



**City Manager's Office**  
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300 LaPorte Ave.  
PO Box 580  
Fort Collins, CO 80522  
**970.221.6505**  
970.224.6107 - fax  
[fcgov.com](http://fcgov.com)

Dear New Employee:

Welcome to the City of Fort Collins! Our organization takes pride in excellent public services, and it's our top-notch employees that make this possible. I'd like to share with you the Vision, Mission and the Values of the organization that guide our work and our relationships with citizens and one another.

***Vision:***

*We are passionate about creating a vibrant, world-class community.*

***Mission:***

*Exceptional service for an exceptional community.*

***Organizational Values:***

- ***Outstanding Service***  
Service is our mission – it is what we do. We are committed to finding ways to exceed our customers' expectations, and to constantly make our community a better place.
- ***Innovation and Creativity***  
We engage in leading edge thinking, and explore new, creative approaches to service delivery and problem solving. We are focused on finding better ways to do things.
- ***Respect***  
We communicate openly and honestly. We treat all people with dignity and respect, and welcome diversity. We care deeply about our community, and each other.
- ***Integrity***  
We exemplify the highest standards of behavior. We are honest, ethical, and trustworthy.
- ***Initiative***  
We are self-starters, and look for ways to be proactive. We are forward thinkers.
- ***Collaboration and Teamwork***  
We leverage our strengths and resources by partnering to create exceptional resources.
- ***Stewardship***  
We are dedicated stewards of the community's natural, human, and financial resources.

I am delighted that you have become a member of our organizational team and wish you a very successful future with the City. If you have any questions or comments, please do not hesitate to contact me by telephone (221-6505) or e-mail ([datteberry@fcgov.com](mailto:datteberry@fcgov.com)).

Sincerely,

A handwritten signature in black ink, appearing to read "Darin Atteberry", with a stylized flourish at the end.

Darin Atteberry  
City Manager

# City of Fort Collins Personnel Policies and Procedures Acknowledgement Form for Hourly Employees

I acknowledge that I have received a copy of the policies listed below which are included in the City of Fort Collins Personnel Policies and Procedures which includes modifications through March 31, 2011. The City of Fort Collins Personnel Policies and Procedures contains important information about the terms and conditions of my continued employment on the subjects covered by the policies. Accordingly, I will read the City of Fort Collins Personnel Policies and Procedures, follow the policies in it, and contact the Human Resources Department if I have questions about the policies.

I understand that the policies in the City of Fort Collins Personnel Policies and Procedures replace all previous policies, practices and representations. I also understand that the City may change, revise, add to or cancel any policies or portions of policies in the City of Fort Collins Personnel Policies and Procedures at any time with or without prior notice. I understand that updates to these policies may be obtained through the Human Resources Department or on the City's intranet site (CityNet).

As an unclassified employee, my employment may be ended either by me or the City at will at any time with or without cause or notice.

The Colorado Open Records Act Prohibits the City, its employees and contractors from releasing names, addresses, phone numbers or financial information of users of public facilities or recreation services operated by the City. Therefore, class lists are confidential.

I understand that although the City may change, revise, add to or cancel other policies at any time, this policy regarding the termination of employment may only be changed in a specific written contract signed both by me and the Director of Human Resources or City Manager. No other practice, written or oral policy or statement by anyone, including supervisors and any other management personnel, can alter this employment relationship.

Date \_\_\_\_\_

Employee Signature \_\_\_\_\_

Name (Print) \_\_\_\_\_

**Please sign and return this form to the Human Resources Department.**

## Policies Included:

Section 1.3 Equal Employment Opportunity

3.3 Employment of Relatives

*Continued on back*

- 6.1 Reporting Absences and Tardiness
- 6.3 Personal Leave Time
- 6.4 Holiday Time
  
- 8.1 Conduct and Performance
- 8.2 Harassment Prohibited
- 8.3 Threats and Violence Prohibited
- 8.4 Computer Security and Acceptable Use
- 8.5 Personal Use of Equipment and Supplies
- 8.6 Conflict of Interest
- 8.7 Dress and Appearance
- 8.8 Restriction on Solicitations by Means Other than E-Mail
- 8.9 Licenses and Certifications
- 8.10 Reporting Criminal Charges
- 8.11 Controlled Substances and Alcohol Policy
- 8.12 Restrictions on Smoking and Other Tobacco Use
- 8.13 Restrictions on Political Activity
- 8.14 Citizen Input to Council by City Employees
- 8.15 Inventions, Designs, Copyrights
- 8.16 Vehicle Operation
- 8.20 Bulletin Boards and Displays
- 8.21 Tax Status of Gifts to Employees
- 8.22 Employee Membership on Boards, Commissions, and Authorities
  
- 9.4 Issue Resolution Process
  
- 10.1 Separation from Employment

## 1.3 Equal Employment Opportunity

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- A. The City is committed to a policy of equal employment opportunity for all applicants and employees. Employment decisions comply with all applicable laws prohibiting discrimination in employment.
- B. The City is committed to providing a work environment that is free from unlawful discrimination and harassment. In keeping with this commitment, the City strictly prohibits unlawful discrimination in employment based on an individual's gender, race, color, religion, creed, national origin, ancestry, age 40 years or older, marital status, disability, sexual orientation, genetic information, or other characteristics protected by law. For the purpose of this policy "sexual orientation" means a person's actual or perceived orientation toward heterosexuality, homosexuality, bisexuality, or transgender status. The City also strictly prohibits unlawful harassment in the workplace, including sexual harassment. A specific policy prohibiting sexual and other unlawful harassment is set forth in the "Harassment" section later in these City of Fort Collins Personnel Policies and Procedures. [rev. 11/20/09]
- C. Any employee who believes that he or she has been unlawfully discriminated against or harassed should immediately notify the Human Resources Department. The City will promptly investigate all such complaints and take appropriate action.
- D. It should be noted that the prohibition of discrimination in employment on an individual's sexual orientation is not intended to create a right or expectation of benefit eligibility to a person not legally married to the employee.

## **3.3 Employment of Relatives**

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### **3.3.1 Limitation on Employment of Relatives**

- A. The City prohibits the hiring, promotion, demotion or transfer of family members where a relative would: [rev. 7/13/99]
  - 1. Directly exercise supervisory, appointment, salary determination, dismissal or disciplinary authority over another family member;
  - 2. Audit, verify, receive or be entrusted with moneys received or handled by another family member.
- B. Any exceptions to the prohibition of employment of relatives must have the prior approval of the City Manager. The City Manager may grant such exceptions upon his or her finding that the potential adverse affects of the conflict can be avoided through the implementation of reasonable safeguards and it is in the best interests of the City to allow the employment of the relative. [rev. 7/13/99]

### **3.3.2 Who is a “Relative” or “Family Member”**

For purposes of this policy, the terms “relative” and “family member” mean spouse, parent, child, sibling, sibling’s children, aunt/uncle, cousin, grandparent and grandchild, including in-law, step and foster relationships. The terms also include any person claimed by the employee as a dependent for income tax purposes or any person residing in and sharing with the employee the expenses of the household.

### **3.3.3 Other Close Personal Interest**

- A. Consistent with the City Charter (Article IV, Section 9), the City requires employees who have a personal interest or financial interest in any decision of the City, including employment decisions, to disclose such interest officially as required by the Charter and to refrain from participating in or attempting to influence such a decision. The Charter defines personal interest as any interest by reason of which an officer or employee, or a relative of such officer or employee, would in the judgement of a reasonably prudent person, realize or experience some direct and substantial benefit or detriment different in kind from that experienced by the general public. The Charter defines financial interest as any interest equated with money or its equivalent.
- B. Employees with questions about this policy should contact the Human Resources Department or City Attorney’s Office.

## **6.1 Reporting Absences and Tardiness**

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- A.** Employees are expected to report to their place of work every day as scheduled unless on approved leave. Time off of any kind must be taken in accordance with this policy and other applicable policies set forth elsewhere in these City of Fort Collins Personnel Policies and Procedures.
- B.** Employees who will be absent or late to work must notify their immediate supervisor (or the supervisor's designee) as soon as they learn of the need to be absent or late. Failure to provide prompt notice of an absence or tardiness is an unapproved absence and may result in disciplinary action.
- C.** Unless otherwise directed in written departmental work rules, employees must call their immediate supervisor no later than fifteen (15) minutes after the start of the employee's work shift or time the employee is expected to report to work. When notifying the supervisor of the need to be absent or late, the employee must report:
  - 1.** The reason for the absences (or tardiness); and
  - 2.** The expected date (or time) when the employee expects to return to work.
- D.** The City recognizes that under exceptional circumstances, neither the employee nor someone on her or his behalf may reasonably be able to call within the time required. In such a case, the employee or representative must contact the employee's supervisor as soon as possible after the beginning of the shift. If the supervisor, in her or his discretion, believes the employee had a compelling reason which prevented the employee from obtaining prior approval for the absence or calling-in on time, the supervisor may approve pay for the period of absence or tardiness.



## **6.2 Vacation Time**

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### **6.2.1 Employees Eligible to Accrue and Use Vacation Time**

- A. Employees in classified positions and unclassified management positions are eligible to accrue vacation time beginning with the first day of employment. Employees in unclassified contractual positions may be eligible to accrue and use vacation time depending on the terms of their specific contracts. Employees in unclassified hourly positions are ineligible to accrue or use vacation time, but eligible employees in hourly with benefits positions may accrue and use personal leave in accordance with the policy in these City of Fort Collins Personnel Policies and Procedures. [rev. 5/9/01]
- B. Vacation time is accrued bi-weekly each pay period. Eligible employees cease accruing vacation time during any period of unpaid leave which exceeds thirty (30) consecutive calendar days. This provision shall apply even if the employee has actual time worked of ten (10) hours or less during such thirty (30) day period. [rev. 1/1/07]
- C. Eligible full-time employees accrue vacation time in accordance with the schedules and examples below. Eligible part-time employees accrue vacation time on a *pro rata* basis based upon their position's designated FTE and may use vacation time based on their regularly scheduled hours at the time of use. However, in no event may the use of vacation time in any work week exceed the designated FTE for the position. [rev. 9/24/08]

### **6.2.2 Use and Scheduling**

- A. Only employees who are eligible and have accrued vacation time may use such time. Accrued vacation time may not be used until after the bi-weekly pay period in which it was accrued. The City will not advance vacation time or advance wages to employees in connection with use of vacation time.
- B. Vacations must be scheduled and approved by the eligible employee's supervisor. Although efforts will be made to accommodate employee's requests to take vacation at a specified time, supervisors must consider the needs of the department when evaluating vacation requests. If two or more employees request vacation at the same time and the supervisor determines that it is not feasible to grant both of the requests, the supervisor ordinarily should consider such factors as who first requested the time off and who has the greatest length of service with the City.
- C. An employee may use accrued vacation time when he or she has been determined to be eligible for: [new 3/4/2009]



1. The City's long term disability insurance total disability benefit and the City determines based on credible medical predictions that the employee will be able to return to his or her regular position and perform all essential functions of that position with or without reasonable accommodations within six months of the date the disability began. The employee will not be eligible to use accrued vacation in an amount that, when combined with the long term disability benefit or any other leaves, would provide the employee with greater than 100% of the employee's regular base pay based on the position's FTE. In the event of an overpayment, the employee will reimburse the City either by Payment of the overage amount (direct payment or payroll deduction) or a reduction of the employee's vacation accrual amount if the vacation accrual is sufficient to cover the overage. [rev. 3/26/11]
2. Short term disability leave as provided at section 6.17.3 A. of these policies. [new 3/4/2009]

### **6.2.3 Maximum Carry Over**

- A. Employees in classified positions may carry over to a new Leave Benefit Year up to twice the amount of vacation time they are eligible to accrue as of the last day of the current Leave Benefit Year, up to a maximum of 30 days (240 hours). [rev. 9/24/08]
- B. Employees in unclassified management positions may carry over to a new Leave Benefit Year up to twice the amount of vacation time they are eligible to accrue as of the last day of the current Leave Benefit Year, plus an additional forty (40) hours, up to a maximum of 35 days (280 hours) of vacation time. [rev. 9/24/08]
- C. All vacation time which cannot be carried over is forfeited after the end of the last pay period paid within the calendar year, unless an extension is authorized by the City Manager or, in the case of attorneys employed by the City, the extension is authorized by the City Attorney. [rev. 9/24/08]
- D. Employees in unclassified contractual positions who are eligible to accrue vacation time may carry over the entire amount accrued throughout the term of the contract, up to a maximum of 20 days (160 hours).

