



City of Pueblo

**EMPLOYEE
HANDBOOK OF
GENERAL REGULATIONS**

Effective January 1, 2012



Sam Azad, City Manager

Employee Handbook of General Regulations



HANDBOOK OF GENERAL REGULATIONS FOR ALL CLASSIFIED EMPLOYEES OF THE CITY OF PUEBLO

This handbook contains all general regulations governing employment of all classified employees within the City. It supersedes all previously issued Administrative Policy Memorandums or other general regulations.

In addition to the general regulations set forth in this handbook, employees are required to know and adhere to departmental regulations as well as City Charter and Ordinance provisions governing their employment.

Pursuant to Section 6-10-4 of the Pueblo Municipal Code (P.M.C.), grounds for discipline or discharge of an employee shall include:

- (1) Refusal or inability to follow orders;
- (2) Inefficiency;
- (3) Violation of Title VI of the Pueblo Municipal Code, Civil Service Rules, departmental regulations, general regulations, or law (including provisions of City Charter and Ordinance governing employment);
- (4) Conduct unbecoming an employee of the City;
- (5) Immoral or indecent conduct; and
- (6) Any personal delinquency which renders the employee unfit or undesirable for a particular position in the classified service or employment by the City.

Employee shall be presumed to be familiar with and abide by the regulations contained herein and any amendments thereof. The Department of Human Resources (HR) shall be responsible for the distribution of copies of this handbook, and all amendments thereof, and shall serve as custodian of the official handbook in hard copy and/or electronic form. The Department of Human Resources shall also maintain the most current version of the handbook on the City's Intranet site.

Undersigned employee (Employee) acknowledges that Employee has received and reviewed a copy of this handbook.

EMPLOYEE

Signature: _____ Name (print): _____ Date: _____



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**GENERAL REGULATION #1
EQUAL EMPLOYMENT OPPORTUNITY**

No applicant, candidate, or employee shall be discriminated against or denied equal employment opportunity in the service of the City on the basis of race, color, religion, political affiliation, sex (including pregnancy), sexual orientation, national origin, ancestry, genetic information, age, or disability, except as may be provided by law.

Originated August 2011

**GENERAL REGULATION #2
HARASSMENT PROHIBITED**

The City prohibits harassment against anyone (including any applicant, employee, supervisor, or member of the public being served) based on the individual's race, color, religion, political affiliation, sex (including pregnancy), sexual orientation, national origin, ancestry, age, or disability.

Harassment may include:

- Epithets or slurs
- Negative stereotyping
- Threats, intimidation, or hostile acts
- Suggestive, offensive, demeaning, or hostile jokes or pranks
- Transmitting or posting sexually suggestive, graphic, insulting, hostile, or offensive materials in the workplace or via City voice mail or e-mail, or accessing such information on the Internet while at work

All employees of the City have a responsibility to report any incident of harassment they experience or observe, and all employees are strongly encouraged to make a report, as explained further in General Regulation #5: *Reporting Harassment, Sexual Harassment, or Violence*.

This policy is not meant nor intended to limit the City's authority to discipline employees for conduct which is otherwise unacceptable even if such conduct does not satisfy the definition of unlawful harassment.

Originated August 2011

**GENERAL REGULATION #3
SEXUAL HARASSMENT PROHIBITED**

The City prohibits sexual harassment. No one at the City, including officers and employees, whether classified or unclassified, may make unwelcome sexual advances or requests for sexual favors, or engage in any other unwelcome verbal or physical conduct of a sexual or gender-based nature where (1) such advances, requests, or conduct have the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment; or (2) it is obvious or implied that tolerating or submitting to such conduct is a condition of employment or will be used for the basis of any employment decision, including, but not limited to, hiring, firing, performance appraisals, salary, benefits, position, job transfers, or any other decision affecting any term or condition of employment with the City.

The City does not tolerate sexual harassment. No employee or applicant should be subjected to unwelcome sexual requests or insulting behavior. No employee or applicant should be led to believe that any employment opportunity or benefit will in any way depend on his or her cooperation with sexual demands or that he or she must tolerate an offensive sexual environment. Any employee who commits sexual harassment will be subject to discipline up to and including termination.

All employees of the City have a responsibility to report any incident of sexual harassment they experience or observe, and all employees are strongly encouraged to make a report, as explained further in General Regulation #5: *Reporting Harassment, Sexual Harassment, or Violence*.

This policy is not intended to limit the City's authority to discipline employees for conduct which is otherwise unacceptable even if such conduct does not satisfy the definition of unlawful harassment.

Originated August 2011

**GENERAL REGULATION #4
VIOLENCE PROHIBITED**

It is the City's policy to promote a safe environment for its employees and the citizens we serve. The City will not tolerate acts of violence or threats of violence in the workplace or on the job, whether toward a coworker, supervisor, City official, or member of the public.

If you are attacked or threatened with violence, or if you see someone else being attacked or threatened, take appropriate steps to protect yourself and others, avoid causing more violence, and notify emergency personnel and your supervisor. Please see General Regulation #5: *Reporting Harassment, Sexual Harassment, or Violence*.

Originated August 2011

**GENERAL REGULATION #5
REPORTING HARASSMENT, SEXUAL HARASSMENT, OR VIOLENCE**

Employees have an important responsibility in the effective implementation of the City's regulations against harassment, sexual harassment, and violence. Any employee who believes that he or she has been the subject of harassment or sexual harassment, who has been harmed by or threatened with violence, or who has witnessed anyone else connected with the City experience or commit such conduct, should take prompt action through his or her appropriate chain of command. He or she should notify his or her supervisor, the department head, or the Director of Human Resources. If a perpetrator is the employee's supervisor, the employee should notify the department head or the Director of Human Resources.

The City will promptly, thoroughly, and impartially investigate any harassment, sexual harassment, or violence report or complaint, and take corrective action where appropriate. The City will make reasonable efforts to preserve the confidentiality of everyone involved with any harassment, sexual harassment, or violence complaint and investigation. Employees have a right to make good faith complaints about harassment, sexual harassment, or violence and to act as witnesses in investigations of those complaints. The City will protect reporting employees and witnesses against retaliation for making a harassment, sexual harassment, or violence report.

Employees are required to participate in any training the City provides or sponsors about harassment, sexual harassment, or violence. Employees are also required to participate and to be truthful in any investigation by the City.

