

City of Cheyenne

Employee Handbook



City of
Cheyenne

Wyoming

May 2, 2022

Revised: October 5, 2022

Revised: May 2, 2023

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1. EMPLOYEE BENEFITS

The City currently offers a comprehensive benefits package for full-time employees. **All other employees, whether part-time, variable / 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.

1.1 INSURANCE BENEFIT PLANS

The City's comprehensive benefits package includes a few different plans for full-time regularly scheduled employees. For more information about these plans, please refer to the Summary Benefit Guide on the City's Shared Drive (S:) or contact the Human Resources Department. In the event the above information conflicts with the actual terms and conditions of coverage, the plan document governs.

1.1.1 The City currently offers these plans for election:

A. Medical Insurance Plan

Provides a plan which covers some expenses for employee and employee's family.

B. Dental Insurance Plan

Provides a plan which covers some expenses for employee and employee's family.

C. Life Insurance Plan

Provides term life insurance coverage for employees.

D. Long-Term Disability (LTD) Plan

A voluntary benefit that helps replace a percentage of employee's salary for an indefinite period if employee suffers a covered disability while employed by the City.

E. Short-Term Disability (STD) Plan

A voluntary benefit that helps replace a percentage of employee's salary for a limited period if employee suffers a covered disability while employed by the City.

F. Accidental Death and Dismemberment Plan

A voluntary benefit that provides payments in case of accidental death or dismemberment.

1.1.2 Other benefits:

- A.** City employees, and certain former City employees, are entitled to City cemetery benefits, pursuant to Resolution No. 1817, adopted

February 28, 1972, by the Governing Body of the City of Cheyenne which provides:

- 1.** That the City shall waive the charges for the opening and closing of cemetery spaces in the City cemeteries for current employees and their immediate families.
 - 2.** That the City further 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 not less than ten (10) years and who were in good standing at the time of the termination of employment.
- B.** 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 his or her death.

1.2 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
- Juneteenth Day
- Independence Day (July 4)
- Cheyenne Day (At Mayor's discretion)
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Friday following Thanksgiving
- Christmas Day

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

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

1.2.3 Full-time employees of the Solid Waste Division may substitute Columbus Day as a recognized holiday in lieu of the Friday following Thanksgiving at the discretion of the Department Director or authorized designee and with the approval of the Mayor. Other holidays may be recognized on different days with Department Director's and Mayor's approval.

1.2.4 Holiday is paid at eight (8) hours. A non-exempt employee who is called in to work on a holiday will receive eight (8) hours of holiday pay on another scheduled workday during the pay period.

1.2.5 When a holiday falls within an employee's approved vacation or sick leave, the holiday will not be counted as vacation leave or sick leave.

1.2.6 If the employee is regularly scheduled more than an eight (8) hour shift, they have the option to make up the difference by taking vacation, compensation time, or work extra hours within the holiday week. This will be left up to the Department Director or authorized designee.

1.3 SICK LEAVE PAY

1.3.1 Accrual

Full-time employees accrue sick leave at their assigned FTE (Full Time Equivalence) rate, up to ten (10) hours for each full month of service, available for use the first day of the month following the award.

Should an employee exhaust applicable leave accruals during a pay period and still need time off, leave without pay (LWOP) will be used. If LWOP and / or sick bank leave is used, monthly leave accruals awarded will be reduced in both sick and vacation accrual profiles. Monthly leave accruals awarded will be prorated based on actual hours worked and accruals taken.

Part-Time employees do not accrue sick leave and, therefore, are not eligible for sick leave usage. However, as defined by the law, they may be allowed protected time off when covered by the Family and Medical Leave Act (FMLA) as described in Section. 2.3, Family and Medical Leave.

- 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 or Division 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 twenty (520) hours of sick leave.

1.3.2 Usage

- A.** Accrued sick leave by full-time employees may not be used:
- 1.** Prior to being earned, except in cases of donation from the Sick Leave Bank.
 - 2.** Unless the employee has given notification to his or her Department Director or authorized designee following call-in procedures as provided by the employee's Department Director or authorized designee.
- B.** Sick leave by full-time employees shall 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 spouse, minor child (under eighteen (18) years of age), or child over eighteen (18) years of age with a disability.
 - 3.** For routine visits to a physician, dentist, or other provider of medical services for the employee, the employee's spouse, the employee's minor child (under eighteen (18) years of age), or the employee's child over eighteen (18) years of age with a disability.
 - Routine visit must be requested at least three (3) workdays advance notice.
 - 4.** For other immediate family members upon request, and approval, from the employee's Department Director or authorized designee.
- C.** 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.
- D.** Sick Leave Bank Request: Is 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 Bank Leave request shall be submitted to, and approved or disapproved by, the Human Resources Director and the Mayor.
- E.** Sick Leave Bank Donation: 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 employee receiving the donation must be a regular full-time employee who has used all accrued paid leave and who has an immediate and reasonable need for assistance. The

donation of sick leave hours to the Sick Leave Bank Donation will not constitute the use of sick leave for the purposes of the donating employee's eligibility for "goodie days."

1.3.3 Unforeseen Breaks

The City wants its employees to feel well and be productive while working. If an employee becomes indisposed and unable to work, an employee may contact their Department Director or authorized designee to request an unscheduled break. If the unscheduled break is longer than thirty (30) minutes, non-exempt employees will be charged for sick leave or vacation leave and sent home.

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

B. An employee who fails to notify their Department Director or authorized designee before the beginning of the employee's scheduled workday that he or she 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 or authorized designee.