### **6.2.4 Payment upon Separation from Employment**

All accrued but unused vacation time is payable upon separation from employment at the rate of one hour's pay (at the employee's regular hourly rate at the time of termination) for each hour of vacation time. Employees may, upon written request to the Human Resources Department, use accrued vacation time to extend their employment through the first day of the month (even if the first day of the month is

not a regularly scheduled work day) following their last day worked; the balance of accrued but unused vacation time would then be included in the final payroll payment issued after the final day on payroll. If used for this purpose, the accrued vacation leave must be used at the rate of 40 hours per week, less any holiday time occurring during the week, and prorated for part time employees. [rev. 9/23/10]

### **6.2.5 Accrual Schedule: Classified Positions and Unclassified Management Positions**

- A. Full-time employees in classified positions and unclassified management positions, with the exceptions noted later in this policy, accrue vacation time according to the following schedule:[rev.1/1/07]

<b>Years of Service from Date of Hire</b>	<b>Vacation Hours Accrued Per Pay Period</b>	<b>Total Days Accrued Per Year</b>
0-3 yrs (0-36 mos)	4.62 hours	15 days
4-5 yrs (37-60 mos)	4.92 hours	16 days
6-7 yrs (61-84 mos)	5.23 hours	17 days
8-9 yrs (85-108 mos)	5.54 hours	18 days
10-12 yrs (109-144mos)	6.15 hours	20 days
13-14 yrs (145-168mos)	6.46 hours	21 days
15-16 yrs (169-192mos)	6.77 hours	22 days
17-18 yrs (193-216mos)	7.08 hours	23 days
19-20 yrs (217-240mos)	7.08 hours	23 days
Over 20 yrs (241 mos+)	7.38 hours	24 days

- B. A break in employment with the City will result in a loss of years of service credit. However, for the purposes of vacation accrual, an uninterrupted change of employment status with the City among the employment categories identified in Chapter 2 of these policies shall not be considered a break in employment. Only employment with the City in a classified or unclassified management position will be counted in determining years of service. [rev. 1/1/07]

### **6.2.6 Additional Time for Unclassified Management Positions**

In addition to the vacation accrual schedule above, employees in unclassified management positions who work one full pay period in the new Leave Benefit Year are credited with a lump sum of forty (40) hours of vacation time at the beginning of each Leave Benefit Year. For new employees, this lump sum vacation credit is prorated based on the employee's starting date. [rev. 9/24/08]

**6.2.7 Special Accrual Schedule and Carry Over: Service Area Directors, Service Unit Directors, Assistant City Managers and Deputy City Manager**

- A. Although they are unclassified management employees, service area directors, service unit directors, assistant city managers and the deputy city manager do not accrue vacation time in accordance with the years of service schedule. Full-time employees in such positions accrue vacation time based on the following schedule: [rev. 2/17/07]

<b>Years of Service from Date of Hire</b>	<b>Vacation Hours Accrued Per Pay Period</b>	<b>Total Days Accrued Per Year</b>
0-12 yrs (0-144 mos)	6.15 hours	20 days
13-14 yrs (145-168 mos)	6.46 hours	21 days
15-16 yrs (169-192mos)	6.77 hours	22 days
17-20 yrs (193-240 mos)	7.08 hours	23 days
Over 20 yrs (241mos+)	7.38 hours	24 days

- B. Employees in these positions are subject to the maximum carry over of 480 hours. All vacation time in excess of this amount is forfeited after the end of the Leave Benefit Year, unless an extension is authorized by the City Manager. [rev. 9/24/08]

**6.2.8 Special Accrual Schedule and Carry Over: City Manager, City Attorney and Municipal Judge**

The vacation time accrual schedule for employees in the positions of City Manager, City Attorney and Municipal Judge are set by the City Council and may differ from the schedules set forth in this policy. [rev. 3/1/01]

## **6.3 Personal Leave Time**

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Personal leave time is intended to provide limited paid leave time for any personal reasons, including vacations and illnesses, for eligible employees who do not receive paid time off under other policies in these City of Fort Collins Personnel Policies and Procedures.

### **6.3.1 Eligible Employees**

Employees in unclassified hourly with benefits positions who have worked at least 520 regular hours in an unclassified hourly with benefits position, and only those employees, are eligible to accrue personal leave in accordance with this policy. Returning unclassified hourly with benefit employees who have previously satisfied this 520 hour requirement will not lose eligibility providing their gap in qualified employment has not exceeded 12 months (365 days). Employees in classified positions, unclassified management positions, hourly with no benefits, and contractual positions are ineligible to accrue or use personal leave time. [rev. 8/13/07]

### **6.3.2 Accrual Schedule**

Eligible employees accrue personal leave time each bi-weekly pay period in which they work, at the rate of .019 hours of personal leave for each regular hour actually worked (up to 40 hour per week), up to a maximum of 40 hours of personal leave. Once eligible employees reach the cap of 40 hours, they cease accruing additional personal leave time. If the employees later use enough personal leave time to fall below the maximum, they will start accruing personal leave time again from that date forward until they reach the cap of 40 hours. [rev. 9/4/02]

### **6.3.3 Use and Scheduling**

- A.** Only employees who are eligible and have accrued personal leave time may use such time. Accrued personal leave time may not be used until after the bi-weekly pay period in which it was accrued. The City will not advance personal leave time or advance wages to employees in connection with use of personal leave time.
- B.** Personal leave must be scheduled and approved by the eligible employee's supervisor. Although efforts will be made to accommodate employee's requests to take personal leave at a specified time, supervisors must consider the needs of the department when evaluating personal leave requests. If two or more employees request personal leave at the same time and the supervisor determines that it is not feasible to grant

both of the requests, the supervisor ordinarily should consider such factors as who first requested the time off and who has the greatest length of service with the City.

#### **6.3.4      *Payment upon Separation from Employment***

All accrued but unused personal leave time is payable upon separation from employment, including the termination of hourly employment to accept employment in another category of employment with the City. Employees may, upon written request to the Human Resources Department, use accrued personal leave time to extend their employment through the first day of the month following their last working day; the balance of accrued but unused personal leave time would then be included in the final payroll payment issued after the final day on payroll as an hourly employee.  
[rev. 9/23/10]

## 6.4 Holiday Time

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### 6.4.1 Eligible Employees

- A. Employees in classified positions and unclassified management positions are eligible to receive paid holiday time. Some employees in unclassified contractual positions may be eligible to receive paid holiday time, depending on the terms of their specific contracts. Hourly employees are eligible for holiday time only as set forth in section 6.4.8. [rev. 1/1/07]
- B. Only eligible employees who are working or on paid leave (*e.g.*, vacation or sick leave) at the time the holiday occurs may receive paid holiday time. If a holiday occurs during a paid leave, the employee must record holiday time instead of the other paid leave. Employees on any unpaid leave are ineligible to receive paid holiday time. In addition, employees leaving employment may not use holiday time to extend their employment into the next calendar month.

### 6.4.2 Amount of Holiday Time

- A. At the beginning of each Leave Benefit year, eligible employees are provided with approximately nine designated holidays, the exact number being dependent on how many of the designated holidays fall within the Leave Benefit Year. [rev. 9/24/08]
- B. For eligible full-time employees, the nine designated holidays total seventy-two (72) hours in most Leave Benefit Years. For eligible part-time employees, holiday hours are provided on a *pro rata* basis based on their FTE. For example, an eligible employee who is a “0.75 FTE” is provided with 75 percent of designated holiday hours in the usual Leave Benefit Year (assuming the Leave Benefit Year contains the usual nine designated holidays). [rev. 9/24/08]

### 6.4.3 Designated Holidays

- A. The City designates the following holidays each calendar year:

New Year’s Day	January 1
Martin Luther King Day	3rd Monday in January
President’s Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Veterans’ Day	November 11
Thanksgiving Day	4th Thursday in November
Christmas Day	December 25

- B. Designated holidays that fall on a Saturday are generally observed on the preceding Friday, and designated holidays that fall on a Sunday are generally observed on the following Monday. The Christmas Day holiday often falls within the first pay period of a new Leave Benefit Year, so holiday time for that day will usually be credited and appear on an employee's time records for the new Leave Benefit Year. [rev. 9/24/08]

#### **6.4.4 Working on Designated Holidays**

Designated holiday hours are intended to be used on the designated holiday. Exempt employees who work on a holiday must record actual hours worked and take the holiday time off at a later date before the end of the Leave Benefit Year. Non-exempt employees who work on a holiday, at their option, may either: [rev. 12/29/08]

1. Record on their time sheets both their hours worked and the holiday hours, so they will essentially receive double pay for the day; or
2. Record only the hours worked and take the holiday time off at a later date before the end of the Leave Benefit Year.

#### **6.4.5 Holidays Occurring on Scheduled Day Off**

When a designated holiday occurs on an eligible employee's scheduled day off, the employee shall schedule time off with holiday pay on a scheduled work day before the end of the Leave Benefit Year. [rev. 12/29/08]

#### **6.4.6 Forfeiture at End of Leave Benefit Year**

All designated holiday time not used during a Leave Benefit Year will be forfeited at the end of the Leave Benefit Year in which the holiday occurred. [rev. 9/24/08]

#### **6.4.7 Payment upon Separation from Employment**

Employees who actually work a designated holiday and choose to take the holiday time off at a later date prior to its forfeiture, but who terminate employment before the forfeiture date without having used the holiday time will receive pay for the holiday time upon separation from employment. [rev. 1/1/07]

#### **6.4.8 Hourly Employees** [new 11/19/03]

Employees in hourly with benefits positions (Hourly with Benefits positions are those designated as such by the hiring department and which are regularly scheduled to work 30 or more hours per work week for 26 weeks or more in any 12-month period) are eligible to receive paid holiday time for any designated holiday which falls during a biweekly pay period in which the employee worked or received paid leave for 30 or more hours. Employees in Hourly without Benefits positions are not eligible for holiday pay. The amount of time paid for a designated holiday shall be determined according to the following chart: [rev. 1/1/07]

**Chart for Holiday Pay (1 Holiday in Pay Period)** [new 11/3/05]

Time Worked and Personal Leave Used

<u>Pay Period</u>	<u>Holiday Pay</u>
30 to <36 hours	3 hours
36 to <45 hours	4 hours
45 to <54 hours	5 hours
54 to <63 hours	6 hours
63 to <72 hours	7 hours
72 hours +	8 hours

**Chart for Holiday Pay (2 Holidays in Pay Period)** [new 11/3/05]

Time Worked and Personal Leave Used

<u>Pay Period</u>	<u>Holiday Pay</u>
30 to <32 hours	3 hours
32 to <40 hours	4 hours
40 to <48 hours	5 hours
48 to <56 hours	6 hours
56 to <64 hours	7 hours
64 hours +	8 hours

**6.4.9 Limitations on Use of Holiday Time Prior to the Holiday** [new 12/15/03]

Except as specified in this section, employees may not use holiday time from a designated holiday before the date of that designated holiday. Only classified employees and unclassified management employees in positions that are required to work 24/7 shifts or who are designated by their service area directors as routinely being required to work on designated holidays are eligible to use holiday time prior to the date of the designated holiday for which holiday time is provided. If an eligible employee uses holiday time early and then terminates employment with the City prior to the date of the holiday, the holiday time that was used early shall be reimbursed to the City from the employee's accrued vacation time, if any, or will be deducted from the employee's payroll payments. [rev. 9/23/10]



## 8.1 Conduct and Performance

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- A. Government service is a public trust imposing responsibilities to conserve public resources, funds and materials. In accordance with that principle, employees may only use City property, equipment or materials for their intended City purpose. Moreover, in accordance with that principle, employees are expected to perform their jobs satisfactorily, refrain from engaging in misconduct and act in the City's best interest.
- B. Although it is impossible to predict every possible type of employee misconduct, the following are some of the types of conduct which could lead to disciplinary action up to and including termination of employment:
1. Theft or misuse of City money or property;
  2. Commission or conviction of a felony or of any crime involving moral turpitude;
  3. Violation of any departmental or City rule, regulation, policy or procedure;
  4. Harassment of, or discrimination against, any individual based on race, religion, national origin, age, sex, sexual orientation or disability;
  5. Falsification, unauthorized use or destruction of City records, reports or other data or information belonging to the City;
  6. Abusive or threatening treatment of any person, including, but not limited to physical or verbal confrontation;
  7. Insubordination or refusal to comply with directives or assignments;
  8. Using, consuming, possessing, having in the body, or distributing alcohol or controlled substances during working time or while operating a City vehicle; [rev. 1/13/99]
  9. Incompetence, inattention to duties or wastefulness while on the job;
  10. Failure to meet performance expectations of job or not performing duties or functions assigned;
  11. Acceptance of gifts or gratuities from persons doing business with the City that exceed prescribed limits;
  12. Engaging in personal business while on the job or engaging in outside employment which interferes with City job performance;
  13. Repeated tardiness, absenteeism, abuse of leave; [rev. 11/01/99]
  14. Job Abandonment (unreported absences of three days or more); [rev. 11/01/99]

15. Failure to properly use safety equipment, clothing or equipment or failure to follow established safety procedures;
  16. Destruction, loss or abuse of City property;
  17. Unauthorized use of City vehicles, equipment or property for personal use;
  18. Possessing or maintaining sexually explicit materials on City property or in a City vehicle without a valid, work-related purpose. Sexually explicit materials shall mean any pictures, drawings, electronic reproductions, or other visual reproductions depicting the genitals, depicting sexual acts, or depicting an image which could reasonably be construed as conveying a sexually erotic theme. [rev. 1/13/99]
- C. Employees may be disciplined or terminated for conduct different from or in addition to the types of misconduct discussed above, and except for employees in classified positions who have completed their introductory period, all employees may be terminated at will with or without cause or notice at any time.
- D. Any questions about performance expectations should be directed to each employee's supervisor. Questions about employment policies or misconduct that could lead to discipline or termination of employment should be directed to the Human Resources Department.
- E. Managers, supervisors, and the Human Resources Director shall confidentially report the following types of alleged employee or vendor misconduct through their chain of command to the City Manager as soon as reasonably practical after they become aware of the alleged misconduct:[new 1/18/11]
1. sexual harassment;
  2. drug/alcohol use that is contrary to City policy;
  3. commission of a felony or other crime of moral turpitude, including theft; or
  4. misuse or theft of City money, property, resources or confidential information.
- F. **Reporting suspected criminal conduct to Police Services.** Managers and supervisors shall consult with the Human Resources Director and Police Services, and seek guidance from their chain of command in considering whether or not suspected criminal conduct by an employee or vendor should be formally reported to Police Services for investigation. The consultation and guidance should be obtained as soon as reasonably practical after learning of the suspected criminal conduct. In emergency situations, managers should directly contact Police Services. Representatives from Police Services, the Service Area, the City Manager's Office, the Human Resources Department, and the City Attorney's Office shall consult regarding any prosecution issues as they arise. [new 1/18/11]

