# TABLE OF CONTENTS

**IMPORTANT NOTICE** .................................................................................................................. 5

**ABOUT THIS HANDBOOK** ........................................................................................................ 6

1. **EQUAL EMPLOYMENT OPPORTUNITY/UNLAWFUL HARASSMENT POLICY** ............. 7
   1.1 SEXUAL HARASSMENT ................................................................................................ 7
   1.2 ADA AND RELIGIOUS ACCOMMODATION ................................................................. 8
   1.3 DIVERSITY ............................................................................................................... 8
   1.4 PREGNANCY ACCOMMODATION ........................................................................... 8
   1.5 COMPLAINT PROCEDURE ...................................................................................... 9
   1.6 RETALIATION ......................................................................................................... 9

2. **EMPLOYEE STATUS** ............................................................................................................ 10
   2.1 FULL-TIME EMPLOYEE ......................................................................................... 10
   2.2 PART-TIME EMPLOYEE ......................................................................................... 10
   2.3 TEMPORARY EMPLOYEE ....................................................................................... 10
   2.4 APPOINTED OFFICER .......................................................................................... 10
   2.5 EXEMPT EMPLOYEE ............................................................................................ 10
   2.6 NON-EXEMPT EMPLOYEE ................................................................................... 10
   2.7 PERIOD OF CLOSE REVIEW .................................................................................. 10
   2.8 NEPOTISM (EMPLOYMENT OF IMMEDIATE FAMILY) .......................................... 11
   2.9 OUTSIDE EMPLOYMENT ....................................................................................... 11

3. **EMPLOYEE BENEFITS** ........................................................................................................ 13
   3.1 INSURANCE BENEFIT PLANS ................................................................................ 13
   3.2 OTHER BENEFITS .................................................................................................. 13

4. **PAID LEAVE BENEFITS** .................................................................................................... 15
   4.1 HOLIDAYS ............................................................................................................. 15
   4.3 SICK LEAVE .......................................................................................................... 16
   4.4 VACATION ............................................................................................................. 21
   4.5 PERSONAL DAY .................................................................................................... 22

5. **LEAVES OF ABSENCE** ...................................................................................................... 24
   5.1 BEREAVEMENT LEAVE ......................................................................................... 24
   5.2 JURY DUTY ............................................................................................................ 24
   5.3 FAMILY AND MEDICAL LEAVE (FMLA) .............................................................. 24
5.4 NON-FMLA MEDICAL LEAVE ................................................................. 29
5.5 MILITARY LEAVE .................................................................................. 31
5.6 LACTATION BREAKS ............................................................................. 32
5.7 VOTING ................................................................................................... 32
5.8 PERSONAL LEAVE ............................................................................... 32

6. PAY ........................................................................................................... 33
6.1 NON-EXEMPT HOURLY RATE ............................................................... 33
6.2 OVERTIME/COMPENSATORY TIME .................................................... 33
6.3 SUPPLEMENTAL PAY .......................................................................... 34
6.4 MEAL BREAKS ....................................................................................... 35
6.5 REST BREAKS ....................................................................................... 35
6.6 PAY FOR EXEMPT EMPLOYEES ............................................................ 36
6.7 WORKERS’ COMPENSATION SUPPLEMENTATION .......................... 36
6.8 PAYDAYS .............................................................................................. 37
6.9 TIME REPORTING/TRACKING ............................................................... 37

7. CLASSIFICATION AND COMPENSATION PLAN .................................... 38
7.1 GOVERNMENTAL APPROVAL .............................................................. 38
7.2 PERFORMANCE EVALUATIONS ............................................................ 38
7.3 TRANSFERS ........................................................................................... 39
7.4 PROMOTIONS AND RECLASSIFICATIONS .......................................... 39
7.5 INTERIM PAY ....................................................................................... 39
7.6 EFFECTS OF TRANSFERS ...................................................................... 39

8. WORK ENVIRONMENT ............................................................................. 41
8.1 GENERAL CODE OF CONDUCT ............................................................. 41
8.2 ACCEPTANCE OF GIFTS ...................................................................... 41
8.3 ALCOHOL AND DRUGS ...................................................................... 41
8.4 INSPECTIONS ........................................................................................ 41
8.5 ANTI-VIOLENCE .................................................................................. 42
8.6 BULLYING ............................................................................................. 42
8.7 WEAPONS IN THE WORKPLACE ......................................................... 42
8.8 APPEARANCE AND ATTIRE ................................................................. 43
8.9 ATTENDANCE AND PUNCTUALITY ................................................... 43
IMPORTANT NOTICE

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

AT THE CITY, NEITHER THE EMPLOYEE NOR THE CITY IS COMMITTED TO AN EMPLOYMENT RELATIONSHIP FOR A FIXED PERIOD OF TIME. THE CITY DOES NOT OFFER PERMANENT OR GUARANTEED EMPLOYMENT TO PROBATIONARY, PART-TIME, TEMPORARY OR SEASONAL EMPLOYEES OR TO APPOINTED OFFICERS SUBJECT TO SECTION 2.08.010 OF THE CITY CODE. NO REPRESENTATIVE OF THE CITY, OTHER THAN THE MAYOR, HAS AUTHORITY TO ENTER INTO AN AGREEMENT OF EMPLOYMENT FOR ANY SPECIFIED PERIOD AND SUCH AGREEMENT MUST BE IN WRITING, SIGNED BY THE ELECTED OFFICIAL AND APPROVED BY THE GOVERNING BODY.

THE CONTENTS OF THIS HANDBOOK ARE SUMMARY GUIDELINES FOR EMPLOYEES AND THEREFORE ARE NOT ALL INCLUSIVE. THE CITY RESERVES THE RIGHT TO SUSPEND, TERMINATE, INTERPRET, OR CHANGE ANY OR ALL OF THE GUIDELINES MENTIONED, ALONG WITH ANY OTHER PROCEDURES, PRACTICES, BENEFITS, OR OTHER PROGRAMS OF THE CITY. THE MAYOR HAS THE RIGHT TO PROMULGATE RULE CHANGES, THESE CHANGES MAY OCCUR AT ANY TIME, WITH OR WITHOUT NOTICE.

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

This handbook was developed to describe some of the guidelines, programs, and benefits for employees. All employees should familiarize themselves with the contents of the employee handbook as soon as possible, for it may answer many questions about employment with our City.

We believe that each employee contributes directly to the City’s success, and we hope you will take pride in being a member of our team.

We hope that your experience here will be challenging and enjoyable.
1. EQUAL EMPLOYMENT OPPORTUNITY/UNLAWFUL HARASSMENT POLICY

The City is dedicated to the principles of equal employment opportunity. The City prohibits all unlawful discrimination of any kind, by any person for any reason on the basis of race, creed, color, sex, age (over 40), national origin, ancestry, disability, religion, sexual orientation, sexual preference, gender identity or expression, marital status, military or veteran’s status, political affiliation, genetic information or use or non-use of tobacco products, or any other status protected by applicable state or local law. This prohibition includes unlawful harassment based on any of these protected classes. This policy applies to all forms of communication, including but not limited to social media.

Unlawful harassment includes verbal or physical conduct which has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment. The City expects its employees to conduct themselves in an appropriate, respectful manner at all times. This policy applies to employees, including managers, supervisors, co-workers, and non-employees such as customers, clients, vendors, consultants, and similar.

1.1 SEXUAL HARASSMENT

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

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

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

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

1.2 ADA AND RELIGIOUS ACCOMMODATION
The City will make reasonable accommodation for qualified individuals with known disabilities unless doing so would result in an undue hardship to the City or cause a direct threat to health or safety. The City will make reasonable accommodation for employees whose work requirements interfere with a religious belief, unless doing so poses undue hardship on the City. Employees needing either such accommodation are instructed to contact their supervisor or a Human Resources representative.

1.3 DIVERSITY
The City values and promotes diversity as a strategic advantage. Diversity refers to human differences, including those based on culture, ethnicity, gender, and age. Some of the benefits the City derives from the diversity of its workforce are:
• Different viewpoints and perspectives in decision making.
• Greater innovation and creativity.
• A broad pool of qualified employees.

At the City, we value the richness that diversity brings to our workforce—it makes our City better and the community we serve stronger. We are proud of our efforts to maintain a workforce that represents many backgrounds and are deeply committed to cultivating an environment where the contributions of every employee and citizen are respected.

At the City, we believe that diversity enriches our performance and services, the community in which we live and work, and the lives of our employees. As our workforce evolves to reflect the growing diversity of our communities and global marketplace, our efforts to understand, value, and incorporate differences become increasingly important.

1.4 PREGNANCY ACCOMMODATION
Employees have the right to be free from discriminatory or unfair employment practices because of pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth.
Employees who are otherwise qualified for a position may request a reasonable accommodation related to pregnancy, a health condition related to pregnancy or the physical recovery from childbirth. If an employee requests an accommodation, the City will engage in a timely, good-faith, and interactive process with the employee to determine whether there is an effective, reasonable accommodation that will enable the employee to perform the essential functions of her position. A reasonable accommodation will be provided unless it imposes an undue hardship on the City's business operations.

The City may require that an employee provide a note from her health care provider detailing the medical advisability of the reasonable accommodation. Employees who have questions about this policy or who wish to request a reasonable accommodation under this policy should contact their Human Resources representative.

The City will not deny employment opportunities or retaliate against an employee because of an employee's request for a reasonable accommodation related to pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth. An employee will not be required to take leave or accept an accommodation that is unnecessary for the employee to perform the essential functions of the job.

1.5 COMPLAINT PROCEDURE
If you believe there has been a violation of the EEO policy or harassment based on the protected classes listed above, including sexual harassment, please use the following complaint procedure. The City expects employees to make a timely complaint to enable the City to investigate and correct any behavior that may be in violation of this policy.

Report the incident to your supervisor, Department Director or a Human Resources representative. The matter will be investigated, and appropriate action will be taken. Your complaint will be kept as confidential as practicable.

1.6 RETALIATION
The City prohibits retaliation against any employee for filing a complaint under this policy or for assisting in a complaint investigation. If you believe there has been a violation of our EEO or retaliation standard, please follow the complaint procedure outlined above.

If the City determines an employee’s behavior is in violation of this policy, disciplinary action will be taken, up to, and including termination of employment.
2. EMPLOYEE STATUS

2.1 FULL-TIME EMPLOYEE
A full-time employee is an employee normally scheduled to work a minimum of thirty (30) hours per week. Full-time employees currently are eligible for City benefits.

