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## **A G E N D A**

**Delta City Council  
Work Session**

**November 4, 2014  
6:00 p.m.**

- A. Discussion with Interpretive Association of Western Colorado: Old Fort**
- B. Review revised Safety and Drug Policies**
- C. Discuss City Manager Annual Performance Evaluation**

# MEMO

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To: City Council  
From: Justin Clifton, City Manager  
Date: November 4, 2014  
Subject: Interpretive Association Of Western Colorado



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*Office of the City Manager*

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## **Recommendation:**

Staff recommends Council give direction to staff to pursue an agreement with the Interpretive Association of Western Colorado (IAWC) for operations for Fort Uncompahgre.

## **Background:**

A couple of months ago staff was approached by IAWC to consider allowing them to operate the Old Fort. This request was submitted in light of the fact that the City has reduced operations in the last year and based on the value of having that type of asset as part of the Old Spanish Trail and Ute Trail that fit nicely within IAWC's mission. While the Old Fort is a very small niche within the City's parks, recreation and culture system, it could serve as a more prominent feature, resulting in a more focused effort to maximize use, by IAWC. The IAWC will be able to apply for grants, mobilize volunteers and market the Fort in a way the City is unlikely to do.

In the proposed arrangement the City would lease the facility free of charge but would maintain performance provisions in the contract. The measure of success for this arrangement would be greater public use, reduced cost and equal or improved maintenance. If some or all of these criteria are met, staff would propose continuing the contract as long as IAWC remains interested.

## **Cost:**

The City will save limited funds based on the projected net loss of paying part time staff to operate the facility when school kids come through, paying a modest fee. The City will continue to bear costs for insurance, certain maintenance obligations and utilities.

## **Alignment With Strategic Planning:**

This proposed arrangement attempts to make better use of a City owned asset while also freeing up staff time to focus on other facilities and programs.

## **Actions To Be Taken if Approved:**

Staff will complete negotiations on a draft agreement for Council's approval.

# MEMO

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To: City Council  
From: Justin Clifton, City Manager  
Date: November 4, 2014  
Subject: Safety/ Drug Policies



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*Office of the City Manager*

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## **Recommendation:**

Staff recommends Council consider the draft Safety Policy and Drug Policy, intended to be the last amended section of the revised Personnel Regulations.

## **Background:**

Council has reviewed most of the revised Personnel Regulations. The last piece to consider is the Safety and Drug Policies. The Safety Policy in particular is more of a complete overhaul than other sections of the Regulations.

Staff would like to improve the safety record at the City, which serves to protect its employees from harm and save the City money associated with paying claims and lost time. These policies were drafted by the City's Safety Committee after reviewing other policies from multiple jurisdictions. The policies were further reviewed by Department Heads and the City Manager.

**Cost:** NA

## **Alignment With Strategic Planning:**

Having good policies in place is instrumental to running a cost effective organization. These policies help fulfill the City's mission and specifically address the third and fourth values: "Accountability: We are responsible for our actions, decisions and behaviors. Fiscal Responsibility: Efficient and effective stewards of public funds and resources."

## **Actions To Be Taken if Approved:**

Council will consider a resolution for adoption of the complete Personnel Regulations at the November 18, 2014 regular session.

CITY OF DELTA  
PERSONNEL  
REGULATIONS

OCTOBER 2014

**Revised 10/2014**

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# CITY OF DELTA - REGULATIONS

## CHAPTER 1: PERSONNEL REGULATIONS

### Article 1 – Introduction

- 1.1 These Personnel Regulations are promulgated to provide a guide to the City Manager and supervisors for the administration of City personnel and related matters. The City reserves the right to amend this document any time for any reason. **These regulations are not all-inclusive, but addresses those topics most likely to be of assistance in the course of day to day operations.** Nothing herein is intended nor shall it be construed or deemed to create any contract between the City and any of its officers or employees, nor is it intended nor shall it be construed to create any property rights in employment or an expectation of continued employment, or in the continuation of any benefits of any City employee or officer.
- 1.2 **In addition to all provisions of these regulations, employees of the City of Delta shall adhere to policies and procedures established by their individual departments. If conflicts occur between these regulations and the policies and procedures for their individual departments, the City of Delta Personnel Regulations will prevail.**
- 1.3 Because these regulations set out matters which will be applied to the City’s employees unless otherwise authorized, City employees should read and understand the regulations so they can insure that their performance remains in compliance with its provisions as such are amended from time to time
- 1.4 The City Manager shall be responsible to enforce and administer these regulations except as otherwise provided. The City Manager may delegate duties as deemed appropriate. The City Manager may deviate from these regulations, as the City Manager deems necessary, except that the City Manager may not deviate from the employment at will provision without the City Council’s approval.
- 1.5 Employment with the City is “at-will.” Any employee may be terminated with or without cause, a statement of reasons, or a hearing, just as any employee may resign at any time, for any reason. This means that either employee or the City may terminate the employment relationship at any time with or without cause or prior notice. No statement of reasons or hearing is required.

## Article 2 - Definitions

2.1 The words and terms used in these regulations shall have, unless the context otherwise requires the following meanings:

A. City: The City of Delta and any authorized officer, Council, or employee thereof.

B. City Manager: The City Manager or the City Manager's authorized designee.

C. Employee: Any person, including an officer, who would be included within the common law meaning of "employee."

D. ADA or Americans with Disability Act: The Americans with Disability Act, 42 U.S.C. 12101 et seq., as from time to time amended.

E. FLSA or Fair Labor Standards Act: The Fair Labor Standards Act, 29 U.S.C. 201 et seq., as from time to time amended.

## Article 3 - Hiring

### 3.1 Responsibility

The City Manager shall have the authority and responsibility for the hiring, promotion, transfer, or reassignment of all employees, except those directly hired by City Council. Department Heads and supervisors shall be responsible to make recommendations to the City Manager concerning such actions.

### 3.2 Recruitment

Vacancies may be advertised as appropriate in order to attract qualified applicants without regard to race, color, national origin, religion, sex, **sexual orientation**, disability, or age.

### 3.3 Application

Application forms for positions, as they become available, will be available from the City Human Resources Department **at City Hall, on the City's website or other location deemed appropriate by the Human Resources Department and/ or City Manager.**

### 3.4 Screening

The City Manager or designee will review all applications.

### 3.5 Examination

Written, physical and other tests may be used in the hiring process. ~~that do not unlawfully discriminate against applicants on the basis of a protected status.~~

### 3.6 Selection

The City Manager or designee may interview selected applicants.

### 3.7 Physical Examination and Drug Tests

**A. Applicants may be required to pass a physical examination demonstrating their ability to meet the physical requirements of the position as a condition of employment.** The City shall pay for any physical required by the City.

B. Periodic physical examinations may be required in cases where a job involves

exposure to environmental hazards or as appropriate to determine if an employee is capable of continuing to perform the job.

C. Employment with the City will be conditional upon a successful result of a pre-employment drug test. The drug testing is to provide a safe work environment and protect the welfare of both employees and citizens. The test will be conducted by an authorized organization contracted by City of Delta. The results will be forwarded to the Human Resources Department, and the appropriate Department Head will be notified of results. The results are treated confidential to the best of the City's ability.

### 3.8 Nepotism

A. In order to avoid any real or apparent conflict of interest, or the appearance of impropriety or favoritism, no person shall be hired or assigned to any position which creates a situation in which any employee supervises, audits, evaluates, or makes or recommends hiring, firing, benefit, disciplinary, or other personnel decisions or actions, with respect to a close family member(s), or presents difficulties in controlling confidential information. Provided, however, the City Manager may authorize deviations from these provisions. ~~part-time seasonal positions~~. In accordance with CRS 24-34-402 exceptions are,

1. One spouse cannot directly or indirectly exercise supervision, appointment, or dismissal authority or disciplinary action over the other spouse.
2. One spouse could not audit, verify, receive or be entrusted with monies received or handled by the other spouse, and;
3. One spouse could not have access to the employees' confidential information, including payroll and personnel records.

B. Such situations which existed as of February 1, 2005, or which are created by marriage or other subsequent events, may continue until the City is able to provide for reassignment of employee as opportunities present themselves to eliminate or reduce the inconsistencies with this policy.

C. The City shall determine, on a case-by-case basis based on circumstances, what constitutes close family members, but spousal, parent-child, sibling, grandparent, grandchild, cousins, aunt/uncle/niece/nephew relationships including in-laws, and relatives living in the same household, shall constitute close family members or members as listed as immediate family members in **Article 10, Section 10.2** - Funeral Leave.

### 3.9 Equal Employment Opportunity

#### A. Introduction

1. It is the policy of the City of Delta to ensure equal employment opportunity:
  - a) Regardless of a person's race, religion, color, creed, national origin, sex, **sexual orientation**, marital status, or age (40 or older); and
  - b) To persons with disabilities who are otherwise qualified to perform the essential functions of a position of City of Delta employment with or without reasonable accommodation, **as provided in the Americans with Disabilities Act.**
  
2. The goals and objectives of the City of Delta equal employment opportunity policy are to:
  - a) Ensure no unlawful discrimination in hiring, employment, and promotion; and
  - b) Comply with applicable laws and regulations on equal employment opportunity;
  - c) With regard to otherwise qualified persons with disabilities, provide reasonable accommodations as provided in the Americans with Disabilities Act, including:
    - 1) Modifications or adjustments to a job application process that enables a qualified applicant with a disability to be considered for the position that the applicant desires;
    - 2) Modifications or adjustments to the work environment, or to the manner or circumstances under which the position in question is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; and
    - 3) Modifications or adjustments that enable an employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by other similarly suited employees without disabilities.

#### B. Equal Employment Opportunity Officer

1. The top ranking employee of the Human Resources Department, or his or her designee shall serve as the equal employment opportunity officer to carry out the City of Delta's equal employment opportunity policy. The officer shall have primary responsibility for the City of Delta's equal opportunity efforts, and shall

advise and assist the City's personnel in matters regarding implementation of and compliance with this policy. The officer shall examine existing internal policies or procedures which may serve as barriers to implementing this policy, and recommend changes in same.

2. The equal employment officer shall be responsible for the following actions to assure equal employment opportunities in the City of Delta:
  - a) Periodically review job descriptions to ensure that requirements are relevant to the tasks to be performed, and recommend changes needed to conform such requirements to the task to be performed;
  - b) Review pay and benefits to assure that they are relevant to the responsibilities of each job, and are administered on a non-discriminatory basis;
  - c) Assist City of Delta's personnel who are involved in employment decisions so that such decisions are made without discrimination, and that applicants are given equal opportunity regardless of race, religion, creed, color, national origin, sex, **sexual orientation**, marital status, or age (40 or older), and that otherwise qualified applicants with disabilities are provided reasonable accommodations as provided in the Americans with Disabilities Act; and
  - d) Enlarge the pool of qualified candidates for employment to encourage diversity and ensure equal employment opportunity in hiring, by taking the following actions whenever a position may be filled from outside rather than by promotion or transfer of existing employees;
    - 1) Keeping vacancies in each position open for an appropriate time period;
    - 2) Advertising vacancies in available media, including a newspaper of general circulation in City of Delta, but not limited to publication in at least one newspaper of general circulation in City of Delta, providing the position will be published for public response, and is not advertised as an in-house opening;
    - 3) Providing orientation for employees on the City of Delta's equal opportunity policy.

## Article 4 - Types of Employees

### 4.1 Regular Employees

Regular employees are those hired to a position which is contemplated at the time of hiring to be of indefinite duration and who have successfully completed an introductory period. Regular employees may be scheduled to work either full-time or part-time hours.

A. Full time employees are those employees in a position where they ordinarily work **more than 30 hours per week** ~~a 40-hour work week or more.~~

B. Part-time employees are those employees in a position where they ordinarily work less than ~~a 40-hour work week~~ **30 hours per week on average.**

C. Seasonal Employees are those employees in a position where they work less than 12 months of the year but where the position is available from year to year.

D. Temporary Employees are those in a position that is contemplated at the time of hiring to be eliminated at some definitive time in the future.

### 4.2 Introductory Employees

A. All newly full-time hired or promoted employees will **have introductory status for a period for six (6) months** or other period approved by the City Manager. The purposes of the introductory period are to provide a period of adjustment, training, and evaluation of the employee. **Law enforcement new hires or promotion positions will be subject to a one year introductory period.**

B. Employees may be designated regular employees by the City Manager following satisfactory performance during the introductory period. Unsatisfactory performance during the introductory is cause for disciplinary action which could include, but not limited to termination of the introductory employee, the reduction of a promotional employee to the former position, or the extension of the introductory period.

### 4.3 Employment Agreement Employees

The terms and conditions of employment provided herein may be modified by an employment agreement approved by the City Manager so long as such employment and agreement can be terminated at will by the City and it does not provide terms, conditions

or benefits **substantially** more favorable to the employee than provided herein. Any other employment agreement must be approved by City Council.

~~1. Part time, temporary or part time seasonal employees are those hired to a position that is contemplated at the time of hiring to be eliminated at some time in the future, or to be refilled by a regular employee, and employment will be that of an Employment Agreement employee and subject to conditions of the employment agreement. Employment is at will, and termination of employment may occur at any time in writing by either party.~~

~~2. Although the agreement of employment may be for a stated maximum time period or for a project or stated purpose only, it is employment at will and can be terminated before the end of the maximum period with or without cause or prior notice.~~

## Article 5 - Promotion and Transfer

### 5.1 Promotion and Transfer

A. The City may fill vacancies by promotion or transfer of existing employees. Notices may be posted as appropriate to inform the employees of the vacancy.

B. An employee receiving a promotion shall be appointed on an introductory period basis for six (6) months, or one year for law enforcement employees. If the employee fails to perform satisfactorily, the employee may be demoted to the employee's former position, kept on an introductory basis for an extended period or be subject to disciplinary action. Refer to Section 7.5 for policy on salary increase.

C. The City Manager may transfer employees as deemed appropriate for the good administration of the City. City employees shall not have any vested right to transfer to another position or department.

## Article 6 - Employee Evaluation

6.1 The City Manager may require written performance evaluations of employees as deemed appropriate.

A. Informal evaluations - job performance evaluations do not have to be formal or in writing in order to put an Employee on notice of job performance goals, achievements and/or deficiencies. Employees must be receptive to their supervisors' input, instructions, and constructive criticism, whether verbal or in writing, on a day-to-day basis.

B. Formal evaluations - Formal written evaluations of job performance **should be done at least annually**. Changes in an employee's level of compensation are not necessarily tied to the time of a formal evaluation and may be made at any time the City Manager deems appropriate.

## Article 7 - Compensation and Pay

### 7.1 Workweek/Payroll Period/Pay Day.

The workweek begins on Sunday at 12:01 a.m. and ends on Saturday midnight for purposes of computing overtime. The payroll period is two consecutive workweeks. Pay day is every other Friday for time worked during the pay period that ended the previous Saturday. If pay day falls on a holiday when the City's payroll office is closed, pay checks and direct deposit notices will be distributed on the last business day before pay day. All timesheets must be turned in to the Payroll Department by 10 am on Monday of payroll week. All timesheets should be signed by both the employee and Department Head. Leave requests must be signed by both the employee and Department Head located on the back of the timesheet. Payroll checks and direct deposit notices will be distributed by the department head or designee.

### 7.2 Deductions

Authorized and mandatory payroll deductions will be made from the employee's payroll check—including, but not limited to the following:

- A. State and Federal taxes.
- B. Social Security and Medicare
- C. Group benefits
- D. Any amount owed the City, to the extent permitted by law.

### 7.3 Errors

Every effort is made to be accurate, however errors can happen. If there is an error, whether it is generated by payroll or it is the result of inaccurate information furnished to payroll, it will be corrected as quickly as possible, but no later than the next pay period.

### 7.4 Termination Pay

A. Employees who leave employment voluntarily will receive payment for salary, other amounts due and the balance accrued PTO **no later than** the next regularly scheduled pay day, subject to authorized deductions.

B. Employees who are terminated will receive payment for salary, other amounts due

and the balance of accrued PTO **no later than** the next regular scheduled pay day subject to authorized deductions.

C. Upon the death of an employee, all salary, other amounts due and the balance of accrued PTO subject to authorized deductions, shall be paid to the designated beneficiaries.

## 7.5 Salaries/Wages

A. Entrance Pay Rate. All new employees shall be hired at the entry rate step of the Pay Scale unless the City Manager determines the employee's qualifications and experience merit an advanced amount.

B. Annual Adjustments **to the Pay Scale.** **The City manager may recommend adjustments to the Pay Scale to City Council** during the annual budget process based on any lawful considerations, including, without limitation, the considerations listed below. The City Council may approve or deny any such recommendation:

1. Application of the existing pay scale,
2. A survey of the labor market for each position, or
3. Increases in the cost of living as indicated by consumers price indices or other similar analyses.

The City Council shall establish the amount of annual adjustments. The salary program may be administered with the following conditions applicable:

- a) Existing Pay Scale. If adjustments are to be made based on the existing pay scale, only those employees who have not reached the end of pay scale will be eligible for increase. ~~If the employee performs above average or higher,~~ **Based on performance,** the employee may be eligible to progress to the following step on the pay scale on the yearly anniversary of the employee's last increase. **Once an employee reaches market level, salary increases shall not be given. Employees at market level may be given other additional compensation such as bonuses only for exemplary performance with the approval of the City Manager.**
- b) Labor Market Survey. Upon the completion of a labor market survey and acceptance by the City Council, the pay scale may be adjusted to reflect the findings of the market survey. The City Council shall be responsible for the adoption of the new pay scale and establishing a

general method of application of the new pay scale.

c) Cost of Living Increases. The pay scale may be adjusted to reflect the percentage of increase in the cost of living. **The Pay Scale** will be adjusted to reflect this amount of increase.

C. End of Introduction Increase. A step increase may be given **to** employees who are hired or promoted at the entry pay step after satisfactory completion of the introductory period. Employees who are hired at an advanced step will not receive an increase at the end of the introductory period unless authorized by the City Manager.

D. Promotional Increase. An employee receiving a promotion shall be raised in pay grade to the promotional grade level, but may not exceed the market level for that position. Upon satisfactory completion of the introductory period, the employee may be eligible for an increase to the next step within the grade as long as the new salary does not exceed the market level for that position.

E. Transfers. In cases where an employee voluntarily transfers to a position in a lower grade, the employee's salary shall be adjusted to fall within the pay grade but shall not exceed the market level for the position.

