 hours for each designated holiday that falls within the pay year and one floating holiday. If an employee works a non-traditional schedule, such as a 10-hour day, they will still receive 96 hours of holiday time or 8 hours per holiday. To cover the remaining hours (such as the remaining 2 hours in the case of someone working a 10-hour day), they must use compensatory time or general leave. This request will need to be approved by the employee's direct supervisor. New employees are immediately eligible for holiday pay and will have their holiday banks prorated to include all remaining, unobserved holidays.

Employees must be in active status on the holiday to receive the holiday pay. Employees who are in an inactive status are not eligible. In addition when Christmas Eve AND New Year's Eve fall on a weekday of Monday through Thursday, City offices will close at 12:00 p.m., all non-essential personnel will be released from duty and receive four (4) hours of administrative leave to cover the early closing, while essential personnel will be expected to work but will receive credit for four (4) hours of compensatory time.

Observed City Holidays

Holiday	Day Observed
New Year's Day	January 1st
Martin Luther King Day	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19th
Independence Day	July 4th
Labor Day	1st Monday in September
Veteran's Day	November 11th
Thanksgiving Day	4th Thursday in November
Day After Thanksgiving	Friday following Thanksgiving
Christmas	December 25th
Floating Holiday	Employee's choice*

*Approved at director's discretion based on business needs

When Christmas Eve or New Year's Eve fall on a Monday, Tuesday, Wednesday, or Thursday, City offices will close at 12:00 p.m. and all non-essential personnel will be released from duty and receive four (4) hours of administrative leave to cover the early closing; essential personnel will receive credit for four (4) hours of compensatory time. If an employee elects

to use General Leave or Floating Holiday pay on Christmas Eve or New Year's Eve, they will not be eligible for Holiday Administrative Leave, as they are not being released from duty.

Weekend Holidays:

Employees who are regularly scheduled to work Monday – Friday will observe designated holidays that fall on a Saturday on the preceding Friday and designated holidays that fall on a Sunday on the following Monday. Example: If Veteran's Day falls on Sunday, November 11th, the City will observe the holiday on Monday, November 12th.

Working on Holidays

The City recognizes that in certain circumstances, an employee will be required to work on an observed holiday.

Non-exempt employees who work on an actual or observed holiday have the option to be paid out or receive time-and-a-half in the form of compensatory time. If a non-exempt employee works on an actual holiday and the associated observed holiday, the employee will receive time-and-a-half only for the hours worked on the day for which they record the most hours worked. The employee shall not be entitled to time-and-a-half for both days.

- 1) Employees must take the unused holiday time that results from the worked holiday at a later date before the end of the last pay period of the year.
- 2) Exempt employees who work on an actual or observed holiday can elect to use the holiday time at a later date, which must occur before the end of the last pay period of the year.
 - a. Unless there are extenuating circumstances, this should be requested in advance with the employee's direct supervisor.

Limitations

If a holiday occurs during an employee's paid leave, the City will record holiday time instead of other paid leave. Employees on unpaid leave are ineligible to receive paid holiday time for any holidays that occur while the employee is on unpaid leave status; those hours will be removed from the employee's holiday bank and are not available for future use. Except for eligible employees in the police department, employees may not use holiday time from a designated holiday before the date of that designated holiday.

Floating Holiday Time

The City offers one (1) floating holiday per year. Additionally, the City's wellness program allows for a potential additional floating holiday if an employee meets the eligibility criteria for that award of holiday time. The details for this additional floating holiday are documented in the City's Benefits Guide. Floating holiday time shall be awarded in the first payroll period

of the year following the year in which it was earned and shall be in addition to the holiday time provided in paragraph B above. If floating holiday time is not used before the end of the leave year in which it is awarded, it will be forfeited. Similarly, unused floating holiday time is forfeited upon separation from the City.

Payment upon Separation from Employment

Employees who voluntarily separate from the City and have banked holiday time that exceeds the number of remaining holidays for the accrual year will receive pay for the holiday time as part of their final paycheck. Employees may not use holiday time to extend their employment with the City.

GENERAL NOTES

All designated holiday time not used by the end of the last pay period of a calendar year will be forfeited.

Misuse or misrepresentation of holiday time may result in corrective action under the Disciplinary Action Policy.

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

General Leave Policy

Short Term Disability Policy

Timekeeping Policy

Disciplinary Action Policy

Fair Labor Standards Act (FLSA), 29 U.S.C. § 201 et seq.

Equal Pay for Equal Work Act (EPEWA), C.R.S. § 8-5-101 et seq.

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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Document No: _____

Effective Date: _____

TITLE	Sensitive and Non-Public Information
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Organizational Level: City

Document Type: Policy

PURPOSE

This policy establishes guidelines for protecting confidentiality, data, and personally identifiable information (“PII”) collected, created, or maintained by the City.

It ensures compliance with applicable federal and state laws, prevents unauthorized disclosure or misuse of data, supports cybersecurity best practices, and maintains public trust in City operations.

SCOPE

This policy applies to all City employees, including full-time, part-time, and seasonal employees, as well as contractors, consultants, and volunteers.

It also applies to the use of artificial intelligence (AI) systems and other digital tools that interact with City information.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Sensitive Information: Data that could cause harm or adverse consequences if disclosed, misused, or accessed without authorization.

Personally Identifiable Information (PII): Any information that can be used to identify an individual, whether directly or indirectly.

Confidential Information: Any non-public record protected by law or policy.

Encryption: The Process of converting data into coded format to protect it from unauthorized access.

Artificial Intelligence (AI) – machines or software capable of performing cognitive tasks.

Generative AI – a machine or software that automatically creates content such as text, audio, or images.

Plain text: Unencrypted data.

POLICY

Employees may have access to records that contain sensitive information that is protected by law from public inspection (“non-public information”).

Employees shall not disclose non-public information except to City personnel who have been identified to the employee by their supervisor or the City Manager as being authorized to receive such information.

Employees may not reproduce any non-public information, except as needed for official City business or as authorized by their supervisor or the City Manager.

Employees are prohibited from using non-public information to further their own interests.

Employees should consult with their supervisor or refer to the City’s Record Request Policy for guidance as to what constitutes non-public information

Employees must also comply with all applicable state and federal laws regarding the protection of sensitive information. These may include, but are not limited to:

- Fair and Accurate Credit Transactions Act (FACTA)
- Health Insurance Portability and Accountability Act (HIPAA)
- The Economic Espionage Act
- The Privacy Act
- Gramm-Leach-Bliley Act
- Identity Theft Laws
- Trade Secrets Protections
- Implied Contract Breach

Sensitive information includes the following items, whether stored electronically or in printed format:

PII: This consists of personal information, including, but not limited to:

- **Credit card information:** including credit card number (in part or whole), credit card expiration date, cardholder name, and cardholder address.
- **Tax identification numbers:** including Social Security Number, Social Insurance Number, Business Identification Number, and Employer Identification Numbers.

- **Payroll information:** including paychecks, pay stubs, and pay rates.
- **Medical information:** including doctor names, claims, insurance claims, prescriptions, and any related personal medical information for any person.
- **Other personal information:** belonging to customers, employees, and contractors. Examples include date of birth, address, phone numbers, maiden name, names, and customer number.

Confidential and proprietary information: including any non-public business, employee, customer, vendor, and supplier information.

Documents with Specific Labels: This includes any document marked “Confidential,” “Sensitive,” “Proprietary,” or any similarly labeled document.

Artificial Intelligence and Data Privacy

AI tools may be used only as permitted under the Generative AI Usage Policy and must not process, generate, or analyze confidential or PII data.

“Human-in-the-loop” (HITL) oversight is required: all AI-assisted outputs must be reviewed by a human before sharing or publishing.

AI use must preserve privacy, avoid bias, and ensure that data inputs or prompts do not expose protected information.

Any proposed AI vendor or system must be reviewed by the **Information Technology (IT) Department** and the **City Attorney’s Office** for data-security compliance before procurement.

What employees should do to maintain information security:

- **Lock or secure confidential information at all times:** File cabinets, desk drawers, overhead cabinets, and any other storage space containing documents with sensitive information must be locked when not in use. Storage rooms and record retention areas containing documents with sensitive information must be locked at the end of each workday.
- **Clear Desks:** Desks, workstations, work areas, printers, fax machines, and common shared work areas must be cleared of all documents containing sensitive information when not in use. Whiteboards, dry-erase boards, writing tablets, etc., in common shared work areas will be erased, removed, or shredded when not in use.

- **Secure Discarding:** When documents containing sensitive information are discarded, they must be placed inside a locked shred bin or immediately shredded using a mechanical crosscut or Department of Defense (DOD) approved shredding device. Locked shred bins are labeled “Confidential paper shredding and recycling.” Employees should contact their supervisor for assistance in locating one of these bins.
- **Internal Electronic Transmission:** Sensitive information may be transmitted internally using approved City email systems.
- **External Electronic Transmission:** Any sensitive information sent externally must be encrypted and password protected and sent only to approved recipients. The email must also include a statement such as, “This message may contain confidential and/or proprietary information and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited.”

Only disclose information to other employees when it is necessary and authorized. Keep confidential documents on the City’s premises unless it is necessary to move them.

Reporting, Breaches, and Compliance

Any suspected or actual loss, theft, or unauthorized disclosure of confidential or PII data must be reported immediately to the employee’s supervisor and the IT Department.

The IT Department and the City Attorney’s Office will determine notification requirements, in compliance with applicable laws and policies.

Violations of this policy may result in disciplinary action, up to and including termination.

GENERAL NOTES

The City reserves the right to audit data-handling practices for compliance with this policy. Department directors are responsible for ensuring staff receive periodic training on data privacy, AI ethics, and cybersecurity awareness.

Employees are required to comply with the City’s Artificial Intelligence (AI) Policy when applicable.

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

Generative Artificial Intelligence Usage Policy
Records Retention Guidelines

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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Document No: _____

Effective Date: _____

TITLE	Religious Accommodation
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Organizational Level: City

Document Type: Policy

PURPOSE

The purpose of this policy is to provide a consistent framework for addressing employee requests for religious accommodation in the workplace. The City of Commerce City (the “City”) prohibits discrimination based on religion and will reasonably accommodate an employee’s sincerely held religious beliefs or practices unless doing so would impose an undue hardship on the City’s operations.

SCOPE

This policy applies to all employees.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Religious Belief or Practice: A sincerely held moral, philosophical, or ethical belief that is held with the same significance as traditional religious beliefs.

Accommodation: Any reasonable adjustment to the work environment that enables an employee to observe religious practices. No reasonable accommodation may interfere with an employee's ability to perform the essential functions of their position.

Undue Hardship: A burden that is substantial in the overall context of the employer’s business taking into account all relevant factors, including the accommodation at issue and its practical impact in light of the nature, size, and operating cost of the employer.

Interactive Process: A dialogue between the employee, supervisor, and Human Resources (HR) to identify a reasonable accommodation that resolves the conflict between the employee’s religious belief or practice and their job duties.

POLICY

Requesting Accommodation

All religious accommodation requests will be handled with discretion and confidentiality. Retaliation for submitting a request or participating in the accommodation process is strictly prohibited and may result in disciplinary action.

Each employee must notify their HR Business Partner or Supervisor of their need for a religious accommodation based on a conflict between the individual's religious belief or practice and their work duties. The Supervisor is required to immediately contact HR or refer the employee to HR for assistance. To ensure a fair and consistent process for all, no accommodation shall be made without an employee first meeting with an HR representative.

HR Business Partners will be responsible for following the internal process for each employee which may include the completion of a Religious Accommodation Request Form and provide sufficient information to explain the nature of the belief or practice and the conflict with their work duties.

Interactive Process

- HR will initiate and facilitate an interactive process to assess the request and determine if a reasonable accommodation can be provided.
- The process may include:
 - Discussion with the employee to clarify the belief or practice at issue;
 - Review of essential job functions and operational needs; and
 - Consultation with Legal or other departments as necessary.
- HR will document each step of the process, including the rationale for any approved or denied accommodation.

Undue Hardship

- Accommodations that would cause a substantial burden on City operations, compromise safety, or infringes on the rights of others.
- Factors considered include: operational disruption, cost, workplace safety, scheduling needs, and compliance with other legal obligations.

Confidentiality and Non-Retaliation

- All requests and related discussions will be treated confidentially and shared only with individuals directly involved in evaluating or implementing the accommodation.
- Retaliation against any employee for requesting an accommodation or participating in the process is strictly prohibited and may result in disciplinary action.

GENERAL NOTES

If the employee fails to participate in the interactive process, they will be held to the standards of all other City Policies and performance standards outlined by their Supervisor or leadership team.

RELATED POLICIES, PROCESSES, PROCEDURES, AND STANDARDS

Performance and Conduct

General Leave

Work Hours and Attendance

Discrimination Prevention

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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Document No: _____

Effective Date: _____

TITLE	Probationary Status
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Organizational Level: City

Document Type: Policy

PURPOSE

To provide a structured and supportive probationary period that allows employees to demonstrate their ability to perform the essential duties of their position and to confirm mutual suitability between the employee and the City. The probationary period also provides supervisors an opportunity to evaluate performance, conduct, and overall fit before an employee attains career service status.

SCOPE

This policy applies to all employees not represented by a Collective Bargaining Agreement (CBA), who are appointed, promoted, transferred, voluntarily reassigned, newly hired, reclassified, or reinstated into positions designated as career service positions. Employees covered by a collective bargaining agreement (CBA) are governed by the provisions of that agreement if it differs from this policy.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Career Service: A classification of employment in which the employee has successfully completed the probationary period and is provided additional employment protections under a designated collective bargaining agreement (CBA), or an employee who would have otherwise been covered by the CBA but is determined by the City Manager to be a confidential employee.

Confidential Employee: A staff member who works closely with management, accessing sensitive information related to labor relations, collective bargaining, or personnel administration, or otherwise identified by the City Manager as a confidential employee.

At-Will: A classification of employment in which either the employee or the City may terminate the employment relationship at any time, with or without cause or notice, consistent with applicable law. All exempt employees remain at-will throughout their employment, regardless of probationary status. These employees are not covered by a collective bargaining agreement and are not eligible to be part of a union.

Probationary Employee: An employee serving a probationary period following hire or promotion, during which employment may be ended at the City's discretion and without recourse to the grievance or appeal procedures available to career service employees.