2.2 PART-TIME EMPLOYEE
A part-time employee is normally scheduled to work less than 30 hours per week. Part-time employees are currently not eligible for City benefits.

2.3 TEMPORARY EMPLOYEE
A temporary employee is an employee who is hired in a job established for a temporary period or for a specific assignment, generally no longer than for six (6) months. Temporary employees are currently not eligible for City benefits.

2.4 APPOINTED OFFICER
An Appointed Officers is an appointed employee defined subject to Section 2.08.010 of the Cheyenne City Code. All appointed employees are eligible for City benefits.

2.5 EXEMPT EMPLOYEE
Exempt employees are not eligible for overtime pay.

2.6 NON-EXEMPT EMPLOYEE
Non-exempt employees are eligible for overtime pay or compensatory time at one and one-half (1.5) times their regular base rate of pay for all hours worked in excess of forty (40) hours per workweek.

2.7 PERIOD OF CLOSE REVIEW
The City has a period of close review for new regular full-time employees who are in training with the City.

An existing employee is also considered to be in a period of close review as a result of a promotion, transfer to a position in a different classification, or demotion (voluntary or involuntary) to a position in a different classification.

The period of close review is typically twelve (12) months for newly hired employees and six (6) months for transfers. During this time, the supervisor works closely with the employee to ensure they understand their new duties.
2.7.1 Conditions of the Period of Close Review
Employees in their period of close review may be dismissed at any time with or without cause. Also, they do not have appeal or grievance rights. In addition, those who fail to perform satisfactorily during the period may be separated.

2.8 NEPOTISM (EMPLOYMENT OF IMMEDIATE FAMILY)
No person will be hired, promoted or transferred into a position in the same workgroup when supervisory authority falls directly or indirectly upon a member of that person’s immediate family. Immediate family is defined as: parent, guardian, child, brother, sister, grandparents, and grandchild, including these relatives: in-law, step or half, or any other family member residing in the employee’s household, excluding spouses or two people who plan to be married.

2.8.1 Should marriage or any other event create a violation of this policy, either employee must, within ninety (90) days, secure other employment, which does not violate this policy, or resign.

2.8.2 No employee may participate in decisions relating to the hiring, retention, promotion or compensation of a member of the employee’s immediate family. An applicant or employee shall not receive preferential consideration because of a relationship with another employee.

2.9 OUTSIDE EMPLOYMENT
2.9.1 Employees must consider their position with the City as primary and take appropriate steps to avoid jeopardizing their commitment to the primary position. Any conflicts with the outside position will not be acceptable excuses for not meeting performance expectations or attendance requirements, including any overtime work.

2.9.2 The employee must ensure that no conflict or appearance of conflict exists between the second employer including any activity, inspections, supervision, or contracts, and those that are part of the employee’s job with the City.

2.9.3 Employees that are involved in employment, outside of the employee’s
position with the City, must immediately notify their Department Director via the form provided by the City within ten (10) working days of the new employment. The Department Director will confer with the Human Resources Director and the City Attorney to determine if there is potential or actual conflict of interest and will notify the employee within 10 working days of the Director’s notification. Those employees who have been determined to be working in a position that is, or is potentially is, a conflict with their City employment will be expected to terminate their employment with the City or the other employer within ten (10) working days.
3. EMPLOYEE BENEFITS

The City currently offers a comprehensive benefits package for full-time employees. All other employees, whether part-time, temporary or seasonal, are not eligible for benefits, unless mandated by law and noted in the specific benefit or leave section. The Human Resources Department is responsible for maintaining a current list of benefits available to employees of the city. This list is updated as opportunities or fees change and is made available to all employees.

3.1 INSURANCE BENEFIT PLANS

The City’s comprehensive benefits package includes a number of different plans for full-time regularly scheduled employees. For more information about these Plans, please refer to the Summary Plan Description or contact the Human Resources Department. In the event the above information conflicts with the actual terms and conditions of coverage, the Summary Plan Description governs.

3.1.1 The City currently offers these plans:

A. Medical Insurance Plan
   Helps pay covered medical expenses for you and your family.

B. Dental Insurance Plan
   Provides to you and your eligible dependents dental coverage at group rates.

C. Life Insurance Plan
   Provides term life insurance coverage should you die while you are employed for the City.

D. Long-term Disability (LTD) Plan
   Helps replace a percentage of your salary for an indefinite time period if you suffer a covered disability while employed for the City.

E. Short-term Disability (STD) Plan
   A voluntary benefit that helps replace a percentage of your salary if you suffer a covered disability for a limited period of time.

F. Accidental Death and Dismemberment Plan
   A voluntary benefit that provides payments in case of accidental death or dismemberment.

3.2 OTHER BENEFITS

3.2.1 City employees, and former City employees (as defined below), are entitled to City cemetery benefits which provides:
A. The City will waive the charges for the opening and closing of cemetery spaces in
the City cemeteries for current employees and their immediate families.

B. City waives the opening and closing charges of cemetery spaces in city
cemeteries for former City employees who have served in the City’s employ for
ten (10) years or more, and who were in good standing at the time of their
separation from employment.

C. For purposes of this Section only, immediate family will be limited to spouse
and children of the City employee living at the home of the City employee at
the time of the spouse or children’s death.
4. PAID LEAVE BENEFITS

Only full-time employees are eligible for the various types of leave provided by this Chapter. Note:

A full-time employee is not entitled to accrue vacation leave, sick leave, "goodie" hours or personal days for any pay period in which the employee performed no actual work.

4.1 HOLIDAYS

The City currently observes the following holidays as days off with pay:

- New Year’s Day
- Dr. Martin Luther King, Jr.’s Birthday
- President’s Day
- Memorial Day
- Independence Day (July 4)
- Cheyenne Day (At Mayor’s discretion)
- Labor Day
- Veteran’s Day
- Thanksgiving Day
- Friday Following Thanksgiving
- Christmas Day

4.1.1 Other paid holidays may be added at the discretion of the Mayor.

4.1.2 Holidays which fall on a Saturday will be recognized on the preceding Friday. Holidays which fall on a Sunday will be recognized on the following Monday.

4.1.3 Full-time employees of the Sanitation Division may substitute Columbus Day as a recognized holiday in lieu of the Friday after Thanksgiving at the direction of the Department Director and with the approval of the Mayor.

4.2 Holiday Pay

4.2.1 Full-time employees will receive eight (8) hours of regular pay for a recognized holiday which falls on, or is recognized on, a day that the employee is scheduled to work.

4.2.2 A non-exempt employee who is typically scheduled to work more than eight (8) hours on a day in which a holiday falls, must use vacation leave or must
work the additional hours, within that work week, to be compensated for the time in excess of eight (8) hours that the employee was scheduled to work on the holiday.

4.2.3 Holiday pay allowance is not considered as time worked in the computation of overtime pay.

A. A non-exempt employee who is called in or required to work on a holiday will receive eight (8) hours of holiday pay at the employee’s regular rate of pay and additional pay at their regular rate of pay for the actual time the employee works that day.

B. If a holiday is recognized on a weekday that a full-time employee is not scheduled to work, that employee will be eligible for time off with eight (8) hours of holiday pay on another scheduled workday during the same pay period.

C. When a holiday falls within an employee’s approved paid vacation or paid sick leave, the holiday will not be counted as used vacation or used sick leave and will count as eight (8) hours of holiday pay.

D. When a holiday falls within a period of approved jury duty leave or bereavement leave, the employee will receive another eight (8) hours off on a date mutually agreed upon between the employee’s supervisor and the employee to be used in lieu of the holiday that occurred during the jury duty or bereavement leave. This will be paid at the regular holiday rate of pay.

4.3 SICK LEAVE
4.3.1 Accrual
Full-time employees accrue sick leave at the rate of ten (10) hours for each full month of service, with sick leave hours for a month deposited into the employee’s sick leave accrual record on the first day of the following month.

Part-time employees do not accrue sick leave and therefore are not eligible for sick leave usage. However, as defined by law, they may be allowed protected time off when covered by Family and Medical Leave (FMLA) as described in the FMLA leave section (5.3)
A. Employees will be notified of accumulated leave through their monthly pay stubs.

B. For newly hired employees, sick leave hours begin to accrue on the first day of the month following the date of hire.

C. When a full-time employee transfers from one Department to another within the City, the employee’s date of hire and accumulated sick leave will also transfer. Employees transferring to the Board of Public Utilities may, at their option, have their date of hire and accumulated sick leave transferred.

D. No employee hired after July 1, 2015 shall be entitled to accumulate more than five-hundred and twenty (520) hours of sick leave.

4.3.2 Usage

A. Accrued sick leave by full-time employees may not be used:
   1. Until the first day of the month following the accrual date.
   2. Prior to being earned, except in cases of donation from the Sick Leave Bank.
   3. Unless the employee has given notification to his or her supervisor or Department Director following call-in procedures as provided by the employee’s supervisor.

B. Sick leave by full-time employees may be used:
   1. In the event of accident, illness, pregnancy, injury, or as ordered by an employee’s physician.
   2. For illness of an employee’s minor child (under age 18), spouse or child over the age of 18 with a disability.
   3. For routine visits to a physician, dentist or other provider of medical services for the employee, the employee’s spouse or the employee’s minor child (under age 18).
   4. For other immediate family members upon request, and approval, from the employee’s supervisor.
   5. In no less than one quarter (¼) hour increments.

C. Unforeseen Breaks.
The City wants our employees to feel well and be productive while working. If an employee becomes indisposed and unable to work, an employee may contact their supervisor to request an unscheduled break. If the unscheduled break lasts
longer than thirty (30) minutes, non-exempt employees will be charged for sick leave or vacation leave and sent home.

D. When a holiday falls during an employee’s approved paid sick leave, the time away will not be counted as sick leave used; but, instead, will count as eight (8) hours of holiday pay.

E. Sick time used will not be counted as time worked in the computation of overtime and comp time.

F. An employee who fails to notify their supervisor or Department Director before the beginning of the employee’s scheduled work day, that they cannot report for work because of illness or injury, will not be entitled to approval of a request for payment of sick leave hours except in unusual circumstances as determined by the Department Director.

G. If an employee is unable to notify their supervisor, they may have another individual contact the employee’s supervisor or Department Director prior to the start of the workday.