## 8.2 Harassment Prohibited

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- A.** The City is committed to providing a work environment that is free of harassment and unlawful discrimination. Consistent with the City's respect for the rights and dignity of each employee, harassment based on race, color, religion, sex, national origin, age, disability, sexual orientation, genetic information, or any other characteristic protected by law, will not be sanctioned or tolerated. In particular, it should be noted that: [rev. 11/20/09]
- 1.** Sexual harassment is strictly prohibited. Sexual harassment has been defined by government regulation as any unwelcome sexual advances, request for sexual favors, or other verbal or physical conduct of a sexual nature when submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment; when submission to or rejection of such conduct is used as the basis for employment decisions affecting such individual; or such conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile or offensive work environment.
  - 2.** Harassment on the basis of any other protected characteristic is also strictly prohibited. In general, harassment is any verbal or physical conduct that denigrates or shows aversion toward an individual because of race, color, religion, sex, national origin, age, disability, sexual orientation, genetic information, or any other characteristic protected by law, and that: [rev. 11/20/09]
    - a.** Has the purpose or effect of creating an intimidating, hostile or offensive work environment;
    - b.** Has the purpose or effect of unreasonably interfering with an individual's work performance; or
    - c.** Otherwise adversely affects an individual's employment.
- B.** Harassing conduct includes, but is not limited to: epithets, slurs, or negative stereotyping; threatening, intimidating or hostile acts; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on City premises or circulated in the workplace. Any individual found to have engaged in sexual or any other form of harassment will be disciplined as appropriate, up to and including termination.
- C.** Any employee who believes she or he has been harassed in violation of this policy by a co-worker, supervisor or agent of the City, or by anyone while working, should promptly report the facts and the names of the individuals involved to her or his supervisor or, in the alternative, to the Director of Human Resources. During non-business hours, if the employee is unable to reach his or her supervisor, or if it is inappropriate for the employee to contact his or her supervisor, the employee may

contact any other supervisor or manager in the employee's department to report the incident and/or to obtain immediate emergency action. Any employee who observes harassment is also encouraged to report the incident promptly.  
[rev. 7/13/99]

- D.** Supervisors must immediately report to the Director of Human Resources all complaints, observed incidents or suspected incidents of harassment in violation of this policy. The Human Resources Department will promptly investigate all reports and complaints of harassment as confidentially as possible and recommend appropriate action. Police Services may investigate sexual harassment complaints filed in the police department through established internal investigation procedures after consulting with Human Resources staff.
- E.** A prompt and thorough investigation of the alleged incident will be conducted to the extent possible, and appropriate action will be taken. To the extent consistent with adequate investigation and appropriate corrective action, and to the extent permitted by law, any complaint of harassment will be treated as confidential.
- F.** The City will not in any way retaliate against an employee, potential employee or former employee who, in good faith, makes a complaint or report of harassment, or participates in the investigation of such a complaint or report. Retaliation against any individual for reporting a claim of harassment or cooperating in the investigation of such a complaint will not be tolerated.

## 8.3 Threats and Violence Prohibited

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- A. The City is committed to providing a work environment that is free of violence against persons and property, and threats of violence. In furtherance of that goal, the City maintains a strict policy prohibiting violent acts and threats to commit such acts. This includes, but is not limited to, physical abuse, threats to inflict violence on a person or property, direct or veiled threats, threatening remarks, threatening behaviors, vandalism, arson, sabotage, and (except for police officers) the use of weapons or carrying of weapons to work sites.
- B. Any employee who observes or hears of violent or threatening behavior associated with the workplace or a City employee should promptly report the incident to the supervisor or, alternatively, to the Director of Human Resources. Supervisors who receive complaints regarding threats or violence in violation of this policy, or who observe or suspect such threats or violence, should immediately report the incident(s) to the Director of Human Resources.
- C. **Employees should call 911 or directly contact law enforcement if they believe there is an imminent threat to the safety or health of any employee or property.** Any employee who contacts law enforcement must also inform the supervisor of the incident and the fact that law enforcement was called as soon as possible under the circumstances.
- D. The Human Resources Department will promptly investigate all reports and complaints of threats or violence as confidentially as possible and recommend appropriate action. The City may, at its discretion, initiate the involvement of law enforcement personnel when appropriate. The City prohibits retaliation in any manner against anyone making a complaint of threats or violence in violation of this policy.
- E. Any questions concerning this policy should be directed to the Human Resources Department.



## **8.4 Computer Security and Acceptable Use**

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### **8.4.1 Security Must be Maintained**

- A. To prevent unauthorized access to information in City computer systems, all computer users must use an identification code and password to log on (except when using public access services, such as the library's on-line public access catalog). Employees must take precautions to ensure that unauthorized users do not gain access to the City computer systems, such as by logging off the system while away from the computer, locking their offices and maintaining confidentiality of identification codes and passwords. Employees should also follow generally accepted password guidelines, such as using more than six characters in a password, not using a family or pet name or birthdate, and changing passwords every 60 days (or sooner as required by the system administrator). Please contact the Management Information Services Department for more information about password security.  
[rev. 6/18/07]
- B. Employees may not obtain passwords of other users, and may not represent themselves as another user, without specific authorization. In addition, employees may not seek information about, copy, delete or otherwise modify files, data or passwords of another user except as required to complete assigned job duties. Access to City computer systems will cease immediately when an employee's employment ends, unless specific arrangements are made by the supervisor.
- C. To help protect City computer equipment and systems from viruses and other debilitating programs, employees may not install software or shareware on City computers unless:

  - 1. The employee is licensed and legally authorized to install the software or shareware on the City computers;
  - 2. The software or shareware has been examined for viruses and other issues concerning compatibility with the City's computer equipment and systems and approved by the Management Information Services Department; and  
[rev. 6/18/07]
  - 3. Employees may not install other equipment or hardware components (such as modems or compact disk players) on City computers.
- D. Strict precautions are especially important to maintain the security of the City's enterprise computer applications and protect critical information from theft, loss, contamination or destruction. Those are essential applications such as the Utility Customer Information System, Financial Accounting Information System and the Payroll/Personnel System. Employees are prohibited from gaining access to such systems unless they have explicit authorization, have been trained, and know how

to use those systems. In addition, shareware may not be used in conjunction with the City's enterprise computer applications or any other system containing vital information. [rev. 4/28/09]

- E. Employees shall conform to the City software, licensing, and security standards as adopted by the City Manager and maintained by the Management Information Services Department. [rev. 6/18/07]

#### **8.4.2 Confidentiality Must be Maintained**

- A. Materials containing any confidential (non-public) information, including word processing documents and electronic mail messages, must be identified by the originator as confidential and treated as confidential in their entirety. Materials may be identified as confidential by the title or text of a document or message, or by virtue of the fact the material is saved in a confidential location within the computer system, such as on an individual's "C" drive or on drives which are not readily accessible by the City organization in general. If employees have any doubt as to whether or not something is confidential, the material should be treated as confidential in its entirety.
- B. Access to any information designated as confidential may only be obtained by the originator of the information, the designated recipient, their supervisors, or others who are specifically given the information by the originator or designated recipient in order to perform the essential functions of their positions. Anyone receiving confidential information must continue to maintain its confidentiality.
- C. Employees, both during and after their employment with the City, may not disclose confidential material to anyone except to other employees who need the information to perform the essential functions of their positions, and except as required by law.

#### **8.4.3 Software is City Property**

- A. Software purchased with City funds is City property. In addition, any software that an employee installs, or has installed, on a City computer becomes City property. All software on City computers is subject to applicable licensing and copyright agreements.
- B. All software and other intellectual property and inventions created with City computers or other equipment, or created during working time, is City property. Please refer to the policy on "Inventions and Copyrights" in these City of Fort Collins Personnel Policies and Procedures.

#### **8.4.4 No Expectation of Privacy in Computer or Electronic Information**

- A. Although information on City computers is sometimes confidential (non-public), it is not private. Employees should not have an expectation of personal privacy in



any computer information or electronic mail messages stored, sent or received on City computers. All information on City computers, including electronic mail messages, is subject to inspection and copying by each employee's supervisors with or without notice or consent. Supervisors wishing to review electronic information should request access from the Director of Human Resources, who has the discretion to grant or deny the request.

- B. Information in computers, including electronic mail messages, may remain retrievable for long periods of time, even though employees have "deleted" the information from their screens. Accordingly, employees should exercise good judgment as to what information they create on the computer and send via electronic mail.
- C. Various departments (such as the City Attorney's Office, Human Resources Department and City Manager's Office) have a need to maintain confidentiality and prevent public access to certain information in City computers and electronic mail systems. Even though such information may be confidential and non-public in nature, *individual employees* should have no expectation of privacy in any information they generate or store on City computers or electronic mail systems because all such information is subject to inspection and copying by the employee's supervisor with or without notice or consent.
- D. Because the City's computer equipment and systems, including electronic mail systems and the information on all such systems, at all times remain City property, employees have no right to obtain the information on or the contents of their computers or electronic mail upon termination of employment.

#### **8.4.5 Use Must Comply with the Law**

Numerous laws and regulations, including federal and state laws, affect the use of computers, software, telephone lines and related equipment and data. Employees using the City's computer equipment and systems must comply with all applicable laws and regulations, in addition to all policies and practices relating to City computers. Any questions about laws or regulations, their application or their interpretation, should be directed to the City Attorney's Office.

#### **8.4.6 Questions about or Problems with City Computers**

Any questions about computer applications or problems with computers should be directed to Management Information Services Department. Violations of this policy should be reported to the employee's supervisor, Human Resources Department or Management Information Services Department. [rev. 6/18/07]



## **8.5 Personal Use of Equipment, Supplies, and Internet Access**

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**[rev. 1/18/11]**

City property, facilities and equipment represent a major investment of taxpayer funds. It is the responsibility of all employees to assist in the maintenance and protection of this investment. City property, facilities and equipment may be used only for the public purposes for which they were acquired. Employees' personal use of City property, facilities or equipment is prohibited except for limited use in accordance with this policy and authorized by the supervisor. As used in this policy, the phrase "personal use" shall not include a use that is related to an outside business or outside employment of an employee. Employees are prohibited from using City property, facilities or equipment for outside business or outside employment purposes. [rev. 1/8/01]

### **8.5.1 Personal Use of Telephones, Fax Machines and Cellular Phones**

[rev. 2/24/04]

- A.** Employees may occasionally need to make or receive personal phone calls and faxes while at work. Employees may use City telephones and fax machines for personal reasons so long as such use, in the discretion of the supervisor, is not excessive, disruptive or otherwise a violation of the public trust. The cost for personal calls, such as long distance or directory assistance charges, must be made on the employee's personal calling card, unless the supervisor or department head has authorized reimbursement of the charges by the employee once the billing information becomes available. [rev. 1/18/00]
- B. 1.** The City recognizes that cellular phones are important business tools that contribute to the effectiveness and efficiency of City employees. In situations where an employee is in the field or where an employee does not have convenient access to a land phone line, it is often in the City's best interest to permit the employee to make personal use of a cellular phone in order to save time or avoid unnecessary travel. Employees may use City provided cellular phones and employee cellular phones for personal reasons during work hours so long as such use, in the discretion of the supervisor, is not excessive, disruptive or otherwise a violation of the public trust. [rev. 2/24/04]
- 2.** Employees using City provided cellular phones that are billed on a per minute basis (non-allotment plan phones) are required to reimburse the City for all personal call charges in each of the following situations once the billing information becomes available: [rev. 2/24/04]
  - a.** For all personal use long distance, roaming, and directory assistance charges; [new 2/24/04]

- b. For all personal use local call charges occurring during work hours that are excessive, disruptive or otherwise a violation of the public trust, as determined by the employee's supervisor; and [new 2/24/04]
    - c. For all personal use local call charges occurring during times when the employee is not working. [new 2/24/04]
  3. Employees using City provided cellular phones that are on an allotment plan (not billed per minute unless the allotment is exceeded) are required to reimburse the City for all personal call charges that result in or contribute to any added expense to the City (such as long distance, roaming, directory assistance charges, or per minute charges resulting from exceeding the allotted minutes in the plan). [new 2/24/04]
  4. Employees who participate in the City's Employee Cellular Phone Plan need to follow the regulations outlined in the Services Agreement for this plan. When employees use non-City provided cellular phones for City business purposes, the employees may obtain reimbursement from the City for the call charges. [rev. 2/24/04]
  5. For purposes of this cellular phone policy, a cellular phone call made by an employee to a spouse or significant other advising the spouse or significant other that the employee must work longer than expected shall be considered a non-personal business related call. [new 2/24/04]
  6. The City Finance Department, with the cooperation of supervisors, shall periodically perform a cell phone records review to determine the extent of business/personal cell phone usage and the financial impact upon the City. [new 2/24/04]
  7. This policy is not applicable to the cellular phone use of the City Manager, City Attorney, and Municipal Judge which is governed by policy set by City Council. [new 2/24/04]
- C. Employees must reasonably limit the timing, number and duration of personal phone calls and faxes. Supervisors may restrict or prohibit an employee's personal phone calls and use of fax machines if, in the supervisor's judgment, an employee's use is excessive or affects the performance of the employee or others or is otherwise a violation of the public trust.
- D. Supervisors may monitor phone calls of their employees for the purpose of determining whether the call is business or personal in nature. Except to the extent necessary for a supervisor to determine whether a call is personal or business in nature, the supervisor will not monitor the content of a personal call. Employees should not have an expectation of privacy in the content of business related phone calls as these calls may be monitored and recorded, with or without the notice or

consent, by an employee's supervisor for business purposes, including, but not limited to, quality control, training, and security.