C. If an employee is unable to notify his or her Department Director or authorized designee, the employee may have another individual contact the employee's Department Director or authorized designee prior to the start of the workday. An employee who is unable to notify due to the severity of the illness or injury may be entitled to sick leave if a note from his or her provider stating such is submitted.

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

E. Misuse of sick leave will not be tolerated.

1.3.4 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.

- Notification: An employee may voluntarily resign from employment with the City by submitting a written notification to the employee's immediate supervisor specifying the effective time and date of the intended resignation. Such notification shall be provided as far in advance as possible but not less than ten (10) business days prior to the date of the intended resignation.

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 involuntarily separates 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.

C. The employee's last actual workday will be recorded as his or her final day of employment with the City, not the resignation notice date, if the days are different. Benefits will continue through the end of the month in which the employee works his or her last day.

1.4 VACATION LEAVE PAY

Full-time employees accrue vacation leave at their assigned FTE (Full Time Equivalence) rate for each full month of service, available for use the first day of the month following the award.

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.

Should an employee exhaust applicable leave accruals during a pay period and still need time off, leave without pay (LWOP) will be used. If LWOP and / or sick bank leave is used, monthly leave accruals awarded will be reduced in both sick

and vacation accrual profiles. Monthly leave accruals awarded will be prorated based on actual hours worked and accruals taken.

1.4.1 Additional Accrual Information

- A.** The City encourages employees to use all their earned vacation each year.
- B.** Accrued vacation is available when awarded.
- C.** For newly hired employees, vacation leave hours accrue the first full month of employment.
- 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 that an employee has banked above the two hundred forty (240) hours on January 20th (end of the pay period including December 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 or Division to another within the City, the employee's date of hire and accumulated vacation leave will also transfer. Employees transferring to the Board of Utilities may, at their option, have their date of hire and accumulated vacation leave transferred.

1.4.2 Usage

- A.** While using vacation leave, employees will be paid at their base rate of pay.
- B.** Vacation leave requests will be processed by the Department Director or authorized designee. Department Directors or authorized designees 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 authorized designee, or in emergency circumstances.

Department Directors or authorized designees grant vacation leave based on the work requirements of the department or division after conferring with employees and recognizing their wishes when possible. Typically, a single choice 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 leave, the holiday will not be counted as used vacation leave and will count as eight (8) hours of holiday pay.

D. Use of vacation hours will not be counted in the computation of time and half (1½) overtime.

1.4.3 Separation Pay Out

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.

1.5 Personal Day

1.5.1 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 (8) hours 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 rehired later, the employee will no longer be eligible to accrue the personal day benefit.

1.5.2 Usage

A. The personal day may be used by an employee at his or her discretion with approval in advance from the Department Director or authorized designee.

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

C. If an employee wants 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 applied towards that shift and is required to apply vacation leave or comp leave toward 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 half (1½) overtime.

1.5.3 Separation Pay Out

Upon separation from employment, an employee will be paid for their unused personal day. The last day worked will determine the date of termination of benefits.

1.6 GOODIE DAY

An employee who does not use more than forty (40) earned sick leave hours in a full year (Jan 21 to Jan 20) will be granted twenty-four (24) working hours of absence with pay (goodie days) in addition to regular earned vacation hours. An employee who has accumulated four hundred eighty (480) hours of sick leave as of January 20 of each year is entitled to the following goodie hours annually in addition to regular earned vacation leave:

A. Forty (40) goodie hours if the employee does not use more than twenty-four (24) hours of sick leave each year (Jan 21 to Jan 20) ; or
B. Thirty-two (32) goodie hours if the employee does not use more than thirty-two (32) hours of sick leave each year (Jan 21 to Jan 20); or

C. Twenty-four (24) goodie hours if the employee does not use more than forty (40) hour of sick leave each year (Jan 21 to Jan 20).

D. All accumulated goodie hours must be used before January 20th of the year in which they are awarded. These hours cannot be paid out as sick leave or goodie hours upon separation from City service.

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 half (1½) overtime.

1.7 LONGEVITY PAY

Full-time employees are currently eligible for longevity per the following scale. Longevity eligibility is counted from hire date, rehire date or part-time to full-time date. Anytime an employee has a break in service, the rehire or return to full-time date becomes the longevity date. The benefit begins the first month following five years of service.

Years of Service	Payment Per Month
Six (6) to Ten (10)	\$65.00
Eleven (11) to Fifteen (15)	\$75.00

Sixteen (16) to Twenty (20)	\$85.00
Twenty-One (21) or More	\$90.00

2. LEAVES OF ABSENCE

2.1 BEREAVEMENT LEAVE

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

2.1.1 Immediate family is defined as the employee's spouse, parents, children, sister, brother, grandparents, grandchildren, stepmother, stepfather, stepchildren, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, and son-in-law.

2.1.2 Part-time, variable / temporary, seasonal, and contract employees may be granted time off without pay subject to the approval of the employee's Department Director or authorized designee.

2.1.3 Used bereavement leave will not be counted in the computation of time and half (1½) overtime.

2.2 JURY DUTY

The City recognizes jury duty as a civic responsibility. When summoned for jury duty and / or subpoenaed, an employee will present the jury duty summons or subpoena to his or her Department Director or authorized designee. Employee must submit payment for jury duty or witness fees to Human Resources. The employee is then paid a regular amount for the time while serving in court. If the employee is excused from jury duty during his or her regular work hours, he or she is expected to report to work promptly.