Originated August 2011

**GENERAL REGULATION #6
CODE OF ETHICS**

Definitions

As used in the Regulation, the following terms have the following meanings:

- (1) *Boards and commissions* means all boards and commissions appointed by the City Council.
- (2) *Business* means any corporation, limited liability company, partnership, sole proprietorship, trust, or foundation, or other individual or organization carrying on a business, whether or not operated for profit.
- (3) *City official* means an elected or appointed official of the City, including appointed members of boards and commissions, but excluding an employee of the City.
- (4) *Compensation* means any money, thing of value or economic benefit conferred on or received by any person in return for services rendered or to be rendered by himself or herself or another.
- (5) *Employee* means any temporary or permanent employee of the City.
- (6) *Family* means spouse, child, father, mother, brother, or sister.
- (7) *Financial interest* means a substantial interest held by an individual which is:
 - a. An ownership interest in a business;
 - b. A creditor interest in an insolvent business;
 - c. An employment or a prospective employment for which negotiations have begun;
 - d. An ownership interest in real or personal property;
 - e. A loan or any other debtor interest; or
 - f. A directorship or officership in a business.
- (8) *Official act or official action* means any vote, decision, recommendation, approval, disapproval, or other action, including inaction, which involves the use of discretionary authority.

Breach of Fiduciary Duty

City employment is a public trust, created by the confidence which the electorate reposes in the integrity of City employees. A City employee shall carry out his or her duties and services in a competent, unbiased, open, and honest manner for the benefit of the people of the City and shall maintain the highest standards of personal and professional conduct, decorum, and integrity. A City employee whose conduct departs from his or her fiduciary duty is liable to the people of the City as a trustee of property and shall suffer such other liabilities as a private fiduciary would suffer for abuse of his or her trust. The City Attorney may bring appropriate judicial proceedings on behalf of the people of the City for any breach of fiduciary duty. Any moneys collected in such actions shall be paid to the general fund of the City. Any such judicial proceeding shall

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be in addition to any disciplinary action or criminal action which may be brought against such City employee.

The following acts shall constitute a breach of fiduciary duty and the public trust:

- (1) Engage in a substantial financial transaction for employee's private business purposes with a person whom employee inspects or supervises in the course of employee's official duties; or
- (2) Perform an official act directly and substantially affecting to its economic benefit a business or other undertaking in which employee or employee's family either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent.
- (3) Disclose or use confidential information acquired in the course of employee's official duties in order to substantially further employee's own financial interests; or
- (4) Accept a gift of substantial value or a substantial economic benefit tantamount to a gift of substantial value:
 - a. Which would tend improperly to influence a reasonable person in employee's position to depart from the faithful and impartial discharge of employee's public duties; or
 - b. Which employee knows or which a reasonable person in employee's position should know under the circumstances is primarily for the purpose of rewarding employee for official action employee has taken.

An economic benefit tantamount to a gift of substantial value includes without limitation a loan at a rate of interest substantially lower than the commercial rate than currently prevalent for similar loans and compensation received for private services rendered at a rate substantially exceeding the fair market value of such services.

The following shall not be considered gifts of substantial value or gifts of substantial economic benefit tantamount to gifts of substantial value for purposes of whether a breach of fiduciary duty and the public trust has occurred:

- (1) Campaign contributions and contributions in kind reported as required by Section 5-2-1, P.M.C.;
- (2) An occasional nonpecuniary gift, insignificant in value;
- (3) A nonpecuniary award publicly presented by a nonprofit organization in recognition of public service;

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- (4) Payment of or reimbursement for actual and necessary expenditures for travel and subsistence for attendance at a convention or other meeting at which the employee is scheduled to participate;
- (5) Reimbursement for or acceptance of an opportunity to participate in a social function or meeting which is offered to the employee which is not extraordinary when viewed in light of the position held by such employee;
- (6) Items of perishable or nonpermanent value, including, but not limited to, meals, lodging, travel expenses, or tickets to sporting, recreational, educational, or cultural events;
- (7) Payment for speeches, appearances, or publications reported pursuant to Section 24-6-203, Colorado Revised Statutes (C.R.S.);
- (8) Compensation from employment, including other government employment, in addition to that earned from being a member of City Council or by reason of service in other public office.

Prohibited Interest in Contracts

Employees shall not be interested in any contract made by them in their official capacity or by any body, agency, or board of which they are employees. A former employee may not, within six (6) months following the termination of his or her employment, contract or be employed by an employer who contracts with the City involving matters with which he or she was directly involved during his or her employment. For purposes of this Section, the term:

- (1) *Be interested in* does not include holding a minority interest in a corporation.
- (2) *Contract* does not include:
 - a. Contracts awarded to the lowest responsible bidder based on competitive bidding procedures;
 - b. Merchandise sold to the highest bidder at public auctions;
 - c. Investments or deposits in financial institutions which are in the business of loaning or receiving moneys;
 - d. A contract with respect to which any City official or employee has disclosed a personal interest and has not voted thereon. Any such disclosure shall be made to the City Council.

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Prohibited Interest in Sales or Purchases

No employee shall be financially interested, directly or indirectly, in the sale of any land, materials, supplies, or services to the City, except it be by competitive bidding or not exceeding the sum of one hundred dollars (\$100.00) in any calendar year; in cases of emergency necessary to protect the public health, safety, and welfare, competitive bidding may be waived.

Additional Conflicts of Interest

Although not constituting violations as such of the public trust of employment in the City, the following conduct is prohibited:

- (1) A City employee shall not acquire or hold an interest in any business or undertaking which employee has reason to believe may be directly and substantially affected to its economic benefit by official action to be taken by an agency or other employee over which he or she has substantive authority.
- (2) A City employee should not, within six (6) months following the termination of his or her employment, obtain employment in which he or she will take direct advantage, unavailable to others, of matters with which he or she was directly involved during his or her term of employment. These matters include rules, other than rules of general application, which he or she actively helped to formulate and applications, claims, or contested cases in the consideration of which he or she was an active participant.
- (3) A City employee should not perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when he or she has a substantial financial interest in a competing firm or undertaking.

In addition to the foregoing conflicts of interest, your department may have specific regulations relating to conflicts of interest with which you must adhere.

Originated August 2011

**GENERAL REGULATION #7
POLITICAL ACTIVITY**

Employees shall comply with the requirements of the City Charter relating to political activity, including but not limited to the following requirements and prohibitions:

- (1) Any Employee desiring to run for public office shall take a leave of absence during such campaign and if elected shall cease to be employed by the City;
- (2) No person, including an Employee, shall orally, or by letter or otherwise, solicit or be in any manner concerned in soliciting any assessment, subscription or contribution for any political party or political purpose whatever from any Employee;
- (3) No Employee shall contribute or expend any money or valuable thing, directly or indirectly, to assist in the election or defeat of any candidate or candidates in a City election; and
- (4) No Employee shall take part in the management, affairs, or political campaign of any political party or any candidate for public office, further than in the exercise of his right as a citizen to express his opinion and to cast his vote.