F. Temporary Upgrades. Upon approval of **the** City Manager temporary upgrades in salary may be made if the term of the temporary upgrade is for more than one month.

#### 7.6 Special Benefit to Long-term Employees Upon Voluntary Severance of Employment

Subject to the provisions of Section 1.1. of the City of Delta Personnel Regulations, this provision is intended as a special compensation policy for employees with 15 years or more of continuous service with the City of Delta. In an effort to establish a consistent policy on compensation of employees who voluntarily separate from the City of Delta, the following is a recommended compensation plan. The employee's most recent date of hire will be used to calculate the years of service. Employee must be 55 years or older at time of separation. The separation must be voluntary by employee and not a recommendation by management.

**15 YEARS TO 19 YEARS OF SERVICE** – one time payment of \$250.00

**20 YEARS TO 24 YEARS OF SERVICE** – one time payment of \$500.00

**25 YEARS TO 34 YEARS OF SERVICE** – one time payment of \$750.00

**35 OR MORE YEARS OF SERVICE** – one time payment of \$1,000.00

**The City shall cover all appropriate FICA and Medicare taxes.**

## 7.7 Work Hours

A. The majority of City employees shall work a 40-hour work week. The normal schedule shall be Monday through Friday, 8:00 a.m. to 5:00 p.m., including a one hour break for lunch and two ten-minute breaks during the day.

B. All employees shall report to their respective work areas at the designated starting time prepared for work.

C. In some cases, different hours of work may be set, as appropriate. Hours may differ to meet special program needs and work requirements. The Department Head or designee shall be responsible for establishing the employees' work schedules to meet the needs of the department and the City.

## 7.8 Overtime

A. The Overtime Policy of this section is adopted to comply with the Federal Fair Labor Standards Act.

1. Exempt employees **are those** paid on a guaranteed salary basis and **whose** primary duties qualify for the executive, administrative, professional or other designations exemption from overtime pay under the FLSA. Their salary covers all hours worked and they do not receive overtime pay for working in excess of 40 hours in a work week. Exempt employees are expected to work whatever hours are needed to satisfactorily perform their job. In general, under the FLSA, exempt employees must be paid their full salary for any pay period in which they perform work. Exceptions to this general rule include:

a) Exempt employees who are absent for a full day for personal reasons or because of sickness or disability need not be paid for that day once they have exhausted all applicable PTO.

b) Exempt Employees who take leave under the Family Medical Leave Act will not be paid for that time unless they have accrued PTO or are receiving workers' compensation or other disability insurance benefits. Their pay may be reduced by the hours missed even if it is less than a full day.

c) Exempt employees who are absent from work for jury duty, attendance as a witness at a trial, or temporary military leave may have their pay reduced by the amount of payment they receive in the form of jury fees, witness fees, or military pay (not including reimbursement of expenses). Their pay will not be reduced by the number of hours or days they are

absent from work unless they perform no work for the City in a given pay period.

~~d) If an Exempt employee violates a written safety rule of major significance, his or her pay may be reduced in an amount to be determined by the City Manager as a penalty for that violation.~~

d) The City Manager has authorization to suspend Exempt employees without pay for violating workplace conduct policies, by only in full-day increments. Their pay will be reduced in an amount that is proportionate to the number days suspended. "Workplace conduct" policies are related to misconduct in the workplace, like engaging in prohibited discrimination and harassment, dishonesty, horseplay, rudeness, etc. "Workplace" conduct does not include performance or attendance deficiencies.

e) Exempt employees who work less than 40 hours during their first or last work week of employment will be paid a proportionate part of their full salary for the time actually worked.

**B.** The City will reimburse any Exempt employee whose pay is reduced in violation of this policy and who reports the improper deductions. Improper deductions must be reported by the employee to the Human Resources **Department**. They must be reported as soon as they are discovered.

C. If an employee is paid on a salary basis, according to the above rules limiting deductions, but does not have duties that satisfy the primary duty requirements for an FLSA exemption, such employee shall be compensated for overtime work based on the FLSA's fluctuating workweek method of computation (i.e., weekly salary/weekly hours worked=regular rate of pay for that week; overtime hours x .5 x regular rate=overtime premium) and shall be reclassified as non-exempt.

The positions determined to be exempt are considered to be salaried employees, and as such, are expected to work the necessary hours as determined by the City Manager. They shall be paid on a salary basis without regard to hours worked, as long as they perform any work in a work week, subject to those provisions and exceptions in 29 C.F.R. 541.118. Failure to perform adequate work may, nonetheless, be grounds for disciplinary action other than loss of salary. The other subsections of this section do not apply to these employees.

**1.** Police Officers - Overtime Work

Police officers, other than the Chief, Lieutenant and/or Commander, shall be scheduled to work shifts by the Chief of Police. Police officers shall be subject to a 14-day work period. In the event that any police officer works in excess of 86

hours in any 14-day period, the officer shall be entitled to receive overtime pay for any such excess hours at 1.5 times their regular hourly rate.

Overtime hours shall be compensated with overtime pay unless compensatory time off is authorized by the Chief of Police with the employee's agreement or understanding.

**D. Credited comp time may not accumulate in excess of 40 hours.** Overtime pay shall be awarded in lieu of crediting further comp time, as necessary, in order to avoid accumulating comp time in excess of 40 hours for any police officer.

1. The 14-day work period begins at 12:01 a.m. Sunday and ends Saturday midnight, 14 days later.

**E. Other Non-Exempt Employees-Overtime Work**

1. All other employees of the City, other than those designated by subsection (b) and police officers shall be subject to the overtime provisions of this subsection.

2. The work week for such employees shall run from 12:01 a.m. on Sunday to midnight the following Saturday.

3. Any such employee who works in excess of 40 hours in any work week shall either be compensated for such excess hours at 1.5 times their regular hourly rate or shall be credited with compensatory time off at the rate of 1.5 times the excess hours worked. Overtime for employees holding more than one job title in differing pay grades shall be compensated based on a weighted average of the employee's hourly rate.

4. Credited comp time off shall not be allowed to accumulate beyond 40 hours. Employees performing excess work shall be paid overtime, as necessary, to avoid exceeding an accumulated 40 hours comp time credit for any employee.

**F. General provisions regarding Overtime Work for Non-Exempt Employees.**

1. Non-exempt employees are paid only for the hours they work and for PTO, unless otherwise specified in these regulations.

2. Overtime work shall not be performed without the advance approval of the City Manager or responsible department head, except for emergency police work, emergency water, electrical, and sewer repairs, and snow removal. Overtime work shall be kept to a minimum consistent with the maintenance of essential and emergency services and budget constraints.

3. Authorized compensable PTO, holidays and the like during the regularly scheduled work hours shall not be counted in determining the total hours worked in a work week for purposes of the application of these overtime rules.
4. Department heads shall have the authority of reducing the hours usually scheduled to be worked in any day during the work week in order to avoid causing any employee to work over 40 hours in a work week or over 86 hours in a 14-day period for police officers
5. Department heads shall have the authority to determine whether or not to compensate excess work with overtime pay or compensatory time off credit, subject to budget limitations, direction of the City Manager and with agreement or understanding of the employee to accept compensatory time off.

#### G. Use of Comp Time-All Employees

1. An employee who has requested the use of accumulated comp time, shall be permitted to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the City. Requests for comp time must be made in advance to the Department Head.
2. When employment with the City is terminated, the employee's comp time accumulated will be cashed out at the hourly rate of pay the employee is earning upon termination or the employee's average rate of pay for the last three (3) years of employment, whichever is greater.
3. The City Manager may require mandatory use of accumulated comp time in lieu of time off without pay.
4. The comp time provision do not apply to salaried Exempt employees. Exempt employees do not receive overtime pay or comp time for working in excess of 40 hours in a workweek.

#### H. Shift Trading-All Employees

Employees (subject to the supervisor's approval) may trade shifts if no overtime pay or comp time shall be incurred on account of the shift trade.

#### I. Volunteer

Employees performing volunteer work for the City of a nature different than their usual employment shall not be compensated, and such time does not count toward hours worked in any work week.

## J. Record Keeping

1. Non-exempt employees must accurately record all hours worked each day and timely submit their time records to the Department Head on the next business day following the end of the pay period.
2. Reports of comp time hours earned and used must be maintained by the appropriate department head, and forwarded to the Payroll Department for the purpose of maintaining each employee's comp time record.

## K. Standby/On-Call

Employees who are needed to be on "standby" by the City shall keep the City's dispatcher or supervisor notified as to their whereabouts so they can be contacted and respond within the appropriate time requirements. If such employee desires to be out of the area, they must arrange for a back-up standby and so advise the dispatcher or supervisor and the employee's supervisor. Employees on standby must not be intoxicated when they report for duty and must be appropriately dressed, but will not be further restricted. They shall be paid for six hours at their regular rate for serving one week's standby duty and if called into work will be reimbursed at their regular rate in accordance with the overtime regulations contained herein. In addition to this general standby/on call policy, there may be additional department specific standby/on call requirements.

## L. Mandatory Overtime

Employees may be required to work overtime when the Department Head or City Manager determines that the employee's services are needed beyond the regularly scheduled hours.

Article 8 - Holidays and Holiday Pay

8.1 All regular full time employees (except for employees and police officers working shifts as described in 8.3 below) shall be entitled to the following holidays off with eight (8) hours pay:

New Year's Day, President's Day, Memorial Day, ~~Independent~~ Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, the day after Thanksgiving, and Christmas Day.

A. Full-time employees working less than a 40-hour work week will receive holiday day pay on a prorata basis. Seasonal, part-time and temporary employees are not eligible for holiday pay.

B. Whenever a holiday falls on a Saturday, the preceding Friday shall be observed as the holiday, and when it falls on a Sunday, the following Monday shall be observed. When a holiday falls within a period of paid leave (i.e., paid time off, etc.), the employee shall be paid for the holiday and the holiday hours shall not be subtracted from accrued leave time.

8.2 Salaried Exempt employees may ordinarily take Holidays off, except as otherwise required. They receive their same salary whether they work on a Holiday or take it off. They do not receive additional PTO for working a Holiday, unless otherwise provided in these regulations.

8.3 Police officers and other employees scheduled to work an average of 40 hours per week or more on shift work shall be scheduled for work without regard to holidays. In lieu of paid holidays listed in Section 8.1 above, they have been awarded additional compensation through PTO. All employees scheduled to work on shift work shall be scheduled for work without regard to holidays. In lieu of the paid holidays listed in Section 8.1 above, they shall earn an additional PTO based on hours worked as set out in Section 10.1 (B) (2) and (C).

8.4 In the case of employees holding more than one job title in differing pay grades, holiday pay as described in Sections 8.1 and 8.3 above will be paid based on the employee's primary job, that is, the position in which the employee spends a majority of work hours.

8.5 In the event other City employees become scheduled for shift work so that holidays

cannot be taken, the City Manager may authorize additional equivalent pay or PTO as deemed appropriate.

## Article 9 - Employee Benefits

### 9.1 Benefits

The City may from time to time provide benefits for employees, which may include without limitation, retirement, health, dental and vision insurance. Eligibility for coverage will be as set forth in the agreement or plan documents. The Human Resources Department shall provide employees with information on the benefits available, eligibility requirements and summary plans.

### 9.2 Wellness Program

The City may contribute an amount established by Council toward the Wellness Program of regular full time employees eligible for benefits. Funds can only be applied toward those programs designated in the City's adopted wellness program. Participation or enrollment in any program or membership shall terminate upon separation of employment with the City. Request for reimbursement is submitted to the Human Resources Department.

### 9.3 Interim Disability Wages

A. Regular full time employees, ~~regularly scheduled for a minimum of 40 hours of work per week~~ shall be eligible for interim disability payments in accordance with the provisions of this section, subject to the exceptions and limitations set out herein.

B. In order to be eligible for interim disability the following requirements apply:

1. At the time the employee becomes disabled the employee must have been regularly scheduled for a minimum of 40 hours of work a week, have been so employed for six months, and have completed his initial period of employment as an introductory employee.
2. The employee must have exhausted all PTO other than CSLA.
3. The disability has occurred a minimum of 30 days prior to disability payments.
4. The employee must not be entitled to any workers' compensation benefits as a result of the disability.
5. The employee is, and has been during the 30-day elimination period, been unable to perform the material and substantial duties of the employees' position due to the disability.
6. The employee is not employed by any other employer.

7. The employee
  - a) has not been separated from employment with the City by resignation;
  - b) has requested and been granted leave pursuant to the Family and Medical Leave Act; or
  - c) has been granted leave without pay or benefits following exhaustion of FMLA leave.
8. The disability has not been caused by war, declared or undeclared, or any act of war, intentionally self-inflicted injuries, act of participation in a riot, or attempt of or participation in the commission of an assault or felony.
9. The employee requires the regular care and attendance of a physician and submits proof of disability at the employee's expense to the City upon request.

C. The amount payable to the employee shall be 60% of the employee's regular wages or salary based upon regularly scheduled hours at the stipulated hourly rate or salary, reduced by any worker's compensation benefit or FPPA disability benefits, and subject to deductions for the employee's share of benefit withholdings, i.e., health, dental, vision, life insurance, or other benefits the City may offer.

D. The payment will not commence until 30 days following the date of disability and shall terminate at a time of six (6) months following the date of disability or at such time as the City determines the employee is no longer disabled or otherwise eligible in accordance with this section, or upon death. Employees may receive only up to six (6) months of interim disability wages in the event there would be more than one disability claim while an employee is eligible for this benefit.

E. The City may require the employee to be examined by a physician of its choice at any time in order to determine if a disability exists or continues.

F. During any time disability payments are made, no additional paid time off will accrue to the employee and no payments shall be made to the City retirement programs.

Article 10 - Leave

10.1 Paid Time Off (PTO) Leave.

A. Regular and introductory **full time employees** regularly shall accrue PTO on a graduated accrual basis described in 10.1(B). Employees regularly scheduled for less than 40 hours a week and hired prior to December 1, 1995 shall accrue PTO at a graduated accrual basis described in 10.1(C). Other employees shall be eligible to accrue PTO after being employed for six months, and have completed the initial period of employment as an introductory employee, effective January 1, 1999, as set forth in 10.1(C).

B. Eligibility. Regular **full time employees** shall accrue PTO beginning with their date of hire at the rates specified in 10.1(B). Regular employees who are regularly scheduled to work less than 40 hours per work week begin to accrue PTO the pay period following completion of six consecutive months of employment. The rate of accrual increases based on years of service, as explained below.

1. Regular **full time employees** regularly **shall accrue** 5.85 hours of PTO time per pay period at the rate of 0.07308 hours times hours worked with a maximum accrual of 384 PTO. After five years from an employee's date of hire, the employee shall accrue up to 6.77 hours of PTO per pay period at the rate of 0.08462 hours times hours worked with a maximum accrual of 432 PTO. After ten years from employee's date of hire, employee shall accrue up to 7.69 hours of PTO per pay period at the rate of 0.09615 hours times hours worked with a maximum accrual of 480 PTO. After fifteen years from the employee's date of hire, the employee shall accrue 8.62 hours of PTO per pay period at the rate of 0.10777 hours times hours worked with a maximum accrual of 528 PTO. After twenty years from the employee's date of hire and continuing thereafter, the employee shall accrue 9.54 hours of PTO per pay period at the rate of 0.11923 hours times hours worked with a maximum accrual of 576 PTO.

2. Employees working shifts without regard to holidays may earn an additional 0.99679 hours times hours worked up to 80 hours per pay period.

C. Employees regularly scheduled for less than **30**40 hours per week may accrue up to 3.23 hours of PTO per pay period at the rate of 0.05385 hours times hours worked with a maximum accrual of 228 hours of PTO. After five years from the employee's hire date, the employee may accrue up to 3.92 hours of PTO time per pay period at the rate of

0.06538 hours times hours worked with a maximum accrual of 264 hours of PTO. After ten years from employee's hire date, the employee may accrue up to 4.62 hours of PTO per pay period at the rate of 0.07692 hours times hours worked with a maximum accrual of 300 hours of PTO. After fifteen years from the employee's hire date, the employee may accrue up to 5.31 hours of PTO time per pay period at the rate of 0.08846 hours times hours worked with a maximum accrual of 336 hours of PTO. After twenty years from employee's hire date and continuing thereafter, the employee may accrue up to 6.00 hours of PTO per pay period at the rate of 0.10000 hours times hours worked with a maximum accrual of 372 hours of PTO.

D. In the case of employees having more than one job title in differing pay grades, PTO will calculate according to total hours worked per pay period and when used will be charged and paid out equally for each pay rate.

E. Approval and timing of using PTO shall be determined by the Department head with respect to the needs of the department and the wishes of the employee. PTO will not be granted in advance of accrual and cannot be taken without prior departmental approval.

F. When an employee transfers from one department to another within the City, the employee's accrued PTO shall be transferred also. Upon separation from the City, the employee shall be paid for unused portion of the employee's accrued PTO hours.

G. PTO may not be taken before accrued and may be used in the following conditions only:

1. For vacation time
2. When the employee is ill or physically incapacitated;
3. For care of members of the employee's immediate family in cases of illness;
4. For medical, dental or optical appointments;
5. When the employee has been exposed to a contagious disease and may jeopardize the health of others;
6. For death in the immediate family when additional days off are required following the usage of the allowed two days off with pay; (See 10.2 for definition of immediate family)
7. For time off mandated by the City Manager because of reduced work needs, for disciplinary reasons, or other reasons in the best interests of the City, as determined by the City Manager.

H. An employee absent on PTO for an illness shall notify the employee's department head prior to the beginning of the work period, explaining the circumstances causing the absence. Immediately upon return to work, the employee shall submit a leave form for

the approval of the department head. The employee must personally notify the department head each day that the employee is absent due to illness or injury, unless the employee is on approved leave of absence for a stated period, like FMLA leave. Employee is required to provide a physician's statement authorizing the employee to return to work, and listing any continuing medical restrictions, when the employee is absent more than three consecutive work days.

I. In cases where an employee will not be able to return to work, the City may terminate the employee and pay the employee for unused PTO.