POLICY

Length of Probationary Period

- Employees entering a position designated by the City as career service will serve a six (6) month probationary period from the date of hire, appointment, or promotion. During this time, employees are encouraged to engage in onboarding, training, and performance feedback that supports long-term success.
- The probationary period may be extended in certain instances, including but not limited to circumstances that have limited an employee's ability to perform or demonstrate their full range of abilities for no more than 90 days.

Examples of valid extension reasons include:

- Extended approved leaves (e.g., ADA, military service, or workers' compensation) that result in missed onboarding opportunities or evaluation.
- Reasonable accommodations that temporarily affect training access or pacing.
- Significant changes to departmental processes or tools that impact the employee's ability to train effectively.

Any extension must be documented in writing, approved by Human Resources, and communicated to the employee before the original probationary period expires.

Performance Review During Probation

- Employees are supported throughout their probationary period and will receive a formal performance review after six (6) months to acknowledge accomplishments and share the future expectations for their position.
 - If a probationary evaluation is not complete before the six (6) month window, the employee will be automatically assumed as passing probation.
- The review should address performance, conduct, reliability, teamwork, and alignment with City values and service standards.

- Employees are encouraged to participate actively in discussions about progress, expectations, and professional development.

Successful Completion

Employees who satisfactorily complete their probationary period will be notified via a successful performance evaluation rating, effective the day following the completion of their probationary period.

Separation During Probation

During probationary status, employees are not guaranteed continued employment and may be separated at any time when performance, conduct, or overall suitability is not meeting standards.

- Separation during probation does not require the formal disciplinary process or appeal rights applicable to career service employees.
- Supervisors should consult Human Resources before any probationary separation to ensure documentation and procedural consistency.

Reemployment and Promotion

An employee who separates from the City during a probationary period and is later rehired may be required to serve a new probationary period, as determined by the hiring department and Human Resources.

Employees promoted or reclassified to a new position within the City must also complete a new probationary period to assess performance in their new role.

GENERAL NOTES

Exempt employees are considered to be at-will throughout their employment with the City, regardless of their introductory status.

The probationary period is intended as an evaluation and development phase, not a guarantee of continued employment or promotion.

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

Career Service Policy

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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Document No: _____

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TITLE	Tobacco, Smoking, & Vaping
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Organizational Level: City

Document Type: Policy

PURPOSE

The purpose of this policy is to support a healthy and welcoming environment for all employees, residents, and visitors by maintaining a tobacco-, vaping-, and smoke-free workplace environment. This policy promotes public health, reduces exposure to secondhand smoke and vapor, and ensures compliance with applicable state and federal laws, including the Colorado Clean Indoor Air Act (C.R.S. § 25-14-201 et seq.).

SCOPE

This policy applies to all City employees, contractors, volunteers, and visitors while:

- On City property (indoors or outdoors);
- Inside or within 15 feet of any City facility, entrance, window, or ventilation intake;
- In any City-owned, leased, or operated vehicle; or
- Operating City equipment or performing work on behalf of the City at any location.

DEFINITIONS

Smoking: Inhaling, exhaling, burning, or any cigarette, cigar, pipe, hookah, electronic smoking device, or similar product containing tobacco, nicotine, or another substance, whether natural or synthetic.

Vaping: The inhaling or exhaling of vapor, aerosol, or other emissions produced by an electronic smoking device, including e-cigarettes, vape pens, or similar devices that contain nicotine, THC, or other substances.

Tobacco Products: All products that contain tobacco or nicotine intended for human consumption, whether smoked, chewed, inhaled, or otherwise absorbed. This includes but is not limited to cigarettes, cigars, chewing tobacco, snuff, and electronic or non-electronic tobacco products. Products approved by the FDA for tobacco cessation or medical use are not considered tobacco products.

Tobacco-free Area: Any indoor/outdoor space, vehicle, or designated area where tobacco use and smoking are not permitted under this policy or applicable law.

POLICY

Prohibited Conduct

To protect health and safety and comply with Colorado law:

- Smoking, vaping, and tobacco use are prohibited inside all City buildings, facilities, and vehicles, and while operating City-owned or leased equipment.
- Unless a designated smoking area is clearly marked, employees must remain at least 15 feet from any building entrance, operable window, or ventilation intake when using tobacco or vaping products.
- Employees may not smoke, vape, or use tobacco products while interacting with the public, attending City meetings, or representing the City in uniform or in an official capacity.
- Marijuana use in any form is strictly prohibited on City property, in City vehicles, or during working hours, consistent with federal law and City drug-free workplace standards.

Designated Smoking Areas

- The City may designate limited outdoor areas for smoking or tobacco use to maintain compliance with state law and minimize exposure to others.
- Employees must use designated receptacles for proper disposal of tobacco waste (e.g., cigarette butts, filters, vape cartridges).
- Departments are responsible for ensuring designated areas are clean, safe, and located beyond the required 15-foot perimeter.

City Vehicles and Equipment

- Smoking, vaping, or using tobacco in any City-owned or leased vehicle is strictly prohibited, regardless of weather, passenger status, or trip duration.
- Use of tobacco or vaping products while operating City equipment or performing work duties is not permitted.

Compliance and Enforcement

- Compliance with this policy is a condition of employment.
- Supervisors are responsible for addressing observed violations promptly and documenting repeated or willful noncompliance.
- Violations may result in corrective or disciplinary action, up to and including termination, consistent with the Employee Conduct and Discipline Policy.

- Visitors or contractors who violate this policy may be asked to leave City property or may have access restricted.

GENERAL NOTES

The City supports employees who wish to quit using tobacco/tobacco products and encourages them to participate in wellness programs.

The City reserves the right to update this policy in accordance with changes to the Colorado Clean Indoor Air Act, CIRSA recommendations, or municipal code.

This policy does not restrict lawful tobacco use when off duty or off City property, provided such use does not violate City policies, create safety risks, or affect performance.

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

Drug-Free Workplace Policy

Employee Conduct and Discipline Policy

Vehicle Use Policy

Wellness and Benefits Program Guidelines

Colorado Clean Indoor Air Act (C.R.S. § 25-14-201 et seq.)

CIRSA Risk Management Guidelines – Smoke-Free and Vape-Free Workplaces

Healthy Families and Workplaces Act (C.R.S. § 8-13.3-401 et seq.)

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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Effective Date: _____

TITLE	Bereavement
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Organizational Level: City

Document Type: Policy

PURPOSE

The City provides paid time away from work to provide employees with time to grieve, attend services, and honor the memory of loved ones. Our organization recognizes that loss affects each person differently and is committed to supporting employees during these difficult times.

SCOPE

This policy applies to all employees. For employees covered by a Collective Bargaining Agreement (CBA), the terms of the CBA will take precedence in the event of any conflict with this policy.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Qualifying Family Member: For the purpose of this policy only, qualifying family member is defined as the employee's spouse or domestic partner; the employee's child, parent, sibling, grandparent, grandchild, aunt, or uncle; the corresponding step-relations (such as stepchild, stepparent, or stepsibling); the employee's in-laws (including parents-in-law, children-in-law, and siblings-in-law); and an adult who stood in loco parentis to the employee during childhood.

POLICY

Paid Bereavement Leave

Employees may take up to forty (40) hours of paid bereavement leave to attend services, travel, or grieve the loss of a qualifying family member.

Bereavement leave should normally be taken within sixty (60) calendar days of the death but may be extended with supervisor approval when travel or circumstances require flexibility.

Bereavement leave is intended to provide flexibility and support during times of loss. Department directors will review requests, considering both the needs of the department and the employee.

Documentation may be requested to support a leave request.

Bereavement for a City Employee

Employees may also take up to four (4) hours of bereavement leave to attend services for another City employee.

Pay and Benefits

Bereavement leave is paid at the employee's regular base rate of pay and counts as hours worked for benefit accrual purposes. It does not count toward overtime calculation.

GENERAL NOTES

Employees may, with supervisor approval, use available general leave if additional time off is needed beyond bereavement leave.

Misuse of bereavement leave or providing false information to obtain leave may result in corrective or disciplinary action.

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

Colorado Healthy Families and Workplaces Act, C.R.S § 8-13.3-401 et seq., .

Work Hours and Attendance Policy

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
Legal Review By:	
Legal Review Date:	
HR Review By:	

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Effective Date: _____

TITLE	Bilingual Pay
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Organizational Level: City

Document Type: Policy

PURPOSE

The City recognizes the importance of effective communication with its diverse community. This policy establishes the criteria for awarding bilingual pay to employees who demonstrate proficiency in more than one language and regularly use those skills to enhance service delivery, community access, and public trust.

SCOPE

This policy applies to all employees, excluding seasonal staff, unless bilingual proficiency is a condition of their employment.

For employees covered by a Collective Bargaining Agreement (CBA), the terms of the CBA will govern where different.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Bilingual: The demonstrated ability to speak, read, comprehend, and accurately interpret two or more languages, including English, at a level sufficient to perform assigned duties.

Bilingual Pay: A supplemental pay differential provided to eligible employees who have demonstrated proficient abilities in another language and whose position requires or regularly benefits from bilingual communication.

Essential Function Language Requirement: A position in which proficiency in a second language is a required qualification and integral to the employee's duties. The value of bilingual ability is reflected in the established pay range and is not eligible for separate incentive pay.

POLICY

The City values the ability to connect and communicate with all members of the community.

Eligibility

Employees who demonstrate bilingual proficiency and whose positions benefit from regular use of these skills may be eligible for bilingual incentive pay or an increase in their base pay. This determination is based on:

- The consistent use of bilingual communication in service to residents;
- The importance of bilingual communication in carrying out the responsibilities of the role; or
- A recognized public need for language access in a specific service area.

Eligibility is based on demonstrated technical-level bilingual proficiency as determined by an established assessment. The City may reassess eligibility or approved languages based on evolving community needs and business priorities.

Assessment and Certification

Employees must successfully complete a City-approved bilingual proficiency assessment.

The assessment will evaluate speaking, comprehension, and interpretation at the level required for the position (basic, intermediate, or technical).

The City may require reassessment every three (3) years or when job duties or community language needs change.

Failure to maintain proficiency may result in the removal of bilingual pay.

Positions that require bilingual skills as part of their essential functions will have the incentive pay built into their base salary. Positions that use bilingual skills less frequently, but as a service to the City, will receive incentive pay per pay period.

GENERAL NOTES

Bilingual pay reflects the City's commitment to equitable access, cultural responsiveness, and inclusive service delivery.

The City may adjust or discontinue bilingual pay based on changing community needs, budgetary constraints, or operational priorities.

Misrepresentation of proficiency or falsification of assessment results may result in removal of bilingual pay and disciplinary action, up to and including, termination.

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

Discrimination Prevention Policy

Performance and Conduct Policy

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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Document No: _____

Effective Date: _____

TITLE	Community Service Leave
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Organizational Level: City

Document Type: Policy

PURPOSE

The City of Commerce City (the “City”) recognizes the value of community engagement and supports employees in contributing their skills, time, and talents to nonprofit organizations. This policy establishes guidelines for employees to participate in volunteer activities during work hours, fostering civic responsibility and strengthening community connections while maintaining operational effectiveness and compliance with applicable laws.

SCOPE

This policy applies to all full-time employees of the City.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Volunteer Hours: Paid time away from regular work duties to participate in approved volunteer activities for a qualified nonprofit organization.

Nonprofit Organization: An entity that has been granted tax-exempt status under IRS Code 501(c)(3) of the Internal Revenue Code and operates for charitable, educational, scientific, or similar purposes.

Business Need: The operational requirements necessary to ensure uninterrupted delivery of City services, including adequate staffing, coverage, and the timely completion of work assignments.

POLICY

Eligibility and Allotment:

- Eligible employees may use up to eight (8) paid volunteer hours per calendar year.
- Leave may be taken in increments as small as one (1) hour.
- Community Service Leave does not accrue and does not carry over to the following calendar year.
- Community Service leave has no cash value and is not paid out upon separation from employment.

Approval Process:

- Eligible employees must submit a leave request in advance to their immediate supervisor or department head.
- Supervisors will consider requests based on business need, staffing coverage, and operational priorities.
- Final approval must be obtained before participation in the volunteer activity.
- Supervisors should ensure equitable access to volunteer opportunities across their teams.

Eligible Activities:

- Volunteer service must support a qualified nonprofit organization as defined in this policy.
- The nonprofit organization should serve or benefit Commerce City or its residents or otherwise align with the City's mission and values.
- Activities must involve direct service to the community (e.g., park clean-ups, mentoring, food distribution, environmental restoration, community education).

Community Service Leave may not be used for:

- Attending fundraising or social events without an active volunteer component (e.g., dinners, galas, tournaments).
- Religious worship services or political campaigning.
- City-sponsored events where attendance is already considered part of regular work duties.

Guidelines:

- Participation in volunteer activities is voluntary and will not affect employment status, performance evaluations, or promotional opportunities.
- During volunteer activities, employees remain representatives of the City and must adhere to the City's Code of Conduct and all applicable policies.
- Employees may be required to provide proof of participation (e.g., volunteer confirmation or documentation from the nonprofit organization) upon request.

GENERAL NOTES

Community Service Leave may not be used for City-sponsored events such as the Kurt Holland Golf Tournament, Memorial Day, or Music at the Park, as participation in these events may already be considered part of regular duties.

Employees should remember that during their Community Service Leave, they are representatives of the City and must act professionally and in compliance with City policies.

RELATED POLICIES, PROCESSES, PROCEDURES, AND STANDARDS

Performance and Conduct Policy

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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Document No: _____

Effective Date: _____

TITLE	Performance and Conduct Policy
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Organizational Level: City

Document Type: Policy

PURPOSE

The City of Commerce City (the “City”) is committed to maintaining a respectful, professional, inclusive, and productive work environment that supports high-quality public service. This policy establishes performance and conduct expectations that promote accountability, uphold public trust, and reinforce the City’s organizational values of Integrity, Collaboration, Innovation, Respect, and Excellence.

SCOPE

This policy applies to all employees. For employees covered by a Collective Bargaining Agreement (CBA), CBA provisions will govern where different.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Work Time: Includes the time employees are expected to perform job duties. It does not include authorized breaks or meal periods.