Employees shall not engage in political activity while on duty, in a City uniform, or using a City vehicle including (a) display of a political picture, sticker, badge, or button; (b) signing of a political petition; and (c) attendance at a political convention, rally, or fund – raising function.

Employees are prohibited from using their official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for public office.

Originated August 2011

**GENERAL REGULATIONS #8
CITY PROPERTY**

Employees are expected to use City property, equipment, and supplies for the intended business purposes of the City. Unless permitted by a separate departmental or general regulation, employees may not use City property, equipment, and supplies for personal reasons without the express prior permission of their supervisor.

Employees are to have no expectations of privacy with respect to the use of City property, equipment, and supplies, including property and equipment assigned for use by a single employee such as a desk, computer, phone, locker, or vehicle. The City has the right to search at any time City property and equipment including any desks, lockers, or vehicles assigned for use by an employee.

Originated August 2011

**GENERAL REGULATION #9
SAFETY**

The specific department in which you work may provide separate safety regulations or training, for example regarding fire safety, exiting the building in an emergency, or accident prevention and reporting. Employees must also comply with any safety regulations the department may issue or implement and participate in all safety training the City and/or department provides or approves.

It is not possible to list all the things employees should do to maintain a safe workplace. The following are examples of basic workplace safety guidelines all employees should follow:

- Immediately report any safety violation or hazardous condition through your chain of command.
- Falling, tripping, or slipping injuries are the most common accidents, and yet, the easiest to prevent. Watch your step and watch where you are going. Walk, do not run, in the office or warehouses.
- Do not attempt to lift more than you can safely carry. Remember, even light loads can cause injury if you are not lifting properly. Always keep your back straight and use your legs when lifting any objects.
- Do not leave any equipment running that you are not using.
- All goggles, gloves, back support belts, etc. supplied for your safety must be worn whenever you are doing the work for which they are provided.
- Do not use unknown chemicals or materials that cannot be identified.
- Do not operate equipment if you have not been properly trained.
- Excessive sun exposure can be dangerous. Outside workers should take precautions to properly protect exposed skin.
- Do not use chairs, wastepaper baskets, boxes, or other objects as ladders. When on a ladder, do not overreach and always face the ladder steps.
- Do not thrust your hand into unknown areas. Check first for protruding nails, sharp or ragged edges, or exposed wires.
- When opening or closing doors, keep your hands, feet, and legs clear of door edges and jams.
- If you are responsible for driving a City vehicle, be sure to check oil and water levels and the condition of the tires (including the spare) each time you take out the vehicle. Drivers and passengers should wear seat and shoulder belts at all times.
- Supplies and tools must be properly stored and not left lying on the floor in work areas.
- Close desk and file drawers when not in use.
- Do not open two file drawers in the same cabinet at the same time.
- All electrical cords and computer cables must be properly installed.

EMPLOYEES ARE RESPONSIBLE FOR KNOWING, UNDERSTANDING, AND ADHERING TO ALL APPLICABLE SAFETY REGULATIONS FOR EACH WORK SITE AT WHICH THEY PERFORM WORK FOR THE CITY.

Originated August 2011

**GENERAL REGULATION #10
SMOKING PROHIBITED**

In accordance with Section 7-6-4 of the Pueblo Municipal Code, smoking is prohibited in all enclosed facilities, including buildings and vehicles, which are owned or leased by the City.

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**GENERAL REGULATION #11
NURSING MOTHERS**

The City complies with all applicable laws concerning nursing mothers. The City will make reasonable efforts to accommodate employees who choose to express milk in the workplace for their nursing children during the first two years after birth. Mothers who are expressing breast milk may use their regular breaks during the workday for that purpose.

The City shall designate a location as close to the work area as possible, other than a bathroom, at each facility for the purpose of expressing breast milk in private. Employees wishing to express breast milk at work are required to notify their immediate supervisor as far in advance as is practical so that arrangements can be made to accommodate the need and to ensure that the designated location is vacated at the appropriate times. Employees may raise questions or complaints about workplace accommodation for nursing mothers without fear of reprisal. Employees with questions or concerns shall notify their immediate supervisor or the Director of Human Resources.

Originated August 2011

**GENERAL REGULATION #12
DRIVER'S LICENSE AND INSURANCE VERIFICATION**

All employees who are required pursuant to their employment to drive a City owned vehicle or a personal vehicle to conduct City business must possess and maintain a valid Colorado driver's license during employment. The City reserves the right to investigate the driving records and insurability of all employees who operate City vehicles, personal vehicles used during the performance of duties assigned by the City, equipment, and apparatus requiring a valid Colorado driver's license.

Any employee who must possess and maintain a valid Colorado driver's license during employment and whose driver's license is suspended, revoked, or restricted shall immediately (within not more than twenty-four (24) hours) notify their Department Director. This includes any activity occurring on personal time which may affect the driver's license status of an employee who must use any vehicle, personal or City, to conduct City assigned business. Any employee who continues to drive a City vehicle or personal vehicle to conduct City business after his/her driver's license has been suspended, revoked, or restricted shall be discharged. Department Directors shall immediately remove employees from driving duties upon notice of a licensing issue and shall consult with the Director of Human Resources.

Employees whose driver's license is suspended, revoked, or restricted shall provide timely updates on the status of all criminal, civil, and/or Department of Motor Vehicle case(s) related to the suspension, revocation, or restriction or pending suspension, revocation, or restriction of the driver's license to include hearings and sentencing information to the Department Director or his/her designee. Additionally, the employee shall provide copies of any pertinent court and other issuing agency documents related to the case(s) to the Department Director or his/her designee as part of the continued reporting requirement.

Employees operating a City-owned vehicle within the course and scope of their employment are covered by the City's liability insurance program. Employees operating a personal vehicle on City business are responsible for maintaining automobile liability insurance coverage that meets the Motor Vehicle Financial Responsibility Law of Colorado (C.R.S. Title 42 Article 7). Proof of such insurance should be maintained with the vehicle and may be verified by the City at least annually. The City does not provide insurance coverage for damage to personal vehicles while utilized for City business nor is the City responsible for loss or damage to any personal property that is in the vehicle.

As used herein, "restricted" or "restriction" means any limitation which would prohibit the employee's driving of a City vehicle or personal vehicle in conducting City assigned business.