- E. Although employees may use City fax machines for personal purposes on a limited basis in accordance with this policy, employees should not have an expectation of privacy in the materials sent or received on City fax machines. All materials sent or received on City fax machines are deemed to be City property and are subject to inspection and copying by supervisors and other City officials with or without notice or consent.

### **8.5.2    *Personal Use of Voicemail***

Employees may receive and leave personal messages on the City voicemail system so long as such use, in the discretion of the supervisor, is not excessive, disruptive or otherwise a violation of the public trust. Employees may not leave voicemail messages which are unlawful, discriminatory, harassing, untruthful, misleading, or offensive. Employees should not have an expectation of privacy in voicemail messages which they send or receive because all information on the voicemail system may be reviewed and copied by the employee's supervisor with or without notice or consent. Employees should therefore exercise good judgment as to what information they leave in a voicemail message and as to what purpose they allow callers to leave voicemail messages for the employees.

### **8.5.3    *Personal Use of Electronic Mail (E-Mail)* [rev. 9/15/03]**

- A. The City's e-mail system and the distribution list capability of the system are intended for the transaction of City business. Personal use of the City's e-mail system is limited to those situations described in this policy. [new 9/15/03]

#### **B.    *Advertisements and Solicitations***

An employee may make personal use of the City's e-mail system for advertisements and solicitations only through the use of a Service Area or Service Unit Director-approved e-mail distribution list established for that purpose or by posting on the City-designated electronic bulletin board known as the Bargain Box. Any Service Area or Service Unit Director approving such a distribution list shall determine whether the list will be limited to employees in that Director's service area or, with the approval of any other applicable Service Area or Service Unit Director, will be open to City employees from other service areas or service units. Employees may not forward distribution list e-mails to employees who have not agreed to be on the distribution list. Employee participation in an approved distribution list is voluntary, and employees may choose to opt in or out of any such list. Employees who choose to participate will be subject to the receipt of any kind of commercial or non-commercial advertisements or solicitations that conform to the requirements

set forth in subsection D, below. Employees may use the City's regular e-mail system to respond to advertisements and solicitations from the approved e-mail distribution list or from the Bargain Box. [rev. 2/17/07]

**C. Personal Use Other than for Advertising and Solicitation.** [new 9/15/03]

An employee may make occasional personal use of the City's e-mail system providing the use does not involve any kind of advertisement or solicitation. [new 9/15/03]

**D.** Because an employee's personal use of the City's e-mail system, as permitted in this policy, and the posting of notices on the Bargain Box bulletin board can have a direct and material effect upon the effective and efficient operation of City business, the following requirements shall be applicable to all communications permitted under this policy: [new 9/15/03]

1. The communication shall not promote illegal activities or transactions. [new 9/15/03]
2. The communication shall not be misleading, deceptive, or constitute a public nuisance. [new 9/15/03]
3. The communication shall not encourage or constitute prohibited discriminatory or harassing conduct. [new 9/15/03]
4. The communication shall not constitute prohibited political activities as described in these City of Fort Collins Personnel Policies and Procedures (Section 8.13). [new 9/15/03]
5. The communication shall not be disrespectful, insubordinate, or demeaning to City employees, City officials, or members of the public. [new 9/15/03]
6. The communication shall not be excessive, disruptive, or otherwise in violation of the public trust. [new 9/15/03]
7. The communication shall not promote or encourage sexual or violent activities or practices; and shall not contain pornographic, obscene, or sexually explicit materials. [new 9/15/03]
8. The communication shall not contain any information that is considered to be confidential to the City. [new 9/15/03]

**E.** Employees should not have an expectation of personal privacy in the materials sent or received on City computers, including personal e-mail. All information sent or received on City computers, including personal e-mail, is deemed to be City property and subject to inspection and copying by supervisors and other City officials with or without notice or consent. The electronic mail of an employee may be a public record under the public records law and may be subject to public inspection. [new 9/15/03]

- F. Supervisors may restrict or prohibit an employee's personal use of the City's e-mail if, in the supervisor's judgment, an employee's use is contrary to the provisions of this policy. [new 9/15/03]

#### **8.5.4 Personal Use of Computers and Internet Access**

Employees may occasionally need to use City computers for personal word processing, such as drafting a personal letter, writing a paper for a course, or spreadsheet application use, or to make personal use of the City's internet connection to conduct research, access internet sites, or participate in social networking internet sites. During non-working time, employees may use City computers and the City's internet access for those purposes on a limited basis in accordance with all of the following requirements: [rev. 1/18/11]

1. Employees may not install personal software, hardware or other equipment on City computers;
2. Generally, the City's computers and internet access may only be used by City employees, and not by their relatives or associates. However, with the approval of the City Manager or the Service Area Director, a City computer may be installed in an employee's residence if such installation is reasonably necessary for the performance of the employee's duties and is beneficial to the City. In such situations, to alleviate the need for multiple computers in the employee's residence, members of the employee's immediate family may use the City-owned computer on a limited basis. Alternatively, City-owned hardware and software may be installed on an employee's personal computer in the employee's residence if approved by the City Manager or Service Area Director. In either event, the use of the City-owned equipment by family members must be incidental and subordinate to the employee's City-related use of the equipment, and such use by the employee and all family members shall be subject to the following additional requirements: [rev. 1/18/11]
  - a. No family member shall be allowed to access any confidential information maintained on the computer; [rev. 1/8/01]
  - b. Family members must understand that they have no expectation of personal privacy in personal work stored on City equipment; [rev. 1/8/01]
  - c. Support and maintenance of City-owned computers, hardware and/or software shall be provided by City support staff but such support and maintenance shall not be extended to personal hardware or software; [rev. 1/8/01]
  - d. Such support and maintenance will be provided in the normal course of City business, consistent with the existing criteria for establishing appropriate priorities. In order for repairs to be made to City-owned computers, hardware and/or software, it may be necessary for the employee to bring the personal computer to City facilities for such repairs; [rev. 1/8/01]
  - e. Because of the integrated nature of computer systems (hardware/software) the employee acknowledges that conflict between personal hardware and/or software



[rev. 1/8/01]

- turned to the City upon termination of employment; [rev. 1/8/01]



used and/or viewed by multiple persons, including citizens, employees, supervisors and other visitors to our facilities, and because employees do not have an expectation of personal privacy in the use of the computers, personal use of the Internet connection may not be used to read, write, access, or obtain pornographic, obscene, or sexually explicit materials; [rev. 1/18/2011]

8. Employees may not use or disclose confidential information belonging to the City, and may not access the City's enterprise computer applications or other critical information for any reason not directly related to City business;
9. The personal use of City computers, and the City's internet access, in the discretion of the supervisor, may not be excessive, disruptive or otherwise a violation of the public trust; [rev. 1/18/11]
10. Employees should not have an expectation of personal privacy in any computer or internet information created, read or stored in connection with a City computer. Employees should remember that information "saved" on disks (or not "saved" at all) may remain backed up in the City's computer system for a long time, and all information on City computers is subject to inspection and copying by the employee's supervisors with or without notice or consent. Because the City's computers, internet access connection, and electronic mail systems at all times remain City property, employees have no right to obtain the information on or the contents of their computers or electronic mail upon termination of employment.  
[rev. 1/18/2011]

### **8.5.5 Personal Use of Offices, Desks, and Other Work and Storage Spaces**

The City provides offices, desks, lockers, file cabinets and other work and storage spaces for various employees. Although such spaces are available for employees while at work, employees should remember that all such work and storage spaces remain the sole property of the City. Employees should not bring highly personal items into the workplace because the City reserves the right to open and inspect offices, desks, lockers, file cabinets and other work and storage spaces and to remove all items relating to City business and all personal items that are unlawful or inappropriate. Such an inspection can occur at any time, with or without advance notice or consent. Such an inspection may be conducted during, before or after working hours by the employee's supervisor or any other persons designated by the City. The City is not responsible for any articles that are placed or left in any such work or storage spaces that are lost, damaged, stolen or destroyed.

- A. Prior to taking or removing the property, the employee must make a written request for the property, via e-mail or otherwise, to the employee's supervisor and the City's Purchasing Agent; and

**B.** The Purchasing Agent (or the City Manager if the Purchasing Agent is the employee who desires the property) and the employee's supervisor must make a written determination that:

- 1.** The property has no present or reasonably foreseeable future value to the City;
- 2.** Making the property available to the public would not be practicable because of the administrative burden or expense that would be entailed in doing so; and
- 3.** The auctioning or other public sale of the property as contemplated by section 23-126 of the City Code would likely not result in any benefit to the City.

The above process notwithstanding, an employee may take and remove cardboard boxes for his or her personal use, provided that such cardboard boxes were received by the City as packaging for other materials and were not specifically purchased by the City for use as cardboard boxes and further provided that the employee's supervisor approves the removal and determines that the supervisor's work unit has no need or use for the cardboard boxes.

## **8.6 Conflict of Interest, Gifts, Stipends, Donations, Outside Employment and Found Property [rev. 11/7/2008]**

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Each employee of the City is responsible for conserving public resources, funds and materials. Employees must uphold the public trust, and their conduct must be compatible with the best interests of the City.

### **8.6.1 Financial and Personal Conflict of Interest are Prohibited**

- A.** Except as otherwise provided in this section 8.6, no employee may use her or his position with the City for private gain or to give preferential treatment to any person or entity. Employees must maintain impartiality at all times when conducting City business. Employees must abide by all rules of conduct concerning conflict of interest as stated in the City Charter, including but not limited to the following provisions: [rev. 2/13/07]
- 1.** If an employee exercises any decision-making authority concerning a sale to the City of goods or services, or has any supervisory authority over services to be provided to the City under a contract for services, then neither that employee nor his or her relative may have a financial interest in that sale to, or contract with, the City;
  - 2.** No employee shall, directly or indirectly, purchase any real or personal property from the City, except such property as is offered for sale at an established price, and not by bid or auction, on the same terms and conditions as to all members of the general public;
  - 3.** No employee shall attempt to influence or participate in any official capacity in any decision of a public body to which (s)he makes recommendations when the employee or his/her relative has a financial or personal interest in the decision. In addition to refraining from participation, the employee shall disclose his/her interest in writing as prescribed by the City Charter, Article IV, Section 9(b)(4).
- B.** The definitions of “financial interest,” “employee,” “personal interest,” “public body” and “relative” as well as a description of the criminal penalties which may be assessed for violating this provision of the City Charter are found in the City Charter at Article IV, Section 9. The City Charter requires employees to file written conflict of interest statements under certain circumstances. Any questions about such provisions or reports of possible conflicts of interest should be directed to the Human Resources Department or City Attorney’s Office for assistance.

### **8.6.2 Release of Confidential Information is Prohibited**

- A.** No employee may knowingly use information received in confidence as an employee to advance the financial or personal interests of the employee or others. Nor may

confidential information be disclosed when its disclosure might injure the financial interests of the City. If an employee has an outside interest which could be affected by any City plan or activity, the circumstances must be reported immediately to the employee's supervisor. [rev. 4/4/03]

- B. No employee may knowingly disclose any confidential information to any person who is not an officer or employee or to an officer or employee whose official duties are unrelated to the subject matter of the confidential information or to maintaining an official record of such information on behalf of the City, unless such disclosure is reasonably necessary to protect the City from the gross mismanagement of public funds, the abuse of governmental authority, or illegal or unethical practices. [new 4/4/03]
- C. No employee may knowingly disclose any confidential information given in confidence to the City Council to any person to whom such information was not originally distributed by City staff unless and until the City Council has, by majority vote, consented to its release, unless such disclosure is reasonably necessary to protect the City from the gross mismanagement of public funds, the abuse of governmental authority or illegal unethical practices. [new 4/4/03]
- D. No employee may knowingly disclose any confidential information discussed in an executive session to any person who was not present during such discussion, other than members of such body who were unable to attend the executive session, without the prior knowledge and consent of the body holding such executive session, unless such disclosure is reasonably necessary to protect the City from the gross mismanagement of public funds, the abuse of governmental authority or illegal or unethical practices. [new 4/4/03]
- E. The provisions of subsections C and D, above, notwithstanding, the City Manager and the City Attorney may further distribute confidential information provided to City Council and may disclose confidential information discussed in any executive session to such staff members as they may consider reasonably necessary to enable them to fully advise the City Council or to implement any direction given by the City Council or to advise other officers and employees of the City whose official duties are related to the subject matter of the confidential information or to maintaining a record of the information on behalf of the City. [new 4/4/03]
- F. The term confidential information means information which is submitted to or generated by the City for its use in the exercise of functions required or authorized by law which is not or cannot be made available to the general public. It includes, but is not limited to: confidential personnel records; confidential commercial, financial and geological information; all non-public information exchanged or discussed in any properly convened executive session; and attorney-client communications. [rev. 4/4/03]

- G. Each employee is responsible for ensuring that any information released to any member of the general public may legally be provided to the public. If there is any uncertainty regarding what information is open to the public and what information is confidential (and not open to the public), please contact the supervisor and the City Attorney's Office for assistance.
- H. As prohibited by City Code Section 2-568(c)(1)(f), an employee who has filed a written statement identifying a conflict of interest under the City Charter may not knowingly elicit, accept or inspect any confidential information pertaining to the subject matter of such conflict of interest, nor may the employee attend or participate in an executive session pertaining to the confidential subject matter.  
[rev. 4/4/03]

### **8.6.3 Acceptance of Gratuities and Gifts is Generally Prohibited**

- A. No City employee may accept any gift, gratuity, favor, entertainment, loan, or any other consideration or item of monetary value which, in the judgment of a reasonably prudent person, would tend to impair or give the appearance of impairing the employee's independence of judgment in the performance of her or his duties.
- B. City employees may: [rev. 2/13/07]
  - 1. Accept gratuities in the form of perishable, nonpermanent or promotional items that are insignificant in value, possibly including meals, lodging, travel expenses or tickets to sporting, recreational, and educational or cultural events.
  - 2. Purchase goods or services at a price that has been discounted for City employees when:
    - a. such discount has also been offered to a significant range of other recipients besides City employees, and the employee is not actively engaged in negotiations or enforcement action with the offeror; or
    - b. such discount has been approved by City management as having a substantial benefit to the City, and the City is a co-sponsor of the discount.
- C. Further information is found in Section 2-568 of the City Code. Any questions should be directed to the Human Resources Department or City Attorney's Office.