J. Fraudulent use of PTO leave shall be a cause of disciplinary action. The department head may choose to investigate illness claims and may request a physician's statement for absences. An employee absent on unscheduled PTO due to a sudden emergency, such as illness or injury of the employee or of the employee's immediate family, may be required to provide proof of the need for the unscheduled PTO. Such proof may include, without limitation, a physician's or other health care provider's statement affirming the need for leave, or statement from other individuals having knowledge of the need for leave. Such proof will be required where the absence is for more than three consecutive days, or where it appears that the employee is abusing PTO due to the frequency or pattern of unscheduled PTO or other evidence that the employee is fraudulently using unscheduled PTO. Fraudulent use of unscheduled PTO shall result in discipline or discharge. 'Unscheduled PTO' is any use of PTO that is not requested and approved at least one full work day in advance.

K. Upon separation, other than termination, as defined by the City of Delta's Retirement Plan 100 percent vesting schedule, an employee shall be reimbursed by the City of Delta the amount up to 350 hours on a one-to-one basis at the current rate of pay at the time of separation for the hours that have been placed aside as part of the PTO conversion, also called CDPTO (Contingent Deferred PTO). This does not apply to all employees, only those that have the hours available at the time of conversion and have provided the continuous years of service needed to meet the 100 percent vesting defined by the City's retirement plan.

1. As part of the conversion for PTO the employees who have additional banked hours available referred to CSLA (contingent sick leave account) will have the option to:

- a) bank the hours on a one-to-one basis to supplement the short, long term on and off job related injury's after the accrued PTO is exhausted.
- b) cash out the remaining hours on a three-to-one ration at a rate of pay set on the average of the employee's salary over a three year period beginning December 1, 1993 and ending December 31, 1995. The employee may

only receive the cashed out amount beginning in January 1, 1997 and must take a minimum of \$500.00 up to a maximum of \$10,000 per fiscal year. The amount requested will be deducted from the banked amount and must be declared in June of the preceding year.

c) If the employee encounters a hardship case and is in need of the available funds that are banked, at some point other than declared in June of the preceding year, the City Manager will determine the recommendation for approval or denial.

## 10.2 Funeral Leave

A regular employee shall be allowed two days off with pay for a death of the employee's spouse, child, parent, mother-in-law, father-in-law, grandparent, sister, brother, stepchild, stepparent, step-mother-in-law, step-father-in-law, step grandparent, stepsister, and stepbrother, grandchild or step-grandchild., ~~none of which pay shall be subtracted from the accrued PTO.~~

## 10.3 Accident Leave

~~Any employee injured on the job shall continue to be compensated at the employee's regular rate at time of injury through use of accrued Paid Time Off, until such time as payment is received from insurance carrier. Once payments are made to employee, the use of Paid Time Off will cease, any unused accrued PTO will be frozen, and no further compensation will be processed through employer until employee is able to return to duty.~~

A. Any job-incurred injury or illness from a cause arising out of and in the course of employment, regardless of severity, must be immediately reported to the employee's supervisor. **Within four (4) working days of such injury or illness, employee must complete and submit a written report (provided by and returned to the Human Resources Department).** The Human Resources Department, ~~within ten (10) days of the accident,~~ shall file a formal report with the Workers Compensation Insurance Fund per applicable laws.

B. Procedure for reporting work related injuries requires the employee to immediately notify their supervisor if injured on the job, no matter how insignificant the injury might seem. The supervisor shall notify the **Human Resources Department** of the injury and arrange for employee to complete the "Employee's Written Notice" form. This form is to be completed and returned to the **Human Resources Department** within four working days. If the employee needs to see a doctor, they need to talk with the **Human Resources**

**Department** before they make an appointment. If an employee is badly injured and needs immediate medical attention, the supervisor should by all means see that they get to the emergency room as soon as possible. The supervisor should have someone notify the **Human Resources Department** immediately. The forms may be filled out later.

C. Workers Compensation Leave. There is no established leave period under the workers compensation laws for employees who are absent from work due to a work-related injury or illness. Such employees' leave rights are the same as employees who are unable to work because of non-work-related injury or illness, except that the employee may be entitled to receive temporary or permanent disability benefits during the absence, as determined by Colorado's workers' compensation law. FMLA leave will be used during such absence if the injury or illness qualifies as a serious health condition under the FMLA, and if the employee is otherwise eligible for FMLA leave. Any extension of leave beyond the period of FMLA will be determined by the City Manager based on the needs of the City. An extension of leave may also be considered as a reasonable accommodation under the Americans with Disability Act, if the injury or illness is a 'disability' as defined by the ADA. Requirements for reporting a work-related injury or illness are covered in elsewhere in these personnel regulations.

#### 10.4 Military Leave

Military leave shall be granted to all employees consistent with C.R.S. 28-3-601, as amended, and USERRA, 38 USC } 4301 et seq.

#### 10.5 Court Leave

All employees may receive leave with pay for the employee's regularly scheduled hours of work missed while serving on jury duty during the first three days of jury service. Thereafter, regular employees who remit any court payment made to them to the City will continue to be paid for regularly scheduled hours missed for jury duty without impact to their accrued PTO.

#### 10.6 Administrative Leave

Employees may be granted administrative leave with pay when the employee is participating in meetings, institutes and other activities directly related to the employee's work. Administrative leave may also be granted to the employee to compete for other City positions. Administrative leave, with pay, may be authorized for use by City Manager or Department Head when possible disciplinary action is under consideration, or under such other circumstances as may be deemed necessary by the City Manager or

Department Head. Employees placed on administrative leave will be advised of the reason for the leave and, if possible, the probable duration of the leave.

## 10.7 The Family & Medical Leave

A. Statutory Rights Only. This policy is to be read in accordance with the Family Medical Leave Act (“FMLA” or “Act”) of 1993 and the regulations interpreting the Act and/or as amended by law. The policy is intended to explain those rights and obligations required by the Act and is not intended to create any additional or contractual rights or obligations.

B. Eligibility - To be eligible for FMLA leave, an Employee must have been employed for at least 12 months (~~total, but not necessarily continuous~~) by the City, must have worked at least 1,250 hours for the City during the 12 months before leave is to be taken, and must be employed at a work-site where the City employs at least 50 employees within 75 miles. Unless all of these conditions are satisfied, employee will not be eligible for FMLA leave.

C. FMLA Benefit - Eligible employees shall be granted a total of 12 weeks of FMLA leave during a rolling 12-month period (26 weeks for military care giver) for one or more of the following: because of incapacity due to pregnancy, prenatal medical care or child birth; to care for the employee’s child after birth, or placement for adoption or foster care; to care for the employee’s spouse, son, daughter or parent, who has a serious health condition or for a serious health condition that makes the employee unable to perform the employee’s job.

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12 week leave entitlement to address certain qualifying exigencies. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12 month period.

If both spouses are employed by the City, they are limited to a combined total of 12 weeks of leave during the 12-month period if the leave is taken for birth of child or care after birth; placement of a child with the employees for adoption or foster care or to care for the child after placement; or to care for the employee’s parent with a serious health condition. A ‘week’ is equal to the average weekly hours worked by the employee during the 12 weeks prior to the start of the leave. A ‘rolling’ 12-month period is the 12-month period measured backward from the date an employee uses any FMLA leave.

D. Serious Health Condition - A serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital or residential medical care facility; any period of incapacity requiring absence from work,

school or other regular daily activities of more than three calendar days, that also involves continuing treatment by a health care provider; continuing treatment by a health care provider for a chronic or long term health condition that is incurable or so serious that if not treated would likely result in a period of incapacity of more than three calendar days; or prenatal care. The City may require that a request for leave involving a serious health condition be supported by a certification issued by a health care provider of the eligible employee, son, daughter, spouse, or parent of the employee, as appropriate. The City may require, at its own expense, the employee obtain a second opinion from a health care provider designated or approved by the City. All medical certification issues will be handled pursuant to the Family and Medical Leave Act and its interpretive rules and regulations. **The FMLA definitions of “serious injury or illness” for current service members and veterans are distinct from the FMLA definition of “serious health condition”.**

E. Intermittent/Reduced Schedule/Light Duty Leave - In general, FMLA leave shall not be taken by an employee intermittently or on a reduced scheduled basis unless the eligible employee and City agree otherwise. If the FMLA leave involves a serious health condition as defined above, leave may be taken intermittently or a reduced scheduled basis when medically necessary. If an employee requests intermittent or reduced schedule leave that is foreseeable based on planned medical treatment, the City may require such employee to transfer temporarily to an available alternative position for which the employee is qualified that has equivalent pay and benefits, and which better accommodates the recurring periods of leave. An employee who is unable to perform their regular job duties because of medical restrictions related to a serious health condition may elect to perform a modified, light-duty position that is within the employee’s medical restrictions, if offered by the City, instead of taking FMLA. The City may count the period of light-duty as FMLA leave, so long as the City provides the employee the same rights and benefits as is the requirement for employees on FMLA leave.

F. Notice of Need for Leave - In any case in which the necessity for FMLA leave is foreseeable, the employee shall provide the City with at least 30 calendar days notice before the date the leave is to begin, or as much notice as is practical. In any event, notice must be provided within two working days of the employee’s awareness of the need for leave. The notice should be in writing and must make City aware that the employee needs leave for one of the reasons described above and the anticipated timing and duration of the leave. This does not relieve employees who are absent for a sudden illness or injury, even if it qualifies as FMLA leave, from giving notice to their supervisors each day as required by the PTO policy. Once it is determined that the employee qualifies for FMLA leave, daily notice is not required during the period of

approved FMLA leave unless otherwise provided in this FMLA policy.

G. Continuation of Health Insurance Benefits - Employees on FMLA leave are entitled to continuation of any group health insurance benefits to which they are normally entitled and reinstatement to the same or equivalent position. The City will pay its normal contribution to health insurance premiums of employees who are on FMLA leave, but City's obligations (if any) to contribute to health insurance premiums and to restore the employee to similar employment terminates when the employee gives the City unequivocal notice of intent not to return to work. The employee may then have the right to continue benefits, at employee's own costs, pursuant to Title 10 of the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA). Employee must make arrangements with Human Resources Director for how employee will pay his or her share of premiums while on leave or under COBRA.

H. Loss of Insurance Benefits - The employee's failure to pay his or her share of the premiums may result in loss of coverage. Should the employee fail to pay their share of premiums during their leave period, the City may elect to pay the employee's share as an advance against future wages in order to maintain coverage while the employee is on FMLA leave. This right to pay the employee's share of the premium by the City is solely at City's discretion and this policy does not give the employee any right to demand that the City pay the employee's portion of the insurance premium. Further, the employee must repay the City for the premiums, unless the employee has notified the City in writing that the employee no longer desires to be covered by the City's health insurance, and after receiving such notice, the City continues to pay the premiums.

I. City's Right to Recover Insurance Premiums - The City may recover from the employee the City's portion of premiums paid during any period of unpaid FMLA leave if the employee fails to return to work, as defined by the Act, after the employee's FMLA leave entitlement has expired, unless the reason that the employee does not return is due to: (1) the continuation, recurrence of or onset of a serious health condition that would entitle the employee to family and medical leave (affecting either employee or immediate family) or (2) other circumstances beyond the control of the employee.

J. Medical Re-Certification - Employees on FMLA leave because of a serious health condition are required to furnish medical re-certification from their health care provider every 30 days affirming their continuing need for leave. Employees on FMLA leave are also required to furnish the City Human Resources with periodic reports every 30 days of employee's intent to return to work. If the circumstances of an employee's leave changes, and employee is able to return to work earlier than the date originally indicated, employee will be required to notify the City at least two work days prior to the date the

employee intends to report for work.

K. Fitness for Duty - Before the employee may return to work following FMLA leave as a result of the employee's own serious health condition, the employee must provide the City with a certification issued by a health care provider stating that the employee has the ability to perform the regular job and explaining any restrictions on regular job duties. Employees with restrictions will be allowed to return to work only if employee can perform the essential job functions with or without reasonable accommodations.

L. Extension of Leave - If for any reason the City grants employee additional leave after the employee has exhausted all FMLA leave, such leave shall be unpaid leave (unless the employee is receiving workers' compensation or other disability insurance benefits), not subject to the rights and obligations of the Family Medical Leave Act. It shall not require the City to pay any portion of employee's health insurance premiums and shall not guarantee employee's return to the same or equivalent position upon return to work. The City has no obligation under this policy or the Act to grant leave in excess of the 12-week leave required by the FMLA.

M. Use of Paid Leave During FMLA - Employee is required to exhaust employee's accrued PTO, if any, during FMLA leave. FMLA leave is otherwise, unpaid leave (unless the employee is receiving workers' compensation or other disability insurance benefits). The total periods of absence considering all PTO and family leave used for reasons covered by this family and medical leave policy cannot exceed 12 weeks in a rolling 12 month period, (26 weeks if a military care giver). No PTO benefits accrue while on unpaid FMLA leave.

N. Forms- Forms are available through the **Human Resources Department** for requesting FMLA leave and for fulfilling Medical Certification requirements.

O. Termination During Leave - Employees on FMLA leave generally have a right to return to the same position or an equivalent position with equivalent pay, benefits and other terms and conditions of employment. However, this does not entitle the restored employee to accrual of any seniority or employment benefits during any period of leave, or any right, benefit or position of employment other than that which the employee would have been entitled to had the employee not taken the leave. This means that an employee on FMLA leave may be laid off or terminated during the leave period for cause or business necessity or no reason, the same as any other employee, so long as the lay off or termination is not because of the employee's legitimate use of FMLA leave.

P. Key Employee Exception - Employer may deny restoration of a "key employee"

following FMLA leave if (1) such denial is necessary to prevent substantial and grievous economic injury to the operations of employer; (2) employer notifies the employee of the intent of employer to deny restoration on such basis at the time that employer determines that such injury would occur; and (3) in any case in which the leave has commenced, the employee elects not to return to employment after receiving such notice. A “key employee” is a salaried FMLA eligible employee who is among the highest paid 10 percent of all the employees employed by the City within 75 miles of the employee’s worksite.

#### 10.8 Leave Without Pay.

Employees are not entitled to leaves of absence other than the leaves provided in these regulations or required by law. The City Manager may authorize leave without pay as a reasonable accommodation for a disabled employee (as defined by the ADA), or an employee receiving worker’s compensation benefits and not at MMI, or under such other circumstances as the City Manager determines are in the best interests of the City and do not create an undue burden on the City. The City is not obligated to continue paying for health insurance benefits during this period; the employee is not entitled to reinstatement to the same or equivalent position following leave without pay, and no PTO benefits accrue while the employee is on leave without pay. The City Manager may authorize leave without pay to an employee for a period of six (6) months and with a six (6) month extension at the discretion of City Manager.

#### 10.9 Voting Leave

Employees who are registered, eligible electors entitled to vote at an election shall be entitled **up to** two hours off, with pay, for the purpose of voting on the day of the election during the time the polls are open, if they apply for the leave of absence prior to the day of election and if they have less than three hours between the time of opening and the time of closing of the polls during which they are not required to be on the job. ~~for~~ **employer**. The City may specify the hours during which the employee may be absent. Request for voting leave must be submitted to Department Head.

#### 10.10 Domestic Violence Leave

A. Statutory Rights - Domestic Violence Leave is governed by Colorado law, C.R.S. 24-34-402.7, and is available only to individuals who qualify under the law, as it may be amended from time to time. The provisions of this policy are intended to comply with

the state law and not to create rights that are different from or in addition to the law. This policy is automatically amended or repealed if the state law is amended or repealed.

B. Eligibility - In order to qualify for Domestic Violence Leave, the City must have 50 or more employees and the employee must have been employed by the City of twelve months or more, must be a victim of a crime of domestic violence, must have a qualifying reason for the leave, and must provide the City sufficient notice of this qualifying reason.

C. Leave Benefit - Eligible employees shall be permitted to take up to three working days of unpaid leave from work in any twelve-month period, for a qualifying reason, if the employee is the victim of a crime of domestic violence.

D. Crime of Domestic Violence - A crime of domestic violence includes domestic abuse, stalking, sexual assault, and any other crime **in which**, the underlying factual basis ~~of which~~ has been found by a court on the record to include an act of “domestic violence” as defined by state law.

E. Qualifying Reason for Leave - The employee must be using the leave from work to protect himself or herself by:

1. Seeking a civil restraining order to prevent domestic abuse;
2. Obtaining medical care or mental health counseling or both for himself or herself or for his or her 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 his or her home secure from the perpetrator of the act of domestic abuse, stalking or sexual assault or other crime involving domestic violence or seeking new housing to escape the perpetrator;
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 the act or crime.

F. Notice - Except in cases of imminent danger to the health or safety of the employee, an employee seeking leave from work under this policy shall provide the Department Head with advance notice by the next business day after the employee becomes aware of the need for leave. The request must be accompanied by a copy of any subpoenas, court orders, police reports, medical provider’s statements or other documentation that will substantiate the need for leave. In the event prior notice is not possible because of imminent danger, the employee must provide notice and supporting documentation, as required above, at the earliest opportunity.

G. Exhaustion of Other Paid Leave - Domestic Violence Leave is unpaid leave, unless the employee has accrued PTO benefits available. In this event, the domestic violence leave will be used simultaneously with PTO, to the extent available so that leave will be paid. If the available PTO leave is less than three days, the remainder of the Domestic Violence Leave will be unpaid.

H. Confidentiality - The law requires that employer shall treat employee's request for and use of this leave as confidential and shall discuss it only with those individuals who need to know for purposes of confirming the employee's need for leave, granting or denying the request, coordinating the employee's absence and work coverage during the period of absence, or for other legitimate business needs.

I. No Retaliation - Employee shall not be retaliated against for any request or use of this leave when the request or use is pursuant to an honest belief that the Domestic Violence leave law applies to the circumstances.

J. No Greater Risk - An employee shall have no greater risk to continued employment or to other benefits and conditions of employment than if the employee was not entitled to leave under this policy. Nothing in this policy shall be construed to limit employers' right to discipline or terminate any employee for any reason, including but not limited to reduction in work force or termination for cause or for no reason at all, other than exercising his or her rights under this policy.

#### 10.11 Leave Monitoring

All leave, **with the exception of sick leave**, must be approved prior to its starting date. The employee shall submit a verbal or written request, as required by a supervisor, indicating the type of leave, departure and return dates to the employee's department head for approval. **Notice for sick leave shall be given as soon as possible. Any required doctor's note or other paperwork required by Human Resources ~~by a supervisor~~ to substantiate the sick leave shall be submitted immediately upon the employee's return.**

Any employee absent from duty without approval shall receive no pay for the period of the absence and is subject to disciplinary action. In all cases, unless an absence is **substantiated by a leave form** approved by the department head, an employee shall not be paid for the absence from scheduled work.