2.2.1 Used jury duty leave will not be counted in computation of time and half (1½) overtime.

2.3 FAMILY AND MEDICAL LEAVE

2.3.1 Pursuant to the Family and Medical Leave Act (FMLA), the City provides up to twelve (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 of adoption or foster care.
- C.** To care for the employee's spouse, son, daughter, or parent, who has a serious health condition; or

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

2.3.2 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) weeks 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 service member during a single twelve (12) month period. A covered service member is:

- 1.** A current member of the Armed Forces, including a member of the National Guard, or who is undergoing medical treatment, recuperation, 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 (5) 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 service members and veterans are distinct from the FMLA definition of "serious health condition."

2.3.3 Benefits and Protections

A. During FMLA leave, the City maintains the employee's health coverage under its 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 during 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. If an employee returns within the allotted 12 weeks of FMLA leave, 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. Employees on Workers Compensation will be notified of their eligibility for FMLA, and the time used will run concurrently with their FMLA time.

D. Use of FMLA leave cannot result in the loss of 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, sick, holiday, and other leave benefits and are eligible for holiday, bereavement, and jury duty pay.

2.3.4 Eligibility Requirements

Employees are eligible if they have worked for the City for at least twelve (12) months and have worked a minimum of one thousand two hundred fifty (1,250) hours over the previous twelve (12) months.

2.3.5 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 requirements may be met by a period of incapacity of more than three (3) consecutive full calendar days combined with at least two (2) visits to a health care provider or one (1) 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.

2.3.6 Certification of a Serious 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 completed certification must be returned within fifteen (15) days from the date received.

B. Employees must provide enough information for the City to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Enough 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 relationships, 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. 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.

2.3.7 Use of Leave

A. The maximum time allowed for FMLA leave is twelve (12) weeks in the twelve (12) month period as defined by the City, or twenty-six (26) weeks for military family leave entitlements as explained above. The City uses the rolling twelve (12) month period measured backward from the date an employee uses FMLA 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 the 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.

F. All available sick leave, vacation leave, goodie days, personal days, and any 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.

2.3.8 Requesting FMLA

A. Employees must provide thirty (30) days advance notice to their Department Director or authorized designee, and the Human Resources Department prior to taking FMLA leave, if possible. When thirty (30) days' notice is not possible, the employee must provide notice as soon as possible and must comply with the City's normal call-in procedures.

B. Continued absence after denial of leave may result in disciplinary action.

C. Employees on leave must contact the Human Resources Department upon their first day of return.

2.3.9 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.

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

2.3.10 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.

2.3.11 Enforcement

A. 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.

2.4 NON-FMLA MEDICAL LEAVE

A 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.

2.4.1 The following conditions must be met for a non-FMLA medical leave to be granted:

A. Non-FMLA medical leave, 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 American with Disabilities Act (ADA) 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 accommodations will be determined in an interactive process between the employee and the City.

B. All available sick leave, vacation leave, goodie days, 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 not accruals, leave will be unpaid.

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

D. Vacation and sick leave will accrue during a medical leave of absence if the employee is using earned accrued paid leave for the time missed from work. Holidays, bereavement leave, or employee's jury duty leave will be granted during the leave if the individual is using earned accrued leave.

E. Part-time, variable / 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 FMLA leave.

F. Because of the nature of City business, the City may not be able to hold the employee's position open during employee's leave. In the event the employee's job is filled, employee will be considered along with other

candidates for any vacant position for which employee is qualified. There is no job guarantee.

2.4.2 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 ADA or other law.

B. The employee must supply sufficient information from their medical provider indicating 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 an 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.

2.5 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 calendar year as required by Wyo. Stat. § 19-11-108. After that time, the employee may use vacation leave, comp time, personal day, and goodie days and earn accruals when accrued time is used. The City will subsidize the difference of employee's military pay vs. employee's base rate with the City.

2.6 LACTATION BREAKS

Full-time employees who are nursing shall be provided unpaid break time for up to one (1) year following the birth of 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 the employee. Employees should contact their Department Director or authorized designee of the Human Resources Department for information on available locations.

2.7 VOTING

Voting is an important responsibility for all citizens. The City encourages employees to exercise their voting rights in all local, state, and federal elections. . Employees shall coordinate with their Department Director or authorized designee for allowed time to vote. The City allows for up to one (1) hour of paid time off for an employee to vote.

- A.** This shall not apply to an employee who has three (3) or more consecutive nonworking hours during the time the polls are open.

2.8 PERSONAL LEAVE

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

2.9 LEAVE WITHOUT PAY

Leave without pay may be granted only with approval of the Department Director or authorized designee and the Human Resources Director. The employee must submit a written request for approval for leave without pay. Failure to return to work upon the expiration date of the approved date of leave without pay may be cause for disciplinary action, including termination. To the extent the employee does not receive enough pay in a particular month to cover the employee's authorized monthly payroll deductions, the employee will be billed for the difference between his or her pay and the amount of the employee's authorized monthly payroll deductions.

3. Pay

3.1 NON-EXEMPT HOURLY RATE

The hourly rate of pay of a non-exempt employee is determined by dividing the employee's annual salary by two thousand eighty (2,080) hours. Two thousand eighty (2,080) hours is equal to fifty-two (52) weeks a year multiplied by forty (40) hours per week.

3.2 EXEMPT PAY

Exempt employees are not eligible for overtime pay.

3.3 OVERTIME / COMPENSATORY TIME

It is the policy of the City to provide overtime compensation for all non-exempt employees.

3.3.1 Overtime

A. Overtime pays at the rate of one and one half (1½) times the employee's regular rate of pay when work is performed more than forty (40) hours in one (1) workweek. No paid leave taken in a workweek 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) Monday and ends at 11:59 p.m. Sunday, but this workweek may vary by department. The forty (40) hour threshold is based on actual hours worked in the week. Therefore, sick leave, vacation leave, holidays, or other paid or unpaid leave time is not included in calculating the forty (40) hour thresholds.