*Originated August 2011
Revised January 2012*

**GENERAL REGULATION #13
DRUG AND ALCOHOL FREE WORKPLACE**

Drugs

Employees shall not possess or use any controlled substance, prescription drug, narcotic or hallucinogen (herein "Illegal Drugs") except when prescribed as treatment by a physician or dentist and used consistent with such prescription. Use of marijuana including medical marijuana pursuant to Section 14 of Article XVIII of the Colorado Constitution is illegal under Federal Law and constitutes an Illegal Drug under this Regulation. Medical Marijuana is not a prescribed treatment for the purposes of this Regulation. In addition, the illegal consumption or use of a synthetic or designer drug is an Illegal Drug under this Regulation.

An employee shall notify the employee's supervisor if any prescribed treatment is likely to affect the employee's ability to perform the employee's duties. In the event the prescribed use of such substance renders, or may render, the employee unfit for duty, the employee shall be placed on the appropriate leave status.

It is the City's policy to maintain a drug-free workplace. Employees who possess, use, distribute, or dispense an Illegal Drug while on duty or upon City property shall be subject to discharge for the first offense. Employees who appear for duty or are on duty while impaired by or under the influence of an Illegal Drug shall be subject to discharge for the first offense.

Alcohol

Employees shall not appear for, nor be on duty while impaired by or under the influence of alcohol, nor with the odor of alcohol on the breath. Subject to limited exceptions specifically set forth in the departmental regulations of the Fire and Police Departments, employees shall not possess, consume, or purchase alcoholic beverages while on duty. For purposes of this general regulation, "alcoholic beverage" means any beverage that may be legally sold and consumed and has an alcoholic content in excess of 3% by weight and/or volume.

Employees who appear for duty or are on duty while impaired by or under the influence of alcohol shall be subject to discharge for the first offense.

Testing

Where there is a reasonable suspicion established by objective and credible evidence

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that an employee is on duty and under the influence of alcohol or any Illegal Drug as defined in this regulation, the employee may be required to submit to blood, or urine, or other alcohol and drug screening. Extended panel testing may be performed.

With respect to employees in public health and safety-sensitive or security-sensitive positions, where there is a reasonable suspicion established by objective and credible evidence that such employee is using Illegal Drugs as defined in this regulation, such employee may be required to submit to blood, or urine, or other alcohol or drug screening. Extended panel testing may be performed.

City employees who are required to hold a Commercial Driver's License (CDL) as a condition of their employment, and all other employees who may perform safety-sensitive functions related to the operation of commercial motor vehicles for the City of Pueblo, shall be subject to all blood, or urine, or other alcohol or drug screening required for such positions pursuant to the Omnibus Transportation Employee Testing Act of 1991, including all amendments and revisions thereto and all federal regulations implementing same.

EMPLOYEES WITH DRUG AND ALCOHOL PROBLEMS ARE ENCOURAGED TO CONTACT THE DEPARTMENT OF HUMAN RESOURCES FOR INFORMATION WITH RESPECT TO THE CITY'S EMPLOYEE ASSISTANCE PROGRAM.

*Originated August 2011
Revised September 2012
Revised February 2014*

**GENERAL REGULATION #14
WORKERS' COMPENSATION**

All job related injuries or illnesses, regardless of severity, must be reported immediately, within four days after an injury occurrence or illness onset. Employees of the Police Department and Fire Department shall comply with the procedures for reporting injuries set forth in the departmental regulations for said departments. All other employees shall immediately report such injury or illness to the employee's supervisor and complete the City's *Employee Written Notice of Accident* form and *Designated Provider List*. If the supervisor is not on duty, the employee should report the accident or injury to the Department of Human Resources or to the first available administrator in their department.

The *Employee Written Notice of Accident* form must be completed and filed for each job related injury or illness no later than four days after an injury occurs or illness begins. If it is necessary for the employee to go to a designated provider clinic or to use emergency hospital services as a result of any work related injury or illness, the Department of Human Resources must be informed whenever possible before the employee receives such services. If the employee is incapacitated or otherwise physically unable to inform the Department of Human Resources before seeking such emergency care, they shall do so as soon as is possible thereafter. Before seeing any other physician or health care provider, employees who have any job related injury or illness may first be required to see a physician designated by the City. Pursuant to statute, any medical treatment with a provider who is not designated by the City shall not be covered under a workers' compensation claim.

With respect to all job related injuries or illnesses, the employee's supervisor shall timely and promptly complete and file the *Employer's First Report of Injury* and *Supervisor Investigation Report* forms with the Department of Human Resources within 24 hours if possible. The employee's supervisor shall ensure that the employee has provided all pertinent details of the accident itself, the body part(s) injured (to include right/left, upper/lower, etc.), and what type of injury was sustained (contusion, fracture, strain, sprain, abrasion, etc.).

Originated August 2011

**GENERAL REGULATION #15
UNEMPLOYMENT INSURANCE**

Employees who lose their jobs may be eligible for unemployment insurance. A notice about unemployment insurance is posted on the bulletin board at 301 West B. Street, Pueblo, CO 81003 and on the City's intranet site. For further information please contact the Department of Human Resources.

Originated August 2011

**GENERAL REGULATION #16
ATTENDANCE**

Employees shall report on time and be ready to work and work diligently the full amount of time for every period they are scheduled to work. Absenteeism and tardiness are unfair to other employees, the City, and the public we serve.

Any employee who finds it necessary to be absent from duty or otherwise tardy due to an emergency shall report the reasons therefore to his or her supervisor or department at least one (1) hour before working time, on the first day of such absence or occurrence of tardiness. If this is not possible, the employee shall report to his or her supervisor or department at the earliest possible time and shall state the reason for his or her failure to report at least one (1) hour before working time. Failure of an employee to so report may be grounds for disciplinary action. Additional and subsequent reporting requirements may be implemented at the department level.

If an absence is due to a previously approved Family and Medical Leave Act (FMLA) eligible issue, the employee must indicate that the absence or tardiness is FMLA related.

All unauthorized absences without leave shall be grounds for disciplinary action. Reduction of pay shall be made for all periods of unauthorized absences.

Unauthorized absences for more than five (5) consecutive working days shall be deemed to be and shall constitute a resignation from employment by the employee. For firefighters, any unauthorized absence of six (6) or more consecutive working shifts of a Group A firefighter, or three (3) or more consecutive working shifts of a Group B firefighter, shall be deemed to be and shall constitute a resignation from employment by the firefighter.

Abuse of any leave is unacceptable and may be subject to investigation and discipline. The City maintains the right to conduct welfare checks when employees are absent due to illness.