H. An employee who is absent on sick leave for more than three (3) consecutive scheduled workdays needs to notify Human Resources, who will send FMLA paperwork to the employee. That employee may be required to submit a note from their health care provider stating whether they may return to regular duty, and/or if there are any restrictions upon returning to work.

I. An employee who is absent on sick leave for more than two (2) consecutive scheduled workdays due to illness or injury in the employee’s immediate family, may be required to submit a note from the treating physician.

J. Misuse of sick leave will not be tolerated.

4.3.3 Goodie Days
An employee who does not use more than 40 earned sick leave hours in a full calendar year will be granted 24 working hours of absence with pay ("goodie days") in addition to regular earned vacation leave. Employees who have accumulated four-hundred and eighty (480) hours of sick leave as of the beginning of each calendar year are entitled to the following “goodie” hours
annually:

A. Forty (40) “goodie” hours if the employee does not use more than twenty-four (24) hours of sick leave each calendar year; or

B. Thirty-two (32) “goodie” hours if the employee does not use more than thirty-two (32) hours of sick leave each calendar year; or

C. Twenty-four (24) “goodie” hours if the employee does not use more than forty (40) hours of sick leave each calendar year.

D. All accumulated “goodie” hours must be used before December 31 of the year in which they were awarded. These hours cannot be paid out as sick leave or “goodie” hours upon separation from City service. “Goodie” hours are to be used for paid time off before regular vacation hours are used.

E. Full-time employees hired after July 1, 2015 are not entitled to earn or accumulate “goodie” hours.

F. Used “goodie” hours will not be counted in the computation of time and a half overtime.

4.3.4 Sick Leave Bank

A Sick Leave Bank has been established to provide sick leave with pay for employees of the City during periods of prolonged recovery from illness or injury if such leave is not otherwise compensated by the City. The Sick Leave Bank is administered by the Human Resources Director and the Mayor.

A. Employees who have eighty (80) or more hours of sick leave may donate up to twenty-four (24) hours of sick leave annually to the Sick Leave Bank. The donation of sick leave hours to the Sick Leave Bank will not constitute the use of sick leave for the purposes of the donating employee’s eligibility for “goodie” days.

B. Upon separation from the City, the employee has the option of donating to the Sick Leave Bank any sick leave hours in excess of four-hundred and eighty (480) hours accrued.
C. The employee receiving the donation must be a regularly scheduled full-time employee who worked for the City for at least one year, has used all accrued paid leave and who has an immediate need for assistance. The employee may request the use of sick leave days in the Sick Leave Bank. The request form provided by Human Resources must be signed by the employee’s health care provider certifying that it is necessary that the employee receive additional sick leave due to a prolonged period of recovery from illness or injury.

4.3.5 Separation Pay Out

A. Upon any of the four (4) following separation types, the separated employee will be paid at the employee’s current regular rate of pay for one-half (1/2) of the employee’s accrued sick leave, up to a maximum of two-hundred forty (240) hours. Payment of accruals will occur no later than the 10th of the following month.

1. When the employee has worked for the City for four (4) or more continuous years and voluntarily resigns with appropriate notice; or, in the case of an Appointed Officer, is not reappointed.

2. When the employee is separated due to a reduction in force.

3. When the employment relationship between the City and an employee ends due to the death of the employee, the payment of accumulated sick leave as provided in this Section will be paid to the estate of the deceased employee or as provided in Wyo. Stat. § 2-1-201.

4. When the employee resigns or is involuntarily separated following an award of permanent total disability benefits due to a work-related injury received while employed by the City.

B. If the employment relationship between the City and a full-time employee ends due to any circumstances other than those described above, no sick leave benefits will be paid.
4.4 VACATION

Full-time employees are eligible to accrue vacation on a monthly basis as described below.

0 through 60 months of employment 104 hours of vacation accrual per year
61 through 120 months of employment 128 hours of vacation accrual per year
121 through 180 months of employment 152 hours of vacation accrual per year
181 through 240 months of employment 176 hours of vacation accrual per year
241 months and over of employment 200 hours of vacation accrual per year

4.4.1 Additional Accrual Information:
A. We encourage employees to use all their earned vacation each year.

B. Accrued vacation is available for use on the first day of the month following its accrual.

C. For newly hired employees, vacation leave hours begin to accrue on the first day of the month following the date of hire.

D. Not more than two-hundred forty (240) hours of accumulated vacation leave can be carried from one calendar year to another calendar year. Any vacation leave an employee has banked above two-hundred forty (240) hours on January 20th, (end of the pay period included 12/31) will be removed from the employee’s vacation leave bank.

E. Employees will be notified of accumulated leave through their monthly pay stub.

F. When a full-time employee transfers from one Department to another within the City, the employee’s date of hire and accumulated vacation leave will also transfer. Employees transferring to the Board of Public Utilities may, at their option, have their date of hire and accumulated vacation leave transferred.

G. For accrual, the definition of “hours worked” includes the use of Holiday, Vacation, Sick, Goodie, Bereavement, Jury Duty, Military Duty, Comp Time, Safety Time and Personal Days.
**H.** Vacation hours are earned at the rates for each individual month as listed below.

- Worked 160 or more hours for month: 100% of designated accrual rate
- Worked 120 to 159.75 hours for mo.: 75% of designated accrual rate
- Worked 80 to 119.75 hours for mo.: 50% of designated accrual rate
- Worked 40 to 79.75 hours for month: 25% of designated accrual rate
- Worked Less than 40 hours for mo.: No Accrual - Zero

**4.4.2 Usage**

A. While using vacation leave, employees will be paid at their base rate of pay.

B. Vacation leave will be allowed for time periods convenient to the Department Director or Division Director, in no less than one-quarter (1/4) hour increments. Supervisors shall make every reasonable effort to approve an employee’s vacation leave to accommodate scheduling. Vacation leave may not be taken on the same day as requested unless approved by the Department Director or Division Director or in emergency circumstances.

Department Directors or Division Directors grant vacation leave based on the work requirements of the Department after conferring with employees and recognizing their wishes when possible. A single choice or block of time will be given preference when scheduling vacation leave to employees by order of request date.

C. When a holiday falls within an employee’s approved paid vacation the holiday will not be counted as used vacation leave and will count as eight (8) hours of holiday pay.

D. Used vacation time will not be counted in the computation of time and a half overtime.

**4.4.3 Separation payout**

Upon separation from employment, an employee will be paid for unused vacation leave at the employee’s current base salary or hourly rate. Payment of accruals will occur no later than the 10th of the month following separation.

**4.5 PERSONAL DAY**

**4.5.1 Accrual**
A. Only full-time employees hired before July 1, 2015 are eligible to receive one (1) paid personal day per year.

B. A personal day is defined as eight hours (8) of paid time in lieu of working and paid at the employee’s base rate of pay.

C. The personal day will accrue on July 1st of each year and must be used by June 20th of the following year. Personal days will not accrue from year to year for any reason.

D. If a City employee separates from the City and is re-hired at a later date, the employee will no longer be eligible to accrue the personal day benefit.

4.5.2 Usage.
A. The personal day may be used by an employee at his or her discretion with approval in advance from the supervisor.

B. The personal day must be used in the fiscal year in which it is accrued.

C. If an employee wishes to take a personal day on a day that the employee is scheduled to work a shift greater than eight (8) hours, the employee will be limited to eight (8) hours of personal day leave applied towards that shift and is required to apply vacation or comp leave towards the remaining hours not covered by the eight (8) hours of personal day leave.

D. A personal day may not be taken in increments of less than eight (8) hours.

E. Time used for the personal day will not be counted in the computation of time and a half overtime.

4.5.3 Separation pay out
Upon separation from employment, an employee will not be paid for their unused personal day.
5. LEAVES OF ABSENCE

5.1 BEREAVEMENT LEAVE
Full-time employees are currently eligible for paid leave of up to four (4) scheduled workdays off when there is a death in the immediate family.

5.1.1 Immediate family is defined as the employee’s spouse, parents, children, sisters, brothers, grandparents, grandchildren, mother-in-law, father-in-law, step-mother, step-father, step-children, sister-in-law, brother-in-law, daughter-in-law, and son-in-law.

5.1.2 Part-time, temporary, seasonal, and contract employees may be granted time off without pay subject to the approval of the employee’s supervisor or Department Director.

5.1.3 Used bereavement leave will not be counted in the computation of time and a half overtime.

5.2 JURY DUTY
The City recognizes jury duty as everyone’s civic responsibility. When summoned for jury duty, an employee will present the jury duty summons to his or her Department Director or Division Director. An employee who receives jury duty leave with pay may also keep monies paid to the employee by the Court for jury duty. If the employee is excused from jury duty during their regular work hours, he or she is expected to report to work promptly.

5.2.1 Used jury duty leave will not be counted in the computation of time and a half overtime.

5.3 FAMILY AND MEDICAL LEAVE (FMLA)
5.3.1 The City provides up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:
A. Incapacity due to pregnancy, prenatal medical care, or childbirth;

B. To care for the employee’s child after birth, or placement for adoption or foster care;
C. To care for the employee’s spouse, son or daughter, or parent, who has a serious health condition; or,

D. A serious health condition that makes the employee unable to perform their job.

5.3.2 Military Family Leave Entitlements

A. Eligible employees with a spouse, son, daughter, or parent on active duty or called to active duty status in the Armed Forces, National Guard, or Reserves may use their twelve (12) week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

B. FMLA also includes a special leave entitlement that permits eligible employees to take up to twenty-six (26) weeks of leave to care for a covered servicemember during a single twelve (12) month period. A covered servicemember is:

1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or

2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness*.

*The FMLA definitions of “serious injury or illness” for current servicemembers and veterans are distinct from the FMLA definition of “serious health condition.”

5.3.3 Benefits and Protections

A. During FMLA leave, the City maintains the employee’s health coverage under any group health plan on the same terms as if the employee had continued to work. Employees must continue to pay their portion of any insurance premium while on leave. If the employee is able but does not return to work after the expiration of the leave, the employee will be required to reimburse the City for
payment of insurance premiums during leave.

**B.** Upon return from FMLA leave, most employees are restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Certain highly compensated employees (key employees) may have limited reinstatement rights.

**C.** Individuals on Workers’ Compensation will be placed on FMLA as well and the time used will run concurrently with their FMLA time.

**D.** Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave. While an employee is using accrued leave, they will continue to earn vacation and sick leave, holiday and other leave benefits and are eligible for holiday, bereavement and jury duty pay.