**An employee, who, without authorization, fails to report for work for 2 consecutive working days, shall be considered to have resigned voluntarily as of the end of the second consecutive day. The Human Resources Department shall provide written notice**

to the employee that the resignation has been accepted and that the position has been declared vacant.

## Article 11 – Employee Conduct

11.1 All employees are expected to conduct themselves in a manner which is a favorable reflection of the City and which demonstrates tact, courtesy and good judgment. Dress should be appropriate for the position held. During working hours, the employee is expected to devote the employee's energies to the service of the City and not to personal affairs.

### 11.2 Workplace Violence Prevention

A. Policy Objective – The City strives to prevent workplace violence and to maintain a safe work environment. Employees must cooperate with the City to maintain a work environment free from violence, threats of violence and behavior that makes others reasonably fearful of their safety.

B. Dangerous Devices/ Substances Prohibited – Employees are prohibited from engaging in fighting, horseplay or other conduct that may be dangerous to others. Firearms, knives, and other dangerous weapons or hazardous devices or substances are prohibited on the worksite or in City vehicles, or in the possession of employees during work time unless there is work related necessity for the device or substance and the department head has authorized its use.

C. Threatening Conduct Prohibited – Conduct that is intended to or can be reasonably expected to threaten the physical safety of another employee or member of the public or that effectively cause another to fear for physical safety is prohibited when it occurs on the job, and when it occurs off the job with actual or potential adverse impact on the workplace. Bizarre or frightening comments regarding violent events, even if made in jest and bizarre or frightening behavior on the telephone, in faxes or emails are prohibited. Such behavior includes oral or written statements, gestures, or expressions that reasonably could or do communicate a threat of physical harm.

D. Reporting Required – The City needs employees cooperation to effectively implement this policy and maintain a safe working environment. Do not ignore violent, bizarre, frightening or threatening behavior that either occurs in the workplace, threatens to spill over into the work place, or has an adverse impact on the workplace. All acts of violence or threats of violence in violation of this policy of which you have firsthand knowledge must be reported immediately to you supervisor and as soon as possible to the City Manager. If the threat of harm is immediate, call 911. Do not place yourself in peril by attempting to intercede when the threat is immediate.

E. Investigation – Employees will be responsible for cooperating with any investigation conducted by the City or by any investigative or law enforcement agency of conduct that is alleged to violate this policy. This may include providing interviews, testimony and written statements of the events observed.

F. Examples – Threats of violence can include verbal, written or physical threats. Statements to the effect that you intend to shoot, maim, kill, strangle, or otherwise cause physical harm to another are prohibited, regardless of whether or not there is intent to engage in this conduct. Threatening conduct can include blatant insubordination, loud arguing, swearing at others, expressing hostility, clenched fists, threatening or harassing phone calls or emails, stalking, pushing or poking another person, throwing items or slamming doors, intentional or reckless destruction of property, among other acts.

G. Consequences of Conduct – Anyone determined to be responsible for threats of violence or actual violence or other conduct that is in violation of this policy will be subject to disciplinary action up to and including termination of employment. Employees who engage in conduct in violation of this policy may also have personal liability for the damages caused to others by their conduct.

### 11.3 Use of Drugs and Alcohol

A. The City of Delta complies with applicable drug and alcohol testing regulations for those employees required to have a commercial driver's license.

B. No employee shall use drugs (other than proper use of prescriptions or over the counter medicines) or consume alcoholic beverages while on the job. Nor shall any employee report to work while under the influence of such drugs or alcoholic beverages.

C. No employee shall consume any alcoholic beverages in any City vehicle or equipment at any time.

D. No employee shall operate any City-owned vehicle or equipment under any conditions where the employee would be in violation of State driving laws.

### 11.4 No Smoking Policy

Smoking is prohibited in City buildings, entryways and vehicles in accordance with City Charter, Chapter 8.36 due to safety, health and welfare for all employees. Smoking is allowed in open work areas unless there is an environmental or an explosion danger. Smoking ash, butts and other debris must be contained in proper receptacles.

## 11.5 Outside Employment

Any outside employment engaged in by a City employee must not interfere with or adversely affect the employee's responsibilities. All employees shall be required to notify their department head of the City Manager of the acceptance of outside employment and its nature. If the employee's outside employment interferes with City employment, the department head may require that the employee terminate the outside employment or face disciplinary action.

## 11.6 Use of City Property

No City Employee shall use any property, equipment, vehicle or any other City owned materials for private gain, use or convenience. City property shall be used only for the performance of City duties. All employees shall be responsible for the efficient, proper, effective and safe use and security of City property and equipment assigned to said employee. No employee shall abuse or damage or steal City equipment or materials.

- A. Computer/ Internet Usage - The City provides computers and software to its employees for use in the conduct of City business. The computer system and anything placed into the computer and its files, is the property of the City. The City may monitor employee's computer files, internet use, and the use of software and will retain access to the employee's passwords and access codes. Computer files and records are public records, subject to inspection and copying by any person to the same extent and subject to the same exceptions, as hard copy documents as outlined in the Public Records Act. Some things, however, are required to be kept confidential and employee should exercise the same care with computer files as with hard copy. If employees are subject to any public records request, even those including computer files, the request should be referred to the City Clerk or City Attorney for proper determination.

The City reserves the right to monitor its employees email communications at all times. Employees shall not access any personal email accounts on services such as hotmail or yahoo unless it is related to work or approved by a supervisor. Employees shall not use email capacity to originate, forward or disseminate jokes, advertisements and other forms of junk email unrelated to City business.

Employees are responsible for all activities on employee user id or that originates from the employee system. Employees shall not use the City's computers or networks for personal gain, or the performance of any kind of "work for profit."

Only software and programs licensed or otherwise lawfully authorized to be placed on City computers. Software licensed for use on City computers may not be installed on other computers. Employees may not load their own software on City computers. Software from the internet conducive to the conduct of City business may be downloaded only when specifically authorized by the City Manager or designee. City software is not to be altered in any way without express authorization from the City Manager.

Employees shall not view, open or execute any email or email attachment unless the employee knows the original source of the email and the purpose for any attachments. If the employee suspects a virus infection, notify IT personnel or the City Manager.

Use of the City's computer systems to engage in any communication which violates any federal, state or local laws, code or regulations or any City regulation or policy is strictly prohibited at all times.

B. Cellular Phone Usage -The City of Delta shall from time to time, provide Cellular phones to employees it deems necessary to conduct City business. In this event the City will either provide a cell phone for use or provide a cell phone allowance adequate to cover the costs for the portion of phone service needed to conduct City business.

1. While at work, employees are expected to use cell phones with the same discretion used for City of Delta land line telephones. Employees are generally expected to make personal calls on personal time. Personal calls should be minimized to those calls that constitute an immediate need or emergency and made during breaks if at all possible.
2. Employees are expected to set cell phones to silent or vibrate during meetings conferences or any other locations where workflow can be disrupted.
3. Employees are prohibited from calling inappropriate numbers on City provided cell phones.
4. ~~Employees are prohibited from using cell phone while driving City owned vehicles.~~ Use of all electronic devices shall comply with applicable State Laws.

## 11.7 Credit Cards

A single credit card may be available for business use only by department heads, directors or supervisors as approved by the City Manager. At no time shall City issued

credit cards be used for any personal business. Detailed receipts shall be furnished to the Finance Department for all use of City issued credit cards.

#### 11.8 Gifts

In accordance with City Charter, Chapter 2.64, prohibited gifts apply to City Officials, including Board and Commission members, Council members, and employees. Gifts include the transfer of a thing of value by one person to another without any return, transfer or equal compensation.

Permitted gifts can include the following:

- A. Campaign contributions as allowed by law
- B. Non-monetary rewards, publically presented in recognition of public service
- C. Gifts similarly available to the general public
- D. Educational scholarships and grants available to members of the general public
- E. Grants and services provided for medical, respite or hospice care or other social welfare needs available to members of the general public
- F. Occasional, unsolicited gifts having a fair market value less than \$25
- G. Unsolicited informational material, publications or subscriptions related to the City official's performance of his or her duties
- H. An unsolicited token or award of appreciation in the form of a plaque, trophy, desk item wall memento or similar item
- I. Payment or reimbursement for actual and necessary expenditures for registration, travel, lodging, and meals for attendance at a conventions, training seminar or other meeting where the City official is participating as a representative of the City
- J. An occasional unsolicited opportunity to participate in a business meeting of social function where a meal is served and/ or entertainment is provided

#### 11.9 Conflicts of Interest

A. No City Council member, officer, employee or member of any City committee, commission, board or the like shall exercise any substantial discretionary function in connection with a contract, purchase, payment or other pecuniary transaction with the City where the outcome could create a direct financial benefit.

B. Unless the Council member, officer, employee or member of any City committee, commission, board or the like has given 72 hours notice to the Secretary of State, the City Council, the concerned board, committee or commission and, in the case of a City employee, the City Manager.

C. Unless the City Council (or in the case of City employees reporting to the City Manager, the City Manager) determines after disclosure that the interest is indirect and insubstantial.

D. Written notice of a known potential conflicting interest pursuant to subsections (A) and (B) above is not required in those cases where the person discloses the potential conflict and recuses him/ herself from participation.

E. Applicable provisions of the Colorado Code of Ethics CRS}24-18-101 et seq., as amended from time to time, shall be followed in all cases.

#### 11.10 Prohibited Harassment

It is the policy of the City that all employees are entitled to work in an environment free of prohibited harassment, both discriminatory and non-discriminatory harassment. Prohibited harassment will not be tolerated. A prompt investigation of all claims and complaints of prohibited harassment will be undertaken, and effective and appropriate corrective action will be taken when determined to be warranted based on the investigation.

##### A. Definitions

1. Age harassment: harassment because an individual is 40 years of age or older

2. Disability harassment: harassment because of an individual's physical or mental impairment that substantially limits one or more of the individual's major life activities, because the individual has a record of such impairment, or because the individual is regarded as having such impairment.

3. Gender harassment: harassment because of an individual's gender

4. Marital or family status harassment: harassment because an individual is single, married, or has a family

5. Race/ color harassment: harassment because of an individual's race or skin color.

6. Sexual Orientation: harassment because of an individual's sexual orientation or gender identity

7. Religious harassment: means harassment because of an individual's religious affiliation or views, ideas about spirituality, morality and or ethical beliefs.

8. "Prohibited harassment" means unwelcome conduct, including physical, verbal or written conduct on the basis of the categories above or other categories specific to individual or group identity or affiliation which has the purpose or affect of creating a hostile environment.

a) Examples of “prohibited harassment” include but are not limited to: slurs, jokes, degrading comments, degrading pictures, degrading symbols or written, verbal or physical conduct based on the categories above or other categories specific to individual or group identity or affiliation.

b) In addition, examples of prohibited harassment that constitutes “sexual harassment” include but are not limited to sexual advances, requests for sexual favors or other physical, verbal or written conduct of a sexual nature, when the conduct is made either explicitly or implicitly a term or condition of an individual’s employment or when such conduct is unwelcomed by the recipient.

9. “Non Discriminatory Harassment-means abusive, insulting and degrading conduct towards an individual or individuals regardless of their group identity or affiliation.

## B. Procedures

1. Any employee who believes that he or she is being subjected to prohibited harassment should inform the person responsible for the conduct that such conduct is unwelcome and plainly request that it stop immediately.

2. The employee shall inform the City of the prohibited harassment by notifying the immediate Supervisor, Department Head, Human Resources Department or City Manager. In the event the City Manager is the perpetrator of the conduct, the employee shall notify the Human Resources Department and the Mayor.

3. No employee shall be subjected to reprisal or retaliation for making such a notification. The employee should report immediately any incidents of reprisal, retaliation, or harassment, which occur as a result of making such notification.

4. Upon notification, an investigation will be undertaken promptly. Disciplinary and/ or corrective action will be taken when determined to be warranted pursuant to the investigation. The complaining employee will be notified of the results of the investigation.

5. To the extent reasonably feasible, complaints and investigations will be handled in a confidential manner.

6. If it determined that any employee conduct constitutes prohibited harassment, the employee shall be subject to corrective action and/ or disciplinary actions.

That action may include, but is not limited to, verbal or written reprimand, suspension or discharge as justified based on the findings of the investigation.

#### 11.11 Expense Reimbursement

A. The City of Delta will reimburse employees for expenses incurred on behalf of the City where such expenses are reasonable and approved in advance by the appropriate Department Head and or the City Manager. Expenses for employees traveling on approved City business will be paid either on a per diem basis or on a receipt basis at the discretion of the employee's Department Head.

B. For all reimbursements, employees must receive prior approval from their supervisor or department head. Employees should seek normal business accommodations, because extra costs for lavish or luxury services will not be reimbursed. ~~Accounting of all reimbursable expenses shall follow protocols outlined in the City of Delta Policies and Procedures Manual.~~ The employee needs to complete a travel authorization form and have their Department Head sign off for approval. Once approved, they must present it to the Finance Department for processing.

#### 11.12 ~~Use of City Vehicles~~

~~A. Employees who do not have a valid driver's license or who are not insured against liability for driving, as required by Colorado laws, or who have driving records that are considered by the City's insurance carrier to pose a significant liability risk are not authorized to drive any City vehicle during the course or scope of their employment with the City of Delta.~~

~~B. If an employee's job duties include driving, then any change in the employee's driver's license status, driving record or insurance coverage must be reported in writing by the employee to the appropriate supervisor, department head or City Manager by the next business day.~~

~~C. Transportation of non-business related passengers is prohibited when driving any City vehicle on City business.~~

~~D. Safe and lawful driving practices must be used by employee at all times while driving a City vehicle or driving on City business. Seat belts must be worn at all times while traveling in a City vehicle or driving on City business. It is the employee-driver's responsibility to ensure that all passengers wear seat belts and follow other safe passenger practices before operating the vehicle.~~

~~\_\_\_\_\_ E. Employees are prohibited from using cell phones while driving City vehicles.~~

~~\_\_\_\_\_ F. No City vehicle is assigned for any use that includes personal use. Dependents, friends or individuals not having a business purpose for the City are not to be transported in City vehicles.~~

~~\_\_\_\_\_ G. Employees are not allowed to drink alcohol while on City business. Open containers of alcohol are not allowed in vehicles being used for City business.~~

#### 11.12 Personnel Information

A. Employees are to report changes in the following personnel information, in writing, to the Human Resources Department by the next business day.

1. Name
2. Address
3. Telephone number
4. Marital Status
5. Dependents
6. Person(s) to notify in case of emergency
7. Health insurance eligibility or coverage
8. Status of any license, certification or other criteria required for the job
9. Conviction of any crime

B. Failure to report changes regarding the above information could result in loss of wages, benefits, liability to third parties, discipline or discharge.

#### 11.13 Personnel Records

A. Personnel records will be maintained in accordance with established personnel and legal procedures as well as being protected pursuant to the Colorado Open Records Law.

B. The information contained in personnel records is confidential and will be released only in accordance with applicable Colorado Law. Employees may review their files at any time upon request with a scheduled visit with the Human Resources ~~Generalist~~ Department and in the presence of the Human Resources ~~Generalist~~ a member of Human Resources.

## Article 12 - Separation

### 12.1 Resignation

Employees who wish to resign should inform the City in writing two weeks (14 calendar days) in advance of the expected termination date. The resignation shall be kept in the employee's personnel file. The City may advance the effective termination date.

## Article 13 - Disciplinary Action and Termination

### 13.1 Authority

Supervisors have authority to recommend discharge to their Department Head, and the Department Head has authority to recommend to the City Manager, but the City Manager has final authority for all terminations.

### 13.2 Reasons for Disciplinary Action

The list below contains examples of conduct that is considered below minimum standards and unacceptable. This list is not all inclusive and does not in any way change the fact that employment with the City is at will. This means that the City has the right to terminate employment for reasons not listed or for no reason: ~~Always use common sense and good judgment to perform the job assigned in a manner that is in the best interests of the City. Your cooperation is appreciated. Unacceptable conduct includes, but is not limited to:~~

- A. Incompetency, inefficiency, improper performance of the duties, inability to perform the job, failure to perform adequate work, or other unsatisfactory performance.
- B. Insubordination, failure to follow orders, discourtesy to the public or other City employees.
- C. Commission of any act or offense in violation of State statutes or City ordinances and regulations, or failure to comply with the requirements of these Personnel Regulations.
- D. Theft, unauthorized use, damage or destruction of City property.
- E. Falsification or misrepresentation, or material omission in employment applications or other City records, or material false statements made to supervisors or other City employees.
- F. Consumption or possession of alcoholic beverages or drugs on duty or working while ability to work is impaired on account of the consumption of alcoholic beverages or drugs.
- G. Inattention to duty, tardiness, absenteeism, abuse of PTO, or unauthorized absence from work.

- H. Conduct which is unbecoming an employee of the City, or which has an adverse effect on the reputation of the City.
- I. Careless, reckless, or negligent performance of duties.
- J. Disclosure of confidential City information.
- K. Violation of Federal statutes or regulations.
- L. Immoral or other conduct which has an adverse effect on the employee's job or otherwise conflicts with the employer's business interests.
- M. Failure to observe safety or other work rules.
- N. Removal or attempted removal of employer's property from the premises without prior and proper authority.
- O. Off-the-job use of ~~not medically prescribed~~ intoxicating beverages to a degree resulting in interference with job performance or the employee smelling of alcohol on the job.
- P. Testing positive for intoxicating beverages (at State legal level for DWI or DUI) or controlled substances during work hours.
- Q. Possessing or using illegal drugs or controlled substances at any time while employed by employer unless the use is in accordance with a prescription provided by a licensed medical provider to the employee.
- R. Incarceration after conviction of a violation of any law or incarceration that interferes with performance of job duties.
- S. Loss of license, certification, credential or other professional designation that is essential to job performance or otherwise makes the employee unqualified for the job.
- T. Assaulting or threatening to assault another person; engaging in horseplay on the job; engaging in an act of violence or threat of violence toward any other employee, supervisor, or other person, which conduct occurs on the job or has an adverse impact on the work place.
- U. Willful neglect or damage to employer's property or interests; failure to properly

safeguard, maintain, or account for employer's property when this obligation is part of the job.