Specifically, sick leave abuse or excessive usage will be monitored based on the following criteria:

- Consistent or frequent sick leave usage before or after scheduled days off
- Consistent or frequent sick leave usage before or after vacation days
- Consistent or frequent sick leave usage on holidays (when applicable)
- Consistent or frequent sick leave usage that coordinates with days off, vacation, or sick leave usage by spouse or significant other also employed by the City
- A pattern of sick leave usage on certain days without explanation
- Maintaining a sick leave accrual balance at or near zero
- Engaging in activities outside of work that are inconsistent with calling off sick

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If after exhaustion of all available leave, including injury, vacation and sick leave, an employee, other than a Fire Department employee under the fire pension plan, shall fail or be unable to return to work, he or she shall be discharged. If injured through no cause of his or her own, the employee, when able to return to work, shall be placed on the reinstatement list.

Originated August 2011

**GENERAL REGULATION #17
FAMILY AND MEDICAL LEAVE ACT
& FAMILY CARE ACT**

This policy contains an overview of the Family and Medical Leave Act (FMLA). It is the policy of the City of Pueblo to comply with the requirements of the Family and Medical Leave Act of 1993, the Family Care Act (FCA) of 2013, and all DOL regulations when applying this policy. The provisions of the city's existing leave policies continue to apply and will run concurrently with FMLA and FCA.

Eligibility

In order to qualify to take family and medical leave under this policy, the employee must meet all of the following conditions:

1. The employee must have worked for the City at least twelve months, or 52 weeks in the past seven years. The twelve months, or 52 weeks, need not have been consecutive. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.
2. The employee must have worked for the City at least 1250 hours during the previous twelve months.
3. Need leave for one of the following reasons:
 - The birth of a child and in order to care for that child;
 - The placement of a child for adoption or foster care;
 - To care for a spouse, child, or parent with a serious health condition;
 - The serious health condition of the employee that makes the employee unable to work;
 - A qualifying exigency arising out of the active duty or call to active duty status in the Armed Forces, including the National Guard or Reserves, of a spouse, son, daughter or parent of an eligible employee, or
 - Military Caregiver Leave for an eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member or veteran with a qualifying serious injury or illness.

Duration of Leave

An eligible employee can take up to the twelve work weeks of leave under this policy during a twelve month period. The City will measure the twelve month period as a rolling twelve month period measured backward from the first date an employee is entitled to use FMLA leave under this policy. Each time an employee takes FMLA leave, the City will compute the amount of FMLA leave the employee has taken during the previous twelve months and subtract it from the twelve weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time. If the leave is Military Caregiver Leave, eligible employees are entitled to a maximum of 26 work weeks of unpaid leave during a single twelve month period. The twelve month

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period for this leave is calculated from the first day the leave is taken.

The total FMLA leave that may be taken during a twelve month period (alone or in combination with other FMLA leave) is 26 work weeks. Mandatory overtime will count toward an employee's FMLA time for all types of leave.

Notice of Need for Leave

Except where leave is not foreseeable, an employee requesting FMLA leave under this policy must submit the request in writing to his/her immediate supervisor, with a copy to the Department of Human Resources.

When an employee plans to take leave under this policy, the employee must give the City 30 days notice. If it is not possible to give 30 days notice, the employee must give as much notice as is practicable. An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to the City's operation.

If an employee fails to provide 30 days notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least 30 days from the date the employer receives notice.

Dual Employment Situations

If a husband and wife both work for the City, and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, to care for a child after placement, to care for the employee's parent with a serious health condition under FMLA or a parent in-law under FCA, or to care for a covered service member with a serious injury or illness, the husband and wife may only take a combined total of twelve weeks (26 weeks for Military Caregiver Leave) of FMLA or FCA leave.

Intermittent Leave or a Reduced Work Schedule

FMLA leave may be taken on either an intermittent or reduced basis as provided by FMLA. Allowing intermittent leave is not a requirement of , but the City has elected to administer both FMLA consistently. Such a schedule must be needed for medical reasons and approved by a healthcare provider. In all cases, the leave may not exceed a total of twelve work weeks (or 26 work weeks in the case of Military Caregiver Leave) over a twelve month period. If there is a change in the work schedule as a result of intermittent FMLA the request must be either mutually agreed upon or as the result of a new medical certificate.

In its sole discretion, the City may consider requests for intermittent leaves or reduced work schedules for the birth or adoption of a child on a case-by-case basis. Leave for birth, adoption, or foster care of a child must be taken within one year of the birth or placement of the child.

The City may temporarily transfer or assign an employee to an available alternative

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position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule.

Use of Paid and Unpaid Leave

An employee taking FMLA leave because of the employee's own serious health condition must use all accrued paid leave, including sick, vacation, personal holiday and comp time, prior to going into an unpaid leave status on FMLA. Unpaid leave while on FMLA will only be allowed in instances where the employee does not have a sufficient amount of paid leave accrued to cover the approved absence.

An employee taking FMLA leave because of the serious health condition of a family member may use sick leave only in accordance with the provisions related to family sick leave in the applicable union contract. If the leave extends beyond the maximum family sick leave allowance in the applicable contract, the employee must then use vacation, personal holiday, or compensatory time to cover the absence. Employees must use accrued paid leave hours prior to going into an unpaid leave status. Unpaid leave while on FMLA will only be allowed in instances where the employee does not have a sufficient amount of paid leave accrued to cover the approved absence.

An employee who is taking leave for the adoption or foster care of a child must use all paid vacation, or personal leave, prior to being eligible for unpaid leave.

If an employee takes paid sick or injury leave for a condition that results in a serious health condition and the employee requests leave as provided under this policy, the City will designate the portion of related leave already taken, as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

If the employee is on modified work status, any time worked does not count towards FMLA.

Certification Requirements

Employees are required to provide certification of their need for FMLA leave. There are four certification forms specific to each type of leave:

- Physician's Certification form for the employee's serious health condition
- Physician's Certification form for a family member serious health condition
- Physician's Certification form for a family member's military service-related serious health condition
- Certification form for a qualifying exigency

Certification forms can be obtained from the Department of Human Resources, or by visiting the City of Pueblo's intranet site. In compliance with the Health Insurance Portability and Accountability Act (HIPAA) privacy rule standards, all certifications must be submitted to the Department of Human Resources, while issues regarding job placement and scheduling are to be directed to the affected manager.

The City has the right to ask for a second medical opinion, except for the leave to care for a covered service member, if it has reason to doubt the certification. The City will

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pay for the employee to get a certification from a second doctor, which the City will select.