C. Non-exempt employees are not allowed to work overtime without prior approval from their Department Director or authorized designee. An employee who works overtime without their Department Director or authorized designee's knowledge and / or approval will not be tolerated.

D. Non-exempt employees who work for two (2) different departments or divisions or in two different positions for the City are eligible for overtime when their work hours exceed forty (40) hours in one (1) workweek. The position that they are working when they surpass forty (40) hours is the position that will be earning the overtime at one and one half (1½) times the base rate of pay for that position. If the employee then earns additional time over forty (40) in another position, that position too will be paid at overtime at one and one half (1½) times that position's base pay rate.

3.3.2 Earning Compensatory Time

A non-exempt employee may elect to receive compensatory (comp) time in lieu of overtime. The election must be made in writing in advance of overtime hours worked and signed by the employee. The record needs to be given to the Department Director or authorized designee with a copy to the employee.

A. Non-exempt employees will be allowed to earn comp time hours in lieu of overtime hours for up to a maximum of eighty (80) hours of comp time.

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

3.3.3 Using Compensatory Time

To use comp time, the employee must request and obtain approval from his or her Department Director or authorized designee in advance of the time off.

3.3.4 Record Keeping

All non-exempt employees must record in a timely manner all time worked, all accruals taken, and all comp time earned in the centralized City timekeeping system.

3.3.5 Compensatory Time Balance Upon Transfer

When a full-time employee transfers from one department or division 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.

3.3.6 Separation Payout

Upon separation from employment, an employee will be paid for unused comp 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.

3.4 MEAL BREAKS

The City typically provides all non-exempt employees who work more than six (6) hours on a workday with a minimum thirty (30) minute meal break. This typically 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 (1) day, the employee may take a second meal break.

3.4.1 Meal breaks for non-exempt employees are unpaid. If work is required during this time, the employee must notify their Department Director or authorized designee immediately so that the time can be properly recorded.

- All non-exempt employees must clock in and clock out for meal breaks.

3.4.2 Non-exempt employees should notify their Department Director or authorized designee immediately if their allotted unpaid meal break is shorter than thirty (30) minutes or if the meal break is interrupted by work.

3.4.3 When possible, meal breaks may 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.

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

3.5 REST BREAKS

3.5.1 Non-exempt employees working at least a four (4) hour shift may take one (1) rest period of up to fifteen (15) minutes. An employee working an eight (8) hour shift may take two (2) paid fifteen (15) minute rest breaks, approximately one (1) for every four (4) hours worked. Employees must notify and obtain approval from their Department Director or authorized designee prior to taking the break.

3.5.2 Rest breaks are not mandated by the FLSA. There may be times when the employee will need to continue working due to business reasons.

3.5.3 Rest breaks not taken do not accumulate and may not be used to extend other breaks or meal periods, or to shorten the workday, except as noted below.

- Rest breaks and meal period may be combined in a single day to be used for a Wellness activity as long as it is not the start or end of the day. This does require prior approval by Manager and subject to department's workload.

3.6 WORKERS COMPENSATION SUPPLEMENTATION

3.6.1 A full-time employee hired on or before July 1, 2015, who receives Temporary Total Disability (TTD) benefits for a month, must first use accumulated sick leave. Following this, the employee may use vacation leave, goodie hours, comp time and 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 employee's monthly base salary. In this case, "base salary" does not include "add" pays such as overtime.

- You may qualify for Temporary Total Disability (TTD) benefits if you are unable to work as a result of your work-related injury; TTD benefits are not allowed for the first three (3) days of disability unless you are off more than eight (8) days. TTD benefits are the equivalent of 2/3 of your gross monthly wage at the time of injury but cannot exceed the Statewide Average Wage for the quarter you were injured. TTD benefits are not taxable.

3.6.2 A full-time employee, hired after July 1, 2015, and is on both FMLA and workers compensation, will not be able to supplement his or her worker compensation wage with his or her vacation leave, sick leave, Sick Leave Bank hours, goodie days, personal day, or comp time to supplement any form of pay

or benefit other than Temporary Total Disability (TTD) as defined above. Employees receiving payment from the State of Wyoming Workers Compensation Division for TTD will be considered on leave without pay for the employee share of health, vision, and life insurance each month. The employee shall not accrue additional leave time while on TTD.

3.6.3 A full-time employee hired after July 1, 2015, who receives TTD benefits will be paid one-third (1/3) of the holiday pay that falls within that month.

3.7 PAYDAYS

3.7.1 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.

3.7.2 Automatic deductions such as additional tax withholding, contributions to voluntary benefits plans, and individual savings plans may be arranged through the Human Resources Department.

3.8 TIME REPORTING

3.8.1 Non-exempt employees shall clock in at the beginning of each day and clock out at the end of the day to ensure complete hours worked. At the end of the workweek, employees shall review, approve, and submit the timecard to their Department Director or authorized designee for approval. Department Directors or authorized designee shall review and approve timecards weekly. Timecards need to reflect hours worked and requested time off.

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

3.8.3 These pay records are 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 Department Director or authorized designee or the Payroll Division of any mistakes in their time records or pay. Employees also must notify their Department Director or authorized designee of the Payroll Division 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.

4. CLASSIFICATION AND COMPENSATION

4.1 TRANSFERS

4.1.1 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.

- City employee (internal candidate) who is applying for another city position, will be granted an interview.

4.1.2 Due to specific needs, Department Directors, or authorized designees, with the approval of the Human Resources Director, may initiate an involuntary transfer or reclassification; with a minimum of fifteen (15) days' written notification of transfer / reclassification date. Employees involuntarily transferred or reclassified may be reduced in pay or grade.