Americans with Disabilities Act (ADA): a federal civil rights law that prohibits discrimination against qualified individuals with disabilities in various areas of public life, including employment. It mandates that employers provide reasonable accommodations for qualified employees with disabilities, unless doing so would cause undue hardship. References to state law also include the Colorado Anti-Discrimination Act (CADA).

POLICY

City employees are expected to demonstrate professionalism, accountability, and a commitment to public service in their day-to-day responsibilities. Employees are expected to:

Performance Expectations

- Meet performance standards for their position and seek feedback for continuous growth .
- Perform duties accurately, efficiently, and within required timelines.
- Maintain required licenses or certifications associated with assigned work.

- Participate in performance evaluations, coaching, and feedback.
- Use work time responsibly, report to work as scheduled, and follow all timekeeping rules.

Conduct Expectations

- Treat coworkers, supervisors, and the public with professionalism and respect.
- Comply with City policies, directives, and lawful supervisory instructions.
- Follow workplace safety protocols and promptly report unsafe working conditions.
- Protect City confidential information and records, including through proper use and safeguarding of technology and data.
- Use City resources responsibly and only for authorized purposes.
- Cooperate truthfully during internal investigations and administrative inquiries.
- Report misconduct, conflicts of interest, and policy violations when observed.
- City employees are representatives of the public and must maintain conduct that reflects positively on the organization and its mission.

Conduct or Performance Issues

The City prioritizes fostering a culture of excellence. Therefore, the following behaviors may result in disciplinary action when they impair performance, workplace integrity, safety, or public confidence:

- Harassment, discrimination, or retaliation prohibited by Title VII, ADA, or CADA, or related laws.
- Violating City or departmental policies or applicable federal, state, or local laws ;
- Engaging in dishonesty, including falsification of records or intentionally; misrepresenting information;
- Refusing to complete assigned duties or displaying insubordination;
- Engaging in unsafe conduct, including tampering with safety equipment;
- Unauthorized possession of weapons or illegal substances while on duty ;
- Unexcused absences, habitual tardiness, or unauthorized departures from work;
- Recording coworkers without consent;
- Soliciting or distributing non-work-related materials during work time or in work areas without prior supervisory approval;
- Violating any portion of the City's Code of Ethics; and
- Any behavior that may erode the public's trust in good governance and stewardship of taxpayer dollars.

Employees who are unsure whether a behavior aligns with City policy are encouraged to consult their supervisor or the Human Resources department before taking action that could be in violation of the law or this policy.

Supervisory and Leadership Responsibilities

In addition to meeting the standards listed above, employees who hold supervisory and managerial roles are held to a higher standard of conduct and accountability.

Supervisors and managers are expected to model professionalism, integrity, and respect in all interactions and decisions. Their responsibilities include:

- Fostering a positive, inclusive, and productive work environment;
- Modeling professionalism and organizational values;
- Applying policies consistently and addressing issues in a timely manner;
- Providing coaching and feedback to support employee success;
- Maintaining confidentiality consistent with law and policy; and
- Elevating concerns to Human Resources or leadership as appropriate.

Failure to meet supervisory responsibilities may result in corrective action, up to and including termination.

Performance Management and Discipline

- Concerns with performance or conduct will be addressed under the Disciplinary Action Policy and related procedures.
- Employees are encouraged to seek clarification or support when expectations are unclear.
- Employees who may require reasonable accommodation under the ADA or CADA should contact Human Resources.

GENERAL NOTES

Employees who may need support or reasonable accommodations to meet performance standards are encouraged to contact Human Resources or their supervisor. The City complies fully with the ADA and applicable state laws.

Disciplinary actions will align with applicable Collective Bargaining Agreements where relevant.

Employees are also required to comply with the City’s Artificial Intelligence (AI) Policy when applicable.

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

Harassment

Discrimination

Work week, timesheets, Pay day, deductions from wages

Conflict of interest

Code of Ethics

Investigatory Interviews

Social Media

Disciplinary Actions

Use of City property

Performance Evaluations

Dress and appearance

Workplace Violence

Title VII of the Civil Rights Act of 1964

Americans with Disabilities Act (ADA), 42 U.S.C. §12101 et seq.

Colorado Anti-Discrimination Act (CADA), C.R.S. §24-34-401 et seq.

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes, and other circumstances: Permanent
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Document No: _____

Effective Date: _____

TITLE	Discrimination Prevention
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Organizational Level: City

Document Type: Policy

PURPOSE

Commerce City (“City”) is committed to maintaining a professional workplace free from discrimination and unlawful bias. The City provides equal employment opportunity to all employees and applicants and ensures employment decisions are based solely on merit, qualifications, and business needs. This policy establishes clear expectations, consistent with federal, state, and local law, to prevent discrimination and to promote fairness, integrity, and public trust.

SCOPE

This policy applies to all employees.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Equal Employment Opportunity (EEO): Equal Employment Opportunity (EEO) is a fundamental right of all employees and applicants for employment. Employees and applicants are to be provided a full and fair opportunity for employment, career advancement, and access to programs without regard to race, color, religion, national origin, disability (physical or mental), sex, age, sexual orientation, genetic information, or parental status.

Protected Status: As defined by federal, state, and local law, no individual shall be discriminated against on the basis of:

- Race, color, national origin, or ancestry;
- Religion or creed;
- Sex (including pregnancy, childbirth, and related medical conditions);
- Gender identity or gender expression;
- Sexual orientation;
- Age (40 or older under federal law);
- Disability (physical or mental);
- Genetic information;

- Marital, civil union, or parental status;
- Military or veteran status; or
- Any other status protected under applicable law, including the Colorado Protecting Opportunities and Workers' Rights (POWR) Act, C.R.S. § 24-34-401 et seq.

Protecting Opportunities and Workers' Rights (POWR) Act: Colorado legislation that expands anti-discrimination protections and ensures fair treatment in employment.

Discrimination: Any unjust or prejudicial treatment of individuals or groups based on personal characteristics protected by law.

Retaliation: Any adverse action against an employee for reporting discrimination, participating in an investigation, or exercising rights under this policy or law. Retaliation is a standalone violation.

POLICY

At Commerce City, we believe in creating a work environment where everyone feels valued, respected, and empowered to thrive. We actively promote equal opportunities and welcome individuals of all backgrounds.

Equal Employment Opportunity

The City provides equal employment opportunity at all stages of the employment relationship. All employment decisions must be based on job-related criteria such as qualifications, skills, performance, and organizational needs.

Employment actions prohibited under this policy include, but are not limited to:

- Refusing to hire, promote, or train a qualified person based on a protected status.
- Assigning less favorable duties or schedules based on protected characteristics.
- Making compensation or evaluation decisions based on bias, stereotypes, or retaliation.
- Denying equal access to City-sponsored programs, benefits, or facilities.

Discriminatory Conduct

Unlawful discrimination or bias may include:

- Verbal, written, or visual conduct that demeans or targets a protected group.

- Decisions or actions influenced by stereotypes or assumptions about a person's protected status.
- Favoritism or exclusion based on family, cultural, or identity-based relationships.

The City recognizes that intent is not required for conduct to violate this policy; impact on the recipient and effect on the workplace are key considerations.

Roles and Responsibilities

- **Employees** are expected to treat all colleagues, residents, and partners with professionalism and respect, consistent with City values.
- **Supervisors and Managers** must model appropriate behavior, ensure compliance with this policy, and consult HR promptly when concerns arise.
- **Human Resources** is responsible for training, enforcement, investigation, and ensuring compliance with the POWR Act and federal law.
- **City Leadership** must ensure all employment practices uphold fairness, consistency, and nondiscrimination.

We encourage positive interactions and uphold respectful workplace behavior. Examples of conduct that does not align with our values include, but are not limited to:

- Derogatory remarks
- Slurs
- Offensive jokes or gestures
- Hostile or exclusionary comments
- Any behavior that diminishes another person's sense of worth or respect

Our commitment extends to every stage of the employment experience, including recruitment, hiring, training, promotion, advancement, demotion, and layoff, ensuring that all decisions are based on merit, qualifications, skills, and abilities.

All employees are expected to uphold this policy and the principles of EEO. Violations of this policy may result in disciplinary action, up to and including termination.

GENERAL NOTES

Employees who experience or witness discrimination are encouraged to report it to their supervisor or directly to Human Resources.

Supervisors must report any concerns about discrimination to the Human Resources

department within three business days.

All reports will be handled promptly, thoroughly, and with confidentiality to the extent possible. Retaliation for reporting in good faith is strictly prohibited.

The City provides mandatory EEO and discrimination prevention training consistent with C.R.S. § 24-34-402.3 (POWR Act) requirements.

This policy does not prevent employees from exercising rights under applicable federal or state law, including contacting the EEOC or Colorado Civil Rights Division (CCRD).

Violation of this policy may result in corrective or disciplinary action, up to and including termination.

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

Disciplinary Action Policy

Investigations Policy

Code of Ethics and Conduct

Performance and Conduct Policy

Title VII of the Civil Rights Act of 1964 (42 U.S.C. §2000e et seq.)

Age Discrimination in Employment Act (ADEA), 29 U.S.C. §621 et seq.

Americans with Disabilities Act (ADA), 42 U.S.C. §12101 et seq.

Protecting Opportunities and Workers' Rights (POWR) Act, C.R.S. §24-34-401 et seq.

Colorado Anti-Discrimination Act (CADA)

Policy Owner Title/Name: Policy Review By: Last Review Date:	
RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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Document No: _____

Effective Date: _____

TITLE	Dress and Appearance
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Organizational Level: City

Document Type: Policy

PURPOSE

This policy promotes a professional, inclusive, and respectful work environment that reflects the values of Commerce City and its commitment to public service. It provides guidelines on appropriate dress and appearance for City employees while respecting individual expression, cultural identity, safety, and applicable legal protections.

SCOPE

This policy applies to all City employees, where department-specific policies differ, they must be reviewed and approved by Human Resources to ensure consistency with City-wide standards.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Creating a Respectful and Open World for Natural Hair Care Act of 2020 (CROWN): Colorado legislation prohibiting discrimination based on traits historically associated with race, including hair texture, length, and protective hairstyles such as braids, locks, and afros (C.R.S. §§ 24-34-301(5.1), (5.3), (5.8), (21)).

Uniformed Employee: An employee required to wear City-issued clothing, equipment, or protective gear as part of their official duties.

Reasonable Accommodation: A modification to dress or appearance requirements made to enable an employee's religious practice, cultural expression, gender identity, or disability-related need, in accordance with Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), and Colorado Anti-Discrimination Act (CADA).

POLICY

General Standard

Employees are expected to dress in a professional and appropriate manner that:

- Reflects positively on the City and its workforce.
- Supports operational safety and functionality.

- Respects the diversity and culture of all City employees. Clothing and grooming should be neat, clean, and suitable for the employee's assigned duties and work environment. Expectations may vary depending on the nature of work and situation (e.g., office-based, field, public safety, maintenance, or public-facing positions).

Professional Appearance

- **Business Casual Standard:** Unless otherwise directed by department leadership, business casual attire is appropriate for most administrative and public service settings. Jeans may be permitted at the discretion of department management, provided they are neat, clean, and free of holes, tears, or excessive wear. Departments may establish additional standards consistent with operational needs.
- **Safety and Uniform Requirements:** Employees working in field, operations, or public safety positions must wear prescribed uniforms, safety gear, or personal protective equipment (PPE) as required by job function.
- **Uniform Ownership:** Uniforms remain the property of the City and must be returned upon separation. Employees may not wear City uniforms for personal activities without express supervisory approval.

Expression and Inclusion

Employees may choose attire, hairstyles, and grooming that align with their:

- Gender identity or expression.
- Cultural, racial, or ethnic heritage.
- Religious or spiritual practice.

The City supports expression consistent with safety, operational, and professional standards. The City prohibits discrimination, bias, or adverse treatment related to personal appearance, hairstyle, or dress under the CROWN Act, Title VII, or CADA.

Reasonable Accommodations

The City will provide reasonable accommodations for:

- Religious practices (e.g., head coverings, modesty attire).
- Cultural expression or protective hairstyles.
- Disability-related or medical needs.
- Gender identity or gender expression.

Employees requesting accommodations should contact their supervisor or Human Resources. Requests will be evaluated on an individualized basis in accordance with applicable law and operational considerations.

Department-Specific Standards

Departments may establish additional dress and appearance guidelines based on operational, safety, or public service requirements (e.g., uniforms, visibility gear, identification badges). Such standards must:

- Be job-related and consistent with business necessity.
- Be reviewed and approved by Human Resources prior to implementation.
- Be communicated clearly to all affected employees.

Enforcement

Supervisors are responsible for ensuring adherence to this policy and applying standards consistently.

- If an employee's attire is deemed inappropriate or inconsistent with this policy, the supervisor should address the concern privately, explain expectations, and allow the employee an opportunity to make adjustments.
- Repeated or serious violations may result in corrective action consistent with the Employee Conduct and Discipline Policy.

GENERAL NOTES

The City emphasizes education and communication before discipline wherever possible.

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

Discrimination Prevention Policy

Equal Employment Opportunity Policy

Department Specific Dress and Appearance Policy

Employee Conduct and Discipline Policy

ADA and Religious Accommodation Procedures

Title VII of the Civil Rights Act of 1964

Americans with Disabilities Act (42 U.S.C. § 12101 et seq.)

Colorado Anti-Discrimination Act (C.R.S. § 24-34-401 et seq.)

Colorado CROWN Act (C.R.S. § 24-34-301 et seq.)

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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Effective Date: _____

TITLE
Drug and Alcohol Policy

Organizational Level: City

Document Type: Policy

PURPOSE

To maintain a safe, productive, and drug-free workplace, support employee well-being, and ensure compliance with federal and state laws.

SCOPE

All City of Commerce City (the “City”) employees. Additional requirements apply to DOT-regulated positions and safety-sensitive roles.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Illegal Drugs: Any controlled substance prohibited by federal or state law, including but not limited to marijuana, cocaine, opiates, amphetamines, and hallucinogens. Although marijuana is legal under Colorado law, it remains illegal under federal law and is prohibited in the workplace.

Impairment: A condition in which an employee’s performance, judgment, coordination, or behavior appears altered due to alcohol, drugs, or the misuse of medication, as observed by a supervisor or confirmed through testing.