If necessary to resolve a conflict between the original certification and the second opinion, the City will require the opinion of a third doctor. The City's and employee's physician will jointly select the third doctor, and the City will pay for the opinion. This third opinion will be considered final.

Employees also may be required to provide periodic re-certification supporting the need for leave.

While on any leave, employees are requested to report no less than every two weeks to their Department Head and FMLA Case Manager regarding the status of the medical condition and their intent to return to work.

When calling in to report an absence (partial day or otherwise), the employee who has approved FMLA certification must designate that the reason for their absence is for reasons related to FMLA. If it is not FMLA related, the employee shall report that to their supervisor as well, and that leave will not count towards the 12 or 26 weeks of FMLA leave. Employees who claim that an absence is FMLA related and it is proven otherwise may be subject to disciplinary action for such falsification.

Employee Status and Benefits During FMLA Leave

While an employee is on FMLA leave, the City continues the employee's health, dental, and group life insurance benefits during the leave period, at the same level and under the same conditions as if the employee has continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition, the City will require the employee to reimburse the City the amount it paid for the employee's health insurance premium during the leave period.

Under current collective bargaining agreements, the employee pays a portion of the health and dental care premiums. While the employee is on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. While the employee is on unpaid leave, the employee must continue to pay his/her share of the premiums. The payment must be received in the Finance Department by the 20th day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave.

If the employee contributes to a life insurance or disability plan, the City will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee must continue to make those payments, along with the health and dental care payments. If the employee does not continue these payments, the City may discontinue coverage during the leave period, or will recover the payments at the end of the leave period, in a manner consistent with the law.

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Fitness for Duty Certification – Return to Work

Upon return to work from an FMLA leave, most employees will be restored to the same position or to one equivalent in pay, benefits, and other terms and conditions of employment.

If FMLA leave was based on a personal serious medical health condition, the employee must provide medical certification that they are able to resume the essential functions of their position when they return to work.

The City retains the right to request a fitness-for-duty evaluation from a second physician at the City's cost. If necessary to resolve a conflict between the original return to work certification and the second opinion, the City will require the opinion of a third doctor. The City's and employee's physician will jointly select the third doctor, and the City will pay for the opinion. This third opinion will be considered final.

Employee Status after FMLA

An employee who takes leave under this policy will be able to return to the same job or a job with equivalent status, pay, benefits, and other employment terms. The position will be the same, or one that entails substantially equivalent skill, effort, responsibility, and authority.

The City may exempt certain highly compensated employees (top 10%) from this requirement, and not return them to the same or similar position.

Failure to Return to Work

An employee who does not return to work upon expiration of FMLA leave may be discharged. An employee who fails to return from FMLA leave will be required to refund all employer benefit contributions paid during the unpaid portion of the leave, unless the failure to return results from the continuation, recurrence, or onset of a serious health condition, or something beyond the employee's control.

If an employee is unable to perform an essential function of the position because of a physical or mental condition, including the continuation of a serious health condition, he or she should consult with the Department of Human Resources regarding the City's ADA process.

Definitions:

- **Serious Health Condition:** As defined by FMLA, a serious health condition means an illness, injury, impairment or physical or mental condition that involves any of the following:
 - Inpatient care (overnight stay) in a hospital or medical facility, or any subsequent treatment in connection with such inpatient care; **or**
 - Continuing treatment by a health care provider which includes any one or more of the following:
 - Incapacity of more than 3 calendar days and any subsequent treatment or period of incapacity relating to the same condition that

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also involves treatment by a health care provider two or more times within 30 days of the incapacity or treatment on one occasion that results in continuing treatment such as antibiotics.

- Any incapacity due to pregnancy or prenatal care including morning sickness
 - Incapacity for treatment for a chronic serious health condition which is one that requires periodic visits (at least twice a year) for treatment by or under the supervision of a health care provider AND continues over and extended period of time AND may be episodic (asthma, diabetes, migraines).
 - Permanent long term conditions
 - Absences to receive multiple treatments by or under the supervision, orders or referral of a health care provider and any period of recovery related to the treatments (chemotherapy, physical therapy).
- Qualifying Exigency Leave: Qualifying Exigency Leave allows an employee to take leave arising out of the fact that a spouse, son, daughter or parent of the employee is on covered active duty or has been notified of an impending call to covered active duty status in the Armed Forces, including the National Guard or Reserve. Qualifying exigencies include:
 - Short-notice (less than eight days) deployment;
 - Military events and related activities;
 - Certain childcare and school activities;
 - Making or updating financial and legal arrangements;
 - Attending counseling;
 - Taking up to five days of leave to spend time with a covered military member who is on certain leave during deployment;
 - Attending certain post deployment activities; or
 - Any other event that the employee and the City of Pueblo agree is a qualifying exigency.
 - Covered Active Duty: Duty during the deployment of a member of the Armed Forces, including the National Guard or Reserve, to a foreign country.
 - Qualifying Serious injury or illness for Military Caregiver Leave:
 - In the case of a member of the Armed Forces, including the National Guard or Reserves, a serious injury or illness means one that was incurred by the member in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves) and that may render the member medically unfit to perform the duties of the member's office grade, rank, or rating; and
 - In the case of a veteran who was a member of the Armed Forces, including the National Guard or Reserves, at any time during a period when the person was a covered service member, means a qualifying injury or illness that was incurred by the member in the line of duty while on active duty in the Armed Forces, including the National Guard or Reserves, (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member

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became a veteran.

- Next of Kin: Applicable only to Military Caregiver Leave. The nearest blood relative of the injured or recovering service member.
- Covered Service Member:
 - A member of the Armed Forces, including the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
 - A veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, including National Guard or Reserves, at any time during the period of 5 years preceding the date on which the veteran underwent that medical treatment, recuperation, or therapy.

Family Care Leave Act (FCA)

In addition to the leave to which an employee is entitled under FMLA, an employee is entitled to FMLA leave to care for a person who has a serious health condition, as that term is defined in the FMLA, if the person:

- (a) Is the employee's partner in a civil union, as defined in section 14–15–103(5), C.R.S.; or
- (b) Is the employee's domestic partner and:
 - (I) Has registered the domestic partnership with the municipality in which the person resides or with the state, if applicable; or
 - (II) Is recognized by the employer as the employee's domestic partner.