4.2 PROMOTIONS

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

4.3 RECLASSIFICATIONS

Reclassifications must involve a defined increase or decrease in duties and responsibilities and shall not be made merely to affect an increase or decrease in the employee's compensation.

4.4 INTERIM PAY

If an employee has been asked to take on a temporary role to fill a vacant position's function, the Department Director or authorized designee may request interim pay not to exceed ten percent (10%) of the employee's base pay. Interim pay shall not last more than three (3) months.

4.5 PERFORMANCE EVALUATIONS

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

4.5.2 Part-time, variable / temporary, and seasonal employees may be evaluated as directed by the Department Director or authorized designee.

4.5.3 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 Department Director or authorized designee will personally administer the evaluation to the employee.

4.5.4 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.

4.6 REHIRE (Excludes RIF)

Any employee rehired to a position within the City after termination or retirement shall not retain seniority and shall accrue leave benefits at the level of a new employee, and not at the levels attained at termination or retirement.

5. WORK ENVIRONMENT

5.1 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 shall always reflect this. City employees must never use their positions to violate the public's trust or confidence.

5.2 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, or other event in which other employees are also attending and are also being offered food and beverages.

5.3 ALCOHOL AND DRUGS

5.3.1 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 be grounds for termination.

5.3.2 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.

5.4 ANTI-VIOLENCE

Employees will not engage in intimidation, threats, 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 their Department Director or authorized designee.

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

5.5 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. The employee or visitor must comply with applicable City, County, State, and Federal laws regarding the storage of such weapon.

5.6 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. The City has a separate, stand-alone policy (Appearance and Attire Guidelines.)

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

5.6.2 Business casual attire, designed to create a more relaxed way of dressing for employees, is often acceptable. Business casual means business appropriate. Division managers may set appropriate attire policies for positions out in the field based on your position and the type of work being performed. All clothes must be clean, pressed, and reasonably wrinkle-free. The Mayor may approve casual dress days.

5.6.3 If employees are unsure, they should ask their Department Director or authorized designee regarding the acceptable attire for the position.

A. An employee who reports to work, who has not been informed of the departments appropriate dress or grooming policy, 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. Repeated violations may result in discipline.

5.6.4 Uniforms

Uniforms or clothing with City of Cheyenne logos on them may not be worn "outside of work hours".

5.7 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.

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

5.7.2 An employee who is going to be absent or late must contact his or her Department Director or authorized designee as soon as possible prior to the start of his or her shift, via phone, e-mail, and / or text (based on the Department Director's or authorized designee's request) stating his or her absence / lateness and his or her expected return date of time. If an employee cannot reach his or her Department Director or authorized designee, the employee must contact the Human Resources Department. Leaving messages with other employees is not acceptable.

5.7.3 Any absence without obtaining authorized leave will not be tolerated. Leave is not considered authorized until the employee's Department Director or authorized designee approves the request.

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

5.7.5 Failure to call in absent for three (3) consecutive scheduled workdays without having obtained approved leave may result in termination from City employment.

5.7.6 Scheduling changes may occur based on the business needs of your department. Department director has the authority to change shifts or schedules without prior notice.

5.8 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.

5.8.1 Inappropriate accessing of and 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 the City. Confidential information remains the property of the City and must be returned to the City upon separation or at any time upon demand.

5.8.2 If an employee is requested to divulge confidential information, the concern should immediately be brought to the attention of his or her Department Director or authorized designee or the Human Resources Department's attention to determine appropriate action.

5.9 CONFLICT OF INTEREST

Employees shall not enter 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.

5.9.1 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.

5.9.2 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 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 like the work he or 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.

5.9.3 If an employee has a question whether a situation is a conflict of interest, he or she should discuss the matter with his or her Department Director or authorized designee. If it remains unresolved, the matter should be referred to the Department Director or authorized designee or the Human Resources Director for a determination.

5.10 EMPLOYEE POLITICAL PARTICIPATION

5.10.1 The City encourages employees to participate in matters of responsible citizenship. The City will not interfere with the conduct of City employees who engage in political activity, if 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 his or her or other employees' job efficiency.

5.10.2 Employees whose principal employment is in connection with federally financed activities are subject to federal requirements as a condition of such employment.

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.

5.10.3 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.

5.10.4 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 employee must use vacation leave, comp time, or leave without pay.

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

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

5.11 JOB-RELATED CONCERNS

Employees who disagree or are dissatisfied with a City practice should promptly discuss the matter with their Department Director or authorized designee, where appropriate. Normally, this discussion should be held within five (5) days of the incident.

5.11.1 If the solution offered is not satisfactory, or if it is inappropriate to go to the Department Director or authorized designee, employees are then encouraged to take the problem to the Human Resources Department.

5.11.2 If the problem still cannot be resolved, employees may submit a written complaint to the Department Director or authorized designee, or the Human Resources Director for review and final decision about the situation.

5.12 WORKERS COMPENSATION

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.

5.12.1 Employees are responsible to abide by all applicable safety rules and regulations contained in the City's Safety Handbook. The City expects employees to perform their job in a manner that ensures their personal safety and that of other employees and the citizens whom they contact and serve.