### **8.6.4 Honoraria and Stipends Generally Prohibited**

No employee may accept payment for speeches, debates or other public events in connection with her or his City position. In addition, an employee who is authorized to provide a service or assistance to another public or private organization in connection

with her or his City position and receives an honorarium or a stipend must pay the amount received to the City. If, however, the employee's services are provided pursuant to an outside business activity (see below) and the employee is not acting as a representative of the City or on City time, the employee may retain the payment.

### **8.6.5 Outside Employment, Consulting, Business Activity [rev. 6/5/10]**

**A. When Permitted.** Employee are generally permitted to engage in other outside work provided that outside business activity is disclosed, is evaluated to determine if there is a conflict of interest, and is conducted off City premises, during nonworking hours, using no City resources. In order to evaluate and mitigate the potential for conflict of interest, classified, unclassified management contractual, and hourly with benefits position employees who hold a second job, engage in outside consulting work, become self-employed in an outside business activity, off City premises during non-working hours (collectively referred to in this policy as "outside work") must disclose the outside work to the City at the point of offer or as soon as the outside work is obtained. [rev. 2/2/11]

The City may, in its sole discretion, prohibit or restrict an employee from engaging in outside work based upon the following criteria: [rev. 6/5/10]

1. The prohibition or restriction is necessary to avoid a conflict of interest with any of the employee's responsibilities to the City; or
2. The prohibition or restriction is necessary to avoid the appearance of a conflict of interest with any of the employee's responsibilities to the City; or
3. The requested activity is inconsistent with or detrimental to a bona fide occupational requirement; or
4. The prohibition or restriction is reasonably and rationally related to the City job activities and responsibilities of the particular employee or a particular group of employees, rather than to all employees of the City.

#### **B. Request Procedure.** [rev. 6/5/10]

1. To disclose outside work, an employee must complete the on-line Outside Work Disclosure / Update form and submit it for review to his or her supervisor. It must describe the outside work in complete detail, including but not limited to the name of the prospective employer, nature of the business, job title, duties, beginning and ending dates of employment, and hours of work. Additional information may be requested at any time regarding the request for outside work. [rev. 9/9/10]
2. The supervisor shall forward the Outside Work Disclosure form through his or her chain of command to the Department Head with an explanation of the steps needed to mitigate potential conflicts of interest. [rev. 9/9/10]

3. The Service Unit/Service Area Director shall approve or deny the outside employment based on the above criteria unless either of the following factors is present: [rev. 9/9/10]

- a. The nature of the outside work is similar to work being done by the employee in his/her City employment. [new 6/5/10]

- b. The nature of the outside work concerns a topic or issue that may come before the City Council during the time the employee is engaged in the outside work. [new 6/5/10]

In that case, the Service Unit/Service Area Director shall forward the disclosure form and his/her recommendation to the City Manager for consideration of approval. [rev. 9/9/10]

4. The disclosure form, whether approved or denied, will be retained by the Human Resources Department as part of the employee's record. [rev. 9/9/10]

**C. Written Updates Required.** Employees who engage in outside work must update their supervisors via the on-line Outside Work Disclosure/Update form each time there is a change in employer, nature of the business, job title, duties, beginning and ending dates of outside work, hours of work, and actual end date of work. The update will be re-evaluated by the chain of command in the same manner as an initial request. [rev. 2/2/11]

**D. Approval May be Withdrawn or Modified.** Under no circumstances should any employee expect that an approval of outside work is permanent. Any such approval may be withdrawn entirely, restrictions may be imposed, and/or additional information may be required at any time at the sole discretion of the City, even after the employee commences the outside work. [rev. 9/9/10]

**E.** The City is not responsible for injuries or illnesses incurred by employees outside the course and scope of their employment with the City except as provided by the City's medical insurance plans.

**F. Employee's Additional Obligation to Notify.** An employee must as soon as reasonably practical notify his/her supervisor and Department Head via the on-line Outside Work Disclosure/Update form any time he/she becomes involved in any City work or project that involves an outside work employer that the employee has worked for in the past 12 months. The notification shall include a description of the work performed for the outside work employer, the date last employed by the outside employer, and any other information requested by the employee's supervisor or Department Head. The Department Head will forward this information through his/her chain of command to the City Manager. [rev 2/2/11]



### **8.6.6 Found Property [new 11/7/08]**

- A.** A City employee who, while on-duty, finds or takes possession of what he or she reasonably believes to be lost or abandoned property of some value must report the find and, if practical and safe to do so, give the property to his or her supervisor, Police Services, or the City's Purchasing Agent for disposition pursuant to the provisions of sections 23-126 through 23-130 of the City Code regarding the disposition of property, or pursuant to applicable state law.
- B.** When an on-duty employee finds or takes possession of property pursuant to this subsection, the employee shall be considered to be acting on behalf of the City, the employee will acquire no personal rights to the property, and the employee will not be eligible to receive the property in the event it remains unclaimed.



## **8.7 Dress and Appearance**

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- A.** In the interests of presenting a professional image to the public, employees are required to use good judgment in determining their dress and appearance, especially employees who have contact with the public.
- B.** In addition, some employees are required to wear uniforms or other identification so that they are readily identifiable as City employees. Uniforms furnished by the City are not intended for use except during working time and are not a substitute for personal attire. These uniforms should not be worn on personal time without the approval of the employee's supervisor. In addition, such uniforms must be returned to the City upon termination of employment.
- C.** Employees who are dressed inappropriately or whose appearance is otherwise inappropriate, in the judgment of the supervisor, may be sent home and directed to return to work in proper attire. Such employees will not be compensated for the time away from work. In addition, employees whose dress or appearance is inappropriate may be subject to disciplinary action.
- D.** Individual departments and divisions may establish their own specific dress standards consistent with this policy to meet their special needs.



## **8.8 Restrictions on Solicitations by Means Other than E-Mail**

[rev. 9/15/03]

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In order to avoid disruption of City operations, the following rules apply to solicitation and distribution of literature, products and services on City property. These rules are not applicable to an employee's personal use of the City's e-mail system and the Bargain Box electronic bulletin board. These topics are addressed in Section 8.5.3.

[rev. 9/15/03]

### **8.8.1 City Employees**

- A. During working time, employees may not solicit or distribute literature, products or services for any purpose.
- B. The City recognizes, however, that during non-working time employees may wish to advertise and sell personal items like cookies, cosmetics, pets, and the like, on a limited basis. As a general rule, employees may not solicit or distribute literature at any time for any purpose in working areas, except that departments or divisions may, at their discretion, designate a public bulletin board (non-electronic) for employees to post personal advertisements and announcements. [rev. 9/15/03]
- C. Announcements and advertisements must be brief, limited to approximately one per month, and contain no unlawful, discriminatory, harassing, untruthful, misleading, or offensive matters. (Please also see the policy on "Personal Use of Equipment and Supplies" in these City of Fort Collins Personnel Policies and Procedures.)

### **8.8.2 Working Time**

For purposes of this policy, "working time" includes the working time of the employee doing the soliciting or distributing *and* the employee to whom the soliciting or distributing is being directed. Working time does not include break periods, meal periods, or any other specified periods during the workday when employees are not engaged in performing their work tasks.



## 8.9 Licenses and Certifications

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- A. Employees in some positions must maintain certain licenses or certifications, such as a driver's license, commercial driver's license or license to practice law. When the City requires a license or certification for a particular position, that requirement is contained in the job description for the position.
- B. Employees are responsible for acquiring and maintaining all licenses and certifications required by the City for their position. The City will reimburse employees for the cost of the following:
  - 1. Fees actually paid for required licenses obtained during the time employees are employed by the City (except for a basic driver's license); and
  - 2. Fees actually paid to renew or maintain required licenses during the time employees are employed by the City (except for a basic driver's license).
- C. Employees must notify their supervisors verbally and in writing as soon as possible during business hours and not later than when the employee returns to work of any action or proceeding which could result in the loss of a required license or certification. Supervisors must notify their chain of command through the Service Area Director and the Human Resources Department anytime they become aware of the potential loss of a required license or certification by a subordinate. [rev. 1/18/11]
- D. In addition, employees who lose a required license or certification must notify their supervisors at the beginning of the next work day. Supervisors must notify their chain of command through the Service Area Director and the Human Resources Department anytime they become aware of the actual loss of a required license or certification by a subordinate. [new 1/18/11]
- E. Any employee who does not have a license (other than a driver's license) or certification essential for her or his position is subject to reassignment or disciplinary action, such as demotion or termination of employment. Any employee who does not have a driver's license essential for her or his position shall be terminated from employment unless the failure to have the license or certification is the direct result of a medical disqualification and a reasonable accommodation can be provided by the City pursuant to section 7.2.2 of these Policies. The term "essential" means that the license or certification is deemed by the City to be necessary in order for the employee to perform a fundamental function of the job. [rev 2/2/11]



## 8.10 Reporting Criminal Charges

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- A. All employees who are charged with the following offenses, whether the offense allegedly occurred on duty or off duty, must report the charges verbally and in writing to their supervisors as soon as possible during business hours and not later than when the employee returns to work: [rev. 1/18/11]
1. Any felony offense;
  2. Any non-traffic misdemeanor offense;
  3. The following traffic offenses:
    - a. Driving while license denied, suspended or revoked;
    - b. Eluding or attempting to elude a police officer;
    - c. Hit and run, or leaving the scene of an accident, or failure to give notice, information, aid and/or report to police when involved in an accident resulting in injury to, serious bodily injury to or death of any person or damage to a vehicle.
- B. In addition, all employees whose jobs involve driving any vehicle (whether City owned or private vehicle) and who are charged with any of the following offenses, whether the offense allegedly occurred on duty or off duty, must report the charges verbally and in writing to their supervisors as soon as possible during business hours and not later than when the employee returns to work: [rev. 1/18/11]
1. Driving under the influence of intoxicating liquor and/or drugs, driving while impaired by intoxicating liquor and/or drugs, or driving with excessive alcoholic content, or driving with ability impaired;
  2. Speed contest;
  3. Reckless driving.
- C. The Employee must provide a copy of the citation or charging document to his or her supervisor within a week of the date of the charged offense. [rev. 1/18/11]

- D.** Criminal conduct by employees may result in disciplinary action, possibly including termination of employment, even when the alleged conduct occurred off duty when it relates to qualifications for or performance of the employee's job. Moreover, the City may investigate alleged criminal misconduct and take disciplinary action regardless of whether the employee is convicted in court of the alleged offense.