For purposes of confirming an employee's relationship to a person described above for whom the employee is requesting leave, the employee may be required to provide reasonable documentation or a written statement of family relationship, in accordance with the FMLA. An employee seeking FMLA leave for a person described above may be required to submit the same certification as the required under the FMLA. Family Care Leave taken by an employee runs concurrently with leave taken under the FMLA, and the Family Care Leave policy does not increase the total amount of leave to which an employee is entitled during a twelve-month period under the FMLA, FCA or both.

*Originated August 2011
Revised January 2012
Revised September 2012
Revised February 2014*

**GENERAL REGULATION #18
MILITARY LEAVE WITHOUT PAY**

This rule is intended to comply with and be interpreted consistent with the Uniformed Services Employment and Reemployment Rights Act ("USERRA"). To the extent an issue is not addressed in this rule, or to the extent this rule is inconsistent with the USERRA, the USERRA and its corresponding regulations shall govern.

Employees should refer to their specific bargaining agreement for rules applying to military leave with pay and should consult with their supervisor and the Department of Human Resources for complete details regarding their military leave rights as a City employee and should make sure the Department of Human Resources is contacted regarding any continuation of benefits issues.

An employee who continues in military service beyond the time for which military leave with pay is allowed shall be placed on military leave without pay. Such request for military leave without pay shall be made in advance, when possible, in writing or by oral notification. Copies of military orders should be forwarded to the Department of Human Resources. In the event of military necessity, if the employee is unable to provide advance notice, the employee may give notice after starting duty.

Military leave without pay shall be granted for the duration of active military service not to exceed five (5) years plus ninety (90) days from the date of discharge, provided that extensions shall be granted where required by USERRA.

Health Insurance Benefits

If the employee is on unpaid military leave longer than 30 days health benefits may be continued for up to 24 months at the Cobra rate of 102% of the premiums. If the employee chooses to waive health benefits during an unpaid leave longer than 30 days, the employee will be reinstated to those benefits when he/she returns to work at the City without waiting periods and with no exclusions for "pre-existing conditions." This does not apply to the coverage of an injury or illness determined to have occurred in, or been aggravated during military service.

Credit for Time Spent on Military Leave

Time spent on eligible military leave (whether paid or unpaid) counts as time served on the job for any calculation, determination or other decision that is dependent upon length of employment as long as the employee returns to work after the military leave.

Pension Benefits

Time spent on military leave (whether paid or unpaid) is not considered a break in employment for pension benefit purposes as long as the employee returns to work after the military leave.

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Reinstatement Rights

Subject to qualifying exceptions under USERRA including changed circumstances and undue hardship, employees returning from military leave without pay after an absence of ninety (90) days or less shall have reinstatement rights to be placed in their former position, and employees returning after ninety-one (91) days or longer shall have reinstatement rights to be placed in their former position or a job of equal status and pay. Such reinstatement rights are subject to the following provisions:

(1) Due date for notice of return:

The notice time for return from military leave without pay that is provided to the appointing authority is dependent upon the amount of time served.

- a. The employee shall give notice of return from military leave without pay within ninety (90) days from the date of discharge from military service if the military duty lasted longer than one hundred eighty (180) days.
- b. Employees who served thirty-one (31) to one hundred eighty (180) days shall give notice within fourteen (14) days of discharge.
- c. Employees who serve less than thirty-one (31) days shall give notice by the beginning of the first regularly scheduled work period that begins on the next calendar day following completion of service, after allowance of safe travel from the military duty location and an eight (8) hour rest period.

(2) Certificate of satisfactory completion of military service:

A return from military leave without pay shall be conditional upon submission of a certificate of satisfactory completion of military service.

(3) Effect of hospitalization for service connected medical condition:

In the event that the employee was hospitalized after discharge for medical conditions, which occurred during the military service, the employee's military leave without pay shall be extended for a period not to exceed two (2) years. Application for return from the military leave without pay must be made within ninety (90) days after the discharge from hospitalization. Extensions may be granted due to circumstances beyond the employee's control.

(4) Qualifications for return from military service:

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The employee must be physically and mentally qualified and possess the necessary skills, knowledge and/or training to perform the essential functions with or without reasonable accommodations of the position to which the employee is returning. The City will provide appropriate training to returning employees.

(5) Effect of service connected disability:

If the employee is not qualified to perform the essential functions with or without reasonable accommodations of the position left by reason of disability sustained during active military service, the City shall transfer the employee to any other available position, the duties of which the employee is qualified to perform and which will provide like seniority, status and pay, or the nearest approximation thereof, as the employee achieved in the position from which he or she was granted military leave.

(6) Effect of failure to give notice for return:

Failure to give notice for return from military leave without pay within the time limits stated shall be considered a resignation.

Originated August 2011

**GENERAL REGULATION #19
LEAVE FOR PROTECTION FROM DOMESTIC ABUSE**

Any employee who has been employed full time for at least 12 months and who is the victim of domestic abuse, stalking, or sexual assault, as defined by applicable law, or any other crime that a court finds to be an act of domestic violence may request up to three working days of leave from work in any twelve month period. Employees may use this leave to protect themselves by: (1) Seeking a civil restraining order to prevent domestic abuse; (2) Obtaining medical care or mental health counseling or both for themselves or for their children to address physical or psychological injuries resulting from the act of domestic abuse, stalking, or sexual assault or other crime involving domestic violence; (3) Making their homes secure from the perpetrators of domestic abuse, stalking, or sexual assault or other crime involving domestic violence or seeking new housing to escape the perpetrators; and (4) Seeking legal assistance to address issues arising from the act of domestic abuse, stalking, or sexual assault or other crime involving domestic violence and attending and preparing for court-related proceedings arising from any of these crimes.

Whenever possible, except in cases of imminent danger to the health or safety of the employee, an employee seeking leave under this policy must provide reasonable advance notice of the need for this leave.

The City may, in its sole discretion, require employees who request this leave to provide copies of documents confirming the reason for their request, such as any police report or court order confirming the underlying facts.

An employee seeking leave under this policy must first use any accrued vacation, sick leave, and any other paid leave available to the employee before taking leave without pay.

Originated August 2011

**GENERAL REGULATION #20
LEAVE FOR CHILD'S SCHOOL ACTIVITY**

The provisions provided in this general regulation apply only to employees who are not executives or supervisors and who are the parents or legal guardians of children enrolled in a public or private school or in a nonpublic home-based educational program in Colorado in any grade from kindergarten through twelfth grade. Up to six hours in any one month but not to exceed eighteen hours in any academic year may be used by a qualifying employee for the purpose of attending an "academic activity" for or with the employee's child. An "academic activity" means a parent-teacher conference, a meeting related to special education services, or a meeting related to intervention, dropout prevention, attendance, truancy, or disciplinary issues regarding the employee's child or any child for whom the employee has primary legal responsibility. Leave for this purpose shall be unpaid unless the eligible employee elects to substitute accrued vacation leave, personal leave or comp time.