If all leave benefits are exhausted, and the employee is in an unpaid leave status or using Sick Bank leave, the employee will not accrue leave benefits and will not be eligible for holiday, bereavement and jury duty pay.

### 5.3.3 Eligibility Requirements:

Employees are eligible if they have worked for the City for at least 12 months and have worked a minimum of 1,250 hours over the previous 12 months.

### 5.3.4 Definition of Serious Health Condition

**A.** A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job or prevents a qualified family member from participating in school or other daily activities.

**B.** Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive full calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.
5.3.5 Certification of a Serious Health Condition

A. Employees seeking approval for leave are required to provide the City with a certification from their (or their family member’s) health care provider. The certification must be provided within fifteen (15) days of the date the form is provided by the City for the employee to have completed.

B. Employees must provide sufficient information for the City to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities; the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the City if the requested leave is for a reason for which FMLA leave was previously taken or certified.

C. Employees will be required to provide a certification and periodic recertification supporting the need for leave. Documentation confirming family relationship, adoption, or foster care may be required. If notification and appropriate certification are not provided in a timely manner, approval for leave may be denied.

D. The City may, at its expense, obtain a second opinion from a health care provider not utilized on a regular basis by the City. In the event there is a conflict between the two (2) opinions, a third opinion may be requested of a health care provider jointly designated by the City and the employee and at the expense of the City. The opinion of the third health care provider is final and binding on both parties.

5.3.6 Use of Leave

A. The maximum time allowed for FMLA leave is either 12 weeks in the 12-month period as defined by the City, or 26 weeks for Military Family Leave Entitlements as explained above. The City uses the twelve (12) month period measured forward from the first day of an employee’s leave.

B. FMLA due to the birth of a child must be completed by the end of the twelve (12) month period which commences on the date of birth of the child. FMLA due to the care of a child is in addition to the time allowed for the birth of a child; however, the total hours of the care, birth time and other FMLA leave
may not exceed twelve (12) weeks in a twelve (12) month period.

C. Leave requested is also allowed for counseling, appearing for court proceedings, consulting with an attorney and other activities associated with the adoption or placement of a child.

D. Medical leave may be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the City’s operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

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

5.3.7 Order of the Use of Paid Leave
While taking FMLA leave, employees will be required to utilize all available accrued sick leave first, followed by vacation, “goodie” hours, personal and compensatory time in any order the employee prefers. In order to use paid leave for FMLA leave, employees must comply with the City’s normal paid leave policies.

5.3.8 Employee Responsibilities
A. Employees must provide thirty (30) days advance notice of the need to take FMLA leave when the need is foreseeable. When thirty (30) days’ notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the City’s normal call-in procedures.

B. Continued absence after denial of leave may result in disciplinary action in accordance with the City’s attendance guidelines.

C. Employees on leave must contact Human Resources upon their first day of return.
5.3.9 The City’s Responsibilities
The City will inform employees requesting leave whether they are eligible under FMLA. If they are, the notice will specify any additional information required as well as the employees’ rights and responsibilities. If they are not eligible, the City will provide a reason for the ineligibility.

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

5.3.10 Unlawful Acts
FMLA makes it unlawful for the City to:
A. Interfere with, restrain, or deny the exercise of any right provided under FMLA; and,

B. Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

5.3.11 Enforcement
A. An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against the City.

B. FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

5.4 NON-FMLA MEDICAL LEAVE
Non-FMLA Medical leave of absence may be granted to full-time employees for absences arising from the employee’s illness, injury, or pregnancy. This leave may be approved under the following circumstances:

- The employee is not eligible for FMLA leave, or
- The employee has exhausted all available FMLA leave.

5.4.1 The following conditions must be met for a Non-FMLA Medical Leave to be granted:
A. The employee has submitted to the employee’s Department Director and the
Director of Human Resources a written statement with sufficient information from their medical provider indicating that they are unable to return due to a disability and the likely date the employee will be able to return to work with or without reasonable accommodation. The City reserves the right to obtain a second opinion at the City’s expense.

B. The Department Director and the Human Resources Director must approve the leave before the leave is taken.

5.4.2 The following are guidelines associated with Non-FMLA Medical leave.

A. Non-FMLA Medical Leaves, and any extension of other leaves, generally will be limited to no longer than six (6) weeks. If an employee is unable to return to work at the end of the non-FMLA Medical Leave, the employee may be entitled to additional accommodation under the Americans with Disabilities Act or other law. The employee must supply sufficient information from their medical provider indicating that he or she has a covered disability and when the employee will be able to return to work with or without reasonable accommodation. Any accommodation must not result in undue hardship to the employer. Potential accommodations will be determined in an interactive process between the employee and the City.

B. All available sick leave, vacation, “goodie” hours, personal days and other forms of paid leave must be used at the beginning of the leave of absence. Sick leave is required to be used first. If there are no accruals leave will be unpaid.

C. The employee will continue to be covered by the City’s medical and life insurance plans so long as the employee pays his or her share of the monthly premium for whatever coverage has been elected by the employee. Once accruals have been exhausted, the employee will be responsible for the employee and City share of medical and life insurance plan premiums.

D. Vacation and sick leave will accrue during a medical leave of absence as long as the employee is using earned accrued paid leave for the time missed from work. Holidays, bereavement leave, or employer’s jury duty pay will be granted during the leave as long as the individual is using earned accrued leave. Leave time will not accrue when using Sick Leave Bank or leave without pay.

E. Part-time, temporary and seasonal employees are not eligible for a leave of
absence under these guidelines except as may be required by the ADA. Also, see guidelines for Family and Medical Leave (FMLA Leave.)

F. Because of the nature of our business we may not be able to hold your position open during your leave. In the event your job is filled, you will be considered along with other candidates for any vacant position for which you are qualified. There is no job guarantee.

5.4.3 Return to work

A. An employee ready to return to work from Non-FMLA Medical Leave must present a medical provider’s statement indicating the employee’s ability to return to work. If an employee is unable to return to work at the end of the non-FMLA Medical leave, the employee may be entitled to additional accommodation under the Americans with Disabilities Act (ADA) or other law.

B. The employee must supply sufficient information from their medical provider indicating that they are unable to return due to a disability and the likely date the employee will be able to return to work with or without reasonable accommodation. The employee must qualify for coverage under the ADA.

C. Any accommodation provided must be reasonable and not result in any undue hardship to the City. The scope and duration of the potential accommodation will be determined after an interactive dialogue between the employee and the City.

D. Employees who fail to return at the expiration of a medical leave of absence will be deemed to have resigned from City employment. If the employee is able but does not return to work after the expiration of the leave, the employee will be required to reimburse the City for payment of insurance premiums during leave.

5.5 MILITARY LEAVE

Employees granted a military leave of absence are re-employed and paid in accordance with the laws governing veteran’s re-employment rights. The City pays for the first fifteen (15) days of leave per year. After that time, the employee may use vacation, personal comp time and goodie leave and earn accruals when accrued time is used. Once accrued
time is exhausted the City will subsidize the difference of their Military Pay vs. their base rate with the City.

5.6 ACTION BREAKS
Full-time employees who are nursing shall be provided unpaid break time for up to one (1) year following the birth of a child to express breast milk, so long as providing such break time does not unduly disrupt city operations. The City will provide a suitable private location for this purpose. Employees should contact their Department Director or Human Resources for information on available locations.

5.7 VOTING
Voting is an important responsibility we all assume as citizens. We encourage employees to exercise their voting rights in all local, state, and federal elections. The City of Cheyenne allows for up to one-hour of paid time off for an employee to vote. Employees shall work with their manager on an allotted time to vote.

5.8 PERSONAL LEAVE
Normally, personal leaves of absence are not granted. If, on rare occasions, management deems the circumstances warrant approval, an unpaid leave for non-medical reasons would be granted for not more than thirty (30) days. The employee may be required to reimburse the City for payment of insurance premiums during leave.
6. PAY

6.1 NON-EXEMPT HOURLY RATE
The hourly rate of pay of a non-exempt employee is determined by dividing the employee’s annual salary by 2,080 hours. Two-thousand Eighty hours is equal to 52 weeks a year multiplied by 40 hours per week.

6.2 OVERTIME/COMPENSATORY TIME
It is the policy of the City to provide overtime compensation for all non-exempt employees.

6.2.1 Overtime
A. Overtime pay, at the rate of one and one-half (1.5) the employee’s regular rate of pay, will be paid to non-exempt employees when work is performed in excess of 40 hours in one work week. No paid leave taken in a work week counts as time worked for the purpose of calculating overtime.

B. For purposes of calculating overtime, the workweek begins at 12:00 a.m. (midnight) Sunday and ends at 11:59 p.m. Saturday. The 40-hours threshold is based on actual hours worked in the week. Therefore, sick time, vacation, holiday, or other paid or unpaid leave time is not included in calculating the 40-hour threshold.

C. Non-exempt employees are not allowed to work overtime without advanced permission from their supervisor. An employee who works overtime without their supervisor’s knowledge and/or permission will not be tolerated.

D. Non-exempt employees who work for two different Departments or in two different positions for the City are eligible for overtime when their work hours exceed 40 hours in one workweek. The position that they are working when they surpass 40 hours is the position that will be earning the overtime at one and one-half (1.5) times the base rate of pay for that position. If the employee then earns additional time over 40 in another position, that position too will be paid at over-time at one and one-half (1.5) times that position’s base pay rate.

6.2.2 Earning Compensatory Time
A non-exempt employee may elect to receive compensatory time (comp time) in lieu of overtime. The election must be made in writing in advance of overtime.
hours worked and signed by the employee. This record needs to be given to the supervisor with a copy to the employee.

**A.** Non-exempt employees will be allowed to earn compensatory time off in lieu of overtime wages for up to a maximum of eighty (80) compensatory hours (or sixty (60) hours of overtime).

**B.** A non-exempt employee who has accumulated eighty (80) hours of comp time will be paid overtime wages for any additional overtime hours earned in a work week until the employee has lowered their comp time leave bank to below eighty (80) hours.

### 6.2.3 Using Compensatory Time
To use comp time, the employee must request and obtain approval from his or her supervisor in advance of the time off.

### 6.2.4 Record Keeping
All non-exempt employees must record all time worked and all compensatory time taken on departmental timesheets.

### 6.2.5 Comp Time Balance upon Transfer
When a full-time employee transfers from one Department to another within the City, the employee’s date of hire and accumulated comp time will also transfer. Employees transferring to the Board of Public Utilities may, at their option, have their date of hire and accumulated comp time transferred.