V. Rudeness, insolence, harassing, or offensive behavior toward a supervisor or fellow employee, or other person while on the job or that adversely affects the work place.

W. Taking unauthorized PTO or other leave, or failing to return at the end of an authorized leave.

X. Refusal to work at different shift, or overtime, or to perform any reasonable work request.

Y. Sleeping or loafing on the job.

### 13.3 No Promise of Progressive Discipline

Employment with the City of Delta is at will and may be terminated at any time by the employer, with or without cause or prior notice. The fact that employees may receive a written warning, or other disciplinary action before termination, does not create a promise, implied or express, that the City will follow progressive discipline before termination.

### 13.4 Types of Disciplinary Action

Disciplinary action may include the following: oral reprimand, written reprimand, decrease in pay, transfer of position, return to probation, suspension without pay, suspension with pay, termination from employment, loss of PTO leave, or other benefits, or other appropriate actions. In determining what action to take, the employee's performance record, past instances of misconduct or unsatisfactory performance, previous disciplinary actions, and all other circumstances relevant to the employee's employment may be considered.

### 13.5 Notice and Hearing

A. Employees have no right to a hearing before the employee is given an oral or written warning by their supervisor regarding unacceptable conduct, substandard performance, or other problems that may lead to further discipline or discharge.

B. Where the discipline involves a demotion, suspension, loss of pay or benefits, the employee will be given a written notice of the disciplinary action, the reason for such

action and an opportunity to meet with the Department Head (Department Heads may meet with the City Manager) to present their side before the discipline is final.

C. Regarding discharge, the City has the right to discharge an employee without stating the reason, having cause or proving cause, because employment is at-will. The City does not waive this right by giving the employee notice of the reason for discharge and an opportunity to be heard by the City Manager before the discharge is final.

D. In discharge situations, where the employee or others outside the chain of command (Supervisor, Department Head, City Manager) are provided with reasons for the proposed discharge, the employee, upon request, will be granted a meeting with the City Manager for the purpose of being heard regarding the reasons given, and to clear his or her name in relation to the proposed discharge. At this meeting, the employee may be represented by legal counsel and may present evidence. The meeting may be recorded. The City Manager will then take final action to approve or reverse the discharge, or implement other disciplinary action instead of discharge. The City Manager's decision need not be based on a finding of cause or no cause for discharge.

E. Officers and employees appointed by City Council serve at the pleasure of the Council and may be removed by the Council as set out in City Charter.

13.6 Procedures. Supervisors contemplating disciplinary action shall follow the procedures of this section.

A. Upon ~~to~~ taking any disciplinary action, the Supervisor shall advise the employee of the disciplinary action and the reasons for such action. The Supervisor shall allow the employee an opportunity to respond and submit whatever evidence or explanation the employee desires. The Supervisor shall take such explanation or information into account in **determining what specific disciplinary action to take.**

B. In circumstances where the disciplinary action contemplated may involve either termination from employment or loss of pay or benefits, the Supervisor shall advise his or her superiors of the recommendations. The employee shall be advised of the reasons for the recommended disciplinary action and of his or her right to appeal the action to the City Manager.

C. All disciplinary action and proceedings shall be appropriately documented in the employee's personnel file, including documentation of the time when the employee was advised of the reasons for the action and given an opportunity to present an explanation.

**D.** Officers and employees appointed by the Council serve at the pleasure of the Council and may be removed by the Council as set out in the City Charter.

## Article 14 - Grievances

14.1 Employees who feel they have been subjected to an injustice, wrongdoing, prohibited harassment, inappropriate discipline or other cause for distress resulting from the actions of another City employee shall be entitled to issue a grievance.

### 14.2 Procedures

A. Employees with grievances shall submit them in writing to the attention of their direct supervisor, who shall review the matter and determine what action, if any, is merited. If the grievance involves a direct supervisor, the grievance shall be directed to the Department Head. If the grievance involves a Department Head, the grievance shall be directed to the City Manager. All grievances involving an employee from another department shall be submitted to the City Manager.

B. An employee shall have 5 business days from the occurrence upon which the grievance is based to submit to the appropriate party as outlined in section 14.2(A).

C. Written grievances shall include any and all pertinent information including the date, time and location of the grievance, all parties involved and a detailed description of the occurrence(s) upon which the grievance is based.

D. The Supervisor, Department Head or City Manager receiving the grievance shall consider all evidence and if necessary, conduct an investigation to ascertain the facts of the circumstances upon which the grievance is based.

E. The Supervisor, Department Head or City Manager will attempt to resolve the grievance quickly and fairly and notify the employee of the grievance decision within 5 business days.

F. If the employee is unsatisfied with the grievance decision, the employee may refer the grievance to the next higher authority (Department Head or City Manager).

G. In the event that the grievance is against the City manager, the grievance shall be filed with and considered by City Council.

## Article 15 - PTO Transition Provision for CSLA and CDPTO

### 15.1 PTO Conversion

~~A.~~ Accrued sick leave and vacation leave of each employee as of January 1, 1996, were converted to PTO.

### 15.2 PTO-CDPTO-CSLA

Part of the conversion process PTO accrual started January 1, 1998; there were employees that had accrued excess vacation and/or vacation hours that were in excess of the starting accrued PTO hours. These additional hours were converted into the following:

A. Contingent Deferred PTO (CDPTO) which is payable upon termination of employee at the employee's rate of pay at time of termination. This is forfeited if the employee is terminated for disciplinary reasons or terminates prior to five (5) years of continuous service. (In accordance with vesting schedule for retirement vesting schedule, and were part of the conversion agreement.)

B. Contingent Sick Leave Account (CSLA) which can be drawn upon only when all PTO and accrued comp time is substantially exhausted and used only for illness or disability, as approved by the City Manager or may be paid off upon termination of employment at the rates as listed under 1.16.1 (B.1.a) Termination for disciplinary reasons will be cause for forfeiture of CSLA.

or

~~1.~~ The employee may cash out all or part of the CSLA subject to the following conditions:

- a) The cash out payment will be computed as follows: CSLA banked hours divided by 3 (3:1 ratio conversion) times (x) average hourly rate using the employee's average of wages for December 31, of each year beginning 1993 through 1995.
- b) The employee must make the election during the preliminary budget process of the previous year.
- c) Only one payment may be made per year except in cases of extreme hardships and approved by City Manager.
- d) Balances of \$500 or less must be cashed out entirely in one year.
- e) No payment may exceed \$10,000 in any year.
- f) The CSLA will be debited accordingly at the 3:1 rate for cash payment.

Article 16 - Safety Policy



# Safety Policy

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360 Main St. • Delta, Colorado 81416 • Phone (970) 874-7566 • Fax (970) 874-8776

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To All City of Delta Employees and Volunteers:

The health and safety of our employees and volunteers is one of our highest priorities. It's an organization value that helps determine how we perform, and, more importantly, it's a value that enables each of us to go home every night to each of our families and to keep working in the jobs we enjoy. "Safety is an Attitude" that requires daily practice to become habit to ensure the safety of self and others.

Safety is the responsibility of all of us - employees, volunteers, supervisors, department heads, safety committee members, and managers. Only through our ongoing cooperative effort can we truly achieve a safe and healthy place to work.

Attached is the newly revised Safety Manual for the City of Delta. It is designed to be a ready reference for City general safety policies and procedures. Department specific safety policies, procedures, job safety analysis and personal protective equipment requirements shall be discussed with your supervisors. Please review this manual and use it as a tool to continue to make the City of Delta the safest possible place to work and live.

Sincerely,

Justin Clifton  
City Manager

## **SAFETY STATEMENT**

The City of Delta is committed to developing, implementing, and maintaining an effective Health and Safety Program for the protection of its employees, visitors, and the general public. Each employee must accept full-time responsibility for safe work and self-conduct when accepting employment with the City of Delta. It is City policy that safety be a primary consideration in all activities. Fostering the appropriate attitude and full implementation of this policy are the direct responsibility of each employee.

Within the City of Delta, the safety of its employees and of the public is of the utmost importance. **The prevention of accidents and injuries always take precedence over expedience.** In the conduct of our operations, every attempt will be made to recognize and report safety hazards, and to prevent accidents and/or injuries from occurring.

As a condition of employment, the City of Delta requires that its employees and volunteers comply with all applicable safety policies and procedures as listed in our Safety Policy Manual which will be provided by the Human Resources Department upon date of hire. In addition, all employees and volunteers will receive an orientation to the safety policies and procedures specific to their department from their immediate supervisor upon initial employment. All employees and volunteers are encouraged to bring to the attention of their immediate supervisor any unsafe condition, act, or practice. **SAFETY MUST BE AN ATTITUDE** and must remain an important consideration in every department and with every position.

Each Department Head, Supervisor, and Designated Safety Committee Member is a primary contact for safety-related matters. Safety hazards or issues shall be communicated promptly to the Department Head, Supervisors, and/or Safety Committee Member, who will investigate and respond to the concern in the quickest manner possible.

# 1. Introduction and Safety Rules

## 1.1 Description

The Safety Manual of the City of Delta provides policies and procedures for employees and supervisors to follow. All personnel should consult this manual as frequently as necessary to remain familiar with its contents, safety procedures, precautions, and directives prior to starting work assignments.

The manual is divided logically in a manner intended as a quick reference when training and/or preparing yourself or your employees to perform assigned tasks. Some actions are mandatory and may be recognized as policy or rules and will generally use the term "shall" or "required". Recommended practices or equipment may be recognized by the term "should" or "recommended".

*This document is not intended to be an all-encompassing list of safe practices.* The City of Delta takes pride in its selection process to employ intelligent, competent, and caring employees who are relied upon to take appropriate and self-initiated actions on a daily basis. This document is intended to provide a quick reference guide to assist each employee with his/her responsibility for making the City of Delta successful in achieving its goals and objectives.

## 1.2 Purpose

The purpose of this Safety Manual is to establish policy, responsibilities, and provide information for safe conduct of work activities conducted by City of Delta. The purpose of the City of Delta Safety Policy Manual is to provide an outline and simple reference for employees and supervisors to use when determining personal and organizational safety requirements for various activities. This Manual includes basic safety precautions, directives, and procedures that are required in both general and specific work operations. It is provided to guide employees and supervisors in safety procedures and safety requirements when considering job planning and work criteria.

Safety policies and Job Safety Analysis' (JSA) specific to each department are provided by the Department Head or supervisor.

## 1.3 General Safety Policies

Safety policies are important for two reasons: 1) They serve to inform employees of and protect against hazards that may exist and, 2) They provide for consistency and equity when it comes to enforcing the City's expectations of safe work behavior.

The following policies apply to **all** employees and volunteers of the City:

- No employee shall attempt to perform a job or task involving potential risks of health or injury until he/she has received training on how to safely perform that job.

- No employee shall undertake or shall be instructed to perform a job that may be unsafe or an unreasonable risk, nor shall he/she be reprimanded for refusal to perform a task that he/she reasonably believes to be unsafe.
- All safeguards required for a work operation must be kept in place including those on equipment as supplied and installed by the manufacturer.
- The City shall provide and train all full-time, part-time, temporary, seasonal, and volunteer employees in the proper use and maintenance of the necessary Personal Protective Equipment (PPE).
- All unsafe work conditions shall be reported to your immediate supervisor and corrected immediately. During inherent hazardous situations (*e.g.*, police operations), reasonable safety precautions shall be taken to minimize the risk, and only reasonable risks will be taken as appropriate to the specific situation.
- All injuries, illnesses, prescribed medications, or other factors that could affect an employee's job performance shall be reported to Human Resources.
- All City employees have the responsibility to ensure that all appropriate safety policies and procedures are practiced as a matter of a daily routine.
- Each Department shall have safety meetings as often as necessary to convey information and/or to help ensure a safe working environment.
- **All accidents or injuries, no matter how small**, shall be reported using the appropriate forms and reporting procedures. This information is **imperative** for risk management in preventing similar accidents in the future and in being aware of unsafe conditions or safety hazards.
- **All employees shall use the PPE deemed necessary for the task, including seat belts.**

#### 1.4 Safety Committee

The City Manager may appoint the Safety Committee to continue development and implementation of safety policies and procedures, and to encourage the involvement of employees in the risk management and safety process. The Safety Committee members shall include key personnel involved in safety and risk management such as Department Heads, City Clerk, Human Resources staff and other employees representing various City Departments.

The Safety Committee is directed to:

- Act as an advisory group to the City Manager and Human Resources Department to develop and communicate safe practices.
- Study, discuss, and formulate corrective recommendations regarding safety issues (unsafe behavior, conditions, processes, etc.) affecting employees and the general public.
- Bring to the Committee's attention, at Safety Committee meetings, any violations of safety policies or procedures.
- Review the safety practices and conditions of the City's operations.
- Review safety or health concerns that members have identified or that have been reported to the members.
- Assist with the preparation and/or revision of safety policies and/or procedures as appropriate.
- Provide written reports to the Department Heads as requested in a timely manner.

## **1.5 Responsibilities**

ALL CITY EMPLOYEES ARE RESPONSIBLE FOR SAFETY. However, staff members have different roles in assuring the City of Delta is a safe place to work.

All employees of the City have a personal and vital responsibility to work safely and to promote safety. Employees are required, as a condition of employment, to perform their work in a way that will prevent injury and illness to themselves and fellow workers and to prevent property damage.

### Responsibilities of Department Heads

Department Heads shall include, but not be limited to the following:

- Actively support a departmental safety program that will effectively reduce and control accidents.
- Provide for adequate job training and continuing safety instructions to all employees in the department.
- Develop and maintain JSAs for all hazardous jobs.
- Be accountable for the execution of this and all other safety policies as they pertain to work conducted within their department.
- Take corrective action for any unsafe condition that is observed which could adversely affect the safety of an employee or the general public.
- Maintain an effective driver selection and training program for drivers of City vehicles.
- Budget for, purchase, and replenish safety equipment as required.

### Responsibilities of Supervisors

Supervisors shall include, but not be limited to the following :

- Be held accountable for the execution of this and all other safety policies as they pertain to work conducted within their purview.
- Ensure all employees have received instructions on all applicable Safety Policies and Procedures.
- Identify the need for, draft, enforce and review all applicable JSAs.
- Actively enforce Safety Policies and Procedures.
- Provide basic job training and safety instructions for individual tasks.
- Inform employees of known potential hazards.
- Promptly take corrective action when unsafe work conditions are found or reported.
- Ensure all safety equipment and protective devices are used and maintained.
- Encourage safety suggestions from crew members.
- Promptly investigate any accidents, injuries, unsafe behaviors or conditions.

### Responsibilities of Employees

Employees shall include, but not be limited to the following:

- Exercise safe work habits.
- Utilize proper safety equipment.
- Observe all safety policies and procedures.
- Promptly report all accidents and/or injuries to their immediate supervisor.
- Cooperate fully in any accident or injury investigation.
- Report all unsafe behavior or work conditions to their supervisor and if necessary the Human Resources Department, and/or a Safety Committee Member.
- Keep all equipment, vehicles and work areas clean and in good working condition.

## **1.6 Applicable Standards and Regulations**

Adherence to applicable Federal, State and City Regulations is required while working at the City of Delta.

## **1.7 Corrective/Disciplinary Action**

All employees, volunteers, and subcontractor personnel must become familiar with and follow the City's safety program and procedures.

Supervisors are responsible for taking corrective action when a violation is observed. The supervisors are responsible for every person involved on a given task. If a violation is observed, action must be taken immediately to correct the unsafe act. Supervisors, under the direction of their Department Head, must enforce the safety policy in a consistent and fair manner.

The degree of corrective action or discipline is determined by the severity, number and frequency of violations and can include any means of discipline outlined in the Personnel Regulations up to and including termination. The disciplining authority should use judgment to determine the degree of discipline, considering the context of each circumstance and seeking approval from their Department Head, Human Resources and/ or City Manager if necessary. All disciplinary actions shall be documented.

## **2. General Safety Rules**

### **2.1 Safety Rules**

- All areas should be kept free of any tripping hazards.
- Spills should be wiped up immediately to prevent slips/falls.
- Materials should be stored on shelves in a manner to prevent falling; heavy objects and frequently used items should be placed on lower shelves.
- Proper lifting and carrying techniques shall be used at all times. Be sure you can see over a load you are carrying.

- Approved solvents should be used only with adequate personal protection and in well-ventilated areas. Safety data sheets (SDSs) shall be readily available on these solvents (see Hazard Communication Program section).
- Broken glass should be cleaned up immediately without direct contact with hands and disposed of in a manner so as to not create an additional hazard.
- When walking up or down stairs, use a handrail, do not skip steps, turn corners slowly.
- File cabinets should be securely placed and only one drawer pulled out at a time. Fill new file cabinets from the bottom up and never overload top drawers.
- Push in chairs when leaving work area. Do not sit on the edge of a chair or tilt chair back.
- Do not use boxes, furniture, chairs, or other makeshift platforms to reach objects. Use a ladder or step stool designed for that purpose.
- Care should be taken when carrying and storing pointed objects.
- Don't overload electrical circuits, and avoid running electrical cords under carpet. Look for frayed, bare or improperly grounded wires and faulty appliances and report them immediately.
- Electrical appliances shall be UL approved.
- Coffee pots and other heat-producing equipment shall be turned off when not in use. Portable heaters shall be unplugged at the end of each workday.
- Know the correct operating procedure for equipment. Keep your hands and other body parts clear of moving parts in machines. If your machine does not work properly, discontinue use and contact your immediate supervisor. Post a note on the machine warning others of its condition. Turn machines off and unplug.
- Avoid eye contact with photocopier light. Avoid physical contact with toner.
- Paper cutters should have a guard and be kept locked when not in use.
- Employees should report loose flooring, loose electrical covers, poorly lighted areas, and ergonomically incorrect workstations to their supervisor.
- Injuries should be treated promptly, even minor cuts. Employees should know the location of first-aid kits.
- Avoid eye strain from computer monitors by taking periodic breaks, changing screen angles, keeping dust off screen, and/or using anti-glare screens or tinted glasses.

- Be familiar with evacuation plan in case of emergency and know location/use of fire extinguishers, fire alarm and first aid kits.
- Use proper sitting posture to avoid lower back strain; keep back straight, sit toward the back of chair for support, have knees slightly lower than the waist, and keep feet flat on the floor (or have a foot rest). Avoid twisting at the waist – turn the whole body instead.
- Adjust keyboard height and keep arms at a right angle to avoid wrist strain.
- Use proper lifting techniques when picking up or setting down items, regardless of weight.
- Never remove the center prong (ground) from an electric cord/plug.
- Horseplay - shooting rubber bands, throwing objects, etc. is strictly prohibited.
- Any other generally known safety rule not listed above.