Employee shall make a reasonable attempt to schedule academic activities for which leave may be taken outside of regular work hours. The employee must provide at least one calendar week's advance notice of the need for use of vacation leave or personal leave for an academic activity. In the case of an emergency, an employee must give notice of leave as soon as possible and provide the written verification on returning to work.

Originated August 2011

GENERAL REGULATION #21
USE OF CITY'S COMPUTER AND COMMUNICATION RESOURCES

The City's computer resources and related online services and e-mail are intended for business purposes only. Such resources should be used to conduct official business of the City of Pueblo.

Employees are cautioned that e-mail and communications through online services seem to be less formal than other written communications, but in essence they are the same. Therefore, all communications by e-mail or online services should be treated as formal written correspondences. All employees are cautioned that such communications may be subject to public disclosure under the Colorado Open Records Act.

The use of City's computer resources and related online services and e-mail for personal purposes is strongly discouraged. Employees are not entitled to any expectation of privacy in the use of City's computer resources and related online services and e-mail. If an employee receives e-mail that is of a private or personal nature, it should be immediately deleted. Any personal use which is not incidental or occasional or which interferes with the normal business activities of the City or could potentially embarrass or cause damage to the City is prohibited. The City or individual Department head may, as is deemed necessary, prohibit use of City's computer resources and related online services and e-mail for any personal purposes.

Employees are advised that the City Manager has approved restrictions and requirements on the access and use of the City's computer resources and related online services and e-mail as necessary to ensure the integrity, operation, and orderly administration of such services. Those rules, referred to as the City of Pueblo Technology and Communication Policies, can be found on the City's Web site at [http://city/Policies/IT Technology Communication Policy.pdf](http://city/Policies/IT%20Technology%20Communication%20Policy.pdf). Employees shall comply with such restrictions and requirements. Any of the following uses of the City's computer resources and related online services and e-mail are strictly prohibited:

- (1) Any use for the purposes of influencing the outcome of an election or in support of, or against, any candidate for public office or ballot issue in violation of City Charter or the Colorado Fair Campaign Practices Act;
- (2) Any use for the purpose of operating a business for personal gain, sending chain letters, or soliciting money for religious and/or political causes;
- (3) Any use of a City-assigned e-mail address for any non-City purpose. Such addresses are those that end in "@pueblo.us."

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- (4) Transmitting or downloading material which is offensive, obscene, pornographic, threatening, or which may be construed as harassment or disparagement of others based on their race, ethnicity, national origin, sex, age, disability, or religious belief;
- (5) Disseminating or printing copyrighted materials in violation of copyright laws; and
- (6) Any use which violates local, state, or federal law.

The City can, but is not obligated to, monitor use of the City's computer resources and related online services and electronic mail without prior notification. If there is evidence you are violating this Policy, the City may take disciplinary action up to and including termination.

Originated August 2011

**GENERAL REGULATION #22
PROFESSIONAL WORKPLACE CONDUCT**

All City employees are expected to consistently:

- Demonstrate the job skills (including the training, experience, and physical and mental job skills) to perform their job responsibilities in a manner that meets the quality, service and productivity standards the City establishes.
- Be on time and ready to work at the start and throughout all scheduled work periods.
- Perform all of their job responsibilities to meet the City's needs.
- Demonstrate their commitment to the City's goals.
- Conduct themselves as mature, cooperative professionals.
- Be truthful in all employment related activities and not knowingly make false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of the City or its employees.

The standard for personal conduct includes treating all other employees of the City, City management, City officers, customers, and the public with respect and cooperating with them in a professional manner.

*Originated August 2011
Revised January 2016*

**GENERAL REGULATION #23
PERSONAL AND WORKPLACE APPEARANCE**

Employees should maintain an appropriate appearance that is professional, neat and clean, and appropriate to the area in which the employee works.

Employees shall maintain work areas in a neat and professional condition. Employees shall clean up after themselves when using common area and spaces and keep such common areas and spaces neat and professional.

Originated August 2011

**GENERAL REGULATION #24
PREGNANT WORKERS FAIRNESS ACT**

It is the policy of the City of Pueblo to comply with the requirements of the Pregnant Workers Fairness Act (PFWA) for all periods of time the PFWA remains applicable to City. The provisions of the city's existing leave policies continue to apply and will run concurrently with PFWA, FMLA and FCA.

Requirements:

The Pregnant Workers Fairness Act makes it a discriminatory or unfair employment practice if an employer fails to provide reasonable accommodation to an employee who is pregnant, physically recovering from childbirth, or a related condition. This protection extends to applicants for City jobs as well.

If an employee of the City is pregnant or has a condition related to pregnancy or childbirth and wishes to request an accommodation, the employee must contact City of Pueblo Human Resources department to make such a request. The City and the employee will then engage in an interactive process and review options to provide a reasonable accommodation to perform the essential functions of the employee's assigned job unless the accommodation would impose an undue hardship on the City. The City may require an employee to provide a note stating the necessity of a reasonable accommodation from a licensed health care provider before providing a reasonable accommodation.

Reasonable accommodations may include options such as:

- Provision of more frequent or longer break periods
- More frequent restroom, food or water breaks;
- Acquisition or modification of equipment or seating
- Limitations on lifting;
- Temporary transfer to a less strenuous or hazardous position if available, with return to the current position after pregnancy
- Job restructuring
- Light duty, if available
- Assistance with manual labor
- Modified work schedule

Scope of Accommodation Required:

An accommodation may not be deemed reasonable if the City must hire new employees that the City would not have otherwise hired, discharge an employee, transfer another employee with more seniority, promote another employee who is not qualified to perform the new job, create a new position for the employee or provide the employee paid leave beyond what is provided to similarly situated employees.

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A reasonable accommodation must not pose an undue hardship on the City. Undue hardship refers to an action requiring significant difficulty or expense to the City. The following factors are considered in determining undue hardship to the City:

- The nature and cost of accommodation;
- The overall financial resources of the employer;
- The overall size of the employer's business
- The accommodation's effect on expenses or resources or its effect upon the operations of the employer

If the City has provided a similar accommodation to other classes of employees, the Act provides that there is a rebuttable presumption that the accommodation does not impose undue hardship.

Adverse Action Prohibited:

This PWFA and this regulation prohibit the City from taking adverse action against an employee who requests or uses a reasonable accommodation.

Originated November 2016