### 6.2.6 Separation payout
Upon separation from employment, an employee will be paid for unused compensation time up to a maximum of eighty (80) hours documented in the system at the employee’s current base salary or hourly rate. Payment of accruals will occur no later than the 10th of the month following separation.

### 6.3 SUPPLEMENTAL PAY

#### 6.3.1 Travel
Payment for travel time for non-exempt employees is made in accordance with the Fair Labor Standards Act. An explanatory summary may be obtained from the Human Resources Director.
6.3.2 Mileage Allowance
If an employee is required or approved to use a personal vehicle in the performance of official duties, the employee shall be reimbursed for the mileage driven at the rate of the maximum non-taxable amount allowed by Internal Revenue Service regulations.

6.4 MEAL BREAKS
The City provides all non-exempt employees who work more than six (6) hours on a workday with a minimum thirty (30) minute meal break. These should be taken within three (3) to four (4) hours from the beginning of their workday. If the employee works longer than ten (10) hours in one day, the employee may take a second meal break.

6.4.1 Meal breaks for non-exempt employees are unpaid and should never be taken at the non-exempt employee’s workstation, nor should the employee engage in work such as answering emails, text messages, phone calls or waiting for delivery services, for example. If work is required during this time, the employee must notify their supervisor immediately so that the time can be properly recorded.

6.4.2 Non-exempt employees should notify their supervisor immediately if their meal break is shorter than 30 minutes or if the meal break is interrupted by work.

6.4.3 If possible, meal breaks should be scheduled in advance so all team members will know who is available and unavailable to work during those time frames. For certain positions, the City may assign specific meal breaks to avoid any negative impact on operations.

6.4.4 Non-exempt employees are not allowed to skip meal breaks to shorten the workday.

6.5 REST BREAKS
6.5.1 Non-exempt employees working at least a four (4) hour shift may take one rest period of up to 15 minutes. An employee working an eight (8) hour shift may take two paid fifteen (15) minute rest breaks, approximately one for every four (4) hours worked. Employees typically must notify and obtain approval from their supervisor prior to taking the break.
6.5.2 Rest breaks are not mandated by the FLSA, there may be times when the employee will need to continue working due to business reasons.

6.5.3 Rest breaks not taken do not accumulate and may not be used to extend other breaks or meal periods, or to shorten the workday.

6.6 PAY FOR EXEMPT EMPLOYEES
6.6.1 Exempt employees must be paid on a salary basis. This means exempt employees will regularly receive a predetermined amount of compensation each pay period. The City is committed to complying with salary basis requirements which allows properly authorized deductions.

6.6.2 If you believe an improper deduction has been made to your salary, you should immediately report this information to the Human Resources Director. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed.

6.7 WORKERS’ COMPENSATION SUPPLEMENTATION
6.7.1 Any full-time employee hired on or before July 1, 2015, who receives temporary total disability (TTD) benefits for a particular month, must first use accumulated sick leave. Following this, they may use vacation leave, “goodie” hours, comp time and their personal day to supplement his or her compensation for that month, not to exceed one-third (1/3) of the employee’s current monthly base salary. The total of the paid leave and Workers’ Compensation Supplementation cannot exceed the total of their monthly base salary. In this case, “base salary” does not include “add” pays such as overtime.

6.7.2 A full-time employee, hired after July 1, 2015, and is on both FMLA and Workers’ Compensation will not be able to supplement their Workers’ Compensation wage with his or her vacation or sick leave, sick leave bank hours, “goodie” hours, personal days or comp time to supplement any form of pay or benefit other than temporary total disability as defined above. Employees receiving payment from Wyoming Workers’ Compensation for temporary total disability will be considered to be on leave without pay for the duration of the leave. Each employee will be responsible for the employee share of health, vision and life insurance each month. The employee shall not accrue additional leave time while on TDD.
6.8 PAYDAYS
6.8.1 Employees shall be paid at least once per month. Employees are currently paid via direct deposit or debit card the last working day of every month. If the regular payday occurs on a holiday or weekend, the payday is the last working day prior to the holiday or weekend.

6.8.2 Automatic deductions such as additional tax withholding, contributions to voluntary benefit plans, and individual savings plans may be arranged through the Human Resources department.

6.9 TIME REPORTING/TRACKING
6.9.1 Non-exempt employees shall clock in at the beginning of each day and clock out at the end of the day to ensure complete and accurate hours worked. At the end of the work week, employees shall review, approve and submit the timecard to their supervisor for approval. Supervisors shall review and approved timecards weekly. Timecards need to reflect hours worked and requested time off.

6.9.2 Exempt employees are required to complete their timecard when they have taken paid or unpaid time off from their regular work schedule.

6.9.3 These pay records are the only ones used by the City to calculate employee pay and paid time off balances. It is very important that they are accurate and complete.

A. Employees must promptly notify their supervisors or the payroll department of any mistakes in their time records or pay. Employees also must notify one of these individuals if they perceive that anyone is interfering with their ability to record their time accurately and completely. All reports will be investigated, and appropriate corrective action will be taken. The City will not tolerate retaliation against employees for making a report or participating in an investigation.
7. CLASSIFICATION AND COMPENSATION PLAN

7.1 GOVERNMENTAL APPROVAL
The classification and compensation of City employees is governed by classification and compensation provisions included in the annual budget adopted by the City’s Governing Body.

A. The City reserves the right, acting through the Mayor, or as authorized by the Governing Body, to re-classify positions, to eliminate positions, to assign employees involuntarily to different positions, and to implement reductions in force, provided, however, that the salary, wages, benefits, and other compensation paid to a full-time regularly scheduled employee may be reduced.

7.1.2 Wages for part-time, seasonal, and temporary employees are established by the Department Director or Division Director with approval of the Human Resources Director.

7.2 PERFORMANCE EVALUATIONS

7.2.1 The work performance of each regularly scheduled full-time employee will be evaluated in writing at least annually by the Division Director and at such other intervals as shall be deemed appropriate by the employee’s Department Director or Division Director. The supervisor will personally administer the evaluation to the employee.

7.2.2 Part-time, temporary and seasonal employees shall be evaluated at such times and in such manner as directed by the Department Director or Department Director.

7.2.3 The work performance of each newly hired or promoted full-time employee is expected to be evaluated at least once during the employee’s Period of Close Review. The supervisor will personally administer the evaluation to the employee.

7.2.4 If an employee disagrees with the performance evaluation, the employee may attach a written statement of his or her objections to the performance evaluation. The performance evaluation and the employee’s written statements, if any, will be placed in the employee’s personnel file.
7.3 TRANSFERS

7.3.1 An employee may transfer from one position to another position, regardless of pay grade or pay, by applying for the position and being selected through the normal hiring process.

7.3.2 Due to specific needs, Department Directors, with the approval of the Human Resources, may initiate an involuntary transfer or reclassification. Employees involuntarily transferred or reclassified may be reduced in pay or grade.

7.4 PROMOTIONS AND RECLASSIFICATIONS

7.4.1 It is the policy of the City to promote from within if the City determines, in its sole discretion, that such promotion is reasonable.

7.4.2 Reclassifications must involve a definite increase in duties and responsibilities and shall not be made merely to affect an increase in the employee’s compensation.

7.5 INTERIM PAY

If an employee has been asked to take on a temporary role to fill a vacant position’s function, the Department Director may request interim pay not to exceed 10% of the Employee’s base pay. Interim Pay shall not last more than three months.

7.6 EFFECTS OF TRANSFERS

7.6.1 An employee transferred or promoted will assume a period of close review upon accepting the new position. The period of close review is typically six (6) months for transfers. During this time, the supervisor works closely with the employee to ensure they understand their new duties. During this time frame, an employee who has been voluntarily transferred or promoted may be returned, without cause and with ten (10) days’ notice, to the position held by the employee immediately prior to the transfer or promotion.

This section does not eliminate the City’s ability to move or remove an employee from their position and placed in another, or return them to their previous position, if the position is still open and available with approval from the Human Resources Director.

7.6.2 An employee involuntarily transferred or reclassified, may not be subjected to a period of close review and may not be reduced in pay or grade unless there is a significant reduction in duties or responsibilities.
8. WORK ENVIRONMENT

8.1 GENERAL CODE OF CONDUCT.
The proper working relationship between City employees and the public depends on each employee’s positive conduct and behavior. City employees must represent the City in a professional, courteous, efficient and helpful manner, and their interactions with the public, citizens, vendors, co-workers and management, will always reflect this. City employees must never use their positions to violate the public’s trust or confidence.

8.2 ACCEPTANCE OF GIFTS
Any employee who, or whose immediately family member, accepts a gift over twenty-five dollars ($25.00), because of the employee’s duties, functions or responsibilities as an employee of the City will not be tolerated. This prohibition does not apply to gifts of a general advertising nature having a nominal value, or to food and drink consumed by the employee at the time of receipt at an appropriate social or business occasion, meal or other event in which other employees are also attending and are also being offered food and beverages.

8.3 ALCOHOL AND DRUGS
8.3.1 The City of Cheyenne is committed to a safe, healthy, and productive work environment for all employees, free from the effects of illegal or non-prescribed drugs and alcoholic beverages. Use of drugs and alcohol alters employee judgment which may result in increased safety risks, employee injuries, and faulty decision making. Therefore, the possession, use, sale of controlled substances or alcohol on City premises, in City vehicles, or during City time is prohibited and may lead to termination.

8.3.2 Testing is an important element in the City’s efforts to ensure a safe and productive work environment. The City has a separate, stand-alone policy (Alcohol and Controlled Substance Policy) that discusses the City of Cheyenne’s drug and alcohol testing program. This policy requires all employees to review and to sign that they have received and understand the policy.

8.4 INSPECTIONS
After notice is given and with the employee’s consent, the City’s management may conduct searches of employee’s personal effects. This may include, but is not limited to, lunch bags, boxes, purses, personal computers, packages, or vehicles.

8.4.1 City management may conduct searches of the above items without employee consent if management has a reasonable suspicion to believe that illegal
activity is taking place and after obtaining a warrant to do so. Any illegal and unauthorized articles discovered may be taken into custody and will be turned over to law enforcement representatives.

8.4.2 Employees do not have a reasonable expectation of privacy in lockers, desks, cabinets, or file drawers, all of which are keyed by the City and copies of those keys are kept by the City.