## **2.2 Driving and Seat Belt Rules**

The following applies to all City employees occupying or driving any City (including Police and emergency vehicles), or personal vehicle, while on City business shall wear seat belts at all times.

City vehicles that have defective or otherwise inoperative safety belts shall be removed from service until the deficiency has been corrected. All vehicles used to transport employees shall have seats and seat belts firmly secured and adequate for the number of passengers to be carried.

All City employees and volunteers who operate a motor vehicle or equipment shall include, but not be limited to the following:

- Possess a valid State of Colorado operator's license with applicable endorsements for a Commercial Driver's license (CDL) as required by the employee's job description;
- Be at least 18 years of age (17 years for some positions). (DOT requires 21 years of age for CDL);
- Wear seat belts and shoulder harnesses when available (This includes mowers with rollover protection, carts, forklifts, tractors, backhoes, any vehicle and/or other equipment that is equipped with safety belts.);
- Obey all state and local motor vehicle laws;
- Not ride on any part of a vehicle or trailer other than in approved seats with seat belts;
- Remain within the immediate area of the vehicle while refueling;
- Turn the front wheel toward or against the curb when parking on hills or grades;
- Try to avoid backing up. *If not possible*, use mirrors to check for obstructions or walk around and visually check rear of vehicle before backing up and if available have someone be a spotter;

- Maintain the vehicle in safe condition, reporting any malfunction or maintenance needs of the vehicle immediately;
- Report all motor vehicle accidents promptly using the City's incident report form. For all accidents involving personal injury and/or property damage, a police report must be included;
- Before operating a vehicle when taking medications that may impair driving, consult with Human Resources;
- Be cautious when stepping out of the vehicle onto a curb or uneven ground surface;
- Know how to contact police dispatch or 911 using the radio in radio-equipped vehicles;
- Use defensive driving techniques at all times.

Never leave a vehicle unattended and running. Keys must be removed, vehicle transmission placed in low gear or park when driver leaves the vehicle.

### **2.3 Personal Distractions While Operating a City Vehicle.**

Too many accidents are now related to driver induced distractions. Talking or texting on cell phones, using PDAs, laptops or any other personal communication devices has been proven to have the same effect as drinking and driving on the driver's ability to safely operate a vehicle. The use of these devices must be limited to an emergency only basis while operating any city vehicle. If you must use these devices, please remove yourself and the vehicle from traffic to a safe parking place. The use of MP3 players, iPods, etc. that require the use of headphones or ear buds has also proven to distract the driver's ability to operate vehicles safely. The use of any headphones or ear buds is prohibited while operating any city vehicle. Use of all electronic devices shall comply with applicable state law.

Any accident incurred while using any of these devices while operating a City vehicle or equipment may result in disciplinary action.

### **2.4 Department Specific Safety Rules**

These programs are specific for Departmental use and are subject to change. These are added as reference and will be given to employees to whom these programs apply. The safety policies, JSAs, trainings and tailgate meetings are all part of this policy and are equally enforceable.

## **3.0 Fire Prevention and Protection**

Employees shall perform their work in a manner that will prevent fires, report any potential fire hazards, and know how to respond to a fire emergency.

### Fire Prevention

Fire extinguishing equipment appropriate for the type of potential exposure, shall be maintained in all City work areas. All extinguishers shall have an annual inspection by a qualified inspector. An appropriate tag will be attached to each extinguisher listing the date it was last inspected, the type of inspection performed, and the name of the person performing the inspection.

Fire extinguishers shall be unobstructed, prominently displayed and secured, and easily accessible at all times along normal paths of travel. Extinguishers should be hung on walls.

Damaged electrical cords and faulty appliances shall be reported to supervisors immediately and shall not be used until properly repaired or replaced.

Extension cords shall be of sufficient size to handle the load they are to carry. Extension cords are for temporary use only. Extension cords shall not be used as a substitute for permanent wiring and must be 3-prong style. Do not run over cords or place them under materials, furniture, rugs, etc. Do not plug power strips into power strips.

Flammable or combustible liquids shall be stored in approved-labeled containers or in the original manufacturer's container. They shall be tightly capped. When being transferred from one container to another, both containers shall be grounded and bonded.

Gasoline shall only be stored in an approved container that is **red** in color and labeled "Gasoline – Flammable". Gasoline must be stored in an approved flammable storage cabinet. Quantities stored shall be strictly limited.

Only approved solvents may be used to clean machinery and equipment. **GASOLINE IS NOT AN APPROVED SOLVENT.** All cleaning solvents used within the workplace shall be stored in the original manufacturer's container or an approved-labeled metal container.

Work areas shall be kept clean and free of excess flammable materials. Flammable liquids should not be stored in the office environment.

Hazardous materials shall be stored in designated locations and in properly capped or ventilated containers, depending upon the material.

### Life Safety

All designated exits shall have clear access, both inside and outside, at all times; *e.g.*, no snow or ice buildup, trash, parked vehicles, etc.

Fire doors to a stair enclosure or horizontal exit shall be provided with a reliable self-closing mechanism and shall not – at any time – be secured in the open position.

Proper inspection, testing and maintenance of fire protection systems shall be done to assume proper operation and prevention of alarms.

### If a Fire Occurs

Employees shall immediately warn others of the fire. If the work site is equipped with a fire alarm system, it must be activated via manual fire alarm (pull station). The work site Emergency Action Plan shall commence.

The Fire Department must be notified immediately by dialing 911 or calling Delta County Dispatch. (874-2015)

Employees should not attempt to extinguish the fire:

- if alone and can otherwise escape;
- if fighting the fire will block or hamper egress;
- if the fire could rapidly grow; or
- if the fire involves energized equipment, hazardous materials, flammable liquids or flammable gas;
- if the employee has not received training in the use of fire extinguishers.

### **3.1 Fire Evacuation Policy & Procedures**

#### Purpose and Scope:

Despite our commitment to maintaining a safe environment for our employees and the public we serve, through fire prevention programs and safe practices, fire related emergencies can occur unexpectedly.

Some of our facilities are not equipped with fire alarm systems and rely on human discovery. Some of our facilities are equipped with automatic fire alarm systems that are designed to detect and notify occupants that a fire exists. While the notification methods may vary, the basic principles of attitude and response to such notification should be consistent. One of our primary concerns is that fire alarm systems may be subject to periodic false alarms due to a variety of reasons, and we find ourselves thinking that the fire alarm is just another false alarm. We must be responsible to ourselves, each other, and the public (visitors in our facilities) in that we must demonstrate appropriate behavior upon activation of a fire alarm, or verbal notification of a fire.

Additionally, we must be aware of situations unique to our individual work areas, the facility as a whole, and the current environment as we respond to the notification of fire conditions. For example, we may need to log off the computer or secure documents subject to confidentiality, make sure visitors have heard and understand the notification and are not left behind. Preserving human life is priority.

#### Policy:

All employees of the City of Delta shall take appropriate action to begin evacuation procedures upon activation of a fire alarm or the verbal reporting of a fire.

#### Procedures:

The following are general fire evacuation procedures intended for employees, along with supplemental considerations. Not all circumstances will apply in all situations; procedures may be dictated by the conditions or situation at the time of a fire alarm, report of a fire, or an actual

fire emergency. **PROCEDURES SHALL BE FOLLOWED UNLESS IMMEDIATE PERSONAL SAFETY IS COMPROMISED.**

Prepare for evacuating the building or facility:

- Direct any visitors to the nearest exit.
- Shutdown computer/secure documents.
- Secure area (close cabinets/drawers, doors, windows, etc.).
- Collect personal items (coats, gloves, hats, purse, etc.).

Evacuate the building or facility via the nearest exit:

- THERE SHALL BE EVACUATION ROUTES POSTED. SUPERVISORS SHALL ENSURE THAT EMPLOYEES HAVE REVIEWED THEM AND ARE FAMILIAR WITH THE APPROPRIATE ROUTES.
- Familiarize yourself with the building or facility prior to an emergency.
- Know the evacuation routes from all areas in which you work, meet in, or take breaks in.
- Know the TWO (2) nearest exits.
- If you see visitors direct/assist them in evacuation procedure.
- Close doors to unoccupied rooms along the route.

Go to your designated assembly area:

- IT IS THE RESPONSIBILITY OF EACH SUPERVISOR TO INFORM EMPLOYEES OF THEIR DESIGNATED ASSEMBLY AREA.
- Make sure you are familiar with your designated assembly area.
- Make sure you are safely away from the building and out of danger
- Report to your supervisor or whoever is responsible.
- Do not leave the assembly area until after you have been accounted for and instructed to do so by a supervisor.
- If someone is not accounted for, the supervisor or accountability person must report this to the nearest fire or police personnel. **NO ONE SHOULD ATTEMPT AN UNAUTHORIZED RESCUE!**

Do not re-enter the building or facility until the responding personnel have given the okay to do so:

- Help prevent visitors or unauthorized persons from entering the facility.

The most important thing to remember is to take **ALL** fire alarms and reports of fire seriously until the situation is investigated and determined to be real or false. Although most of us have become accustomed to "just another false alarm", one day a real fire emergency could present itself. By conditioning ourselves to respond to each fire alarm or report of a fire condition in a prudent manner, we will be better prepared for the real thing.

## **4.0 Safety Training Requirements**

The purpose of safety training is to assure that employees have the necessary knowledge and skills to perform work safely and in compliance with all applicable standards, regulations, and policies.

The City, through Departments, will provide employees with safety training as prescribed by policies and procedures, regulatory requirements, hazards of the job, and for overall health and safety promotion and prevention of injuries and accidents.

The Safety Committee will define required and recommended training topics on a quarterly basis for the City employees. Individual departments will assess additional training needs pertinent to those of that Department.

The Human Resource Department will maintain safety training attendance records for each training program and for each employee. Departments will assure that each employee receives all required training on an annual basis. A copy of all training attendance records shall be sent to the Human Resource Department immediately after each training program.

The Human Resource Department and Safety Committee will serve as resources for Departments in developing and implementing their safety training plans.

Employees are responsible for attending required safety training programs and for using the knowledge and skills acquired to perform work safely.

Departments Heads or designated Supervisors are responsible for the documented safety orientation of all new and reassigned/transferred employees. Topics should include, but not be limited to the following, per departmental needs:

- General safety rules of the Department
- Hazards of the job and worksite (JSAs)
- Necessary personal protective equipment and how to use it
- Reporting unsafe conditions and behaviors
- Proper lifting techniques
- Reporting injuries and accidents
- How to obtain medical care for on-the-job injuries
- Location of first-aid kits
- Location of fire extinguishers and familiarization with proper use
- Safe storage and handling of materials
- Safe use of equipment
- Hazard Communication program and location of SDSs
- Overview of Safety Policy Manual
- Safety intervention strategies
- Responsibility for safety
- Training requirements

- Consequences for noncompliance with safety policies and procedures
- Department safety committee meetings
- Location of safety standards and policies
- Vehicles and driving safety
- Other topics as appropriate

## **5.0 Accident and/or Injury Reporting**

An Accident and/or Injury Report shall be completed using the designated form whenever an on-duty employee is involved in an incident which resulted in damage to City or non-City property, and/or an injury. All on-the-job injuries shall be reported immediately regardless of whether medical treatment was provided or lost time occurred.

Accidents and/or injuries occurring on City property involving non-employees or patrons of City services shall be reported to the City Clerk in a timely manner.

**Failure to immediately report an accident or injury (regardless of how small) to your supervisor may result in disciplinary action up to and including termination.**

When non-emergency medical care is needed during regular work hours, the employee must be taken to one of the City's designated medical facilities. Contact the Human Resources Department for locations. For emergencies and after hours care, the employee should be taken to the nearest emergency medical facility.

If the incident is a vehicle accident involving personal injury or property damage a police report must be completed and attached.

Failure to follow the appropriate procedures may result in a delay in processing Workers' Compensation and insurance claims, and payment of medical and other bills.

## **6.0 Accident and/or Injury Investigation**

The primary goals of accident investigation are to determine causes and come up with ways to prevent recurrence. Immediate investigation is very important. The supervisor must use the appropriate investigation report form to assist in the investigation and to document findings and recommendations.

### **6.1 Why investigate accidents and injuries?**

- To determine underlying causes ("hazard of the job" is not an acceptable explanation);
- To prevent similar accidents by implementing corrective action (corrective action must be more than "employee should be more careful");
- To document facts for insurance and regulatory needs;
- To provide cost data to support the need for the safety program; and
- To reinforce commitment to safety.

## **6.2 Who is responsible for ensuring accident and/or injury investigations?**

The following are responsible for ensuring timely accident and/or injury investigation: The City Manager, Safety Chairman, HR and City Clerk, with the support and assistance of the Safety Committee, management, first-line supervisors, and appropriate outside resources,.

## **6.3 Who should investigate accidents and injuries?**

Depending on the situation, the team may include:

- First-line supervisor;
- Employee(s) involved;
- Safety Committee members;
- Department managers;
- Technical experts and outside consultants (if necessary); and/or
- City Management team representation.

## **6.4 Which accidents and injuries should be investigated?**

All accidents and injuries, regardless of how minor, should be investigated in some form. Sometimes the difference between a major and minor accident is a fraction of an inch or second. Serious and potentially serious accidents and injuries should have the benefit of a selected team of investigators. All other accidents and injuries can be the responsibility of the Department.

## **6.5 When should accidents and injuries be investigated?**

**As soon as possible!** People forget important information or become biased as they discuss the incident with others. Evidence also tends to disappear with time.

## **6.6 What should investigators look for?**

- Causal factors – fact finding rather than fault finding. Look at equipment, environment, behaviors, and management.
- Corrective actions – obtain as many as possible. Again, consider equipment, environment, behaviors, and management. Get ideas from all those involved.
- A written follow-up – be sure corrective actions are taken in a timely manner. Evaluate their effectiveness and develop alternate solutions if necessary.

## **7.0 Vehicular Accident Prevention**

Minimizing exposure to vehicular/equipment accidents involves a series of activities, each of which is an important component to the overall goal. Vehicular accidents consistently account for the most frequent source of property/casualty claims.

## 7.1 Driver Selection

- All employees who operate any City of Delta vehicle or equipment as part of their job function must have a valid driver's license for the type of vehicle to be operated as well as a good driving record. For the operation of larger vehicles a commercial driver's license, (CDL), may be required.
- All employees required to drive as a function of their job will have their Motor Vehicle Reports checked annually by Human Resources to ensure they are maintaining a good driving history. Holders of commercial driver's licenses are required by the DOT to report all violations to their immediate supervisor on conviction. CDL holders must also submit a copy of the "Certificate of Violations" form to their supervisor on an annual basis as outlined in the DOT regulations.
- Employees may be prohibited from operating vehicles/equipment and/or removed from their position if their driving history shows any major violations including but not limited to three or more moving violations in one year, a suspended or revoked license, or any serious violation such as hit & run, vehicular manslaughter using a motor vehicle, driving under the influence.
- Applicants for driving positions with the City of Delta may be disqualified for a questionable MVR and for any serious moving violation. Applicants showing an alcohol related conviction shall be automatically disqualified if the conviction is less than two years prior to submitted application.

## 7.2 Driver Training

- Online defensive driver training should be given within the first 3 to 6 months to new employees with driving responsibilities. Additionally, some type of refresher driver safety training should be given to all drivers at least every 2 years.
- Additional driver training should be provided or a supervisor check-ride conducted for operators of specialized equipment such as snowplows, backhoes, dump trucks, police vehicles, etc., prior to operating municipal equipment.

## 7.3 Vehicle Maintenance & Inspection

The Fleet Division shall establish a preventative maintenance program for municipally owned vehicles and mobile equipment. All inspections and work performed will be documented in a recordkeeping system maintained by the Fleet and Facilities Manager or his/her designee. Data included in the recordkeeping system shall include the vehicle or equipment number, mileage, parts used and repairs performed.

A weekly safety inspection should be made of all vehicles before operation to detect any obvious safety hazards. However, such inspection is **required** daily of vehicles or a combination of

vehicles (truck and trailer) whose combined gross vehicle weight rating exceeds 10,000 pounds. DOT regulations require a pre and post trip inspection on these vehicles and it must be documented on a Vehicle Inspection Report (VIR). Records of inspection shall be retained per DOT requirements by the Fleet and Facilities Department.

#### **7.4 Investigation & Review**

Every vehicular accident shall be investigated for the specific purpose of determining preventability. The driver's supervisor is responsible for conducting this accident investigation.

In addition to accident investigation, some method of accident review will provide a follow-up on the results of the accident investigation. If, for example, an accident was determined to have been preventable, a review system can help determine what steps may be needed to help correct any driving habits that may lead to a similar mistake in the future. Such steps might include remedial training, counseling, or some form of disciplinary action.

#### **7.5 Accident Review System**

Each department responsible for fleet operations may utilize the services of the Safety Committee to review vehicle accidents. All accidents resulting in any damage shall be reviewed. The functions of the committee established to review the vehicle collision are as follows:

- The Supervisor shall review all accident and police reports, interview appropriate people including the driver and passengers and determine if the accident was preventable according to the preventability guidelines established below.
- The Supervisor shall prepare a report that indicates how the accident could have been prevented.
- The Safety Committee or appropriate authority will review the Supervisor's report and in conjunction with the supervisor of the employee involved in the accident, determine the appropriate corrective action. Corrective action may include but is not limited to counseling, enrollment in a defensive driving class, suspension of driving activities, or discharge. Employees may be asked to complete an action plan to address driving deficiencies that must be reviewed with their supervisor to ensure the steps of the plan are completed.

#### **7.6 Defensive Driver Guidelines**

Defensive Drivers are those who commit no driving errors and make allowances for the lack of skill or improper driving practices of other drivers. They adjust their own driving to compensate for unusual weather, road and traffic conditions, and are not coerced into an accident by the unsafe actions of pedestrians and other drivers. By being alert to accident-inducing situations, they recognize the need for preventative action in advance and take the necessary precaution to prevent the accident. As Defensive Drivers, they know when it is necessary to slow down, stop, or yield the right-of-way to avoid involvement.