Reasonable Suspicion: A belief based on objective observations (appearance, behavior, speech, odor, or other physical evidence) that an employee is under the influence or otherwise impaired while on duty.

Department of Transportation (DOT): a federal agency that oversees and regulates national transportation systems to ensure they are safe, efficient, and accessible.

Safety-Sensitive Position: A role in which impairment could directly threaten the health, safety, or welfare of the employee, coworkers, or the public.

POLICY

Prohibited Conduct

- Employees shall not:
 - Use, possess, distribute, or sell illegal drugs or alcohol while on City property, in City vehicles, or during work hours.
 - Report to work or remain on duty while impaired by alcohol, drugs, or misused prescription or over-the-counter medication.
 - Refuse to submit to a legally authorized drug or alcohol test.
- Employees must use prescription or over-the-counter medications responsibly and inform their supervisor or Human Resources if a medication may impair their ability to perform job duties safely.

Drug and Alcohol Testing

- The City may require testing under the following circumstances, consistent with applicable law:
 - Pre-employment;
 - Post-accident;
 - Reasonable suspicion of impairment;
 - Return-to-duty or follow-up after a violation or rehabilitation program; or
 - Random testing as required by DOT or other federal regulations.
- Testing will be conducted in accordance with applicable federal and state laws.
- A positive test or refusal to test will be treated as a policy violation and may result in disciplinary action up to and including termination.

Medical and Recreational Marijuana

- The City prohibits employees from being under the influence of marijuana while on duty, on City property, or operating City vehicles or equipment.
- The City recognizes lawful off duty conduct under C.R.S. § 24-34-402.5, but Colorado state law does not protect an employee from discipline if they are impaired during work hours or violate this policy.
- Employees in DOT-regulated or safety-sensitive positions are subject to federal law, which prohibits marijuana use entirely.

Prescription and Over-the-Counter Medications

- Employees lawfully using prescription or over-the-counter medications must ensure such use does not impair safe job performance.
- Supervisors or HR may request medical clearance if medication side effects could compromise safety.
- Misuse of prescribed medication (use other than as directed) is prohibited.

Employee Assistance Programs

- The City encourages employees with substance use concerns to voluntarily seek help through available Employee Assistance Programs (EAPs) or other support resources before disciplinary action becomes necessary.

Consequences of Violation

- Violation of this policy may result in disciplinary action, up to and including, termination of employment.
- In certain cases, the City may allow an employee to participate in a rehabilitation program as a condition of continued employment.
- Employees in DOT-regulated positions who test positive or refuse testing are subject to mandatory removal from safety-sensitive duties and federal return-to-duty requirements.

GENERAL NOTES

HR will coordinate any testing and documentation with an approved testing facility or occupational health provider.

Employees are responsible for keeping their supervisor informed of any medication or condition that may impact their ability to work safely.

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

Drug-Free Workplace Act (41 U.S.C. § 8102)

DOT regulations (49 CFR Part 40)

C.R.S. § 8-73-108 (misconduct involving controlled substances)

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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Effective Date: _____

TITLE	Equal Opportunity Employment Policy
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Organizational Level: City

Document Type: Policy

PURPOSE

The City of Commerce City (the “City”) is committed to providing a workplace that promotes fairness, inclusion, and respect for all. This policy ensures that all employment decisions and workplace practices are conducted without discrimination, harassment, or retaliation and in compliance with applicable federal, state, and local laws.

SCOPE

This policy applies to all City employees and applicants for employment.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Discrimination: Unequal treatment of an employee or applicant based on a protected status under federal, state, or local law.

Harassment: Unwelcome verbal, physical, or visual conduct based on a protected class (or perceived membership in a protected class) that creates a hostile, intimidating, or offensive work environment or unreasonably interferes with an individual’s ability to perform their job.

Protected Classes: Personal traits, characteristics, and/or beliefs (actual or perceived) that are defined by applicable law and protected from discrimination and/or harassment. Protected classes include race, color, national origin or shared ancestry, sex, gender, gender identity, gender expression, sexual orientation, religion, creed, age, disability, genetic information, marital status, familial status, pregnancy or related conditions, military or veteran status, or any other status protected by applicable law.

Reasonable Accommodation: A modification or adjustment to a job, work environment, or employment process that enables a qualified individual with a disability to perform essential job functions or access employment opportunities.

Qualified Individual with a Disability: A person who meets job requirements and can perform essential functions with or without reasonable accommodation.

Retaliation: Any adverse employment action taken against an employee for reporting discrimination or harassment, participating in an investigation, or opposing discriminatory practices in good faith.

POLICY

Equal Employment Opportunity

The City of Commerce City provides equal employment opportunity to all employees and applicants. Employment decisions are based on merit, qualifications, performance, and operational needs.

Americans with Disabilities Act (ADA) and Reasonable Accommodation

The City complies with the ADA and applicable Colorado state laws. Qualified individuals with disabilities are entitled to reasonable accommodations that allow them to perform the essential functions of their jobs or participate in the employment process.

Requests for accommodation may be made at any time to Human Resources. The City will engage in an interactive process to identify reasonable accommodations that do not impose an undue hardship on the City.

Harassment and Discrimination

The City prohibits discrimination or harassment in any aspect of employment. Employees are expected to maintain a workplace free of harassment and treat all colleagues with dignity and respect. Supervisors and managers must take prompt action when concerns arise or when they become aware of potential violations.

Retaliation

The City strictly prohibits retaliation against any employee who, in good faith, reports discrimination, harassment, or retaliation; participates in an investigation; or opposes discriminatory practices. Employees found to have engaged in retaliation are subject to disciplinary action, up to and including termination.

GENERAL NOTES

Roles and Responsibilities

Human Resources Department

- Ensure compliance with applicable equal employment opportunity and anti-discrimination laws.
- Provide education, training, and resources to support an inclusive workplace.
- Review and regularly audit employment and hiring practices.

Supervisors and Managers

- Promote a culture of inclusion and respect.
- Address potential policy violations promptly.
- Ensure fair and equitable treatment in all employment decisions.

Employees

- Contribute to a workplace that reflects respect and integrity.
- Report concerns or violations to a supervisor or Human Resources.

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

Conduct and Performance Policy

Harassment Prevention Policy

Discrimination Prevention Policy

Americans with Disability Act

Colorado Equal Pay for Equal Work Act

Colorado Protecting Opportunities and Workers' Rights Act (POWR Act)

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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Document No: _____

Effective Date: _____

TITLE	Emergency and Weather Closure
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Organizational Level: City

Document Type: Policy

PURPOSE

To ensure continuity of the City of Commerce City (the “City”) operations during emergencies and provide clear direction for employee attendance, compensation, and remote work expectations during weather-related or emergency closures.

SCOPE

All City employees.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Essential Personnel: Employees whose duties are critical to public safety, emergency response, infrastructure protection, or continuity of core City functions. Examples include, but are not limited to, Police, Public Works, Information Technology (IT), staff assigned to shelter operations, and designated administrative personnel. Departments must identify essential positions annually and communicate designations in writing.

Non-Essential Personnel: Employees whose duties can be temporarily suspended or completed remotely without significantly impacting City operations.

Administrative Closure: A full or partial suspension of City operations as determined by the City Manager or designee in response to severe weather, natural disasters, infrastructure failure, or public safety threats.

Remote Work During Emergency: Temporary authorization for employees to perform duties from an alternate location if operationally feasible and consistent with the City’s IT’s and Security policies.

POLICY

Authority to Close or Modify Operations

The City Manager, or designee, may modify or suspend operations due to:

- Hazardous weather conditions;

- Natural disasters;
- Public safety threats, or other (health) emergencies;
- Infrastructure or utility failures; or
- Other threats that compromise safety or essential operations.

Employee Attendance

- Essential Personnel are required to report to work or remain on duty as directed, unless specifically excused by their department director or supervisor.
- Departments should develop internal protocols for 24-hour operations or critical response roles.

Non-Essential Personnel may be:

- Directed to work remotely, if feasible; or
- Directed to work as an Emergency Disaster Service Worker; or
- Placed on paid administrative leave for the duration of the closure if remote work is not possible.
- Employees on previously scheduled leave (vacation, sick, etc.) will continue in leave status and are not eligible for paid administrative leave during closure hours.

Non-Exempt (Hourly) Employees

- Paid for all hours worked.
- If directed to stay home due to a City closure, they will receive paid administrative leave for regularly scheduled hours.

Exempt Employees

- Paid their regular salary without deduction for closure hours, consistent with the Fair Labor Standards Act (FLSA).

Employees Unable to Report When City Remains Open:

- May use accrued General Leave if they cannot safely travel to work.
- Supervisors may, at their discretion, authorize remote work when feasible.

Communication Responsibilities

- Employees are responsible for monitoring City communications and confirming their work status.
- Each department must maintain accurate employee contact information to ensure notification during emergency events.
- Failure to comply with attendance instructions during an emergency may result in disciplinary action.

Departmental Planning

- Each department director must annually review and update its Essential Personnel Roster and emergency response protocols.
- Supervisors should communicate expectations regarding reporting, shift coverage, and telework readiness before the start of severe weather seasons.

GENERAL NOTES

Employees should monitor City communications, follow reporting instructions, and ensure contact information remains current.

The City will make reasonable efforts to ensure safe working conditions and to provide advance notice of closures whenever possible.

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

General Leave Policy

Emergency Disaster Services Worker Operations Plan Annex

Colorado Public Safety/Disaster Emergency Act (C.R.S. § 24-33.5-701 et seq.)

Fair Labor Standards Act (FLSA)

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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Document No: _____

Effective Date: _____

TITLE	Employment of and Family in the Workplace
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Organizational Level: City

Document Type: Policy

PURPOSE

To promote fairness, transparency, and professionalism by establishing clear guidelines for employing and supervising family members within the City. These guidelines ensure that all employment decisions are made in the best interests of the organization and free from favoritism or conflicts of interest.

SCOPE

This policy applies to all City employees. For employees covered by a Collective Bargaining Agreement (CBA), the terms of that agreement will govern in the event of a conflict.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Direct line of supervision: a situation in which one employee has supervisory, disciplinary, appointment, or dismissal authority over another employee OR audits, verifies, receives, or is entrusted with money received or handled by another employee.

Family Member: covers a wide range of relationships, including spouse, parents, parents of siblings-in-law, children, brothers, sisters, grandparents, grandchildren, step-parents, step-children, step-siblings, foster parents, foster children, guardianship relationships, same sex and opposite sex domestic partners. Family member also includes spouses or domestic partners of the relationships listed above.

Conflict of Interest: A situation where an employee's personal or familial interests could interfere or have the appearance of interfering with objective and impartial decision-making on behalf of the City.

POLICY

General Standard

Employment decisions must be based solely on merit, qualifications, and organizational needs. No employee shall be hired, promoted, or supervised in a way that creates a conflict of interest due to a familial or personal relationship.

Hiring Practices

Employees may recommend qualified candidates for positions; however, to preserve impartiality, employees may not hire or directly appoint a family member for employment with the City. If an employee is aware of a family member applying for a position with the City where they may feel conflicted, the employee must disclose the relationship in writing to Human Resources immediately.

Supervision and Reporting

- Employees shall not supervise, evaluate, discipline, or make employment decisions regarding a family member.
- If a relationship develops that results in a direct or indirect reporting relationship, the employees involved must notify Human Resources immediately.
- The City will, in consultation with the Department Director, attempt to restructure reporting lines or reassign one of the employees within a reasonable timeframe.
- If reassignment is not operationally feasible, the City Manager, in consultation with HR, may determine which employee will be reassigned or separated from employment.

Financial and Operational Influence

Employees must not participate in or influence any financial transaction, procurement process, or contract award involving a family member.

Any such decision must be reviewed and approved by an impartial official, such as the Department Director, Human Resources, or City Manager.

Changes in Relationships

If employees become related by marriage, domestic partnership, or enter into a romantic or dating relationship, and one is in a position of authority over the other, both must notify Human Resources within five (5) business days.

Human Resources will assess whether a conflict exists and recommend appropriate action, which may include reassignment, modification of duties, or a waiver request.

If a situation arises—through reassignment, promotion, or personal relationship—where an employee becomes the direct supervisor of a family member, the employee will have six (6) months to adjust reporting relationships or request a waiver.

- If a waiver is not granted and the reporting relationship continues beyond six months, the City Manager may reassign or, if necessary, end the employment of one of the involved employees.

Waivers

The City Manager may grant a waiver when doing so serves the City's best interests. Examples include:

- The family member was selected through a competitive process where the related employee had no influence.
- The related employee's role in the hiring process was only administrative and did not involve any decision-making influence.
- The family member was already working in the department before the reporting relationship began, and the supervising employee can fully abstain from personnel actions involving that family member.
- The nature of the role is such that no other qualified staff are available to provide the necessary services.

GENERAL NOTES

Employees are expected to uphold the City's values of Integrity, Collaboration, Innovation, Respect, and Excellence in all professional relationships.

The City reserves the right to review and modify assignments or reporting structures to preserve fairness and public confidence.

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

Conflicts of Interest

Disciplinary Action Policy

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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TITLE	Family and Medical Leave Act (FMLA)
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Organizational Level: City

Document Type: Policy

PURPOSE

The purpose of this policy is to implement provisions for eligible employees to take protected leave for qualifying events as defined by law. This policy is intended to comply with the Family Medical and Leave Act (FMLA), the federal law regulating this type of leave.

SCOPE

This policy applies to all eligible City employees.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Child: A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing “in loco parentis” (in place of a parent) by providing day-to-day care or financial support, who is under 18 years of age or who is 18 years of age or older and incapable of self-care because of a mental or physical disability.

Covered service member: A member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty while on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; or

A veteran of the Armed Forces who is undergoing medical treatment, recuperation or therapy for a serious injury or illness incurred in the line of duty while on active duty in the Armed Forces and who was a member of the Armed Forces at any time during the period of 5 years preceding the date on which the veteran undergoes the medical treatment, recuperation or therapy; or

Any other individual who is a “covered service member” under the terms of the federal Family and Medical Leave Act and its implementing regulations.

Family and Medical Leave Act (FMLA): The federal law that provides eligible employees with unpaid, job-protected leave for qualifying family and medical reasons.