8.5 ANTI-VIOLENCE
Employees will not engage in intimidation, threats or hostile behaviors, physical abuse, vandalism, arson, sabotage, use of weapons, carrying weapons into City buildings, or any other act that is inappropriate in the workplace. In addition, employees must refrain from making bizarre or offensive comments regarding violent events and/or behavior. Employees are expected to report any prohibited conduct to management.

Employees should immediately and directly contact proper law enforcement authorities if they believe there is a serious threat to the safety and health of themselves or others.

8.6 BULLYING
It is the policy of the City to prohibit bullying of any individual by another person. Bullying may include, but is not limited to, offensive jokes, slurs, name-calling, physical assaults, threats, intimidation, ridicule, mockery, insults, put-downs, or interference with work performance or employment opportunities.

Bullying will not be tolerated. Employees are encouraged to report any bullying at an early stage to prevent escalation. All allegations of bullying will be investigated by the Human Resources Department or appropriate supervisor.

8.7 WEAPONS IN THE WORKPLACE
To the extent permitted by law, employees and visitors are prohibited from carrying weapons onto City premises, including those who have a permit for concealed weapons. This prohibition does not apply to sworn officers of the Cheyenne Police Department or other federal, state and county law enforcement personnel. This section shall not prohibit an employee or visitor from storing a weapon in a vehicle parked in City parking lots or structures; however, the firearm must not be in plain view, and the container or unoccupied vehicle must be locked, and as long as the employee or visitor complies with applicable City, county, state and federal laws regarding the storage of such weapon.
8.8 APPEARANCE AND ATTIRE
At the City, personal appearance, hygiene, and attire are very important. A professional image must be maintained to instill confidence in the minds of the public and citizens.

8.8.1 City employees’ appearance should be consistent with good hygiene, safety, and what the City considers appropriate business attire.

8.8.2 Business casual attire, designed to create a more relaxed way of dressing for employees, is often acceptable. Business casual means business appropriate. All clothes must be clean, pressed, and wrinkle-free.

8.8.3 If employees are unsure, they should ask their supervisors regarding the acceptable attire for their positions.
A. An employee who reports to work, who has not been told prior the appropriate dress or grooming, will be asked to correct the problem in a reasonable amount of time.

B. If an employee is instructed to leave work to change into proper attire, accrued leave time or leave without pay may result.

8.8.4 Uniforms
Uniforms or clothing that has City of Cheyenne logos on them may not be worn after hours.

8.9 ATTENDANCE AND PUNCTUALITY
Regular attendance and punctuality are considered an essential function of every employee’s job and necessary for the efficient operation of the City.

8.9.1 Employees are expected to be at work and on time as scheduled. It is recognized that there are times when a person must be absent due to illness or other reasons that are beyond the control of the employee.

8.9.2 Employees who are going to be absent or late must contact his or her supervisor as soon as possible prior to the start of their shift, via phone, email and/or text (based on the supervisor’s request) stating their absence/lateness and their expected return date or time. If an employee cannot reach his or her immediate supervisor, the Department Director or the Human Resources Department should be contacted. Leaving messages with other employees is not acceptable.
8.9.3 Any absence without obtaining authorized leave will not be tolerated. Leave is not considered authorized until the employee’s supervisor approves the request.

8.9.4 Absenteeism or tardiness that is deemed excessive will not be tolerated.

8.9.5 Failure to call in when absent for three (3) consecutive scheduled workdays without having obtained approved leave will result in involuntary separation from City employment.

8.10 CONFIDENTIAL INFORMATION
Employees of the City are entrusted with and often have access to confidential information. Confidential information includes, but is not limited to, information concerning social security numbers, birth dates, pending lawsuits, criminal charges, and similar.

8.10.1 Disclosure of confidential information will not be tolerated. This nondisclosure prohibition applies to sharing confidential information about current employees and those that have separated from the City. Any copying, reproducing, or distributing of confidential information in any manner must be authorized by management. Confidential information remains the property of the City and must be returned to the City upon separation or at any time upon demand.

8.10.2 If an employee is requested to divulge confidential information, the concern should immediately be brought to supervisor or Human Resources’ attention to determine appropriate action.

8.11 CONFLICT OF INTEREST
Employees shall not enter into any financial or other relationship with a City agency, private business or other organization which would constitute a conflict of interest with their City employment or create the appearance of impropriety. Employees shall not permit themselves to be placed under any personal or other obligation which could lead any person, group or organization to expect favors.

8.11.1 The City requires that employees protect City information and avoid outside activities or relationships, which do, or could, adversely influence their decisions or actions on the job.

8.11.2 Examples of possible conflicts of interest situations include, but are not limited to:
A. Working as an independent contractor or as an employee outside of the City for a vendor that works for the City or has an indicated an interest in working for the City.

B. Serving as a board member or director or holding financial interest in a business providing supplies or services to the City.

C. Being self-employed performing work similar to the work he/she performs for the City and/or which competes with the City; or ownership, partnership, or personal involvement in supplier companies or distribution outlets related to City business.

D. Taking advantage of his or her position with the City for personal financial benefit.

8.11.3 If an employee has a question whether a situation is a conflict of interest, they should discuss the matter with their supervisor. If it remains unresolved, the matter should be referred to the Department or Division Director or the Human Resources Director for a determination.

8.12 EMPLOYEE POLITICAL PARTICIPATION

8.12.1 The City encourages employees to participate in matters of responsible citizenship. The City will not interfere with the conduct of City employees engaged in political activity, as long as the activities are confined to hours when the employee is not on duty, is not campaigning in his or her official City uniform, and that the activity does not impair the his or her or other employees’ job efficiency.

8.12.2 Employees whose principle employment is in connection with federally financed activities are subject to federal requirements as a condition of such employment. Covered employees may not use their official authority or influence for the purposes of interfering with or affecting the results of elections or nominations for office.

A. In addition, covered employees may not coerce, attempt to coerce, command, or advise other employees to pay, lend, or contribute anything of value to a party, committee, City, agency, or person for political purposes. Employees whose salary comes in part or in whole from federal government sources are subject to the Hatch Act and its revisions.
8.12.3 Political beliefs, activities, and affiliations are the private concern of each employee. An employee’s work status will never be affected by participating, or not participating, in lawful civic and political activities. No employee of the City is allowed to directly, or indirectly, coerce or command any other employee to pay, lend, or contribute compensation, service, or anything else of value to any political party, group, City, or candidate.

8.12.4 Any City employee may be a candidate for a partisan political office provided that the involvement does not interfere or present a conflict of interest with his or her job. If involvement is necessary during normal working hours, the individual must take vacation or compensatory leave or leave without pay.

8.12.5 No employee will be forced to pay any contributions to any political City activity.

8.12.6 Employees will not be required to work for, or participate in, the support of any political candidate during their off-duty hours.

8.13 JOB-RELATED CONCERNS
Employees who disagree or are dissatisfied with a City practice should promptly discuss the matter with their immediate supervisor, where appropriate. Normally, this discussion should be held within five (5) days of the incident.

8.13.1 If the solution offered is not satisfactory, or if it is inappropriate to go to the supervisor, employees are then encouraged to take the problem to the next level in their chain of command.

8.13.2 If the problem still cannot be resolved, employees may submit a written complaint to the Director of the Department or Director of Human Resources for review and final decision about the situation. Although the situation may or may not apply, please also see the EEO/Harassment Complaint Procedure in section 1.5.

8.14 WORKERS COMPENSATION POLICY AND PROCESS/SAFETY
It is the City’s goal to maintain a high standard of employee health and safety. To achieve these high standards, the City strives to maintain a safe, healthy, efficient, and productive work environment. The City provides training, safeguards, and programs to prevent accidents, damage to property, and to promote safety.
8.14.1 Employees are responsible to abide by all applicable safety rules and regulations contained in the City’s Safety Handbook. The City expects employees to do their job in a manner that ensures their personal safety and that of fellow employees.

8.14.2 Injuries.
Eligible employees who become injured or incur an occupational illness while in the performance of their assigned job duties may receive benefits as provided by the Wyoming Workers’ Compensation Act. It is the responsibility of the injured employee to file for all Workers’ Compensation benefits through the City’s Human Resource office. Failure to report an accident to Human Resources within seventy-two (72) hours and / or to Workers Compensation within ten (10) days, may result in a denial of benefits.

A. Procedures.
Any work-related injury no matter how minor, must immediately be reported by the employee to their Supervisor by the end of his/her shift. The supervisor must immediately notify and report the injury to the Risk Safety Officer. If medical attention is deemed necessary, the injured employee’s supervisor will transport the employee to an Acute Emergent Care facility. The Risk Safety Officer will meet the employee at the Acute Emergent Care facility.

1. The supervisor must complete the Supervisor’s Accident Report within 24 hours of injury. The employee is expected to report to Human Resources to complete the Workers Compensation Report of Injury form within 72 hours of injury. If the employee is not able to make it to the HR office within the 72 hours’ time frame, the employee must call Human Resources and report the injury by phone.

2. If the employee misses more than three (3) workdays, he/she must contact Human Resources and may request FMLA paperwork. The employee may complete all the FMLA paperwork and return it to Human Resources on the timeframe required.

3. If the employee is unable to work his/her normal work assignment, Light Duty may be offered, if available refer to 8.14.3 (B) Modified Duty Program. A Light Duty Contract will be completed and signed by Human Resources and be accompanied by a signed Doctor’s Certification prior to starting Light Duty.

4. Light Duty will only be offered for Ninety (90) days. If the employee desires for the contract to be extended it will need to be requested by him/her and will be evaluated by Human Resources.
5. If the employee is unable to return to full duty and perform the essential job functions of their job within one (1) year from the initial date of the Light Duty Contract, the employee will be required to apply for another open position within the City for which the employee qualifies. If there are no open positions for which the employee has applied and qualifies for prior to the end of the one (1) year timeframe, the employee may be terminated from employment with the City of Cheyenne.

8.14.3 Modified Duty Program.
The City of Cheyenne has an established Modified Duty Program that may enable an employee, based upon the medical opinion of the employee’s medical provider, to continue utilizing their valuable knowledge, skills, and abilities while he/she is on a temporary injury which has been limited by a work-related injury or occupational illness that occurred while performing his/her duties within the course and scope of their employment.