5.12.2 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 Resources Department. Failure to report an accident to the Human Resources Department within seventy-two (72) hours and / or to the Workers Compensation Division 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 his or her Department Director or authorized designee, not later than the end of his or her shift. The Department Director or authorized designee must immediately notify and report the injury to the Risk Safety Officer. If medical attention is deemed necessary, the injured employee's Department Director or authorized designee 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 Department Director or authorized designee must complete the Supervisor's Accident Report within twenty-four (24) hours of the injury. The employee is expected to report to the Human Resources Department to complete the Workers Compensation Report of the injury form within seventy-two (72) hours of injury. If the employee is not able to make it to the Human Resources Department within the seventy-two (72) hour time frame, the employee must call the Human Resources Department and report the injury by phone.
- 2.** If the employee misses more than three (3) workdays, he or she must contact the Human Resources Department and may request FMLA paperwork. The employee may complete all the FMLA paperwork and return it to the Human Resources Department in the timeframe required.
- 3.** If the employee is unable to work his or her normal work assignment, Light Duty may be offered, if available. (Refer to Section 5.12.3(B) Light Duty Program.) A Light Duty contract will be completed and signed by the Human Resources Director and be accompanied by a signed Doctor's Certification prior to starting Light Duty.
- 4.** Light Duty, when available, will only be offered for a maximum of ninety (90) days. If an extension is desired, the employee may submit a written extension request to Human Resources for consideration.
- 5.** If the employee is unable to return to full duty and / or perform the essential job functions of his or her 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.

5.12.3 Light Duty Program

The City of Cheyenne has an established Light Duty Program that may enable an employee, based upon the medical opinion of the employee's medical provider, to continue utilizing his or her valuable knowledge, skills, and abilities while he or she is on a temporary injury which has been limited by a work-related injury or occupational illness that occurred while performing his or her duties within the course and scope of his or her 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 they are able to return to the full duties of their regularly assigned job. With the assistance and partnership with the employee's medical provider(s), the City of Cheyenne will offer Light Duty to accommodate an injured employee during his or her healing process. Light Duty assignments, if available, will be offered to the employee based on recommendations from his or her provider. Written medical instructions along with any restrictions must be given to the Human Resources Department 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 of Wyoming Workers Compensation Division will work together with the possibility of offering the employee a Light Duty contract through the 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 ninety (90) days, then will be reevaluated by the Human Resources Director if an extension is requested by the employee.

5.13 SMOKING, CHEWING TOBACCO, AND VAPING

No employee may smoke, 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, or within ten (10) feet of the main entrance into City buildings, or within fifteen (15) feet of any open window or any heating, ventilation, or air conditioning equipment connected to any such building.

5.13.1 Employees may smoke, use chewing tobacco, or engage in vaping in designated outdoor areas.

5.13.2 The Wyoming Fair Employment Practices Act and, therefore, the City of Cheyenne, prohibits discrimination based on use of tobacco outside the course of employment.

5.14 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.

5.15 EMPLOYEE SUGGESTIONS

Employees are encouraged to submit suggestions to the affected Department Director or authorized designee and the Human Resources Director for improvement of the efficiency and effectiveness of the City.

5.16 EMPLOYEE DEVELOPMENT

The Mayor and Department Directors or authorized designees 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.

5.17 EMPLOYEE PERSONNEL RECORDS

Upon request to the Human Resources Director, an employee will be furnished copies of all documents placed in that employee's personnel file and medical file. An employee will be permitted to place rebuttal statements or information in the employee's personnel file or medical file to respond to information that has been placed in the file. The employee's right to place rebuttal or explanatory information in his or her personnel file shall expire ninety (90) days after the employee becomes aware of the document or information that the employee wishes to rebut or explain. Any such statements which are timely presented must be placed in the employee's personnel file. The City reserves the right to charge for copying materials in an employee's personnel file in accordance with its standard fee schedule.

5.18 SEPARATION OF EMPLOYMENT

5.18.1 An employee may voluntarily resign from employment with the City. The employee shall submit to the City a written notice to his or her Department Director or authorized designee providing the effective date of the separation, as far in advance as possible.

A. If an employee, after having provided notification of his or her intent to separate, wishes to change the effective date or rescind the notification, he or she may be allowed to do so with a written request and written approval from his or her Department Director or authorized designee.

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

C. The employee is responsible for returning City issued property to his or her Department Director or authorized designee. The employee shall contact the Human Resources Department to review 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.

E. The employee’s last actual workday will be recorded as his or her final day of employment with the City, not his or her resignation term date. Benefits will continue through the end of the month in which the employee works his or her last day.

F. The City offers vested retiring City employees, who are at least age 50, the option to remain on the City group health insurance until the member reaches the age of eligibility for Medicare. The City retiree would pay the entire premium.

5.18.2 Reduction in Force (RIF)

A. The City may undertake a Reduction in Force (RIF) for any appropriate reason including, but not limited to, a shortage of funds, lack of work, organizational changes, or other reasons of business or legal necessity which require a reduction in staff. Separation by RIF shall not be used to discipline an employee for unsatisfactory work performance or undesirable conduct.

B. Before any RIF is undertaken, the Mayor will consult with affected Department Directors and the Human Resources Director to determine which employees will be separated from service. This determination may be based upon factors and considerations to be determined at the discretion of the City.

C. The Human Resources Director shall place the names of employees who are the subject of a reduction in force on the eligibility list for employment recall. The list shall remain active for two (2) years, provided a written request to remain on the list is received in the Human Resources Department at least once every three (3) months from any person whose name has been placed on the recall list.

D. An individual who is recalled to City employment within two (2) years after having been subjected to a reduction in force (RIF) will be paid

longevity based on total months of service, and accrue vacation based on total months of service.

6. DISCIPLINE / GRIEVANCE POLICY

6.1 DISCIPLINE

Occasionally, performance or other behavior falls short of City standards and / or expectations. When this occurs, the City 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 in an individual case does not establish a precedent in other circumstances.