Intermittent or Reduced Schedule Leave: Leave that is taken sporadically or that results in a temporary reduction of the employee's normal work schedule.

Key Employee: A salaried FMLA-eligible employee who is among the highest paid 10% of all employees of the city.

Next of kin: The nearest living blood relative of the employee.

Parent: A biological, adoptive, step or foster parent, or any other individual who stood "in loco parentis" (in place of a parent) to the employee when the employee was a child. This term does not include parents "in-law."

Qualifying Exigency: A non-medical leave arising out of the fact that a spouse, child, or parent is a military service member on covered active duty or notified of a call to covered active-duty status.

Rolling 12-month period: The twelve-month period measured backward from the date an employee's FMLA leave begins.

Spouse: A husband or wife, regardless of the gender of either individual. This includes common law and same-sex marriage.

Serious Health Condition: An illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility or continuing treatment by a health care provider.

POLICY

General Provisions

Employees on approved FMLA leave are required to use all leave accrued prior to, and any accrued during, their leave time as follows:

- General leave, floating holiday and paid sick leave must be used unless receiving workers' compensation or short-term disability benefits. Employees are not required to use any accrued compensatory time while on approved FMLA leave.

- Holiday pay will be used to cover a City-designated holiday when one occurs during an employee's approved FMLA leave but will not be counted towards the employee's annual leave hours entitlement. An employee scheduled to work on a City-designated holiday will be required to use holiday pay for the unpaid FMLA covered day.
- Employees with an accepted workers compensation claim and using injury leave will code their timesheet with the appropriate code for the duration of their leave or until they are released to return to work. The City will run FMLA concurrent with injury leave.

Non-exempt employees are prohibited from using their City email account while on FMLA leave, or other approved leave, for anything except replying and responding to a transfer or promotional opportunity, sending work status updates to their immediate supervisor and/or Human Resources, responding to questions related to their leave, and communicating with the benefits team regarding open enrollment. Performing normally assigned duties, including using a City email account, while on FMLA leave must be approved in advance, in writing by the employee's Supervisor. Performing such duties without authorization may result in corrective or disciplinary action.

For regularly appointed employees who are represented under the terms of a collective bargaining agreement (CBA), this policy prevails where it conflicts with the CBA, any memoranda of agreement or understanding signed pursuant to the CBA, or any recognized or established practice relative to the members of the bargaining unit.

The City has elected to opt-out of the Colorado Family and Medical Leave Insurance (FAMLI) program. The City's income replacement plan (Short Term Disability) provides a 100% wage replacement benefit which is a greater benefit than the FAMLI program. Employees may choose to apply for FAMLI benefits on an individual basis and must work directly with FAMLI program staff to determine their eligibility for benefits and required premiums.

Employee Eligibility

An employee is eligible for FMLA leave if they have:

- Worked at least 12 months for the City; and
- Worked at least 1250 hours for the City during the 12 months immediately prior to the start of the FMLA leave.
- The 12 months of employment do not have to be consecutive.

- An employee returning from fulfilling their covered active duty will be credited with the work hours they would have worked during the period of military service.

FMLA Entitlement

Full-time employees are entitled to the equivalent of 12 workweeks (typically 480 hours) of protected leave using a rolling back basis to calculate their 12-month leave period.

Employees scheduled to work less than full-time hours are entitled to a pro-rated bank of hours; or

Up to 26 weeks per single 12-month period for the care of a covered service member. The combined total leave for covered service member care and all other categories of qualifying leave may not exceed 26 workweeks in a single 12-month period.

Qualifying Reasons for Leave

FMLA leave may be granted to eligible employees for the following reasons:

- The birth of a child or the placement of a child with an employee or their spouse/domestic partner for adoption or foster care.
- The care of the employee's spouse/domestic partner, child, or parent with a serious health condition.
- The employee's own serious health condition that makes an employee unable to perform the functions of his or her job.
- A qualifying military exigency for the spouse/domestic partner, son, daughter or parent of the employee set forth in the FMLA and its implementing regulations, including:
 - Short notice deployment
 - Military events and related activities
 - Childcare and school activities
 - Financial and legal arrangements
 - Counseling
 - Rest and recuperation
 - Post-deployment activities
 - The care of a spouse/domestic partner, parent, son, daughter, or next of kin who is a covered service member and has a serious illness or injury under the terms and circumstances that such leave would be available under the FMLA and its implementing regulations.

Spousal Leave Limitations:

Spouses who are both employees of the City and covered by this policy shall be subject to the following limitations:

- General FMLA Leave: Spouses are limited to a joint total of 12 weeks of unpaid leave when the leave is taken to care for the employees' child after birth, adoption, or foster placement, or to care for the employees' parent with a serious health condition.
- Military FMLA Leave: Spouses are limited to a joint total of 26 weeks of unpaid leave.

Combined Leave: Spouses who request leave for the purposes listed below in this policy shall be limited to a joint total of 26 weeks per 12-month period. In no event shall the couple be permitted to take more than 12 weeks of shared General FMLA Leave (i.e. Military FMLA Leave may not be used to supplement leave requested for General FMLA purposes).

Calculating Leave

General FMLA Leave is limited to 12 weeks in the rolling back method within a 12-month period. The leave period begins as soon as an employee first uses General FMLA Leave and does not necessarily coincide with the calendar year. Employees are required to use their General Leave while out on FMLA unless they are receiving Workers' Compensation and/or Short-Term Disability benefits.

Initial Notification Requirements

Employees must provide notice of their need for FMLA for continuous absence or intermittent absences for a single health condition. An employee's notice may be verbal or written. The employee is required to provide sufficient information for the City to determine whether the leave may be covered by FMLA. For foreseeable leave, the employee must also indicate when and how much leave is needed. Employees should give at least 30 days advance notice of the need to take FMLA leave when the need is foreseeable. Failure to provide timely notice may result in delay or denial of FMLA coverage for the period of delay.

Continued absence after denial of leave may result in disciplinary action up to and including termination.

FMLA Certification Requirements

Human Resources must notify the employee if medical or military certification is required. Employees shall provide proper medical certification, including any requested additional medical certifications and fitness for duty certificates. If the employee does not provide the required certification, the leave will not qualify under the FMLA.

Military orders will be used to fulfill the certification requirements for active-duty family leave.

When an employee is on FMLA leave for the birth of a child or placement and care of an adopted or foster child, the employee must provide reasonable documentation of the qualifying family relationship. An employee may satisfy this requirement by providing either a simple statement asserting that the requisite family relationship exists or other documentation such as a child's birth certificate or a court document.

Intermittent Leave

- Employees are eligible to take leave on an intermittent or reduced schedule basis for the following purposes:
- Intermittent leave is permitted when medically necessary for the employee or an eligible family member, or for qualifying military exigency.
- For bonding with a new child, intermittent leave is permitted only with City approval and must be completed within 12 months of the birth or placement.
- The City may temporarily transfer the employee to an alternative position with equivalent pay and benefits that better accommodates the intermittent schedule.

FMLA Designation

HR will review the employee's request and certification and issue a written designation notice within five business days of having enough information.

The designation notice will notify the employee if their leave does/does not qualify under FMLA, or if additional information is needed.

Benefits during FMLA Leave

Health Insurance: The City will continue an employee's group health coverage during approved FMLA leave at the same level and under the same conditions as if the employee was continuously at work. Employees must continue to pay their portion of premiums,

either in-person or by mail. Payment must be received in Human Resources by the 5th day of each month. If premiums are more than 30 days late, coverage may be suspended after 15 days' written notice.

Failure to Return: If the employee does not return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the City will require the employee to reimburse the City the amount it paid for the employee's health insurance premium during their leave period.

Life Insurance or Disability Plan: If the employee contributes to a life insurance or disability plan, the City will continue making deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay their portion of the premiums, or the City may elect to maintain such benefits during the leave and pay the employee's share of the premium payments. If the employee does not continue these payments, the City will discontinue coverage during the leave. If the City maintains coverage, the City may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

Other Benefits: Voluntary benefits may be continued at the employee's expense. If the City advances the employee's share of premiums, the City may recover those amounts.

Return from Leave

An employee who takes leave under this policy may be asked to provide a fitness for duty certification from their health care provider. This requirement will be included in the City's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits, and other employment terms. The position will be the same or one that is virtually identical in terms of pay, benefits, and work conditions. The City may choose to exempt certain key employees from the requirement and not return them to the same or similar position when doing so will cause substantial and grievous economic injury to City operations. Key employees will be given written notice at the time FMLA leave is requested of their status as a key employee.

Unlawful Acts and Enforcement

The City may not interfere with, restrain, or deny the exercise of any right provided under FMLA or discharge or discriminate against any person for opposing any practice made

unlawful by FMLA or for involvement in any proceeding under or relating to FMLA. Any employee who believes that the City has violated any provision of the FMLA may file a complaint with the U.S. Department of Labor or bring a private lawsuit against the City.

GENERAL NOTES

If an employee exhausts FMLA but is still not able to return to work, HR will evaluate next steps, which may include ADA reasonable accommodation analysis, or other City leave options.

Nothing in this policy expands FMLA beyond what federal law requires, and nothing restricts the City from designating qualifying leave as FMLA even if the employee has not specifically requested it.

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

Short Term Disability Policy

Long Term Disability Policy

Medical Layoff Policy

Work Hours and Attendance Policy

Insurance Benefits Policy

Injury Leave Policy

Americans with Disabilities Act for Employees and Applicants Policy

Fair Labor Standards Act (FLSA)

Family and Medical Leave Act (FMLA)

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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TITLE	General Leave and Paid Sick Leave
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Organizational Level: City

Document Type: Policy

PURPOSE

The City of Commerce City (the “City”) provides General Leave to support the health, well-being, and work-life balance of employees. This policy ensures employees have paid time away from work for rest, recovery, and personal needs, while meeting the requirements of applicable state and federal laws.

SCOPE

This policy applies to all City employees.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Benefit Year: The City’s benefit year begins on the first day of the first pay period of each year and ends on the last day of the final pay period of that year. It may not align with the calendar year.

General Leave: Paid time off provided by the City that employees may use for vacation, illness, personal needs, holidays not observed by the City, caregiving, parental involvement in school activities, or other approved leaves.

Paid Sick Leave: Up to 48 hours of General Leave each benefit year, designated to satisfy the requirements of the Colorado Healthy Families and Workplaces Act (HFWA). Paid Sick Leave may be used for all qualifying reasons defined by state law, including the employee’s or a family member’s health needs, caregiving, and reasons related to domestic violence, sexual assault, or harassment.

Designated Paid Sick Leave: The portion of General Leave (48 hours per benefit year) that is set aside for use as Paid Sick Leave under HFWA. These hours are part of General Leave and not in addition to it.

Variable Hour Employee (VHE): An employee whose work hours vary from week to week and who does not have a regular full-time schedule. VHEs accrue Paid Sick Leave at one hour per 30 hours worked, up to 48 hours per benefit year, in compliance with HFWA.

Executive Team: Employees designated by the City Manager as part of the City’s Executive Team. These employees begin accruing General Leave at the five-year accrual rate, regardless of their actual years of service.

Carryover: The ability, with department director approval, to move unused General Leave from one benefit year into the next. Carried-over leave must be used by July 1 of the following year, or it is forfeited. Carryover under this policy is distinct from the HFWA's Paid Sick Leave carryover rules.

Cashout: Payment to an eligible employee for unused General Leave at the end of a benefit year or upon separation from employment, in accordance with the City's schedules.

Public Health Emergency Leave (PHEL): Additional paid leave provided to employees during a public health emergency as defined by HFWA. The City supplements leave banks so employees have the required hours available for qualifying uses.

Separation: The end of employment with the City, whether voluntary (resignation or retirement) or involuntary (termination).

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

General Leave for Regular Full-Time Employees

- Newly hired employees will receive a prorated General Leave award based on their hire date.
- EXAMPLE: Full-time employees hired in the month of June will receive 76 hours of general leave upon hire, which is equivalent to half of their annual award.
- The hours may be used for any General Leave purpose and also satisfy the requirements of HFWA for paid sick leave.

Annual Awards

On the first day of the first pay period of each benefit year, employees receive an annual General Leave award as follows:

0 Months- 4 Years	152 Hours
5-9 Years	200 Hours
10-14 Years	232 Hours
15+ Years	272 Hours

Executive Level Annual Awards

On the first day of the first pay period of each benefit year, employees who are covered under the Executive Level benefits plan receive an annual General Leave award as follows:

0 Months- 4 Years	200 Hours
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5+ Years	272 Hours
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Years of service are calculated based on the anniversary that will be reached in the upcoming benefit year.

Designation as Paid Sick Leave

- 48 hours of each annual General Leave bank are designated as Paid Sick Leave.
- These hours meet HFWA requirements and may be used for all qualifying reasons under state law.
- Designated Paid Sick Leave is not in addition to General Leave.

General Leave Use

- General Leave may be used for:
 - Vacation, illness, personal needs, holidays not observed by the City, caregiving, parental involvement in school activities, or other approved leaves.
 - Meeting the 40-hour waiting period for short-term disability benefits.
- Leave may be approved based on operational needs, except that Paid Sick Leave will always be granted for qualifying uses under HFWA.
- Leave can be taken in 15-minute increments for non-exempt employees.
- General Leave must be exhausted before Leave without Pay can be used.

Annual Cashout, Carryover, and Forfeiture

1. Cashout

- Employees employed at least one year are eligible to cash out unused General Leave at the end of each benefit year, according to the following schedule:

1-4 Years of Service	30 Hours
5-9 Years of Service	40 Hours
10-14 Years of Service	60 Hours
15+ Years of Service	80 Hours

Cashout occurs on the final paycheck of the benefit year. Unless otherwise indicated, all employees who are included in the executive leadership retirement plan are eligible to cash out up to 80 hours of General Leave.

2. **Carryover**

- With department director approval, unused hours above the cashout amount may be carried over into the next benefit year.
- Hours carried over must be used by July 1 of the following year, or they are forfeited.

3. **Forfeiture**

Any General Leave hours not cashed out or approved for carryover are forfeited at the end of the benefit year.