## **8.11 Controlled Substances and Alcohol Policy**

### **General Policy**

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- A.** To promote a safe and efficient work environment, the City prohibits using, consuming, possessing, having in the body, or distributing alcohol and controlled substances (except prescribed medications) by City employees while working for the City at any location, or while operating City vehicles at any time. This policy applies to all City employees. [rev. 2/1/00]
- B.** Employees in certain safety sensitive positions are subject to this policy and the “Controlled Substances and Alcohol Policy (In Compliance with FMCSA Regulations)” (referred to as the “FMCSA Policy”) set forth in these City of Fort Collins Personnel Policies and Procedures. Employees of the City of Fort Collins Transfort/Dial-A-Ride Division and the Fleet Services Division (referred to as “transit employees”) are subject to this policy and the “City of Fort Collins Transit System Substance Abuse Policy In Compliance with FTA Regulations)” (referred to as the “FTA Policy”) set forth in these City of Fort Collins Personnel Policies and Procedures. The FMCSA Policy applies only to non-transit employees who are required to drive commercial motor vehicles and have commercial driver’s licenses as defined by the FMCSA regulations. The FTA Policy applies only to transit employees specified in that Policy. If there is any inconsistency or conflict between this policy and the FMCSA Policy or the FTA Policy, then the terms of the FMCSA Policy or FTA Policy, as applicable, will supersede this policy and be controlling with respect to employees covered by the FMCSA Policy or the FTA Policy. [rev. 3/25/10]

#### **8.11.1 Prescribed Medication**

- A.** The City recognizes that employees will sometimes need to take over-the-counter drugs and medications as prescribed by their physicians. It is not a violation of this policy for employees to possess and use medication. However, if the use of such medication appears to affect the employee’s ability to perform her or his job safely or effectively, then the City may, in its discretion, require the employee to take appropriate action, which may include but is not limited to doing one or more of the following:

  - 1.** Obtain further information from her or his physician. For example, information about how long the medication must be taken and verification that the employee can perform her or his job without jeopardizing the health or safety of herself or himself and others while taking the medication;
  - 2.** Be examined by a physician or other health care provider designated by the City in order to determine the employee’s ability to perform job functions;

[rev. 2/1/00]

3. Take a leave of absence while taking the medication, and the employee may use available sick leave or injury leave (whichever applies), vacation time, and compensatory time off in accordance with City leave policies; [rev. 3/25/10]
  4. Accept an assignment to modified duty in accordance with the Temporary Disability policy in these City of Fort Collins Personnel Policies and Procedures.
- B.** Because the possession and use of marijuana, whether for medical use or otherwise, constitutes a federal offense and because the use of marijuana is not compatible with the performing of any job with the City, the City will not accommodate the medical use of marijuana. For purposes of this policy, the use of medical marijuana as recognized by state law is not considered a prescribed or otherwise permitted medication. [new 12/3/01]

### **8.11.2 Pre-Employment Testing for Controlled Substances**

- A.** The City has a legitimate, work-related, concern, based on overwhelming evidence, that users of controlled substances directly contribute to increased absenteeism, diminished productivity, greater health care costs, increased safety problems, greater potential liability to third parties, and more frequent employee turnover. Because there is no practical way for the City to observe a job applicant's work performance over a significant period of time before making a hiring decision, the City believes that it is necessary to require pre-employment substance abuse testing of job applicants once a conditional job offer is made.
- B.** This pre-employment testing policy shall apply to all applicants for each of the following employment categories who have been made a conditional offer of employment:
1. Classified positions;
  2. Unclassified management positions;
  3. Hourly with benefits positions; [rev. 5/9/01]
  4. Contractual positions; and
  5. Hourly with no benefits positions that are designated as safety sensitive for purposes of pre-employment testing by the Human Resources Department.
- C.** Hourly with no benefits positions which are not designated as safety sensitive for purposes of pre-employment testing by the Human Resources Department shall not be subject to this pre-employment testing policy.
- D.** In determining which positions should be designated as safety sensitive for the purposes of this subsection concerning pre-employment testing for controlled

substances, the Human Resources Department may consider, but is not limited to considering, the following job duties:

1. Operation of a city vehicle (any type);
  2. Operation of outdoor motorized equipment or power tools;
  3. Aquatic instruction, aiding in aquatic instruction, or serving as a lifeguard;
  4. Working with electricity or chemicals;
  5. Directing vehicular or pedestrian traffic;
  6. Civilian police personnel;
  7. Working directly with children (persons under 18 years of age).
- E. The designation of a position as safety sensitive for the purposes of pre-employment testing does not mean or imply that the position is also safety sensitive for the purposes of random testing for controlled substances.
- F. The City requires that all applicants conditionally offered a covered position with the City undergo a test as directed by the City for those controlled substances specified in the Procedures For Transportation Workplace Drug Testing Programs (49 CFR Part 40) and provide the test sample to an approved collection location within 48 hours of receiving the conditional offer of employment. Job applicants shall be notified of this requirement at the time of application or as soon thereafter as practicable. Applicants must sign a City approved consent form. Refusal to consent to the test, failure to provide the test sample as required above, or having a confirmed positive test shall disqualify the applicant from employment for a period of six months from the date of refusal, failure to provide, or testing, whichever is applicable. If the applicant has commenced employment pending the receipt of the test results, the receipt of a confirmed positive test shall be grounds for termination of employment.
- G. Pre-employment tests for controlled substances shall not be used to determine eligibility for promotions or transfers within the City unless required by law. There are two exceptions to the preceding sentence:
1. Because of the limited ability of the City to observe an hourly with no benefits employee's work performance over a significant period of time before making an employment classification change decision, a pre-employment test for controlled substances shall be required before such a non-safety sensitive employee's classification is changed to another employment category where a pre-employment test is required.
  2. Because of the safety-sensitive, law enforcement nature of the work and because of the necessity that employees in the Protective Services occupational groups be entrusted with confidential and sensitive information, a pre-employment test for controlled substances shall be required before:

- a. An employee in a job classification outside of the Protective Services occupational groups, who has not previously undergone a City administered pre-employment test, is allowed to transfer to a Protective Services job classification; or
- b. An employee who is classified in a Protective Services occupational group, who has not previously undergone a City administered pre-employment test, is allowed to change to a different Protective Services job classification.  
[rev. 3/30/00]

### **8.11.3 Reasonable Suspicion Testing for Alcohol and Controlled Substances**

The City may require an employee to undergo tests for alcohol and/or controlled substances when a supervisor reasonably suspects that the employee has alcohol and/or a controlled substance in her or his system during working time. [rev. 1/13/99]

### **8.11.4 Supervisor's Responsibility when Alcohol or Substance Abuse is Suspected**

Employees covered by this policy will be required to submit to tests for controlled substances and/or alcohol when one or more trained supervisors or City officials has reasonable suspicion based on specific, contemporaneous, articulable observations that the actions, appearance, behavior, speech or body odors of the employee on duty shows symptoms of the use or presence in the employee's body of a controlled substance or alcohol.[new 3/25/10]

When a supervisor reasonably suspects that an employee may have alcohol and/or a controlled substance in her or his system during working time, the supervisor should immediately and as confidentially as possible remove the employee from any potentially dangerous situation (such as prohibit the employee from driving or operating machinery). The supervisor should then immediately consult with the next level of supervision in order to reach a conclusion as to whether or not sufficient identifiable facts exist which would lead a reasonable person to suspect that the employee had alcohol and/or a controlled substance in her or his system during working hours. If, from the facts known to the supervisors at the time, the conclusion is reached that the employee is suspected of having alcohol and/or a controlled substance in her or his system during working hours, the supervisor shall make arrangements for the immediate testing of the employee pursuant to procedures set forth below. If reasonably possible, the supervisor shall consult with the Human Resources Department prior to requiring an employee to submit to an alcohol or controlled substance test and, in any event, shall notify the Human Resources Department as soon as reasonably possible after a test is imposed. [rev. 3/25/10]

### **8.11.5 Random Testing for Controlled Substances**

- A. Certain employees may be designated as safety sensitive by the Human Resources Department even though they are not subject to the FMSCA Policy or the FTA Policy. Such safety sensitive employees shall be required to submit to controlled substance testing on a random basis. All employees subject to random testing shall be notified of this status by the City. Random testing will be conducted reasonably throughout the year and will be unannounced to ensure that no employee receives advanced knowledge of the time of testing. All employees covered by this paragraph will have an equal chance of being selected each time a random selection is made and selection shall be conducted through the use of a random number generator or other neutral selection process. [rev. 9/24/08]
- B. The designation of a position as safety sensitive for the purposes of random testing does not mean or imply that the position is also safety sensitive for the purposes of pre-employment testing for controlled substances. [rev. 2/1/00]

### **8.11.6 Follow-Up and Return to Duty Testing for Alcohol or Controlled Substances [new 3/25/10]**

Any employee covered by this policy that has been required to or voluntarily undergoes rehabilitation for substance abuse must submit to tests for controlled substances and alcohol, and must receive negative results on all such tests, before returning to work. In addition, such an employee may be subject to follow-up testing following return to active service. Follow-up testing may continue up to 60 months, which is determined by a Substance Abuse Professional (SAP), following her or his return to work. The employee shall be solely responsible for the payment of all costs of SAP services and all required follow-up tests. An employee who receives a positive result on a follow-up test or fails to pay the cost of the follow-up tests will be subject to disciplinary action, up to and including termination of employment. Nothing in this section requires the City to return an employee to duty. [new 3/25/10]

### **8.11.7 Testing Procedures - Controlled Substances [rev. 3/25/10]**

- A. The testing procedures for pre-employment, reasonable suspicion and random testing will be as set forth in the Procedures For Transportation Workplace Drug Testing Programs (49 CFR Part 40), using the split sample method. However, in those testing situations where the FMSCA Policy and the FTA Policy are not applicable, procedures which entail the use of an initial screening at the collection site may be utilized prior to splitting the sample, sealing, and shipping the samples for laboratory analysis. In the event that an initial screening at the collection site provides results below the initial test cutoff levels as provided in 49 CFR Sec. 40.87, the sample will be destroyed and the result will be reported as negative. In the event that an initial test is at or above any of the initial test cutoff levels as provided in 49 CFR Sec. 40.87, the sample will be split, sealed and shipped to a designated testing laboratory for confirmatory testing pursuant to the provisions of the

**B. Retesting [new 12/3/01]**

1. Pursuant to the requirements of 49 CFR Sec. 40.23, if the City receives a canceled test result for an applicant or employee for whom a negative result is required, the applicant or employee must immediately provide another specimen at the collection site.
2. Pursuant to the provisions of 49 CFR Sec. 40.197, if an applicant or employee receives a negative dilute drug test result, the applicant or employee shall be directed to take another test immediately with the minimum possible advance notice that he or she must return to the collection site. If the second test result is also negative dilute, the test result will be considered verified negative and the applicant or employee will not be required to take a third test because the second test result was negative dilute.

**C. Designated Employer Representative [rev 3/25/10]**

The DOT Compliance Coordinator is designated as the City's Designated Employer Representative. The DOT Compliance Coordinator is authorized to receive that information and to take those actions as specified in 49 CFR Part 40. [rev. 3/25/10]

- D.** After receiving notification of a verified positive test, an employee or applicant may request that the split sample be analyzed. Such a request must be made within 72 hours of the time the employee or applicant is notified of a verified positive test. If such a split sample test request is made, the split sample will be tested at another certified laboratory. If the split sample test results are negative, the employee or applicant will not be responsible for the cost of the test. If the split sample test results are positive, the employee or applicant will be required to pay for the cost of the test and such cost may be deducted for any pay owed to the employee.  
[new 12/3/01]

**E. Direct Observation of Urine Specimen Collections**

Direct observation of the collection of a urine specimen shall be conducted under the circumstances described in and in accordance with the provisions of 49 CFR 40.67. [new 9/11/09]

**8.11.8 Testing Procedures - Alcohol [new 3/25/10]**

Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA) approved evidential breath testing device (EBT) operated by a trained breath alcohol technician (BAT). [new 3/25/10]



### **8.11.9 Consequences for Refusal to Submit to Test and Test Results**

**A.** Any employee who refuses to take an alcohol or controlled substances test required by the City may be subject to disciplinary action. In addition, any employee who tests positive for alcohol or for a controlled substance (except for the employee's prescribed medication) in any amount may be subject to disciplinary action, up to and including termination of employment. Because of the accuracy limits inherent in current alcohol testing techniques, a positive test for an alcohol concentration of less than .02 will not, by itself, constitute grounds for discipline. The following behavior constitutes a refusal: [rev. 8/17/09]

1. failure to provide a urine specimen or breath sample;
2. an inability to provide a sufficient urine specimen or breath sample without a valid medical explanation;
3. tampering with or attempting to adulterate the specimen or collection procedure;
4. verbal declaration, obstructive behavior, refusal to sign the Alcohol Testing Form;
5. physical absence resulting in the inability to conduct the test;
6. substituting a specimen;
7. not reporting to the collection site in the time allotted;
8. leaving the collection site prior to test completion;
9. failure to permit an observed or monitored collection when required;
10. failure to take a second test when required;
11. failure to undergo a medical examination when required;
12. failure to cooperate with any part of the testing process;
13. failure to appear for any test (except a pre-employment test) within a reasonable time, as determined by the City, after being directed to do so by the City;
14. having a verified adulterated or substituted test result;
15. for an observed collection, failure to follow the observer's instructions to raise clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if there is any type of prosthetic or other device that could be used to interfere with the collection process;
16. possess or wear a prosthetic or other device that could be used to interfere with the collection process; or
17. admit to the collector or MRO that the specimen has been adulterated or substituted. [new 8/17/09]

- B. The employee shall be responsible for the cost of any drug or alcohol test required as a condition of a last chance agreement or other disciplinary action. An employee who receives a positive result on a follow-up test or fails to pay the cost of the follow-up test will be subject to disciplinary action, up to and including immediate termination of employment. [rev. 9/24/08]

#### **8.11.10 Drug-Free Workplace Act Compliance**

- A. Pursuant to Public Law 100-690, Title V, Subtitle D, the Drug-Free Workplace Act of 1988 (the “Act”), the City of Fort Collins must certify that it will provide a drug-free workplace in order to qualify for federal financial assistance. A drug-free workplace is necessary for the maximum efficiency and safety of City employees and the public. Substance abuse may adversely affect the quality of work product or service, pose safety and health risks to the user and others, and result in danger to or loss of equipment and property.
- B. It is the City’s policy to prohibit the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance during work time in the workplace where employees may be assigned. An employee found in violation of this policy will be subject to disciplinary action, up to and including termination for a first offense. Compliance with this policy is a condition of employment for all employees of the City. Such condition of employment does not create a contract for employment, but rather is a prerequisite to hiring or continued employment of any employee.
- C. Any employee who is convicted under a criminal drug statute for a violation occurring in the workplace, or who plead guilty or nolo contendere to such charges, must notify the Human Resources Department or the City Manager’s Office within five (5) days of such conviction. Failure to report such conviction or plea will result in disciplinary action up to and including termination from employment for a first offense. Employees convicted, or who plead guilty or nolo contendere to such drug-related violations, are subject to discipline, including possible termination and/or mandatory attendance and successful completion of a drug abuse assistance or similar program as a condition of continued employment, at the City’s discretion. The process to impose such discipline shall commence within thirty (30) days of conviction or plea. If the employee’s job involves a contract with a federal agency, procurement of goods or services for such agency, or federal grant funds, such conviction will be reported by the City to the federal agency within ten (10) days of the City receiving notice of such conviction, as discussed above, or otherwise receiving actual notice of such conviction.