A driver should not confuse preventability with chargeability. Preventability is what the driver should have reasonably done to avoid all accidents, in spite of weather, road and traffic conditions, and regardless of what the other driver's actions are. Chargeability is the action taken by law enforcement agencies, and normally determines the blame for the accident.

Accidents may be preventable if:

- Driver was not operating at a speed consistent with the existing conditions of the road, weather and traffic.
- Driver failed to control speed so that he/she could stop within assured clear distance.
- Driver misjudged available clearance.
- Driver failed to yield right-of-way to avoid accident.
- Driver was in violation of any applicable traffic laws or ordinances.

#### Alley, Driveways, and Street Entrances

Accidents involving traffic originating from alleys, driveways, street entrances, and other special intersecting locations should be carefully analyzed to determine what measures the driver might have taken to avoid the occurrence.

Accident may be preventable if:

- Driver failed to signal when pulling out from curb.
- Driver failed to check traffic before pulling out from curb.
- Driver failed to look back to check traffic if he was in position where mirrors did not show traffic conditions.
- Driver attempted to pull out in a manner, which forced other vehicle to change speed or direction.
- Driver failed to yield right-of-way to approaching traffic.

#### Backing

All-backing accidents are preventable.

Accident may be preventable if:

- Driver backed up when backing could have been avoided by better planning of his route.
- Driver backed into traffic stream when such backing could have been avoided.
- Driver failed to get out of vehicle and check proposed path of backward travel.
- Driver depended solely on mirrors when it was practicable to look back.
- Driver relied solely on a guide to help him/her back. A driver is not relieved of his responsibility to back safely when a guide is involved in the maneuver.

#### Attaching and Pulling Trailers

The following procedures should be observed when attaching and pulling any trailers to avoid common mistakes and accidents.

When hitching a trailer to a truck:

- Confirm ball size and tongue hitch to be compatible.
- Attach electric brake safety wire to ball hitch before attaching trailer.
- Attach safety chains to truck using an X pattern under the trailer tongue.
- Raise and swivel tongue jack before driving.
- Inspect trailer lights for proper operation.
- Inspect tire pressure and condition.
- Trailers must not exceed the towing capacity of the truck.

When loading a trailer:

- If the trailer has “tail” jacks, employee must ensure jacks are down before loading equipment. Employee must insure that the jacks are up before driving.
- Position equipment over trailer axles to evenly distribute load weights on trailer.
- Always use a minimum of two tie-down straps for each piece of equipment.

When using trailers with electric brakes:

- Test battery by pulling out break away switch and check to see brakes are engaged.
- Test brake system before leaving yard by activating electric brake switch in truck.

When towing trailers:

- Roads may be hilly and very slippery during storms. Respect the weight of your trailer and begin slowing down early when coming to intersections.

### Fixed Object

Accidents with fixed objects are always preventable. They usually involve failure to check or properly judge clearances. Unfamiliar streets or new traffic situations on regularly traveled routes are not, in themselves, valid reasons for excusing a driver from being involved in an accident. The driver must be constantly on the lookout for such conditions and make the necessary allowances.

Also may be preventable if:

- Driver was not entirely in his proper lane of travel.
- Driver did not check or properly judge clearances.
- Driver did not use a guide when backing.

### Front-end Collisions

Regardless of the abrupt or unexpected stop of the vehicle ahead, the driver can prevent front-end collisions by maintaining a safe following distance at all times. This includes being prepared for possible obstructions on the highway or streets, either in plain view or hidden by the crest of a hill or the curve of a roadway.

Accident may be preventable if:

- Driver failed to maintain safe following distance and have his vehicle under control.
- Driver failed to keep track of traffic conditions and note slowdown.
- Driver misjudged rate of overtaking.
- Driver came too close before pulling out to pass.
- Driver failed to wait for car ahead to move into the clear before starting up.

### Grade Crossings

Collisions with trains occurring at grade crossings, in traffic, or on private property are the responsibility of the driver to prevent.

### Intersections

It is the responsibility of drivers to approach, enter and cross intersections prepared to avoid accidents that might occur through the action of other drivers. Complex traffic movement, blind intersections, or failure of the "other driver" to conform to law or traffic control devices will not automatically discharge an accident as "not preventable". Failures to take precautionary measures prior to entering the intersection are factors to be studied in making a decision.

Also may be preventable if:

- Driver failed to check cross-traffic and wait for it to clear before entering intersection.
- Driver pulled out from side-street in the face of oncoming traffic.

### Mechanical Failure

Any accident caused by mechanical failure that reasonably could have been detected by the driver, but went unheeded may be judged preventable. It is the driver's responsibility to report unsafe vehicle conditions for repairs and to obtain immediate repairs where continued operation might result in an accident.

An accident cause by mechanical failure that results from abusive driving should be considered preventable.

Also may be preventable if defect was of a type that the driver should have detected during the normal operation of the vehicle. Pre trip your truck and post trip your truck after use.

### Miscellaneous

Projecting loads, loose objects falling from the vehicle, loose tarpaulins or chains, doors swinging open, etc., resulting in damage may be preventable if driver failed to secure them on the vehicle. Cover your truck.

### Non-Collision

Many accidents, such as overturning or running off the road, may result from emergency action by the driver to avoid being involved in a collision. Examination of his driving procedure prior to the incident may reveal speed too fast for conditions, or other factors. The driver's actions prior to involvement should be examined for possible errors or lack of defensive driving practice.

Accidents may be preventable if driver did not adjust his driving to conditions.

### Opposing Vehicles

It is extremely important to check the action of the driver when involved in a head-on or sideswipe accident with a vehicle approaching from the opposite direction. Exact location of vehicles, prior to and at the point of impact must be carefully verified. Even though an opposing vehicle enters the driver's traffic lane, it may be possible for the driver to avoid the collision. For example, if the opposing vehicle was in a passing maneuver and the driver failed to slow down, stop, or move to the right to allow the vehicle to re-enter his own lane, he has failed to take action to prevent the occurrence.

Also may be preventable if:

- Driver was not entirely in his proper lane of travel.
- Driver did not pull to his right and slow down and stop for vehicle encroaching on his lane of travel when such action could have been taken without additional danger.

### Parking

Unconventional parking locations, including double parking, etc., may constitute evidence for judging an accident preventable.

Runaway vehicle accidents are preventable. This includes failure to properly block wheels, set emergency brake or to turn wheels toward the curb to prevent vehicle movement.

### Passenger Injuries

Passenger injuries in any type of vehicle may be preventable when they are caused by faulty operation of the vehicle. Even though the incident did not involve a collision of the vehicle, it may be considered preventable when the driver stops, turns, or accelerates abruptly. Emergency action by the driver to avoid a collision that results in passenger injury should be checked to determine if proper driving prior to the emergency would have eliminated the need for the evasive maneuver.

### Passing

Failure to pass safely indicates faulty judgment and the possible failure to consider one or more of the important factors a driver must observe before attempting the maneuver.

Also may be preventable if:

- Driver passed where view of road ahead was obstructed by hill, curve, vegetation, traffic, adverse weather conditions, etc.
- Driver attempted to pass in the face of closely approaching traffic.
- Driver failed to signal change of lanes.
- Driver pulled out in front of other traffic overtaking from rear.
- Driver cut-in short returning to right lane.

### Pedestrians

Traffic regulations and court decisions generally favor the pedestrian hit by a moving vehicle. An unusual route of a pedestrian at mid-block or from between parked vehicles does not necessarily relieve a driver from taking precautions to prevent such accidents. Whether speed limits are posted or the area is placarded with warning signs, speed too fast for conditions may be involved. School zones, shopping areas, residential streets, and other areas with special pedestrian traffic should be traveled at speeds equal to the particular situation.

### Rear-end Collisions

Investigation often discloses that a driver is at risk of being struck from behind when failing to maintain a margin of safety in his own following distance. Rear-end collisions preceded by an abrupt stop at a grade crossing, when a traffic signal changes, or when your driver fails to signal a turn at an intersection, could be preventable. Failure to signal intentions or to slow down gradually could be considered preventable.

Also may be preventable if:

- Driver made sudden stop to park, load or unload.
- Vehicle was improperly parked.
- Brake lights are not operational.

### Turning

Turning movements, like passing maneuvers, require the utmost care by a driver. Failure to signal, to properly position the vehicle for the turn, to check the rearview mirrors, to check pedestrian lanes, or to take any other defensive action should be considered. Sudden turns by other drivers should be carefully examined. You may find that the driver failed to take precautionary action from tip-offs from the other vehicle immediately preceding the incident.

### Weather

Adverse weather conditions are not normally an excuse for being involved in an accident. Rain, snow, fog, sleet, or icy pavement increases the hazards of driving. Failure to adjust driving to the

prevailing weather conditions could be cause for deciding an accident preventable. Failure to use safety devices such as skid chains, snow tires, etc., provided by the city could be cause for a preventable decision when it is reasonable to expect the driver to use such devices.

If there is the need for more information or have any questions about any of the following materials, employee should contact his or her supervisor, or the Human Resources Director.

The following policy is in compliance to the federal regulations for individuals required to possess a commercial drivers' license as specified in their job description.

## **8.0 Hazard Recognition & Awareness**

City employees need be aware of their surroundings. This is true both in a City building and/or out in the field. Packages or other items left unattended should be treated as suspicious unless you know the origin. Leave them alone and call the proper authorities. Unattended backpacks should always be questioned. Envelopes can carry deadly viruses and should be handled carefully, especially if there is no sender on the envelope or the receiver is a general address or written in an odd manner. If a substance spills out of a suspicious package or envelope leave it alone, get away from the area and call the proper authorities. If an explosive or incendiary device is located **don't touch or move it**. Evacuate the immediate area, leave it alone and call the proper authorities to come and dispose of it. Employees should never take a suspicious package or item into a City building. Leave it alone and call the proper authorities. If a city employee is aware of a hazardous situation occurring within the city they are encouraged to stay away unless otherwise instructed to assist.

Each work area has its own set of potential safety and health hazards. Some hazards are common to multiple areas while others are unique. To avoid injuries and illnesses, hazards must be identified and protective measures must be implemented. Protective measures include hazard elimination, engineering controls, designated work practices, and PPE.

A job safety analysis (JSA) shall be completed for each task or job that is deemed hazardous prior to starting it. After the JSA has been completed, affected employees, who can assist in identifying all safety hazards, shall review it. After the safety hazards are identified, controls must be put in place. The controls should be listed on the JSA. Once completed, the information shall be given to all employees involved in the task.

As part of the City's safety program, an organized effort will be made to identify and address all safety hazards that could cause injury, illness, or property damage. This part of the program focuses on persistent hazards (e.g., moving machinery, hot surfaces) and transient hazards (e.g., hoses across walkways, missing ground prongs).

It shall be the responsibility of each employee to recognize unsafe conditions. When an unsafe condition has been identified it shall be immediately reported. If an employee can safely correct a potential hazard he/she should do so. The hazard and measures used to correct them should be reported to your supervisor as soon as practical. If you cannot safely correct the situation, the area should be secured to prevent other employees or the public from being injured. The supervisor shall be immediately notified. If employees are unable to contact their supervisor, they should contact one of the Safety Committee Members. In the case of a potentially serious hazard, work shall be suspended until the hazard has been corrected.

To the extent possible, persistent hazards will be eliminated or guarded through the use of engineering controls. When this is not feasible, or has not yet been accomplished, designated work practices will be used to protect employees against those hazards. An initial effort will be made to identify and list all significant hazards in each area of responsibility. Similarly, the safe work practices needed to protect against those particular hazards will be identified and listed also.

In summary, JSA's will follow this sequence:

- 1. A work area evaluation:** Potential hazards are identified.
- 2. List preparation:** Affected employees are involved with development.
- 3. Control measures:** Measures to control hazards are identified and communicated to affected employees.

The hazard and safe work practice lists should be used during new hire and reassigned/transferred employee orientation, and in safety meetings. Once implemented, the hazard and safe work practice lists should be updated periodically as changes in the workplace occur. It is the supervisor's responsibility to ensure that the lists are kept current and a copy provided to Human Resources. **It is everyone's responsibility to work safely.**

## **9.0 Personal Protective Equipment (PPE)**

Personal Protective Equipment (PPE) includes all clothing and accessories designed to create a barrier between the employee and contact with harmful agents in the work environment. Examples of PPE include safety glasses, hard-hats, respirators, hearing protectors, safety footwear, gloves, safety vests, etc. Examples of harmful agents include hot objects, flying particles, hazardous chemicals, falling objects, excessive noise, and anything else that could cause injury or illness if it came in contact with an employee.

City Employees can be exposed to a variety of workplace safety hazards during the course of carrying out their duties and responsibilities. Many of these hazards are an inherent part of the job. Employees must be kept adequately protected to prevent occupational injuries and illnesses while performing their work assignments.

Each employee will be provided with information on what is believed to be the appropriate PPE for his/her position. If an employee does not have the appropriate PPE for an assigned task or operation, the operation should be delayed until such time as the proper PPE is determined and obtained for use.

## **10.0 Blood Borne Pathogen Program**

### **10.1 Exposure Control Plan**

All employees of the City of Delta who may be exposed to blood borne pathogens in the course of their assignments, duties and responsibilities while employed with the City of Delta are required to follow the provisions of this exposure control plan.

### Universal Precautions Policy

## **TREAT ALL HUMAN BLOOD AND OTHER BODY FLUIDS AS IF THEY ARE CONTAMINATED**

The other potentially infectious materials (OPIM) which require Universal Precautions include 1) the following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood and all body fluids in situations where it is difficult or impossible to differentiate between body fluids; 2) any unfixed tissue or organ (other than intact skin) from a human (living or dead); 3) HIV-containing cell or tissue cultures, organ cultures and HIV-containing culture medium or other solutions; and 4) blood, organs or other tissues from experimental animals infected with HIV or HBV. The following shall be observed:

### Personal Protective Equipment (PPE)

PPE shall be used to prevent skin and mucous membrane contact with blood and OPIM. These may include the use of gloves, masks, protective eyewear or face shields and gowns or aprons, as appropriate for the task.

Hand washing Hands and other skin surfaces shall be washed immediately after contact with blood or OPIM. Hands shall be washed each time gloves are removed.

All sharps (needles, scalpels and razor blades) shall be disposed of in labeled, leak proof, puncture-proof sharps containers. Needles shall not be bent, sheared or recapped. Sharps containers shall be available in the area where sharps are being used.

Dermatitis Employees who have lesions or weeping dermatitis shall refrain from handling blood or OPIM until the condition resolves.

## **10.2 Exposure Prevention**

### Universal Precautions

Universal Precautions shall be practiced to prevent employee exposure to blood and other potentially infectious materials.

Hand washing facilities shall be provided and maintained with adequate supplies. Hand washing shall be performed after removal of gloves and after contact with blood or OPIM.

Employees who have open and fluid wounds shall refrain from handling blood or OPIM until the condition resolves.

Resuscitation devices including mouthpieces or resuscitation bags shall be available for use in areas where the need for resuscitation is predictable.

All specimens of blood or OPIM shall be placed in closable, leak-proof containers prior to transport. If contamination of the outside of the primary container is likely, then a second container such as a plastic bag should be placed over the primary container to prevent contamination and/or leakage during handling, storage or transport.

### PPE

PPE, including gloves, eye protection, and other items shall be provided to employees, as appropriate, to prevent exposure to blood or OPIM. These items shall be worn selectively, as needed for the task involved. PPE shall be considered “appropriate” if it does not permit the passage of blood or OPIM through to an employee’s skin, mucous membranes or street clothes.

### Gloves

Disposable, single use gloves shall be worn when it is reasonably anticipated that the employee will have hand contact with blood or OPIM. The gloves shall be replaced when worn, torn or contaminated. They shall not be washed or decontaminated for re-use.

### Masks, eye protection, face shields

Masks in combination with eye protection devices shall be worn when there is a reasonably anticipated chance of exposure to blood or OPIM through splashes, sprays, spatters or droplets.

### Labels

Warning labels as specified by the blood borne pathogen standard shall be used. Red bags or red containers may be substituted for labels. The labels shall include the biohazard symbol and be fluorescent orange or orange red.

Warning labels shall be placed on containers of regulated waste, refrigerators and freezers containing blood or other potentially infectious materials. Other containers used to store, transport or ship blood and OPIM shall also be labeled. Warning labels should be affixed to contaminated equipment and state which portions of the equipment are contaminated.

Each Department Head shall be responsible for monitoring his or her department or division’s compliance with the blood borne pathogen standard.

### Review and Update

The Safety Committee shall review and assess the Exposure Control Plan annually. Input from the departments will be used to update this plan as needed.

## Categories

### Infectious/potentially infectious/R-DNA

- human pathogens
- animal pathogens
- plant pathogens
- recombinant DNA
- human blood, blood products and other body fluids
- human tissue
- any material containing or contaminated with any of the above (needles, syringes)

### Non-infectious waste

This category includes waste that is not contaminated with any of the biological wastes listed above. It includes solid waste and sharps. (Needles, Razor Blades, Syringes, Broken Glass)

#### Packaging: Sharps

- Needles and razor blades must be containerized in red plastic sharps containers.
- All other sharps (broken glass, etc.) shall be containerized in puncture-resistant cardboard boxes.

## Labeling

All packages containing biological waste shall be labeled with indelible ink marker (i.e., Sharpie) as follows:

Date: **Bio-hazard bags** shall be labeled with the date they were put into use. Please note that biohazard bags must be labeled even though they will be placed inside a secondary container for final disposal. **A sharps container shall be labeled with the date each container is full.**

Biohazard sign: Only manufacturer containers with the preprinted universal biohazard symbol and the words “bio-hazardous”, or “infectious” shall be used.

Transport: The transport of bio-hazardous waste must be in a closed leak proof container that is labeled “biohazard”. Labeling may be accomplished by use of a red or orange biohazard bag or a biomedical waste box with the universal biohazard symbol. Only corrugated biomedical boxes and red plastic sharps containers may be used to transport biological waste to the biomedical waste receptacle. Waste receptacle personnel are instructed not to accept any other type of containers.

## Training

All employees who handle biological waste shall be trained bi-annually regarding the proper handling of biological waste. All new employees shall be trained before they are allowed to

handle biological waste. Training may be accomplished through the Blood Borne Pathogen Training Program. Records of the training session shall be maintained for each employee.