4. **Separation**

Employees who voluntarily leave the service of the City after completing at least one year of service will be paid for their unused general leave, including any unused paid sick leave, as follows:

- Normal Cashout. When separation occurs on or after April 1st of any calendar year, an employee will be paid for their actual unused general leave in accordance with the following table:

1 Year	25%
2 Years	45%
3 Years	65%
4 Years	85%
5 Years or More	100%

- Reduced Cashout: When separation occurs before April 1st of any calendar year, an employee's unused general leave will be reduced by 25% before calculating the cashout.
- Paid Sick Leave Upon Rehire: If a VHE is rehired within 6 months of separation, the general leave bank will be 48 hours and designated as Paid Sick Leave to meet the requirements of the HFWA.

5. **Variable Hour Employees**

- VHEs accrue Paid Sick Leave at 1 hour per 30 hours worked, up to 48 hours annually, in compliance with HFWA.

- They may carry over up to 48 hours of Paid Sick Leave each year but may not use more than 48 hours in a benefit year.

6. Public Health Emergency Leave

In the event of a declared public health emergency, employees' leave banks will be supplemented to meet HFWA requirements for employees:

- Full-time employees: 80 hours.
- VHEs: hours equal to scheduled or average hours worked in the prior 14 days.
- These hours are available for all qualifying reasons under state law.

GENERAL NOTES

When an employee has used all other leave options and needs to take leave without pay (LWOP), approval is at the department head's discretion. If LWOP relates to protected leave (FAMLI, FMLA, Worker's Compensation) or leave as an accommodation, Human Resources will review the approval.

This policy does not supersede any language negotiated in a fully executed employment contract (i.e, City Manager, City Attorney, or other appointed official). The City Manager retains the authority to depart from this leave policy for recruitment or retention purposes.

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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HR Review By:	
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Policy Approval By:	

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Legal Approval Date:	
HR Approval By:	
HR Approval Date:	



Document No: _____

Effective Date: _____

TITLE	Harassment Prevention Policy
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Organizational Level: City

Document Type: Policy

PURPOSE

The City of Commerce City (the “City”) is committed to creating a workplace where everyone feels respected, valued, and free from harassment, discrimination, or intimidation. The City prohibits unlawful harassment and retaliation and strives to foster a culture where employees can raise concerns without fear of retaliation.

This policy ensures compliance with applicable federal and state laws.

SCOPE

This policy applies to all employees. The City also expects vendors and third parties conducting business with the City to uphold these standards of conduct.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Harassment: Unwelcome verbal, physical, or visual conduct based on a protected class (or perceived membership in a protected class) that creates a hostile, intimidating, or offensive work environment or unreasonably interferes with an individual’s ability to perform their job.

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical harassment of a sexual nature that creates a hostile or offensive work environment or results in an adverse employment decision.

Discrimination: Unequal treatment of an employee or applicant based on a protected status under federal, state, or local law.

Equal Employment Opportunity (EEO): The principle that everyone should have equal access to employment and advancement, free from discrimination.

Protecting Opportunities and Workers’ Rights (POWR) Act: Colorado statute that protects individuals from workplace harassment and unfair treatment, with expanded definitions and lowered thresholds for action.

Protected classes: Personal traits, characteristics, and/or beliefs (actual or perceived) that are defined by applicable law and protected from discrimination and/or harassment. Protected classes include race, color, national origin or shared, ancestry, sex, gender,

gender identity, gender expression, sexual orientation, religion, creed, age, disability, genetic information, marital status, familial status, pregnancy or related conditions, military or veteran status, or any other status protected by applicable law

Retaliation: Any adverse employment action taken against an employee for reporting harassment, participating in an investigation, or opposing discriminatory practices in good faith.

POLICY

The City believes every employee deserves a workplace free from intimidation, hostility, or unfair treatment. Harassment will not be tolerated and it violates the City's core values of Integrity, Collaboration, Innovation, Respect, and Excellence.

The City encourages open communication, proactive reporting, and respectful behavior at all times. Harassment, including sexual or discriminatory behavior, will be addressed promptly and fairly in accordance with the law. Per Colorado's POWR Act, harassment does not need to be severe or pervasive to be considered unlawful.

While not an exhaustive list, harassment may include:

- Offensive jokes, slurs, or stereotypes ;
- Threatening or hostile behavior ;
- Written or visual materials showing intolerance toward any protected group ;
- Unwelcome sexual advances or requests ;
- Display of derogatory or sexually suggestive images; and
- Conduct that interferes with someone's ability to work or feel safe at work or results in an adverse employment decision.

Supervisor Responsibility

- Supervisors and department directors are required to immediately report any complaint, concern, or observed behavior that may violate this policy to Human Resources (HR).
- Failure to report known or suspected harassment may result in disciplinary action.
- Supervisors must not attempt to independently resolve a harassment complaint or promise confidentiality beyond what HR and applicable laws allow.

Employee Responsibility

- All employees share responsibility for maintaining a professional and respectful workplace.
- Employees who experience, witness, or become aware of harassment or retaliation are expected to report the behavior to their supervisor, Department Director, or Human Resources.

Reporting and Investigation Process

- HR will promptly review and investigate all complaints in accordance with the City's Investigation Process, maintaining confidentiality to the extent possible.
- The investigation will include interviews, documentation review, and findings consistent with due process and impartiality.
- Employees are required to cooperate fully during investigations.

Confidentiality and Non-Retaliation

- Information will be shared only with those who have a legitimate need to know.
- Retaliation against any employee who reports a concern or participates in an investigation is strictly prohibited.
- Employees who believe they are experiencing retaliation should report it immediately to HR.

Corrective Action

- Employees found to have violated this policy may be subject to corrective action, up to and including, termination.
- Appropriate remedial measures may also include counseling, training, or reassignment to prevent recurrence.

GENERAL NOTES

The City encourages early reporting of concerns, even if an employee is uncertain whether the conduct violates City policy.

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

Equal Employment Opportunity

Discrimination Prevention

Performance and Conduct

Code of Ethics

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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TITLE
Jury Duty

Organizational Level: City **Document Type:** Policy

PURPOSE

This policy supports employees in fulfilling their civic responsibility to serve on jury duty while ensuring continuity of City operations. It outlines procedures for notification, compensation, and return-to-work expectations in compliance with state and federal law.

SCOPE

This policy applies to all employees.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Jury Duty: Service as a juror in federal, state, or local court when summoned by an official notice.

Jury Duty Wages: The daily payment issued by a court to individuals serving on a jury, separate from regular wages.

Notice of Jury Duty: The official summons or documentation from a court requiring an employee's attendance for jury selection or jury service.

Excused Juror: An employee released from service by the court either temporarily or permanently during the jury selection process.

POLICY

Notification and Documentation

Employees must notify their supervisor promptly upon receiving a jury duty summons and provide a copy of the jury summons upon receipt.

A copy of the notice should also be submitted to Payroll for attendance and pay documentation.

Employees must notify their supervisor as soon as possible upon receiving a jury duty summons and provide a copy of the notice to both their supervisor and Payroll for attendance and pay documentation. Supervisors are responsible for adjusting schedules to accommodate jury service and maintaining appropriate coverage.

Compensation

In accordance with C.R.S. § 13-71-126, the City will pay regular wages for up to five (5) days of jury service each calendar year.

Beginning on the sixth day, the City will pay employees the difference between their regular wages and any jury duty compensation received from the court.

Employees are not required to remit jury duty pay to the City.

Exempt employees will not have their salary reduced for partial-week absences due to jury service, in accordance with FLSA 29 C.F.R. § 541.602(b)(3).

Employees scheduled for night or weekend shifts will be excused from work during jury service days to ensure adequate rest and availability.

Verification of Service

Upon completion of jury service, employees must provide documentation from the court confirming their dates of attendance to their supervisor.

Returning to Work

If an employee is excused from jury service before the end of their scheduled workday, they must contact their supervisor to determine whether to return to work or be excused for the remainder of the day.

Supervisors should consider travel time, fatigue, and operational needs when making this determination.

Failure to communicate with a supervisor may result in a leave adjustment.

GENERAL NOTES

Employees serving on extended or sequestered jury trials should maintain communication with their supervisor and Human Resources for scheduling or leave coordination.

Jury duty leave is considered paid administrative leave and does not reduce general leave balances.

Time spent serving on jury duty is not considered hours worked for overtime calculation purposes under the FLSA.

Employees may not claim general leave or compensatory time for jury service hours already compensated under this policy.

Colorado law protects a juror's job and employers are prohibited from threatening, coercing, or discharging an employee for reporting for juror service as summoned.

Employers are also prohibited from making any demands on an employed juror that will "substantially interfere" with the effective performance of jury service.

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

General Leave Policy

Work Hours and Attendance Policy

Disciplinary Actions Policy

Compensation of Employed Jurors Statute

Colorado Revised Statute Title 13 C.R.S. § 13-71-126

Fair Labor Standards Act (FLSA), 29 U.S.C. § 201 et seq.

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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Document No: _____

Effective Date: _____

TITLE	Medical Layoff
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Organizational Level: City

Document Type: Policy

PURPOSE

The purpose of this policy is to outline the process for medically related separation from employment when an employee is unable to perform the essential duties of their position, even with reasonable accommodation, and has exhausted all applicable state and federally protected leave.

SCOPE

This policy applies to all employees.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Appointment: The formal selection of a candidate to fill a City position.

Medical Layoff: A separation from employment when a serious health condition or qualifying disability prevents an employee from performing essential job duties, with or without reasonable accommodation, after all applicable leave entitlements and accommodation efforts have been exhausted.

Recall: The process of returning to work from medical layoff status.

Healthy Families and Workplace Act (HFWA): Mandates that most employers in Colorado provide paid sick leave to their employees. Specifically, it requires employers to offer paid sick leave at a rate of one hour per 30 hours worked, up to a maximum of 48 hours per year.

Variable Hour Employee (VHE): An employee whose schedule or hours vary and who is not eligible for full-time benefits under City policy. VHEs accrue paid sick leave in accordance with the HFWA only.

Undue Hardship: A significant difficulty or expense incurred by the City in providing an accommodation, as defined under the Americans with Disabilities Act (ADA).

POLICY

Medical Layoff Consideration

- A medical layoff may be initiated when:
 - The employee's serious health condition or disability prevents performance of essential job duties;
 - All available leave under FMLA, HFWA, or other applicable City leave policies has been exhausted; and
 - The interactive process under the ADA has confirmed that no reasonable accommodation or reassignment can be made.
- HR will work with the department and the employee throughout the process to document:
 - Medical documentation supporting continued work restrictions or inability to perform essential functions;
 - The outcome of the ADA interactive process; and
 - All efforts made to identify modified duty or reassignment options.
- Medical layoff is non-disciplinary and does not reflect misconduct or performance issues.
- The final decision to medically lay off an employee will be made by the Director of Human Resources, in consultation with the department director and City Attorney's Office as appropriate.

Documentation and Evaluation

- The City may request updated medical documentation or an independent medical evaluation (IME) to confirm an employee's work limitations.
- If the employee does not provide requested documentation or authorize release of necessary medical information, the City will make decisions based on available information.
- All medical records will be kept confidential in accordance with the ADA and HIPAA requirements.

Recall Eligibility and Process

- Employees who have completed their introductory period are eligible for recall for one (1) year from the date of medical layoff.
- Employees on the recall list are placed in order of classification and seniority.
- To be eligible for recall, the employee must:
 - Provide HR with written notification of medical release within 90 days of being cleared by their healthcare provider; and

- Submit a statement from their provider verifying ability to perform the essential functions of the position, with or without reasonable accommodations.
- HR may request additional documentation or an independent evaluation to confirm fitness for duty.
- If a qualified position within the employee's former classification becomes available, the department will review the recall list before posting or hiring externally.
- Recall will be based on seniority and job qualifications, including any specialty certifications or operational requirements.

Removal from Recall List

An employee's name will be removed from the recall list if any of the following occur:

- They do not respond within 10 calendar days of a certified written inquiry sent to their last known address;
- They are unable or decline to return to work within 14 calendar days of a written recall offer;
- They fail to provide medical clearance or notice within 90 days of release; or
- One (1) year has elapsed since the date of medical layoff.

Employees are responsible for keeping HR informed of any changes to contact information.

Benefits During Medical Layoff and Recall

- Sick Leave: Accrued sick leave is retained during the recall period and becomes available upon reappointment. Sick leave is forfeited if recall eligibility expires.
 - Only Variable Hour Employees (VHE) are eligible for sick time in accordance with the Healthy Families and Workplace Act
- Vacation Leave: Employees are paid out for unused vacation leave at the time of layoff. Upon recall, vacation accrual resumes at the same rate as before the layoff.
- Seniority: Employees retain, but do not accrue, seniority during layoff. Seniority is lost once recall eligibility expires.
- Salary and Service Credit: Recalled employees return at the same pay rate held before layoff. Benefits accrue without a break in service. The employee's

anniversary date will be adjusted to exclude the layoff period for step increase calculations.

GENERAL NOTES

Medical layoff decisions are case-specific and require HR Director approval.

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

Family and Medical Leave Act (FMLA)

General Leave Policy

Americans with Disabilities Act (ADA)

Paid Family and Medical Leave Insurance Act

Reinstatement Policy

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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Document No: _____

Effective Date: _____

TITLE	Overtime and Compensatory Time
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Organizational Level: City

Document Type: Policy

PURPOSE

This policy provides a fair, consistent, and transparent approach to managing overtime and compensatory time for non-exempt employees. It ensures compliance with the Fair Labor Standards Act (FLSA) and applicable wage laws, while supporting organizational needs and employee work-life balance.

SCOPE

This policy applies to all non-exempt and non-FOP City employees. Employees covered by a collective bargaining agreement (CBA) should refer to the provisions of that agreement when it differs from this policy.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Fair Labor Standards Act (FLSA): Federal Law establishing minimum wage, overtime eligibility, equal pay, recordkeeping, and child labor standards, 29 U.S.C. § 201, et. Seq.

Exempt Employee: A salaried employee exempt from minimum wage and overtime pay requirements under the FLSA and COMPS Order.

Non-exempt Employee: an employee who is not exempt from the FLSA and is therefore eligible for minimum wage and overtime pay.

Overtime: Hours worked in excess of 40 hours in a workweek or 12 hours in a single workday, whichever results in greater compensation. The City considers hours paid, such as General Leave, Holiday Pay, and other paid leave, towards hours worked. Overtime rate is calculated to reflect one-and-a-half (1.5) times the employee's normal hourly wage.