6.1.1 At the request of the Department Director or authorized designee, the Human Resources Director will provide technical assistance in matters pertaining to the administration of employee discipline. The Department Director or authorized designee, and the Human Resources Director will comply with any internal policies of the Mayor regarding disciplinary processes.

6.1.2 Determination of Appropriate Discipline

A. The Department Director or authorized designee, except when immediate termination is deemed necessary, attempt to administer discipline in progressive stages, as appropriate, to seek corrective results. In determining appropriate disciplinary action, the Department Director or authorized designee shall consider the following factors:

1. Nature and extent of infraction.

Reasons for discipline, but not limited to, the following reasons:

- Absenteeism or unauthorized leave
- Misconduct
- Assault or battery
- Bullying or harassment
- Carelessness
- Conviction of any crime defined as a felony under the laws of the United States or any State

- Entering a plea of guilty or nolo contendere to any crime charged as a felony under the laws of the United States or any State
- Damaging or misuse of City property
- Destruction or damaging of property of co-employees
- Inappropriate or improper use of the City's e-mail system
- Inappropriate or improper use of the City's internet policy
- Dishonesty
- Insubordination
- Knowing or willful falsification or misrepresentation of any material fact in an application for employment or submittal of any letter of reference or certification with knowledge that the same is false or misleading
- Refusal to work
- Sexual harassment
- Theft
- Unsatisfactory work performance
- Violation of Department work rules or supplemental personnel rules adopted
- Violation of City Safety Regulations
- Violation of these Rules
- Violation of the Alcohol and Controlled Substance Policy
- Inability or refusal to work cooperatively and harmoniously with the public or co-employees
- Disruption of the workplace
- Making malicious, false, or derogatory statements that are intended or could reasonably be expected to damage the integrity or reputation of the City or its employees

- Disorderly conduct, rudeness, coercion, use of obscene language or gestures or flagrant lack of courtesy in interactions with the public or co-employees
- Violation of the City's Social Media policy adopted from time to time by the Mayor pursuant to Section 7.4 of these rules.
- Violation of any formal policies promulgated by the Mayor

2. Employee's past record.

3. Effect on the operations of the department(s) and or division(s), and the City as a whole; and

4. Effect of employee's action(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 or authorized designee, any discipline in Section 6.1.3, Types of Discipline, may be utilized.

C Upon receiving disciplinary action, if the employee disagrees, they can request Human Resources to review the received action. Per Mayor's approval, Human Resources may designate a Director to review. The employee can submit a written statement explaining any disagreement he or she has with the completed disciplinary action. This statement will be placed in the employee's personnel file.

6.1.3 Types of Discipline

A. Documented Verbal Reprimand.

This is typically the first step in the discretionary 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 his or her Department Director or authorized designee to discuss issues with the employee's work performance, and to remind the employee of the importance of a commitment to follow City policies, rules, and regulations. The Department Director or authorized designee 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 Department Director or authorized designee 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 the affected employee and his or her Department Director or authorized designee. 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

The Department Director or authorized designee may suspend an employee, with or without pay, for disciplinary purposes. Prior to the suspension, the Department Director or authorized designee will meet with the employee and explain the reasons for the intended action and provide the employee an opportunity to respond to the proposed suspension. The Department Director or authorized designee will provide the employee with written notification specifying the reasons for the suspension, the effective date, and duration of the action necessary to avoid further discipline. The original of the statement of suspension will be filed in the employee's personnel file in the Human Resources Department.

D. Termination

The Department Director or authorized designee 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. Before terminating an employee, the Department Director or authorized designee and the Human Resources Director will meet with the employee to provide in writing the reasons for the proposed termination. If the Department Director or authorized designee decides to proceed with the termination and advise the employee of his or her right to appeal, a copy of the written statement of termination will 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.

6.2 GRIEVANCE

It is the policy of the City of Cheyenne to resolve employee grievances in a fair and timely manner. Any full-time employee who has been involuntarily demoted, suspended or terminated may appeal in accordance with the provisions of Chapter 2.5.2 and 2.9.2 of the Cheyenne City Code. 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.

6.2.1 Grievance Procedure Steps

- A.** Within ten (10) days of termination or suspension, employee may file an appeal in writing to the City Clerk's Office.
- B.** All grievances will be handled by the Administrative Hearing Officer.

7. COMMUNICATION SYSTEMS POLICY

7.1 GENERAL RULES

7.1.1 The City's computer network, access to Internet, e-mail, voicemail, 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.

7.1.2 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 posts and e-mail transmission of any kind.

7.1.3 Computer equipment should not be removed from the City premises without approval from the Department Director or authorized designee. Upon separation of employment, all City owned computing property / communications tools should be returned to the City.

7.1.4 All internet, e-mail, voicemail, and other City communication items are subject to public records request.

7.2 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 the City deems to be inappropriate. If an employee has any questions whether his or her behavior would constitute unauthorized use, the employee

should contact his or her Department Director or authorized designee before engaging in such conduct.

7.3 PERSONAL USE OF THE INTERNET

Some employees need to access information through the Internet to perform 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 Wi-Fi network is provided as a convenience to employees and guests to the City. The Information Technology (IT) Division is not charged with support for the devices that may use this network and may or may not provide support at their discretion.

7.3.1 All Internet activity is subject to monitoring by the City. The City may disclose employees' Internet activity for any lawful purpose, including compliance with Wyoming Statutes relating to public records and open meetings.

7.3.2 Questions regarding use of the Internet should be directed to the Department Director or authorized designee prior to using the Internet.