A. Objective.
The City desires to provide employees who have sustained an accidental injury or occupational illness while in the performance of their job duties the opportunity to return to gainful employment on a limited, transitional basis when appropriate, until he/she is able to return to the full-duty of his/her regularly assigned job. With assistance/partnership with his/her medical provider(s), the City of Cheyenne will offer Modified Work duties to accommodate an injured employee during their healing process. Modified Work assignments, if available, will be offered to the employee based on recommendations from his/her provider. Written medical instructions along with any restrictions must be given to HR and the employee in writing. Employees will not be allowed to return to their full-time assignment without a full medical release.

B. Light Duty may be offered, but it is not guaranteed.
The City of Cheyenne and the State Workers’ Compensation Division will work together with the possibility of offering the employee with a Light Duty Contract through Workers’ Compensation Division. For an employee to qualify for the benefit, an offer of light duty must be in writing, on a form supplied by the Workers Compensation Division. The terms of the offer must be complied with as stated on the agreement form. The injured employee’s treating health care provider must certify the work offered is suitable for the employee and accommodates the employee’s physical restrictions. The Light Duty contract will have an expected
duration of the Light Duty position for ninety (90) days, then will be reevaluate the Light Duty Contract based on the employee’s request for another Contract.

8.15 SNOW/INCLEMENT WEATHER
If adverse weather conditions warrant an office closure, the Mayor will declare a Snow/Inclement Weather response. City offices and facilities will close based on the City’s emergency snow/inclement weather plan, located on the City’s website.

8.15.1 Employees who are scheduled and available to work on a declared Snow/Inclement Weather day will be paid for the day or the remainder of the day when the Snow/Inclement Weather declaration occurs before or after the start of the workday.

8.15.2 Employees who are not scheduled or available to work (i.e., employees already on paid or unpaid leave) will not be credited with additional hours of leave time or compensation due to the Snow/Inclement Weather closure and will continue to use paid leave time or unpaid leave hours, as applicable, during the Snow/Inclement Weather closure.

8.15.3 If an employee has called in sick, or if the employee chooses or is unable because of individual circumstances, to report to work, the employee will be required to use accumulated sick, vacation or comp time, or take unpaid leave (whichever is appropriate) for the day, even if the Snow/Inclement Weather closure is declared later in the day.

8.15.4 A non-exempt employee who is called in or required to work will receive compensation time at the rate of one (1) hour for every hour worked in addition to their regular rate of pay for the actual time the employee works that day.

8.16 SMOKING, CHEWING TOBACCO AND VAPING
No employee may smoke or use chewing tobacco, use any smoking instrument or electronic smoke device, or engage in any form of vaping in or on City-owned property or vehicle; within ten (10) feet of the main entrance into the building or within fifteen (15) feet of any open window or any heating, ventilation or air conditioning equipment connected to any such building.

8.16.1 Employees may smoke, use chewing tobacco or engage in vaping in designated outdoor areas.
8.16.2 The Wyoming Fair Employment Practices Act and therefore, the City of Cheyenne, prohibits discrimination based on use of tobacco outside the course of employment.

8.17 USE OF CITY PROPERTY
No employee shall use or permit the use of City property for other than official activities. Employees shall protect and conserve City property, equipment and supplies entrusted or issued to them. Computers and other electronic devices supplied by the City for use by employees, as well as all materials stored on those devices are the property of the City.

8.18 EMPLOYEE SUGGESTIONS
Employees are encouraged to submit suggestions to the affected Department Director and the Human Resources Director for improvement of the efficiency and effectiveness of the City.

8.19 EMPLOYEE DEVELOPMENT
The Mayor and Department Directors may establish in-service training programs, including courses, seminars, workshops, demonstrations, reading assignments, or other methods available for improving the effectiveness and knowledge of employees in performing their assigned duties. Some of these trainings may be mandatory and employees are expected to attend and participate.
9. DISCIPLINE/GRIEVANCE PROCESSES

9.1 DISCIPLINE
Occasionally performance or other behavior falls short of our standards and/or expectations. When this occurs, management takes appropriate action which in its opinion, seems appropriate.

Disciplinary actions can range from an informal discussion with the employee about the matter to immediate discharge. Action taken by management in an individual case does not establish a precedent in other circumstances.

9.1.2 At the request of the Department Director, the Human Resources Director will provide technical assistance in matters pertaining to the administration of employee discipline. Management will comply with internal policies of the Mayor regarding disciplinary processes.

9.1.3 Determination of Appropriate Discipline
A. Management shall, except in cases of flagrant employee behavior in which immediate termination is necessary, attempt to administer discipline in progressive stages, as appropriate, to seek corrective results. In determining appropriate disciplinary action, management shall consider the following factors:
   1. Nature and extent of infraction;
   2. Employee’s past record;
   3. Effect on the operations of the Department(s), and City as a whole; and,
   4. Effect of employee’s actions(s).

B. Determination of the appropriate action to be taken shall be based on an investigation of the facts and circumstances of the case. Depending on the severity of the conduct and with approval from the Department Director, any discipline in Section 9.1.6 of this section may be utilized.

C. At any stage of the disciplinary process, the employee has the right to submit a written statement explaining any disagreement they have with the proposed action. This statement will be placed in the employee’s personnel file.

9.1.4 Types of Discipline
A. Documented Verbal Reprimand. This is the first step in the disciplinary
process and is applied when an employee fails to respond to coaching or counseling, or when a single incident occurs which is serious enough to warrant a verbal reprimand. A verbal reprimand shall consist of a private meeting between the affected employee and a supervisor to discuss issues with the employee’s work performance, and to remind the employee of the importance of a commitment to follow work rules and City policies. The supervisor will prepare a written memorandum of the verbal reprimand that describes the issues, the work performance area(s) which require improvement and informs the employee that failure to improve will result in more serious action. The employee will be provided with a copy of the memorandum and a copy will be placed in the employee’s personnel file in the Human Resources Department.

B. Written Reprimand. A supervisor may issue a written reprimand to an employee specifying the reason(s) for the reprimand, noting previous verbal reprimands, as appropriate, and informing the employee of the corrective action necessary to avoid further discipline. The written reprimand shall be provided in a private meeting between affected employee and his or her supervisors. The original of the written reprimand will be filed in the employee’s personnel file in the Human Resources Department.

C. Suspension (with or without) pay. Management may suspend an employee, with or without pay, for disciplinary purposes. Prior to the suspension, management will meet with the employee and explain the reasons for the intended action, providing an opportunity for the employee to respond to the proposed suspension. Management will provide the employee with written notification specifying the reasons for the suspension, the effective date and duration of the suspension, whether the suspension is with or without pay, and the corrective action necessary to avoid further discipline. The original of the statement or suspension will be filed in the employee’s personnel file. Pursuant to Chapter 9.2 of these rules, the employee may file a grievance to contest the suspension.

D. Termination. Management may terminate an employee for disciplinary purposes if previous disciplinary action has not served to achieve corrective results, or if the nature and extent of the employee’s behavior is such that other disciplinary action is not appropriate or constitutes just cause for termination.

E. Before terminating an employee, the Department Director and Human Resources Director will meet with the employee to provide in writing the reasons
for the proposed termination. The employee may be represented by an attorney licensed to practice law in the State of Wyoming or another non-lawyer representative subject to an opportunity to respond to the proposed termination. If the Department Director decides to proceed with the termination, the employee shall be provided with a statement of termination which must set forth the reasons for the termination, the effective date of the termination, and advise the employee of their right to appeal pursuant to these Rules. A copy of the written statement of termination shall be hand-delivered to the employee, delivered to the employee by certified mail, or by any other means reasonably calculated to provide the employee with prompt notification of the termination. The original of the statement of termination will be filed in the employee’s personnel file in the Human Resources Department.

F. Any full-time employee who has been terminated may appeal the decision to terminate by requesting a hearing before the City of Cheyenne Personnel Commission in the manner provided by these Rules.

1. Requests for hearings before the Personnel Commission must be made in writing and filed within fifteen (15) days after the employee has received the written statement of termination. The request for hearing must be filed in the Office of the City Clerk, 2101 O’Neil Avenue, Room 101, Cheyenne, WY  82001.

2. If a request for hearing that complies with these Rules is timely filed in the Office of the City Clerk, a hearing before the Personnel Commission will be held within forty-five (45) days from the Commission’s review of the notice of appeal. An extension of the deadline for the hearing may be granted by the Personnel Commission at the request of either party for good cause shown or by the Personnel Commission acting on its own motion.

3. Rules governing Personnel Commission hearing procedures are filed in the Human Resources Department and the City Attorney’s Office.

9.2 GRIEVANCE
It is the policy of the City of Cheyenne to resolve employee grievances and appeals in a fair and timely manner. Full-time employees shall have the right to present a grievance and appeal pursuant to this Section, without coercion, restraint, discrimination or reprisal. An employee filing a grievance is encouraged to see the Personnel Commission Rules for further guidance. An employee may contest any discipline or other adverse employment action pursuant to this Section, provided, however, that if an employee fails to comply
with the procedural steps required by this Section, the employee shall be deemed to have forfeited the rights granted by this Section.

9.2.1 Department Director Conformance.
If the Department Director does not rule upon the grievance in accordance with the procedural steps required by this Section, the employee may appeal to the Personnel Commission.

9.2.2 Representation
An employee may be represented by an attorney licensed to practice law in the State of Wyoming or another non-lawyer representative subject to applicable rules relating to the unauthorized practice of law, in all proceedings provided under this Section.

9.2.3 Grievance Procedure Steps
Within ten (10) days of the disciplinary or other adverse employment action giving rise to the grievance, or within ten (10) days after the date that the employee acquires knowledge of the disciplinary or other adverse employment action, the employee may present a grievance in writing to his or her Department Director or to the Mayor.

9.2.4 The Department Director or designee shall, within ten (10) days of receipt of the written grievance, hold a conference with the employee for the purpose of attempting to resolve the dispute. In the event the Department Director was involved in the decision to impose the disciplinary or other adverse employment action that is the subject of the grievance, the Mayor shall designate another Department Director or the Human Resources Director to hear and rule on the grievance.

9.2.5 Within ten (10) days of the conclusion of the conference, the Department Director who heard the grievance shall issue a written decision on the grievance. The written decision will be served on the employee personally or by certified mail, return receipt requested. The original of the written decision shall be filed in the employee’s personnel file in the Human Resources Department.