POLICY, PROCESS, PROCEDURE, or STANDARD

Overtime Authorization

Employees should obtain advance approval from their supervisor before working overtime. In urgent or extraordinary circumstances, essential overtime may be performed without prior approval but must be reported as soon as possible. Departments are encouraged to

offer flexible scheduling to meet operational needs while supporting employee well-being.

Calculation and Rate of Overtime

Overtime is calculated in accordance with the FLSA. Eligible employees earn overtime for hours worked beyond 40 in a workweek OR more than 12 hours in a single workday. Hours paid, such as general leave, holiday pay, and other paid leave, count toward the calculation of overtime hours.

Compensation for Overtime

Employees may be compensated for overtime through either overtime pay or compensatory time, at director discretion unless otherwise stated in the CBA, depending on department practices. Both methods reflect the City's commitment to recognizing and rewarding additional time worked and will be calculated to reflect one-and-a-half (1.5) times the employee's normal hourly wage.

Compensatory Time Accrual

In lieu of overtime pay, employees may accrue compensatory time off ("comp time") at a rate of one-and-a-half (1.5) hours for each hour of overtime worked. Employees may earn up to 40 hours of compensatory time. If more than 40 hours are accrued, the excess will be paid out to the employee in accordance with applicable wage laws.

Using Compensatory Time

Employees may request to use earned compensatory time off through the standard leave request process. Supervisors shall review requests based on operational needs and scheduling considerations. The City encourages employees to use their earned time to rest, recharge, or attend to personal needs.

Carryover and Cash-Out Options

Employees may carry up to 40 hours of compensatory time without expiration. Additionally, employees have the option to request a payout of accrued compensatory time during the first payroll period in June and the first payroll period in December. Upon

separation from employment, any unused comp time must be paid out in cash at the employee's current regular rate of pay, consistent with FLSA.

GENERAL NOTES

Additional considerations may be taken regarding this policy if overtime is specifically outlined in a CBA.

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

- Work Hours and Attendance Policy
- Fair Labor Standards Act (29 U.S.C. § 201 et seq.)
- 29 C.F.R. § 553 (Public Agency Compensatory Time Rules)
- CIRSA Employment Practices Risk Management Guidelines

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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Document No: _____

Effective Date: _____

TITLE	Performance Evaluations
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Organizational Level: City

Document Type: Policy

PURPOSE

The purpose of this policy is to foster a culture of growth, accountability, and shared success through meaningful performance evaluations. Evaluations are an opportunity to reflect on achievements, identify opportunities for continued development, and strengthen alignment between individual goals and the City's mission.

SCOPE

This policy applies to all employees, except those under contracts or collective bargaining agreements (CBAs) that outline performance evaluations separately from internal policy.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Introductory Evaluation: A developmental review conducted approximately six (6) months after an employee begins a new position to assess performance and training needs and make adjustments as needed.

Probationary Evaluation: A milestone evaluation at 6 months for union employees starting a new position.

Annual Evaluations: A formal, comprehensive review conducted once per year to assess performance against established goals, behavioral expectations, and core competencies for all full-time employees.

POLICY

Purpose and Philosophy

Performance evaluations are designed to:

- Encourage open, two-way communication between employees and supervisors.
- Recognize performance achievements and contributions.
- Identify development needs, training opportunities, and career goals.
- Strengthen organizational alignment between individual performance and City objectives.

Evaluations are not disciplinary in nature but may be referenced when determining pay, promotion, or other employment actions.

Evaluation Milestones

Introductory Evaluation:

- Conducted after six (6) months in a new position.
- Used to confirm continued employment and set long-term goals.

Probationary Evaluations (for represented employees)

- Conducted at the conclusion of the contractual probationary period.
- Must comply with CBA provisions.

Annual Evaluation:

- Conducted for all eligible employees on a 12-month cycle established by the Department Director and Human Resources.
- Serves as the foundation for professional development and future goal setting.

Position Changes:

- When an employee transfers, promotes, or demotes, a new evaluation cycle begins from the start date of the new role.

Evaluation Process

Each performance evaluation may include the following elements:

- **Supervisor Assessment:**
 - Evaluation of results, behaviors, and competencies against established goals, job descriptions, and City values.
- **Employee Self-Assessment:**
 - Opportunity for employees to reflect on accomplishments, challenges, and future development goals.
- **Optional Peer Input:**
 - Supervisors may solicit limited, confidential feedback from peers or project collaborators to inform the evaluation.
- **Two-Way Conversation:**
 - A structured discussion that includes:
 - Review of accomplishments and challenges.
 - Alignment of goals and performance expectations.
 - Planning for training, career development, or support needs.

- Opportunity for employees to share feedback or raise workplace concerns.
- Leadership and HR Review:
 - All evaluations are reviewed by the next-level supervisor and Human Resources prior to delivery to ensure consistency, accuracy, and compliance

Evaluation Documentation and Acknowledgement

- Supervisors must document all evaluations in the approved City performance management system or other available methods
- Employees must acknowledge receipt of their evaluation, either electronically or in writing. If an employee declines to sign, the supervisor will note the date and method of delivery.

Confidentiality and Recordkeeping

- Completed evaluations and related documentation are part of the employee's official personnel record and will be maintained by Human Resources in compliance with record retention standards.
- Access is limited to the employee, supervisor chain, Human Resources, and others with a legitimate business need.
- Aggregate data may be used for organizational reporting, workforce planning, or performance calibration but will exclude personally identifiable information.

GENERAL NOTES

Should an employee wish to provide a written statement, they may do so, and the document will be attached and stored with the performance evaluation in the employee's file. The written statement will not change or influence the feedback or score provided in the original evaluation.

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

Performance and Conduct Policy
 Disciplinary Action Policy
 Probational or Introductory Status Policy
 Promotions and Transfer Policy

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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Document No: _____

Effective Date: _____

TITLE	Personnel Records
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Organizational Level: City

Document Type: Policy

PURPOSE

The City maintains a variety of records related to individual employment. It is essential that these records are accurate, complete, and managed in accordance with all applicable laws and regulations.

SCOPE

This policy applies to all employees.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Personnel File: The official employment record maintained by HR that contains documents directly related to their job performance, wage information, and history maintained by Human Resources (HR).

Working File: A confidential file maintained by a supervisor to document an employee's performance and conduct related to their job. These records must not contain medical information, Social Security numbers, or other protected personal data and are subject to City records retention and possible HR audit.

Confidential Record: Documents containing personally identifiable, financial, or medical information protected by law or policy.

POLICY

Personnel File Contents

An employee's official personnel file contains documents directly related to their job performance and history, including, but not limited to:

- **Pre-employment Documents:** Job descriptions, applications, resumes, offer letters, signed policy acknowledgments, emergency contact forms, etc.
- **Employment Documentation:** Job performance records, promotion and transfer records, compensation history, performance appraisals, awards, attendance

records, training completion records, warnings, disciplinary actions, notes on attendance, contracts, and written agreements.

- **Benefits Documentation:** Benefits enrollments, beneficiary designations, benefit administration communications, etc.
- **Separation of Employment Documents:** Exit interview notes, separation checklists, notes on the reason for separation, resignation letters, unemployment documents, separation agreements, correspondence, and reference statements.

Separate Confidential Files

Certain sensitive records are maintained separately from the personnel file to protect employee privacy and minimize legal risks. These records are accessible only to authorized personnel. Separate files are maintained for:

- **Medical Records:** All medical information as required by the Americans with Disabilities Act (ADA), 42 U.S.C. § 12131, *et. seq.*, including medical exams, disability benefit claims, doctor's notes, FMLA requests, ADA accommodation requests, workers' compensation records, fitness-for-duty results, and drug/alcohol test results. These are kept confidential and separate to comply with the ADA.
- **Credit Information:** Credit reports, consumer credit information, and personal financial data are kept separate to comply with the Fair Credit Reporting Act (FCRA), 15 U.S.C. §§ 1681-1681x.
- **Employment Eligibility/Immigration Forms:** Form I-9 and supporting documentation are stored separately to ensure confidentiality and facilitate government inspections.
- **Complaint and Investigation Documents:** Records related to internal complaints, agency claims, and lawsuits are kept separate and retained until the matter is fully resolved.

Information Integrity

Employees **must notify the HR Department immediately if they have changes** in any of the following areas:

- Legal Name
- Address of record

- Telephone
- Marital Status
- Insurance Changes
- Emergency Contact Information
- Other Relevant Information

Timely updates ensure accuracy of employee records, payroll, tax reporting, and benefits administration.

Access to Personnel Files

- Employees may request access to their personnel file by submitting a written request to HR. HR will schedule an appointment for the employee to view their file during normal business hours.
- Employees may not remove documents from their personnel file but may submit written rebuttals to any document within the file. These rebuttals will be attached to the corresponding document.
- Employees may also request copies of documents from their personnel file by submitting a written request to HR.

Electronic Record Keeping

- The City may maintain records electronically to reduce storage costs, facilitate efficient retrieval, and enhance security. Electronic records are subject to the same retention requirements and confidentiality standards as paper records.
- **Security and privacy measures** are in place to protect electronic records from unauthorized access and data breaches.

Document Destruction

- Once the required retention period for a record has been met, it is securely destroyed. Records containing personally identifiable information are disposed of in a manner that prevents identity theft and complies with all applicable privacy laws. This typically involves shredding or incineration.

Record Retention Schedule

- The City maintains a record retention schedule that specifies the minimum required retention period for each type of record. This schedule incorporates all applicable federal and state laws, as well as best practices for managing records.

GENERAL NOTES

With the exception of working files, which are retained by the employee's department, HR is the custodian of all official personnel records.

Employee records may be disclosed only to authorized City users or external agencies as required by law.

Employees are required to comply with the City's Artificial Intelligence (AI) Policy when applicable.

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

Colorado Municipal Records Retention Schedule, <https://archives.colorado.gov/records-management/municipal-records-management>

Sensitive and Non-public Information Policy

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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TITLE	Political Activity
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Organizational Level: City

Document Type: Policy

PURPOSE

Commerce City (the “City”) values civic engagement and supports employees’ rights to participate in the political process. This policy establishes clear boundaries to ensure political neutrality in City operations, safeguard public trust, and maintain compliance with applicable laws.

SCOPE

This policy applies to all employees.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Political Activity: Refers to any action supporting or opposing a political party, candidate, ballot initiative, legislation, or petition, including campaigning, fundraising, or distributing political materials.

Work Hours: The designated time an employee is scheduled to perform job-related duties for the City.

Official Capacity: When acting in an official capacity, an individual is representing an organization, government, or entity.

POLICY

Permitted Activities (as a Private Citizen)

As a private citizen, you are encouraged to participate in political and civic life. You may:

- Support or oppose political candidates, parties, or ballot measures during your personal time.
- Sign petitions, attend rallies, or contribute to political causes when off duty.
- Share your personal views on political matters so long as it is clear that you are speaking for yourself and not on behalf of the City.

Employees are encouraged to clearly distinguish personal viewpoints from City affiliation when speaking publicly, including adding a disclaimer when using social media (e.g., “Opinions are my own and do not represent my employer”).

Prohibited Activities (in Official Capacity or Using City Resources)

To maintain neutrality and uphold public confidence, the following activities are prohibited:

- Engaging in political activity during work hours (for example, distributing campaign material or protesting for political or legal policy changes).
- Using City-issued uniforms, logos, vehicles, offices, email systems, or other City resources for political purposes.
- Displaying, distributing, or posting political materials in City facilities or vehicles.
- Representing personal political views as official City positions unless you are specifically authorized to do so.

GENERAL NOTES

The following activities are always allowed:

- Registering to vote and voting in any election.
- Participating in official City efforts related to legislation or policy, if you are authorized to do so by the City Manager or designee, OR if these duties fall within the scope within your official capacity.
- Providing input on political or legislative matters as part of your job duties and assisting City leadership.

City employees may not use their title, position, or work email when endorsing or opposing candidates or ballot issues in any public communication.

If an employee is running for elected office, additional conflict-of-interest or leave provisions may apply and must be coordinated with HR and the City Attorney's Office.

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

Performance and Conduct Policy

Conflict of Interest Policy

Code of Ethics

Social Media Policy

Sensitive and non-Public Information Policy

Voting Leave Policy

Policy Owner

Title/Name:

Policy Review By:

Last Review Date:

RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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HR Approval By:	
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Document No: _____

Effective Date: _____

TITLE	Promotions and Transfers
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Organizational Level: City

Document Type: Policy

PURPOSE

This policy supports employee growth by encouraging internal career development through promotional and transfer opportunities. It ensures consistent administration in compliance with the Colorado Equal Pay for Equal Work Act (EPEWA) and reflects the City's values of integrity, collaboration, and excellence.

SCOPE

This policy applies to all City employees, except those covered by individual employment contracts or collective bargaining agreements (CBAs) that establish separate procedures for performance evaluations or internal movement.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Introductory Evaluation: An employee who is within their first six months of employment or within their newly hired position that is non-union.

Probationary Evaluation: An employee who is within their first six months of employment or within their newly hired position that is part of the union.

Promotion: The movement of an employee from one position to another at a higher classification or pay grade, typically reflecting increased responsibility, skill, or supervisory authority.

Transfer: The movement of an employee to a different position at the same or comparable pay grade, either within the same department or to another City department.

Reclassification: An administrative adjustment of a position due to changes in duties or organizational structure, not necessarily involving a competitive process. This is distinct from a promotion or transfer.

POLICY

The City values the talent and dedication of its employees and is committed to creating pathways for professional development. Employees are encouraged to apply for promotions and transfers that align with their skills, experience, and career goals.

Opportunities may be available within an employee's current department or in other areas across the organization.

Equal Opportunity and Transparency

All promotional and transfer opportunities will be posted internally in accordance with the EPEWA, C.R.S. § 8-5-101 et seq., and the City's job posting procedures.

Internal candidates are encouraged to apply for posted positions for which they meet the minimum qualifications.

Employment decisions will be made based on job-related factors such as qualifications, experience, demonstrated performance, attendance, conduct, length of service, and overall suitability for the role.

Employees who have maintained a record of strong performance and positive conduct are especially encouraged to pursue new opportunities.