7.4 SOCIAL MEDIA

7.4.1 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 devices, concerning the City are not prohibited provided they comply with guidelines set forth below or in this handbook. If an employee publishes or posts regarding City matters, the employee should include a disclaimer making clear the posting is his or her own and does not necessarily represent City positions, strategies, or opinions.

B. When employees use social media, he or she should use good judgement. The City requests that employees be respectful of the City, its employees, customers, partners, affiliates, and others.

C. Employees 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 City 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.

7.4.2 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 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 the City 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 or authorized designee. 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, including after-hours, is considered work time that must be included in overtime calculations. The after-hours work must be preapproved by the Department Director or authorized designee.

7.5 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.

7.6 ELECTRONIC COMMUNICATION (E-MAIL)

The City's e-mail system is to be used for business purposes.

7.6.1 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.

7.6.2 No one may solicit, promote, or advertise any outside product or service using e-mail or anywhere else on City premises at any time.

7.6.3 Employees should be aware that the City 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 e-mails might be public records and subject to public disclosure.

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

7.6.5 This policy applies to the City e-mail 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.

7.6.6 Employees shall not use City e-mail for personal use. City e-mail is provided to employees for use with City business and should be kept to that purpose. Accessing personal e-mail is also prohibited while using City computers. These policies help protect City asset from e-mails / attachments / links / that may be sent to a personal e-mail, not being filtered in the same way as City e-mail.

7.6.7 Employees shall not open any attachments or click on any links that they cannot verify. If an employee receives an e-mail from a source that was not requested, it is the employee's responsibility to verify the contents of an e-mail before it is opened. If an e-mail is deemed as suspicious, it should be reported to IT as soon as possible so IT can determine if the e-mail 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 e-mails. In this way, the City asks all City employees to participate in keeping everyone's information safe.

7.7 VOICEMAIL

The City voicemail 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 voicemail systems for any purpose. Employees must use judgement and discretion in their personal use of voicemail and must keep such use to a minimum.

7.8 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 cell phone use.

7.8.1 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.

7.8.2 For safety reasons, employees should avoid the use of cell phones and mobile devices to make and receive calls while driving. Employees must park whenever they need to use a cell phone while on City business and should stop in a lawful parking location. 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 when the vehicle is parked in a lawfully parked location.

8. CITY CLOSURES

8.1 INCLEMENT WEATHER

The City of Cheyenne strives to maintain a workplace that is safe for all employees. From time-to-time weather and road conditions require that we modify our work schedule. The City of Cheyenne utilizes the following guidelines:

- A.** If City operations are closed, non-essential employees should work from home if they are able to and if their manager approves. If employees are not able or not willing to work from home, they must utilize leave (i.e. take vacation, personal day, goodie days or leave without pay). Sick leave will not be available for this purpose. Essential employees required to work regardless of weather conditions are exempt from inclement weather leave.
- B.** If City operations are open and the employee makes the decision to stay home, come in late, or leave early, the employee is to communicate with their Department or Division Director as to their decision and plan for time away from work. Employees must utilize leave (i.e. take vacation, personal day, or goodie days) to remain home. Sick leave will not be available for this purpose. If the employee has no available paid leave, this will be unpaid leave.
- C.** Employees who are not scheduled or not 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.
- D.** The City follows all FLSA guidelines regarding paid wages.

- E.** Non-essential exempt AND non-exempt employees who worked are paid straight time, no OT / comp time / or other.
- F.** Essential and non-exempt employees who worked, will only receive OT if they worked more than forty (40) hours within that week. Unless otherwise directed by the Mayor, the following departments and divisions are essential and their presence at work is mandatory during severe weather events. Street and Alley personnel, other than office and parts staff, must report to work to clear primary roads and streets. Sworn officers of the Cheyenne Police Department and the Cheyenne Fire & Rescue Department are essential to public safety and are required to report to work to ensure the safety of the general public.

Departments shall not deviate from this policy.

Please see your immediate Department Director or Division Director if questions exist.

8.2 Unforeseeable Closures

- A.** The City always seeks to prioritize the safety of all employees and its community. There will be occasions, at the Mayor's discretion, that the City operations must be suspended, or the City must close, due to weather or other emergency-related conditions.
- B.** If City operations are closed, non-essential employees should work from home if they are able to and if their manager approves. If employees are not able or not willing to work from home, they must utilize leave (i.e. take vacation, personal day, goodie days or leave without pay). Sick leave will not be available for this purpose. Essential employees required to work regardless of weather conditions are exempt from inclement weather leave.

Please see your immediate Department Director or Division Director if questions exist.

ACKNOWLEDGEMENT OF RECEIPT

THIS EMPLOYEE HANDBOOK APPLIES TO ALL EMPLOYEES OF THE CITY OF CHEYENNE WITH THE EXCEPTION OF SWORN PERSONNEL OF THE CHEYENNE POLICE DEPARTMENT, AND THE EMPLOYEES OF CHEYENNE FIRE AND RESCUE DEPARTMENT WHO ARE MEMBERS OF THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, AND UNION LOCAL NO. 279.

A COPY OF THE CITY OF CHEYENNE’S EMPLOYEE HANDBOOK DATED MAY 1, 2022, HAS BEEN MADE AVAILABLE TO ME. I UNDERSTAND THAT I AM RESPONSIBLE FOR READING AND UNDERSTANDING ITS CONTENTS.

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

THIS EMPLOYEE HANDBOOK, IN COMBINATION WITH THE 2022 RULES AND REGULATIONS REPLACES ALL PREVIOUSLY ISSUED RULES AND REGULATIONS. THE NEED MAY ARISE TO CHANGE THE GUIDELINES DESCRIBED IN THE EMPLOYEE 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