9.2.6 If the grievance remains unresolved, the employee may, within fifteen (15) days of receipt of the written decision, request a hearing before the Personnel Commission by filing a written request for hearing in the Office of the City Clerk, 2101 O’Neil Avenue, Room 101, Cheyenne, Wyoming 82001. The request for hearing must include a statement of issues and the remedy sought by the employee. A copy of the request
for hearing shall be forwarded to the Department Director and the Human Resources Department to be placed in the employee’s personnel file.
10. COMMUNICATION SYSTEMS

10.1 GENERAL RULES

10.1.1 The City’s computer network, access to Internet, e-mail, voice mail, and all other City provided communication systems are business tools intended for employees to use in performing their job duties. Therefore, all documents and files are the property of the City. All information regarding access to the City’s computer resources, such as user identifications, mobile phone numbers, access codes, and passwords are confidential City information and may not be disclosed to non-City personnel.

10.1.2 All computer files, documents, logs, and software installed, created or stored on the City’s computer systems are subject to review and inspection at any time. Employees should not assume that any such information is confidential, including social media positions and e-mail transmission of any kind.

10.1.3 Computer equipment should not be removed from the City premises without written approval from a department head. Upon separation of employment, all City owned computing property/communication tools should be returned to the City.

10.2 UNAUTHORIZED USE
Employees may not attempt to gain access to another employee’s personal file of e-mail messages or send a message under someone else’s name without the latter’s express permission. Employees are strictly prohibited from using the City communication systems in ways that management deems to be inappropriate. If you have any question whether your behavior would constitute unauthorized use, contact your immediate supervisor before engaging in such conduct.

10.3 PERSONAL USE OF THE INTERNET
Some employees need to access information through the Internet in order to do their job. Use of the Internet is for business purposes during the time employees are working. Personal use of the Internet should not be on business time, but rather before or after work or during breaks or lunch period. Regardless, the City prohibits the display, transmittal, or downloading of material that is in violation of City guidelines or otherwise is offensive, pornographic, obscene, profane, discriminatory, harassing, insulting, derogatory, or otherwise unlawful at any time. The Guest WiFi network is provided as a convenience to employees and guests to the City. The Information Technology (IT)
department is not charged with support for the devices that may use this network and may or may not provide support at their discretion.

10.3.1 All Internet activity is subject to monitoring by supervisory personnel authorized by the Mayor. The City may disclose employees’ Internet activity for any lawful purpose, including compliance with Wyoming Statutes relating to public records and open meetings.

10.3.2 Questions regarding use of the Internet should be directed to supervisory personnel prior to using the Internet.

10.4 USE OF SOCIAL MEDIA

10.4.1 The personal, off-duty use of social media is generally not of concern to the City, employees are reminded to use common sense when using social media to express ideas related to the City, its personnel, or the employee’s position with the City. The City’s EEO/Anti-Harassment Policy extends to social media.

A. Personal postings by an employee, on his or her own time and on their own devices, concerning the City are not prohibited provided they comply with guidelines set forth below or in this handbook. If you publish or post regarding City matters, you should include a disclaimer making clear the posting is your own and does not necessarily represent City positions, strategies, or opinions.

B. When you use social media, use good judgment. We request that you be respectful of the City, our employees, our customers, our partners and affiliates, and others.

C. You may not disclose any sensitive, proprietary, confidential, or financial information about the City. Employees are prohibited from doing any of the following on social media:

1. Disclosing confidential information regarding the City, or persons relying upon City services (e.g., posting a photo taken in the course of official duties).
2. Making defamatory comments about City Council members, City management or employees, citizens using the City’s services.
3. Making comments or discriminatory references about City personnel that would violate the City’s policies if they were made in the workplace (e.g., comments that violate the anti-harassment policy).
D. A blog, wiki, or social networking site is not the ideal place to make a complaint regarding alleged discrimination, unlawful harassment, or safety issues. Complaints to the City must be made consistent with the complaint process in this handbook so that they can be addressed.

10.4.2 Personal use of social media is never permitted on working time by means of the City’s computers, City-issued mobile devices, networks, and other Information Technology (IT) resources and communications systems.

A. Social media postings by an employee on a blog, wiki, or social networking site that are not specifically approved by City management are considered personal communications.

B. All postings on a podcast, blog, wiki, or social networking site including text messages on behalf of the City must be preapproved by the employee’s Department Director. All such postings must comply with all applicable laws including copyright and fair use laws.

C. Time spent by non-exempt employees in posting on social networking sites on behalf of the City even after hours is considered work time that must be included in overtime calculations. As always, this after-hours work must be preapproved as well.

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

10.6 E-MAIL
The City’s E-mail system is to be used for business purposes.

10.6.1 The City prohibits the display, transmittal, or downloading of material that is offensive, pornographic, obscene, profane, discriminatory, harassing, insulting, derogatory, destructive or otherwise unlawful at any time.

10.6.2 No one may solicit, promote, or advertise any outside product, or service through the use of e-mail or anywhere else on City premises at any time.
10.6.3 Employees should be aware that management has the right to monitor e-mail from time to time as the situation may warrant with or without an employee’s knowledge, and that emails might be public records and subject to public disclosure.

10.6.4 Employees are prohibited from unauthorized use of encryption keys or the passwords of other employees to gain access to another employee’s e-mail messages.

10.6.5 This policy applies to the City’s email system that is hosted on the City’s server. This policy does not apply to e-mails sent by an employee using a private device that is transmitted only through the City’s Wi-Fi system.

10.6.6 You are not to use your city email for personal use. Your city email is provided to you for use with city business and should be kept to that purpose. Accessing personal email is also prohibited while using city computers. These policies help protect city assets from emails/attachments/links that may be sent to a personal email, not being filtered in the same way as our corporate email.

10.6.7 You are not to open any attachments or click on any links that you cannot verify. If you receive an email from a source that was not requested, it is the employee’s responsibility to verify the contents of an email before it is opened. If an email is deemed as suspicious, it should be reported to IT as soon as possible so IT can decide if the email can be opened, or if it should be disposed of. IT will then issue warnings to other city entities about the potential threat targeting city emails. In this way, we ask all city employees to participate in keeping everyone’s information safe.

10.7 VOICE MAIL
The City voice mail system is intended for transmitting business-related information. Although the City does not monitor voice messages as a routine matter, the City reserves the right to access and disclose all messages sent over the voice mail systems for any purpose. Employees must use judgment and discretion in their personal use of voice mail and must keep such use to a minimum.
10.8 TELEPHONES/CELL PHONES/MOBILE DEVICES
Employee work hours are valuable and should be used for business. Excessive personal phone calls can significantly disrupt business operations. Employees should use their break or lunch period for personal phone calls.

10.8.1 Confidential information should not be discussed on a cell phone or mobile device. Phones and mobile devices with cameras should not be used in a way that violates other City guidelines such as, but not limited to, EEO/Sexual Harassment and Confidential Information.

10.8.2 For safety reasons, employees should avoid the use of cell phones and mobile devices to make calls while driving. Employees must park whenever they need to use a cell phone while on City business and should stop in a lawfully parking location. As well, employees are prohibited from using a cell phone or other device to text while operating a motor vehicle while on City business. Texting is permitted only where the vehicle is at rest in a lawfully parked location.

10.8.3 The City telephone lines should not be used for personal long-distance calls.
11. EMPLOYEE INFORMATION

11.1 REFERENCES

11.1.1 If an employee receives a call or other inquiry about a current or former employee, the caller or individual requesting the information should be referred to Human Resources. Only Human Resources has the authority to respond.

11.1.2 Information provided by Human Resources will only include the dates of employment and positions held.

11.1.3 At no time will a recommendation be provided by any supervisor or other current employee, including generic or specific letters of recommendations.

11.2 PERSONNEL FILES

11.2.1 The City keeps a personnel file as a record of employment.

A. The information in the file enables us to reach employees in an emergency, forward mail, and properly maintain insurance and other benefits. It also helps keep track of payroll deductions and many other things that are of concern to an employee.

B. Notify the Human Resources Department immediately of changes in the following areas: Name, residence, telephone, marital status, birth or adoption of a child, insurance changes, tax exemptions, person to notify in case of an emergency, and other relevant information.

C. Additionally, an employee should notify the Human Resources Department if the employee completes educational or training courses. This information may be considered with other employment records as job opportunities arise in the City.

11.2.2 Upon advanced request to the Human Resources Director, an employee will be allowed to review his/her personnel file. The City reserves the right to charge for copying materials in these files following its standard fee.

11.2.3 An employee will be permitted to place rebuttal statements or information in their personnel file to respond to information that has been placed in the file. The employee’s right to place rebuttal or explanatory information in his/her personnel file expires ninety (90) days after the employee becomes aware of the
document or information that the employees wishes to rebut or explain. Any such statements which are timely presented will be placed in the file.

11.3 SEPARATION OF EMPLOYMENT
11.3.1 An employee may voluntarily resign from employment with the City. We ask that the employee submit a written notice to his/her supervisor providing the effective date of the separation, as far as in advance as possible.
   A. If an employee, after having provided notification of their intent to separate, wishes to change the effective date or rescind the notification they may be allowed to do so with a written request to and written approval from the Department Director.

   B. An employee who has provided notice of intent to resign is not allowed to “extend out” their date of resignation in an effort to exhaust all, or a portion of accumulated vacation, personal, sick leave, “goodie” hours, or to accrue additional benefits.

   C. The employee is responsible for returning City issued property to their supervisor. The employee shall contact Human Resources to go over separation procedures.

   D. Employees may be considered for re-employment provided they qualify for the position of interest and maintained satisfactory performance while employed with the City.

11.3.2 Payment of Accrued Benefits
When an employee is separated from the City, the employee will receive all wages on the next regular pay period. Accrued benefits will be paid by the 10th of the month following separation.
ACKNOWLEDGMENT OF RECEIPT

A COPY OF THE CITY OF CHEYENNE’S EMPLOYEE HANDBOOK DATED xxx HAS BEEN MADE AVAILABLE TO ME. I UNDERSTAND THAT I AM RESPONSIBLE FOR READING AND UNDERSTANDING ITS CONTENTS.

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

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

THIS EDITION REPLACES ALL PREVIOUSLY ISSUED HANDBOOKS. THE NEED MAY ARISE TO CHANGE THE GUIDELINES DESCRIBED IN THE HANDBOOK. THE CITY THEREFORE RESERVES THE RIGHT TO INTERPRET THEM OR TO CHANGE THEM WITHOUT PRIOR NOTICE.

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

____________________________________            _______________________
Employee Signature            Date

Employee Printed Name:  __________________________________________

Original to Employee File
Copy to Employee