Eligibility

Employees may apply for promotional or transfer opportunities after successfully completing their introductory or probationary period unless otherwise approved by the Department Director and Human Resources.

Employees currently on corrective action or performance improvement plans may be ineligible to apply until improvement is demonstrated.

Employees on approved leave may apply but must be available to assume the position within a reasonable timeframe upon return.

Compensation and Classification

Promotional increases will be determined by taking into account internal equity and compensation procedures, budgetary factors, and relevant market data.

Transfers generally do not result in a pay increase unless warranted by significant differences in job responsibilities or pay grade.

When an employee transfers to a lower classification voluntarily, the new pay rate will align with the lower position's pay range.

Transition and Evaluation

As employees transition into new roles, they will receive the guidance, feedback, and support necessary to succeed and grow in their new positions.

Supervisors are responsible for providing performance feedback and coaching throughout the transition to successfully adjust to the new role.

GENERAL NOTES

The City is an equal opportunity employer. All promotion and transfer decisions are made without regard to race, color, religion, sex, sexual orientation, gender identity or expression, age, national origin, disability, veteran status, or any other protected characteristic, in accordance with applicable laws. We are dedicated to fostering a workplace where every employee has access to fair and inclusive advancement opportunities.

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

Discrimination Prevention Policy

Compensation Guidelines

Collective Bargaining Agreements (if applicable)

Equal Pay for Equal Work Act (EPEWA), C.R.S. § 8-5-101 et seq.

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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Document No: _____

Effective Date: _____

TITLE	Retirement Plan – 457(b)
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Organizational Level: City

Document Type: Policy

PURPOSE

This policy outlines the terms and conditions of the City's Employer-Sponsored 457(b) Deferred Compensation Plan. It provides guidance on eligibility, participation, and key provisions in accordance with Internal Revenue Code (IRC) § 457(b) and applicable state and federal regulations. The Plan is designed to help employees save for retirement through voluntary, tax-deferred contributions.

SCOPE

This policy applies to all regular full-time and variable-hour employees. Employees covered by a Collective Bargaining Agreement (CBA) are eligible in accordance with the terms of the CBA and the official Plan Document.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Deferred Compensation: This is an agreement in which employees elect to defer receipt of a portion of wages until a later date, typically retirement, thereby postponing taxation on the deferred amount and any investment earnings until distribution.

Governmental 457(b) Plan: A tax-advantaged retirement savings plan for employees of state and local governments. The City's plan is a governmental plan and not subject to the Employee Retirement Income Security Act of 1974 (ERISA).

Plan Administrator: The City or its designee responsible for oversight and administration of the 457(b) Plan in accordance with federal law and the Plan Document.

Plan Year: The 12-month period from January 1 through December 31.

POLICY

Plan Participation

The City offers a voluntary 457(b) Deferred Compensation plan for eligible employees. Eligible employees may enroll at any time by completing the required enrollment form or online process with the City's designated plan provider. Employees may elect to make tax-deferred contributions based on rules and limitations established by the IRS. Employees

are 100% vested in contributions made to the 457(b) Plan, and the investment of funds is self-directed.

Contribution Limits

Annual deferrals are limited to the amount established under IRC § 457(b)(2). The IRS adjusts these limits periodically for cost-of-living increases.

Participants aged 50 or older may make "Age 50 Catch-up" contributions up to the amount permitted under federal law.

Employees within three years of the plan's normal retirement age may also qualify for "Final Three-Year Catch-Up" under IRC § 457(b)(3), subject to IRS restrictions.

Vesting

Employees are 100 percent vested immediately in all contributions and related earnings under the 457(b) Plan.

Investment and Account Management

The plan is employee-directed. Participants choose how to invest their deferred compensation from among the options made available by the City's plan provider.

The City does not guarantee investment performance and bears no responsibility for gains or losses resulting from participants' investment choices.

The City, through its Finance and Human Resources Departments, maintains a fiduciary obligation to administer the Plan prudently and in the best interests of participants.

Withdrawals and Distributions

Withdrawals are permitted only in accordance with IRC § 457(b) and the Plan Document, typically upon either separation from City employment, attainment of age 70½, or in the event of an unforeseeable emergency, as defined by the IRS.

Distributions are subject to ordinary income tax in the year received.

Early withdrawals are not subject to the 10 percent early-withdrawal penalty that applies to 401(k) or 403(b) plans.

Rollovers

Participants may roll over eligible funds into another governmental 457(b) plan or, upon separation, into other qualified plans (401(k), 403(b), or IRA) as allowed under federal law.

Rollovers into the City's 457(b) Plan must comply with plan-provider requirements and IRS regulations.

Beneficiary Designation

Participants must designate a beneficiary to receive Plan assets in the event of death. Beneficiary designations may be updated at any time through the plan provider.

Plan Administration

The Plan is administered under the authority of the City Manager, with day-to-day administration delegated to the Human Resources Director and Finance Director.

The plan is maintained in accordance with the 457(b) Plan Document, which governs in the event of any conflict with this policy.

The City may amend or terminate the Plan at any time, subject to applicable law and contractual obligations.

GENERAL NOTES

This policy will follow any standards and guidelines set by the state and federal government.

Participation in the 457(b) Plan is voluntary and independent of any other City retirement or pension benefits.

This policy is intended to summarize the Plan; the official Plan Document and IRS regulations control in the event of any discrepancy.

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

Retirement Plan Policy

Benefits Policy

Payroll Administration Procedures

Collective Bargaining Agreements (where applicable)

Internal Revenue Code § 457(b) – Deferred Compensation Plans of State and Local Governments

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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Document No: _____

Effective Date: _____

TITLE	Separation of Employment
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Organizational Level: City

Document Type: Policy

PURPOSE

The City values the contributions of all employees and is committed to treating every separation from employment with fairness, dignity, and respect. This policy outlines the framework for both voluntary and involuntary separations, ensuring compliance with state and federal law and reflecting the City's commitment to an inclusive and supportive workplace.

SCOPE

This policy applies to all City employees. For employees covered by a Collective Bargaining Agreement (CBA), this policy is applied in conjunction with the CBA. Where there is a difference between this policy and the CBA, the terms of the CBA will govern.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Voluntary Separation: When an employee initiates separation from the City, including resignation or retirement.

Involuntary Separation: When the City initiates an employee's separation, either for cause, layoff, job elimination, failure to meet probationary requirements, or other organizational reasons.

Career Service Employee: An employee who has successfully completed the probationary period and has the protections of "for cause" employment under City policy.

At-Will Employee: An employee whose position may be ended by the City at any time, with or without cause or notice, consistent with applicable law.

Probationary Employee: An employee serving a probationary period following hire or promotion, during which employment may be ended at the City's discretion.

Layoff: A separation resulting from reorganization, budget reduction, elimination of a position, or other operational necessity not related to employee performance or conduct.

POLICY, PROCESS, PROCEDURE, or STANDARD

Voluntary Separation

Employees are encouraged to provide advance (two or more weeks) written notice when resigning so that the City may plan for a smooth transition.

- A resignation is considered final once submitted, but the City may, at its discretion, allow withdrawal or modification prior to the effective date.
- The City may, at the discretion of the City Manager, City Attorney (when related to the City Attorney's office) or designee, place an employee on paid administrative leave during the notice period when appropriate for operational or security reasons.
- Employees are required to complete all offboarding obligations, including the return of City property (e.g., badges, equipment, credit cards, uniforms, electronic devices) and completion of exit forms or interviews.

Retirement

Employees intending to retire should notify Human Resources as early as possible to coordinate retirement benefits and transition planning.

Involuntary Separation

Probationary and At-Will Employees:

- Employees serving in probationary status or at-will may have their employment ended at any time, with or without cause or notice, consistent with state and federal law. If an employee has an approved employment contract, the terms of that contract will apply.
- Separation decisions must be reviewed by Human Resources prior to final action to ensure consistency and compliance.
- Probationary separations should be documented and supported by performance feedback and supervisor evaluation, when feasible.

Career Service Employees

- Employees who have achieved career service status may only be separated for cause or under specific organizational circumstances such as job elimination, layoff, or reorganization.

“Cause” may include, but is not limited to:

- Unsatisfactory job performance or repeated failure to meet standards.
- Violation of City policy, procedure, or code of conduct.
- Misconduct, dishonesty, insubordination, or neglect of duty.
- Criminal behavior or violation of law affecting employment.
- Conflict of interest, breach of confidentiality, or misuse of City resources.

All separations for cause must be:

- Supported by appropriate documentation, and
- Reviewed and approved by Human Resources and the Department Director prior to final action.

Layoff or Job Elimination

When operational or financial considerations necessitate a workforce reduction or elimination of positions:

- HR and department leadership will determine affected positions based on objective, non-discriminatory criteria such as job classification, performance, or seniority.
- Employees will be provided written notice consistent with City policy or CBA terms.
- Laid-off employees may be eligible for reemployment consideration under the Reinstatement Policy.

Final Pay and Benefits

The City complies with all applicable laws regarding final pay:

- Voluntary Separation: All earned wages, and other owed compensation will be paid on the next regular payday.
- Involuntary Separation: All earned wages, and other owed compensation will be paid within 24 hours of separation or notice thereof.
- The City will provide information regarding continuation of health coverage (COBRA), and other benefits as required by law.

Exit Process and Documentation

- Human Resources will coordinate the exit process with appropriate departments, including the completion of all required forms, collection of City property, and issuance of final pay.

- Employees may be invited to participate in an exit interview to provide feedback on their City employment experience.
- Separation documentation may be retained in the employee's personnel file consistent with the City's record retention schedule and per any relevant laws.

GENERAL NOTES

Nothing in this policy alters the at-will status of employees designated as at-will or limits the City's authority to separate employment consistent with law.

The City will ensure that all separations are handled in a manner consistent with Title VII, ADA, ADEA, CADA, and other applicable nondiscrimination laws.

Separation decisions will be reviewed by Human Resources for compliance, risk mitigation, and adherence to City policies.

Related Policies, Processes, Procedures, and Standards

Probationary Status Policy

Career Service Policy

Disciplinary Action Policy

Reinstatement Policy

Equal Employment Opportunity / Non-Discrimination Policy

Policy Owner Title/Name: Policy Review By: Last Review Date: RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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Document No: _____

Effective Date: _____

TITLE	Short-Term Disability Insurance
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Organizational Level: City

Document Type: Policy

PURPOSE

The purpose of this policy is to provide clear and consistent guidelines on the City's Short-Term Disability (STD) benefit. This employer-funded benefit provides temporary income replacement for eligible employees who are unable to work due to non-work-related illness, injury, or pregnancy, supporting both employee recovery and operational continuity.

SCOPE

This policy applies to all active, full-time employees.

Departments may have additional policies that are supplemental to these existing City policies, and employees must adhere to those additional departmental policies, as applicable.

DEFINITIONS

Covered Earnings: An employee's wages or salary, not including bonuses, commissions, overtime pay, and other extra compensation.

Disability: A medically certified condition caused by illness, pregnancy, or non-work-related injury that prevents an employee from performing the material duties of their regular occupation and earning at least 80% of their covered earnings.

Elimination Period: The short waiting period before STD benefits begin. Employees must use accrued paid leave during this period.

Third-Party Administrator (TPA):

The external benefits administrator responsible for reviewing medical documentation and approving or denying STD claims in accordance with the plan terms.

POLICY

Eligibility

The City provides short-term disability (STD) insurance to active, full-time employees effective on the first day of the month following their date of hire. Employees unable to work due to illness, non-work-related injury or pregnancy are eligible to file a claim for STD

benefits. An employee receiving workers' compensation or Colorado state disability benefits through the Family and Medical Leave Insurance (FAMLI) program is ineligible for the STD benefit. To be eligible for continued disability benefits, employees on approved disability leave are expected to avoid activities that may delay their recovery and return to work.

Elimination Period

- STD benefits begin after a seven (7) calendar-day elimination period.
- Employees must use 40 hours of accrued general leave, sick leave, or compensatory time during the elimination period.
- If no accrued paid leave is available, the elimination period will be unpaid.

Medical Certification

- Employees must submit a claim form and supporting medical certification to the City's third-party administrator (TPA) within the required time frame.
- Employees are expected to respond promptly to requests for additional information from the TPA or HR.
- Failure to provide medical documentation or to cooperate in the claims process may result in claim denial or delay in benefits.
- The City reserves the right to require an independent medical evaluation (IME) to confirm disability status or return-to-work readiness.

Benefit Payment

The short-term disability benefit is 100% of an employee's weekly covered earnings. There is no minimum nor maximum benefit amount. The benefit may be paid for a maximum of 90 days from the date of disability. Payments are made on regularly scheduled paydays. The benefit is considered taxable income.

Employees whose disability extends beyond 90 days may be eligible for long-term disability benefits as determined by the third-party administrator's evaluation.

Coordination with Other Leave and Benefits

STD benefits may run concurrently with Family and Medical Leave Act (FMLA) leave where applicable.

While receiving STD benefits, employees do not accrue general leave or sick leave but continue to receive City-paid health insurance benefits at the same level as active employees.

STD benefits do not apply to work-related injuries covered by workers' compensation or to absences under the Healthy Families and Workplaces Act (HFWA) that do not meet the disability threshold.

Return to Work

- An employee off work on STD must return to work as soon as permitted by their health care provider.
- The employee must submit a fitness-for-duty clearance to the Leave Administrator in Human Resources.
- An employee whose absence has been designated as protected under the FMLA is eligible for reinstatement as provided by the FMLA policy.

GENERAL NOTES

- STD Benefits are taxable income and reported as wages on the employee's W-2.
- Employees on STD are prohibited from performing City work unless explicitly approved in writing by their supervisor and HR.
- Misrepresentation or falsification of medical documentation may result in disciplinary action, up to and including termination.

RELATED POLICIES, PROCESSES, PROCEDURES AND STANDARDS

Family and Medical Leave Act

Long Term Disability Policy

Short Term Disability Policy

General Leave Policy

Return to Work Policy

Medical Layoff Policy

Policy Owner

Title/Name:

Policy Review By:

Last Review Date:

RETENTION:	☐ Section 40.220 (A) Clerical or other routine manuals: 2 yrs after superseded or obsolete ☐ Section 40.220(B) Policies and procedures that have long-term value in determining current and past policies or procedures in liability cases, personnel disputes and other circumstances: Permanent
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