- D. The City has established a **drug-free awareness program** to inform employees of:
  - 1. The dangers of substance abuse in the workplace;
  - 2. The provisions of this policy;
  - 3. The available drug and alcohol counseling, rehabilitation or employee assistance; and
  - 4. The penalties for violation of this policy.
- E. The City of Fort Collins Human Resources Department can provide further information to all employees, including educational materials on the dangers of drug and alcohol abuse in the workplace. As a component of this program, employees may be required to attend presentations on drug and alcohol abuse in the workplace as scheduled by their supervisors. The Human Resources Department can provide referral assistance and further information. Partial medical insurance may be available for drug and alcohol treatment. Further information on the rehabilitation and counseling resources are available in the Human Resources Department.
- F. The City of Fort Collins is committed to maintaining a safe workplace free from the influence of illegal drugs and controlled substance abuse. In addition, the City will comply with the requirements of the Drug-Free Workplace Act of 1988, and the applicable drug-free work force rules promulgated by state and federal agencies. [rev. 1/13/99]

#### **8.11.11 Effects of Alcohol and Substance Abuse [rev. 3/25/10]**

For a discussion on the effects of alcohol and controlled substances, please refer to Sections 8.17.7 and 8.17.8 of the City's Personnel Policies. [rev. 3/25/10]

### **8.12 Restrictions on Smoking and Other Tobacco Use**

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- A. Because the City cares about the health of all employees and the condition of City property, smoking is generally not allowed during working time. Employees may only smoke or use tobacco products during break time, lunch time or other non-working time. Employees may not smoke or use tobacco in City buildings except where expressly permitted. Smoking and other use of tobacco is also prohibited in City vehicles. In addition, employees who choose to smoke in their private vehicle when conducting City business should be sensitive to the effects of second hand smoke on other employees who are with them.
- B. Employees are expected to use good judgment and help maintain a safe and clean environment in connection with smoking and the use of tobacco products on City property. Accordingly, employees should not smoke or use tobacco products while standing immediately outside the doors of City buildings, and should discard ashes, cigarette butts and other tobacco residue in ashtrays or other safe receptacles.



## 8.13 Restrictions on Political Activity

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The City recognizes that employees have rights and responsibilities as citizens to participate in the political process. However, because City employees hold positions of public trust and confidence, certain restrictions on political activities of employees both on and off the job are necessary to avoid actual or apparent conflicts of interest and to promote integrity of City government.

### 8.13.1 ***Prohibited Political Activities***

City employees are prohibited from the political activities listed below. Certain terms used below are defined at the end of this policy.

1. Employees may not engage in any political activity under any of the following situations: [rev. 5/20/04]
  - a. while on duty; [rev. 5/20/04]
  - b. while in a uniform that identifies the employee as a City employee; [rev. 5/20/04]
  - c. while in a City office or building (except when in a City office or building as a citizen and not as an employee; or [rev. 5/20/04]
  - d. while using a City vehicle or equipment. [rev. 5/20/04]
2. Employees may not represent their statement or position concerning a political topic as the statement or position of the City when engaging in off-duty political activity. [rev. 5/20/04]
3. Employees may not become a candidate for nor serve as a member of the Fort Collins City Council. [rev. 2/7/99]
4. The following activities with regard to candidates for the Fort Collins City Council are also prohibited: [rev. 5/20/04]
  - a. Employees may not take an active part in managing the candidate's campaign;
  - b. Employees may not directly or indirectly solicit, receive, collect, handle, disburse or account for assessments, contributions or other funds for a candidate;
  - c. Employees may not solicit votes in support of or in opposition to a candidate;
  - d. Employees may not make, directly or indirectly, any contribution or expend any money or any valuable thing to assist in the election or defeat of a candidate. (Charter, Article VIII, Section 8). [rev. 5/9/01]

### **8.13.2 All Other Rights are Retained by Employees**

Employees retain the right (when off duty, not in uniform, outside City offices and buildings, and not using a City vehicle, equipment or other resources) to participate fully in any public affairs, except as otherwise prohibited in this policy or in the Charter of the City of Fort Collins. The following are examples, and is not an exhaustive list, of specific political activities which employees may engage in subject to the restrictions above:

1. Display a political picture, sticker, badge, button or sign;
2. Sign political petitions as an individual;
3. Express an opinion as an individual, privately and publicly, on political subjects and candidates;
4. Take an active part in a campaign, solicit contributions and votes, donate personal time and money and hand out literature with regard to candidates for an office other than City Council;
5. Be politically active in connection with matters such as a constitutional amendment, referendum, initiative, ballot issue, approval of a municipal ordinance or any other questions of issues of a similar character.

### **8.13.3 Definitions**

For purposes of this policy regarding political activity, the following definitions apply:

1. "Political activity" means any act or statement supporting or opposing any candidate, legislation, constitutional amendment, amendment to the City Code or City Charter, or any petition addressed to any government agency, or official or the circulation of any such petition. A political activity does not include: [new 5/20/04]
  - a. registering to vote or voting in any election; [new 5/20/04]
  - b. any act or statement supporting or opposing any legislation, constitutional amendment, amendment to the City Code or City Charter, or any petition addressed to any government agency or official, when such act is done or statement is made by a management employee authorized by the City Manager to express the City's official position; or [new 5/20/04]
  - c. any statement which recommends supporting or opposing any legislation, constitutional amendment, amendment to the City Code or City Charter, or any petition addressed to any government agency or official, when such statement is made by an employee in the course of the employee's employment to aide City management in formulating an official City position. [new 5/20/04]
2. "Political party" means a national political party or state political party and any affiliated organization.

3. "Election" includes primary, special and general elections.
4. "City" refers only to the City of Fort Collins.
5. "Contribution" means any gift, subscription, loan, advance, deposit of money, allotment of money or anything of value given or transferred by one person to another, including cash, check, draft, payroll deduction or allotment plan, pledge or promise, whether enforceable or otherwise.



## **8.14 Citizen Input to Council by City Employees**

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A City employee is permitted to address City Council regarding issues that concern him/her as a private citizen providing that: [rev. 10/10/03]

1. The employee does not do so while on duty or while in uniform or other clothing that identifies him/her as a City employee, and does not state his/her City title or department unless: [rev. 10/10/03]
  - a. The employee also makes it clear that he/she is not representing the City and is not acting in performance of his/her duties as a City employee; or [new 10/10/03]
  - b. The employee's presentation is being made in the performance of his/her duties as a staff member and not as a private citizen; [rev. 10/10/03]
2. The employee does not use City resources and supplies, including but not limited to the City's e-mail system, except to the extent the same are available to members of the public; [new 11/7/08]
3. The employee does not divulge confidential City information; or [new 10/10/03]
4. The employee's comments are not unduly disruptive to the orderly work environment or working relationships within the City organization. [rev. 10/10/03]





## **8.15 Inventions, Designs, Copyrights**

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### **8.15.1 Disclosure Required**

Employees must promptly disclose to the City all improvements, discoveries, ideas, inventions, and information pertinent to the operation or functions of the City which they develop either individually or in conjunction with others, or that employees otherwise learn of during the time they are employed by the City.

### **8.15.2 Products Become City Property**

- A.** All writings, computer programs, software and other products that employees develop in the course or scope of their employment, or using City property of any kind, are the sole property of the City upon their creation. In the case of copyrightable works, the product becomes the sole property of the City at the time the product is fixed in a tangible medium of expression. However, the City may refuse ownership of any product at any time.
- B.** Products covered by this policy include all intermediate and partial versions of the products, as well as all materials, flow charts, notes, outlines and the like created in connection with such products. Products also include all formulae, processes, algorithms, ideas and other information not generally known to the public and developed or generated by employees in the course of their employment are the sole property of the City upon their creation. This policy applies whether the employee developed the product individually or in conjunction with others, and whether or not the product is protected by copyright.

### **8.15.3 Assignment of Rights to Products**

By accepting and continuing employment with the City, employees assign to the City the sole and exclusive right, title and interest in and to all products described above, and all copies of such products, without further consideration. The City retains ownership of and the right to reproduce, market, license, or otherwise distribute any such product produced by the employee, unless the City refuses ownership.



## **8.16 Vehicle Operation**

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Many employees operate private vehicles or City vehicles during the course of their jobs. This policy sets forth the general guidelines applicable to all such employees. Employees working in Police Services, Utility Services, and some other departments, are additionally subject to the specific policies and procedures of their own department on this subject.

### **8.16.1 Privately Owned Vehicles**

City employees who travel on City business using private vehicles will be reimbursed consistent with the reimbursement rate established by the Finance Department and approved by the City Manager.

### **8.16.2 City Owned Vehicles**

- A. Except as specifically allowed in this policy, City vehicles may be used only for official City business. Employees who drive more than 5,000 miles annually on City business may request to use a City vehicle during working hours. The decision whether to grant or deny such a request, and any conditions or restrictions on the use of such vehicles, are entirely within the discretion of the Service Area Director, Service Unit Director, or Department Head. [rev. 2/17/07]
- B. In addition, employees who serve in a position where it is important that they be recognized as City employees may, at the discretion of the City, be provided a City vehicle and required to use it on City business instead of their personal vehicles. These positions could include, but are not limited to, Building Inspectors, Construction Engineers, Project Managers and Project Engineers.

### **8.16.3 Taking Home City Vehicles**

- A. Except for take home vehicles discussed below, City-owned vehicles are kept on the City's premises unless temporarily located elsewhere, for example, due to mechanical failure or project assignment. [new 7/8/02]
- B. Any employees authorized to use City vehicles may make occasional reasonable stops en route to and from work assignments, such as a personal errand during lunch or break time or on the way home. Supervisors have the responsibility and discretion to restrict or prohibit such personal use if, in their judgment, an employee's use is excessive or interferes with the job performance of the employee or the work unit. [new 7/8/02]

- C. An employee may be allowed to take home a city vehicle only under one of the following circumstances: [rev. 2/13/07]
1. To respond to emergencies when the employee's status has been designated by the City Manager or service area director as one of standby, on-call or critical emergency response; or
  2. With approval of the service area director, to attend a early morning, out-of-town meeting; or
  3. With approval of the service area director, to efficiently handle other unusual situations that may call for the immediate availability of a City vehicle on short notice; provided, however, that this provision shall not be construed to allow a City vehicle to be taken home by an employee on a regular, ongoing basis.
- D. An employee using a take home vehicle may not use such vehicle for personal purposes, other than for commuting or for very minor personal use such as a stop for a personal errand on the way between work and the employee's home. When an employee is on call and is required by the City to use a vehicle for personal use in order to be ready to respond to an emergency situation, such use will not be considered personal use for purposes of this policy. Employees may transport family members if they are conducting personal business either en-route to their home or during the time they are on an on-call status. The employee is expected to be responsible in selecting the destination of these trips. The employee shall exercise good judgement in operating and utilizing City vehicles, and shall not drive or use the vehicle in a manner that may cause unfavorable comment or reflect negatively on the City. [new 7/8/02]
- E. Commuting use of take home vehicles by employees will be included in the employee's gross income on form W-2 based on the commuting value determined according to IRS rules and regulations. [new 7/8/02]
- F. No take home vehicles will be permitted outside the Urban Growth Area boundary or an area defined be a circle with a 10-mile radius with its center at Mulberry Street and College Avenue, whichever is greater, unless authorized by the City Manager. Exception: cases where City facilities are located outside the Urban Growth Area and the primary work area is there, such as the Water Treatment Plant. [new 7/8/02]

#### **8.16.4 Driving Records Check for Driving Positions**[new 05/30/06]

The City shall conduct a driving records check of applicants for employment and volunteer positions that allow driving as a regular component of the position. Additionally, a driving records check in such positions shall be done not less than once

every year, and any other time that a supervisor deems it necessary. The City may, in its discretion, make selection and retention decisions based on a person's driving record. Managers in each department shall be responsible for tracking driving positions and ensuring that the driving records checks are conducted as set forth in this policy.

### **8.16.5 Insurance Requirements**

- A.** Employees operating private vehicles on City business must have vehicle liability insurance with liability limits at least as high as the minimum limits specified by the State of Colorado, and maintain proof of such insurance as required by law.
- B.** Inside every City vehicle should be a certificate of self-insurance. Employees operating City vehicles should verify that their vehicles contain the certificates. Any questions about the certificate of self-insurance should be directed to Risk Management.

### **8.16.6 Rules for Operating Vehicles**

- 1.** Employees who operate private vehicles when conducting City business, or City vehicles at any time, are required to comply with the following:
  - A.** Employees must maintain a valid driver's license with the appropriate vehicle class designation required by the department. The City may, in its discretion, at any time require any employee who drives any vehicle during the course of her or his employment to verify that she or he has a valid driver's license and sufficient insurance as required by law and this policy. (Please also see policy on Licenses and Certifications) [rev. 5/9/01];
  - B.** Employees may not allow anyone other than a City employee or volunteer to drive a City vehicle;
  - C.** Employees must obey all traffic laws and use courteous and safe driving practices. The City will investigate complaints about an employee's improper use of a City vehicle and take appropriate disciplinary action;
  - D.** Both the driver and all passengers are required to wear seat belts and shoulder harnesses when driving or riding in a private vehicle on City business or a City vehicle at any time, except for Police Services employees subject to departmental directives on this subject;
  - E.** Under no circumstances may any employee use any alcohol or drug or have any amount of alcohol or drug in her or his system while driving a private

- vehicle on City business or a City vehicle at any time, except for prescribed and over-the-counter medications which do not affect the ability to drive;
- F.** Employees operating City vehicles which exceed 10,000 pounds gross weight must comply with appropriate federal Department of Transportation regulations and additional City policies, including but not limited to a separate substance abuse policy;
  - G.** Any employee authorized to use City vehicles may make occasional, reasonable stops en route to and from work assignments, such as a personal errand during lunch or break time or on the way home. Supervisors have the responsibility and discretion to restrict or prohibit such personal use if, in their judgment, an employee's use is excessive or interferes with the job performance of the employee or the work unit;
  - H.** When operating motorcycles or motor scooters on City business, employees and any passengers shall wear motorcycle helmets at all times. [rev. 5/31/00]
- 2.** Employees may not use wireless telephones while operating a City vehicle while the vehicle is in motion except in the following situations: [new 1/16/09]
- A.** because of their advanced driver training and law enforcement needs, police and community service officers may use a wireless telephone in order to perform law enforcement functions; or
  - B.** any employee may use a wireless telephone when it is necessary in a work related or public safety emergency situation.

### **8.16.7 Reporting Accidents**

- A.** Employees involved in an accident of any kind while driving a private vehicle on City business, or a City vehicle at any time, must comply with the following procedures:
- 1.** Immediately contact the local law enforcement agency to make a police report and obtain medical assistance, if necessary. In Fort Collins, call 911 for emergencies. For non-emergency situations, call Fort Collins Police Services at 221-6540;
  - 2.** Do not leave the scene of the accident unless authorized by the supervisor or the law enforcement officer or unless transported away by ambulance;
  - 3.** Immediately report the accident to the supervisor and Risk Management, including the circumstances of the accident and any injuries;
  - 4.** If a City vehicle needs to be towed, during business hours contact Equipment Services at 221-6613 or Transfort at 221-6625. After business hours, contact Police Dispatch at 221-6540;

5. Complete a City “Accident/Incident Report Form,” and return it to Risk Management within 24 hours. Supervisors should complete the form if the employee is unable to do so;
  6. Complete a “State of Colorado Traffic Accident Report” (form DR2447), and return it to Risk Management. [rev. 1/2/2008]
- B.** Employees who are covered by the FMCSA controlled substances and alcohol testing policy (including employees required to hold commercial driver’s licenses or in certain safety sensitive positions) may be required to submit to tests for controlled substances and alcohol following certain types of accidents. Such employees must remain readily available for testing and may not consume alcohol until after testing is completed, up to eight hours after the accident. [rev. 9/24/08]

### **8.16.8 Use of Bicycles**

Employees shall wear bicycle helmets any time they are riding a City provided bicycle or when riding a personal bicycle on City business. Employees involved in an accident while riding a City provided bicycle or when riding a personal bicycle on City business shall immediately contact the local law enforcement agency to make a police report, obtain medical assistance if necessary, and immediately report the accident to the supervisor and Risk Management. [rev. 5/31/00]





## **9.4 Issue Resolution Process**

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### **9.4.1 Issues Subject to This Policy**

This issue resolution process is designed to allow employees in any category of employment to raise and seek resolution of concerns about the terms or conditions of their employment, such as working conditions, oral warnings or counseling, written counseling, work relationships, performance evaluations, pay, and violation or application of policies and procedures. [rev. 12/21/05]

Classification issues will be handled exclusively in accordance with the Compensation Administration Policies and are not subject to the issue resolution process. Employees who are not eligible to use the grievance and appeal process may use the issue resolution process to raise any work-related concern. Employees who are eligible to use the grievance and appeal process may only use the issue resolution process for matters which are not grievable or appealable.

### **9.4.2 Issue Resolution Process**

- A.** Employees wishing to raise or seek resolution of concerns about issues subject to this policy should first discuss the matter informally with their supervisors. Employees may move directly to step two, if they believe that the supervisor cannot satisfactorily address or resolve the issue.
- B.** If an issue has not been satisfactorily addressed or resolved after discussion with the supervisor, the employee should prepare a brief memorandum explaining the issue and recommending how the issues should be addressed or resolved. The memorandum should be sent to the Human Resources Department, to the attention of the Human Resources representative assigned to the employee's department.
- C.** The Human Resources representative will forward the matter to the Department Head (or if the matter involves the Department Head, to the Service Unit Director, Service Area Director or City Manager). The Human Resources representative then may act as a facilitator, or assign a facilitator from another department, to assist in addressing and resolving the issue. [rev. 2/17/07]
- D.** The Department Head (or Service Unit Director, Service Area Director or City Manager), at her or his discretion, may meet with the employee and others to investigate the issue and may require the employee and others to provide further

information. The Department Head (or Service Unit Director, Service Area Director or City Manager) will respond to the employee raising the issue orally and/or in writing. [rev. 2/17/07]

- E. Although there are not formal time limits for raising issues or responding, employees are expected to raise any issue through this process promptly, and not later than six months after the issue arose. Likewise, management will respond as quickly as reasonably possible under the circumstances in light of the complexity and seriousness of the issue raised.

### **9.4.3 Name Clearing Hearing** [New Section 1/99]

- A. A name clearing hearing provides a forum at which an employee or former employee, in response to actions by the City which seriously impugn the person's reputation and impair the person's future employment opportunities, can clear his or her record, name or reputation among the public at large.
- B. Such a hearing is intended to protect the person's constitutionally protected liberty interest in having a good name, record or reputation. The name clearing hearing provides the employee or former employee an opportunity to rebut charges or allegations against him or her for the benefit of the employee's reputation. The name clearing hearing shall not serve to provide a right to continued employment, even if the charges are disproved, or to convince the disciplinary authority or the city manager that a mistake was made in terminating the employee or in otherwise making a record of employee misconduct.
- C. The grievance and appeal process shall fulfill the name clearing hearing function for all employees who are eligible for such process.
- D. All employees and former employees who have not been eligible to participate in the grievance and appeal process may request a name clearing hearing if actions by the City have seriously impugned the person's reputation and have significantly impaired the person's future employment opportunities. Such employee or former employee may request a name clearing hearing by making a written request to the city manager not more than ninety (90) calendar days from the date the employee or former employee learns of the City's actions. Such hearing shall be held before the city manager or the city manager's designee within thirty (30) calendar days following the person's request for a name clearing hearing. The format of the hearing shall be informal in nature and shall be public. The employee or former employee may call witnesses. No transcript of the hearing shall be required unless arranged and paid for by the former employee. No decision, comment or participation by the city manager or disciplinary authority shall be required.  
[rev. 5/9/01]

## **10.1 Separation from Employment**

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### **10.1.1 Resignation**

The City asks that employees give their supervisor and the Human Resources Department at least two weeks written notice of the intent to leave their positions. In addition, all employees leaving employment are asked to schedule an exit interview with the Human Resources Department. Upon receipt by City management, an employee's resignation shall not be retractable by the employee regardless of the effective date set forth in the resignation. In the City's discretion, the City may permit an employee to retract or modify a resignation prior to its effective date. [rev. 1/7/04]

### **10.1.2 Involuntary Termination of Employment**

- A. Unclassified and Contractual Positions, and Classified Positions During the Introductory Period: The employment of employees in unclassified and contract positions can be terminated by the City at will with or without cause or notice at any time. Similarly, the employment of new hires into classified positions who have not completed their period of introductory status can be terminated by the City at will with or without cause or notice at any time. If an employee has a specific written contract (signed by the City Manager or Director of Human Resources) that sets forth different requirements for termination, then the terms of the written contract will be followed.
- B. Classified Positions (after Introductory Period): The employment of employees in classified positions who have completed their introductory periods may be terminated only for "cause." The term "cause" means a reason for the termination. "Cause" may relate to the individual employee's conduct or to the City's operational needs. Examples of what the City considers cause for termination include, but are not limited to, any violation of the City Charter, City Code or other law, unsatisfactory job performance, not following the City's employment policies or practices, including policies in these City of Fort Collins Personnel Policies and Procedures, not appearing for work when expected, or engaging in any type of misconduct or action inconsistent with the public trust. (Please also refer to the "Conduct and Performance" policy in these City of Fort Collins Personnel Policies and Procedures.) In addition, cause for termination may also exist for reasons not related to job performance, such as operational need, reorganization, elimination of positions, or staff reduction.

### **10.1.3 Termination in Case of Operational Need**

Situations may occur when the City determines, in its sole discretion, that a reduction or change in the work force is warranted because of lack of work, budgetary reasons,

staff reduction, or reorganization which result in the dismissal of one or more employees. The following provisions apply to such terminations: [rev. 7/15/04]

1. Given the wide variety of services provided by the City and its complex organizational structure, and without knowing the future operational needs, it is impossible to predict any type of order in which employees might be terminated. Accordingly, the City cannot and does not promise that terminations in case of operational need will be decided on the basis of seniority, job performance or any other factor. The factors considered, and the weight given to the factors, will depend on the reasons for the termination and organizational needs at the time;
2. Any classified employee who has completed the introductory period will be entitled to a pre-decision hearing prior to termination for operational need and will be entitled to the appeal process in the event that termination occurs. All other employees are eligible for issue resolution; [new 7/15/04]
3. Employees whose positions are eliminated or who are notified that they will be terminated may apply for any open positions within the City, either before or after their separation from employment. Employees have no guarantee or right to transfer, change their duties, be demoted or reduce their hours in lieu of being terminated.

#### **10.1.4 No Recall Following Termination**

All terminations, whether in cases of operational need or otherwise, are considered permanent separation from employment. Employees who are terminated are not subject to recall. However, terminated employees may reapply for employment when positions are available. Employees terminated based on operational need may be eligible for reinstatement if they meet the requirements of the Reinstatement Policy of these City of Fort Collins Personnel Policies and Procedures. [rev. 7/15/04]

#### **10.1.5 Severance Pay**

The City generally does not provide severance pay, except for accrued but unused vacation time and compensatory time, and holiday time pursuant to section 6.4.7 of these policies, if any. The appropriate circumstances for separation pay and the amount of such pay are completely at the discretion of the City. [rev. 6/9/06]

#### **10.1.6 Exit Interviews**

Employees who leave City employment are encouraged to participate in a exit interview through the Human Resources Department. This interview allows employees to express their views on the work environment and job requirements, operations and training needs. It also provides employees with an opportunity to discuss issues concerning

benefits and continuing insurance coverage. Arrangements to receive final pay may also be made. [rev/3/25/10]

### **10.1.7 Return of City Property**

Employees are expected to return to their supervisors all City-furnished uniforms, tools, I.D. cards, keys, documents, and other equipment and materials on or before the last day of employment. In the event that an employee does not return City property to the City upon termination from employment, the City may withhold the replacement cost value of the City property from the employee's pay. Additionally, failure to return City property upon termination of employment may result in legal action against the employee. [rev.2/25/02]



## 8.20 **Bulletin Boards and Displays** [new section: 1/7/02]

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- A.** The City provides and maintains bulletin boards and display cases on City property for the purpose of communicating information to City employees. City management reserves the exclusive right to determine what information and materials shall be posted on these bulletin boards and display cases unless the City management determines that a particular bulletin board or display case shall be designated as a limited employee forum. Those bulletin boards and display cases specifically designated by City management as limited employee forums shall permit employees to place information and items on the bulletin boards and display cases and shall not be restricted as to content except as set forth in paragraph B of this section. City management may discontinue the use of a bulletin board or display case, including those that have been designated as limited employee forums, at any time, with or without cause.
- B.** The following items shall not be posted, displayed or deposited on any City bulletin board or display case intended for communications with City employees:
1. Items that are not within the intended scope of use of a particular bulletin board, display case, or area for offering of materials;
  2. Items that promote illegal activities or transactions;
  3. Items that are misleading or deceptive, or constitute a public nuisance;
  4. Items that relate to sexual or violent activities or practices, or to any product or service in a manner that displays or suggests violence or sexuality, or are inappropriate for minors;
  5. Items that relate to or encourage prohibited discriminatory conduct;
  6. Items that constitute prohibited political activities as described in these City of Fort Collins Personnel Policies and Procedures; or
  7. Items that are disrespectful, insubordinate, or demeaning to City employees or officials.





## **8.21 Tax Status of Gifts to Employees** [new section: 1/7/02]

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Occasionally, an employee will receive a gift from the City in recognition of the employee's service. Generally, the law requires that all cash gifts (including gift certificates that are directly convertible to cash) must be reported to the Internal Revenue Service (IRS) by the City as income to the employee regardless of the amount of the cash gift, and the City must make tax withholdings from the employee's pay. Non-cash gifts (including gift certificates which cannot be directly converted to cash by the employee) of small or insignificant monetary value may not be taxable to the employee based on IRS regulations. Generally, if a non-cash gift has a monetary value of less than \$50, the non-cash gift will be considered to be insignificant and the City will not report the non-cash gift to the IRS or make tax withholdings based on its value.

It is the responsibility of the supervisor authorizing the gift to report the gift and its monetary value to the Finance Department so that a determination can be made as to whether or not the City considers the gift to be taxable to the employee and therefore reportable to the IRS by the City.



## **8.22 Employee Membership on Boards, Commissions, and Authorities** [new section: 5/20/04]

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Employees may not serve as a member of any board, commission, or authority appointed by City Council, except retirement boards. This restriction shall not apply to Hourly with no Benefits, providing such employees do not serve on a board, commission, or authority which, in the judgment of the City Manager, directly affects the terms, conditions, or benefits of employment of any City employee. Hourly with No Benefits employees are required to obtain the written authorization of the City Manager prior to serving or continuing to serve on a board, commission or authority.