## **11.0 Hazard Communication**

### **11.1 Purpose and Scope**

The purpose of the Hazard Communication Program is to insure the safety and well-being of any City of Delta employee who will be required to use or could be exposed to potentially hazardous chemicals while working for the City of Delta. Many chemicals can cause acute or chronic health effects, often unknown to those who are exposed to them. Therefore, the City's Hazard Communication Program applies to all employees in any department where hazardous chemicals are used or stored.

The City's Hazard Communication Program is meant to apply to all employees who are or have the potential to be exposed to hazardous chemicals. However, it is widely understood that the use of common chemicals, although they have hazards associated with them, does not necessarily subject that employee or department to all of the elements of the City's program. For example, when the Hazard Communication Standard went into effect, there was concern that the Material Safety Data Sheet (MSDS) requirements were excessively burdensome. As a result, OSHA issued a Letter of Interpretation stating that an MSDS is not required to be provided to purchasers of household consumer products when the products are used in the workplace in the same manner that a consumer would use them, i.e. where the duration and frequency of use (and therefore exposure) is not greater than what the typical consumer would experience. This exemption in OSHA's regulation is based, however, not upon the chemical manufacturer's intended use of this product, but upon how it actually is used in the workplace. Employees who are required to work with hazardous chemicals in a manner resulting in a duration and frequency of exposure greater than what a normal consumer would experience have a right to know about the properties of those hazardous chemicals and, therefore, an MSDS would be required.

An effective Hazard Communication Program should address five primary components:

1. Chemical inventory
2. Container labeling
3. Employee training
4. Safety Data Sheets
5. Chemical storage

### **11.2 Chemical Inventory**

Each department using or storing hazardous chemicals shall maintain an inventory of those chemicals, and the inventory shall be updated each time a new hazardous chemical is introduced into the department. An exemption for this requirement shall apply when the chemical is a household consumer product meeting the criteria outlined in the "Purpose and Scope" section of this program.

### **11.3 Container Labeling**

The City recognizes that there are two types of containers:

1. Primary containers are original containers from the manufacturer, properly labeled according to Federal regulations.
2. Secondary containers are containers into which a chemical has been introduced that did not originate from the chemical manufacturer and, therefore, do not have a manufacturer's original label.

All chemicals purchased by the City of Delta must be properly labeled upon receipt. However, it is often more convenient and cost-effective to transfer chemicals from a bulk container into a secondary container. Whenever a secondary container is used (i.e. a coffee can used for paint or a spray bottle used for a cleaner):

1. The secondary container shall be cleaned of any chemical residue prior to use,
2. Any original name or label shall be removed or made illegible, and
3. The container shall be labeled with the name of the new chemical or product.

Except as noted below, a container containing any substance shall be labeled, regardless of the level of hazard:

1. Primary containers shall retain the original manufacturer's label. If a primary container's label is damaged in transit or use, a replacement label shall be applied to the container as soon as practical.
2. Secondary containers shall be labeled with the name of the product or chemical contained within the container, provided that an SDS is available within the immediate work area. If the chemical is to be used outside the immediate work area, an SDS shall accompany the chemical to the worksite.

Exception: A label is not required on a secondary container if all of the following conditions are met:

1. The chemical is drawn from a properly-labeled primary container.
2. The employee drawing the chemical is the only employee who will be in contact with the container.
3. The entire contents of the secondary container will be used within that employee's shift.
4. The secondary container will be cleaned or destroyed immediately upon using the contents of the container.

#### **11.4 Employee Training**

All employees exposed to hazardous chemicals shall be trained on the requirements of the Hazard Communication Program upon initial employment and at least annually thereafter. In addition, employees will be re-trained any time a new hazard classification of chemical (i.e. acids, corrosives, pesticides, etc) is introduced to their department or whenever they are re-assigned to a department where they will be exposed to a classification of chemical for which they have not receive adequate training.

Training will include but is not limited to the following:

- The Safety Data Sheets (SDS) for all chemical to which employees will be exposed and the location of the SDS.
- Required Personal Protective Equipment (PPE) necessary for adequate protection against exposure to any hazardous chemicals to which employees will be exposed.
- Procedures to take upon accidental exposure to hazardous chemicals.
- Proper labeling of hazardous chemicals.

### **11.5 Safety Data Sheets (SDSs)**

A Safety Data Sheet (SDS) will be maintained on file in a readily-accessible location in each department for all hazardous chemicals used in that department. The SDS for each chemical will be updated as new sheets become available. In addition, the City will update its Safety Data Sheets as new sheets utilizing the Global Harmonization System become available.

As noted in the “Purpose and Scope” section of this program, the SDSs are not required for household consumer products when the products are used in the workplace in the same manner that a consumer would use them.

### **11.6 Chemical Storage**

All chemicals shall be properly stored in a safe manner, specifically:

- Flammables shall be stored in a properly-designed flammables storage cabinet.
- Incompatible chemicals, i.e. acids and bases, shall not be stored in the same proximity.
- Chemicals shall be stored in conditions, i.e. temperature and humidity, as recommended by the manufacturer.
- Storage areas shall be kept free of debris.

## **12.0 Safety Incentive Program**

In order to encourage safe work practices throughout the City, the Safety committee has established an incentive program. The safety incentives will be based on employee and departmental participation, as follows:

- All departments that have no lost time accidents or property damage claims in a calendar quarter will receive 2 hours of Safety Paid Time Off (SPTO) for each eligible employee. Total accrual in a given year will not exceed 8 SPTO hours. A lost time accident is defined as “A nonfatal traumatic injury that causes any loss time from work beyond the day or shift it occurred.”
- If a department scores 90 or higher on the annual CIRSA audit, all eligible employees within that department is eligible for an additional 4 hours of SPTO.
- SPTO will be accrued in addition to regular PTO earned every pay period. SPTO will accrue to a maximum of 12 hours for each employee. Additional SPTO cannot be accrued until the balance is less than 12 hours.
- All employees are eligible for SPTO at date of hire. Part time or seasonal employees with less than six months of employment working more than 260 hours in a calendar

quarter are eligible for 2 hours of SPTO; employees working less than 260 hours in a calendar quarter are eligible for 1 hour of SPTO.

- Any vehicle accident or property damage that was found to be the employee's fault will result in the employee's department becoming ineligible for that quarter's SPTO accrual.
- A department may lose eligibility for the quarter's SPTO accrual if there is flagrant disregard by an employee or department for the department's and/or City's safety policies.
- If an employee fails to report an accident within 4 working days the employee's department will not be eligible for that quarters SPTO.
- The safety committee will review all accidents as reported and determine the eligibility of a given department based on the report and the guidelines as presented herein. Employees who have been involved in an incident that may result in the forfeiture of a department's SPTO may meet with the committee to discuss the accident and present their side of the story, before the committee makes its final determination.
- All accumulated SPTO will be forfeited when the City no longer employs the employee. If the employee returns to work for the City, prior SPTO earnings will not be restored.
- Department Heads and/or the Safety Committee may provide additional safety incentives with the approval of the City Manager.

## **Article 17 - Drug and Alcohol Policy**

If there is the need for more information or have any questions about any of the following materials, employee should contact his or her supervisor, or the Human Resources Department. The following policy is in compliance to the federal regulations for individuals required to possess a commercial driver's license as specified in their job description.

### **I. DRUG AND ALCOHOL POLICY**

- A. The City of Delta values its employees and recognizes the importance of a safe and healthy work environment. Employees who use illegal drugs and/or abuse alcohol tend to be less productive, less reliable, more prone to accidents, and more prone to greater absenteeism, resulting in the potential for increased accidents, costs, and risks to themselves, their fellow employees, and the community.
- B. The City of Delta desires to provide a safer workplace by eliminating the hazards to health and job safety created by alcohol and drug abuse.
- C. Employees who engage in the sale, use, possession, or transfer of illegal drugs or controlled substances, who offer to buy or sell such substances, who abuse alcohol, or who abuse prescribed drugs, will be subject to disciplinary action up to and including termination.
- D. The City of Delta will comply with the testing requirements of the U.S. Department of Transportation and other applicable federal and state laws and regulations.

### **II. APPLICABILITY**

Random drug and alcohol testing set out in this policy ~~This policy as it applies to random drug and alcohol testing~~ is applicable to each employee who is required to hold a Commercial Driver's License (CDL). All other drug and alcohol testing is applicable to all employees. Employees will need a CDL if they drive a City of Delta vehicle:

- A. With a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight of more than 10,000 pounds;
- B. With a gross vehicle weight rating of 26,001 or more pounds;
- C. Designed to transport 16 or more passengers; or
- D. Of any size that is used to transport hazardous materials which require the vehicle to be placarded under the hazardous materials regulations.

### III. CIRCUMSTANCES FOR ALCOHOL AND DRUG TESTS

Alcohol and/or drug testing will be done under the following circumstances:

A. Pre-Employment

Before employee starts working **in a safety-sensitive?** position, he or she will be tested FOR DRUGS (unless employee is already being tested under another program).

B. Accident Involving Death of Person

If employee is in an accident while performing **a safety-sensitive function?** and the accident involves the death of a person, employee will be tested for both alcohol and drugs.

C. Accident Involving a Ticket

If employee is in an accident and receives a moving violation ticket because of the accident, employee will be tested for both alcohol and drugs.

D. 25 percent of all **CDL** drivers will be randomly tested for alcohol each year.

E. 50 percent of all **CDL** drivers will be randomly tested for drugs each year.

F. Reasonable Suspicion

**Any employee Drivers** under "reasonable suspicion" of alcohol use or drug abuse will be tested.

G. Return to Work

If employee returns to work **on-safety-sensitive functions?** after having tested positive for either alcohol or drugs, employee will be tested again for alcohol or drugs after returning to work.

H. Follow-Up

If employee has engaged in prohibited conduct, he or she will be subject to unannounced follow-up tests for alcohol and/or drugs as directed by the City of Delta's substance abuse professional. Follow-up alcohol tests may take place just before, just after, or while employee is performing a safety-sensitive function. Follow-up testing will not exceed 60 months from employee's return to duty.

### IV. WHAT IS A SAFETY-SENSITIVE FUNCTION?

The following are safety-sensitive functions to which the prohibitions on alcohol or illegal drug use of these policies apply. If employee does any of these activities with respect to a City of Delta vehicle to which a CDL applies, he or she is considered to be performing a safety-sensitive function:

A. Any time waiting to be dispatched on a vehicle.

- B. Any time spent inspecting equipment on or inspecting, servicing, or conditioning a vehicle.
- C. All driving time.
- D. Any time employee is in a vehicle, other than when employee would be resting in its sleeper berth, if any.
- E. All time spent loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, being ready to drive a vehicle, or giving or receiving receipts for shipments loaded or unloaded.
- F. When in a vehicle accident involving injury, death, or property damage of any kind, all the time employee spends following the required procedures.
- G. All time repairing, obtaining assistance for, or staying by a damaged vehicle.

## **V. WHAT DRUG/ALCOHOL-RELATED CONDUCT IS PROHIBITED?**

The following specific conduct is prohibited:

- A. Being on duty and in the performance of a **safety-sensitive function** while having an alcohol concentration of 0.02 or more.
- B. Being on duty or driving a vehicle while in possession of alcohol.
- C. Using alcohol while performing a **safety-sensitive** function.
- D. Performing a **safety-sensitive function** within 4 hours after using alcohol.
- E. If employee has to take an alcohol test after an accident, using alcohol within 8 hours after the accident or until employee takes a post-accident alcohol test, whichever happens first.
- F. Refusing to take a post-accident alcohol or drug test, a random alcohol or drug test, a reasonable suspicion alcohol or drug test, or a follow-up alcohol or drug test.
- G. Being on duty or remaining on duty requiring the performance of safety-sensitive functions when using a controlled substance, except when the use is prescribed by a licensed physician and when the physician has advised employee that the use of the controlled substance will not affect his or her ability to perform the functions.
- H. Being on duty, reporting for duty or performing a safety-sensitive function if employee has tested positive for illegal drugs. Employee will not be permitted to perform

or continue to perform safety-sensitive functions if he or she tested positive for illegal drugs.

## VI. TESTING PROCEDURES

### A. Pre-Employment Testing

Before employee first works in a **safety-sensitive** position, he or she will be tested for drugs. Employee will not be allowed on duty unless the drug test is negative.

Exception to Pre-Employment Drug Test. Employee will not need a drug test if he or she has participated in a drug testing program in the last thirty days and while in that program were tested for drugs in the last 6 months; or participated in random drug testing for the previous 12 months; and no prior employer of whom the City of Delta has knowledge has records of a violation of the drug policies of the DOT within the last 6 months.

Under these exceptions, the prior drug testing program in which employee participated will be contacted and asked for the following information, subject to a written release from employee: name and address of the program; verification of employee=s participation in the program; verification that employee was qualified under the program; date of the last drug test; and the results of that last test. The information stays in employee=s file.

### B. Post-Accident Testing

As soon as possible after an accident involving a City of Delta vehicle to **which a CDL applies?**, each surviving driver who was **performing a safety-sensitive function?** with respect to the vehicle (if the accident involved the death of a person), or who received a citation for a moving traffic violation because of the accident, will be tested for both alcohol and drugs. A driver required to be tested under these circumstances will be transported to the testing site by the City of Delta.

- 1 . Two Hours - If employee fails or refuses to take an alcohol test within 2 hours after the accident, employee=s supervisor will prepare and keep a file stating why the test was not taken. If the alcohol test is not administered within 8 hours after the accident, the supervisor will cease attempts to require the test and will proceed to prepare the file.
2. Thirty-Two Hours - If employee fails or refuses to take a drug test within 32 hours after the accident, the employee=s supervisor will cease attempts to require the test and will proceed to prepare a file stating why the test was not administered.

3. Availability - Employee must remain available for testing after an accident or will be considered as having refused to be tested. This does not mean that employee cannot leave the scene of the accident to obtain assistance or that medical attention will be delayed for injured drivers.

#### C. Random Testing.

At least 25 percent of all CDL drivers will be tested for alcohol every year and at least 50 percent of all drivers will be tested for drugs every year.

These percentages may change based on a federal determination which is published annually in the Federal Register.

1. Selection Method -The selection of drivers for random testing is made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with a driver's social security number. Under that process, each driver has an equal chance of being tested each time a selection is made.

2. Notification -Random tests will be unannounced and the dates for their administration will be spread reasonably throughout the year. The employee's supervisor will notify the employee of when he or she is selected for a random alcohol and/or drug test.

3. Procedure - If employee is notified of a random alcohol and/or drug test, employee must proceed to the test site immediately. If employee is performing a safety-sensitive function when notified of a test, employee will need to stop and proceed to the test site as soon as possible. The City of Delta's test site is located at Drug Testing, Inc., 239 Palmer Street, Delta, Colorado 81416.

Employee can only be tested for alcohol while employee are performing safety-sensitive functions, just before performing those functions, or just after performing those functions.

#### D. Reasonable Suspicion Testing

##### 1. What is Reasonable Suspicion

Employee may be tested for alcohol or drugs if employee's supervisor has "reasonable suspicion" that employee is using or abusing alcohol or drugs. The supervisor will base the decision on specific, present, and particular observations

of employee=s appearance, behavior, speech or body odors, including indications of the chronic and withdrawal effects of illegal drugs.

## 2. Procedure

Employee=s supervisor or other official must observe specific examples and make observations of appearance, behavior, speech or body odors which lead him/her to believe that employee is using or abusing alcohol or drugs. Supervisors and other officials are trained in the ways to detect the use and abuse of alcohol and illegal drugs. The person who makes the observation will not be the same person who administers the alcohol or drug test. If employee is required to be tested under these circumstances, the City of Delta will provide transportation to the testing site.

## 3. Alcohol Tests

Employee can only be tested for alcohol if the observations are made during, just before or just after he or she has worked on a on a safety-sensitive function. If employee fails or refuses to be tested within 2 hours of the observations, employee=s supervisor will prepare a written report stating why the alcohol test was not promptly administered. After 8 hours, employee=s supervisor will cease attempts to require the test and will prepare a written report stating the reasons for not administering the test.

If employee=s supervisor has reasonable suspicion that employee is under the influence of or impaired by alcohol, employee will not be permitted to work on safety-sensitive functions until employee has taken an alcohol test and the results show a blood alcohol concentration of 0.02 or less; or 24 hours have passed after the observation. No action shall be taken against the employee solely on the basis of his or her behavior and appearance in the absence of an alcohol test. (See Section VII. A.1. for definition of blood alcohol concentration measured by EBT.)

## 4. Drug Tests

When employee=s supervisor or other official has reasonable suspicion that employee is using or has used illegal drugs, he or she will record the facts in employee=s file, and sign the report either within 24 hours after he/she observed employee, or before the drug test results are released, whichever is earlier.

## E. Return To Duty Testing

Before employee returns to work after a violation of either the alcohol or drug policy, will be tested for alcohol or drugs again. The test results must indicate an alcohol concentration of 0.02 and/or less and be negative for drugs before employee may perform any **safety-sensitive functions?** again.

## F. Follow-Up Testing

When employee tests positive for either alcohol or drugs, employee will be evaluated by a substance abuse professional. If the substance abuse professional decides that employee needs assistance in dealing with an alcohol or drug abuse problem, employee will be subject to unannounced follow-up alcohol or drug tests according to the directives of the substance abuse professional. Follow-up alcohol tests are only conducted just before, just after, or while employee works on a **safety-sensitive function**.

## **VII. PROCEDURES USED TO TEST FOR PRESENCE OF ALCOHOL AND CONTROLLED SUBSTANCES**

### **A. Alcohol Testing Procedures**

#### **1. What Is Tested?**

Alcohol testing is done by testing breath because breath is the most easily obtained bodily substance and the results are known within minutes of testing. The test results are displayed and printed in terms of grams of alcohol per 210 liters of breath. The testing device is called an Evidentiary Breath Testing Device (EBT). The EBT is a scientific instrument which determines the concentration of alcohol expressed as "percent per weight." It does this by analyzing a specific volume of expired breath. The weight of alcohol in the breath sample is determined and the quantity of the alcohol converted to its equivalent value in blood. A Blood Alcohol Concentration (BAC) of 0.10 means 1 /10th of a gram of alcohol per 210 liters of breath. The EBT will print three copies of each test result and the test results will be numbered.

#### **2. Quality Assurance Plan**

Each EBT must have a Quality Assurance Plan (QAP) developed by the manufacturer. The plan shows the methods used to perform external calibration checks using only approved calibration devices. It also describes the minimum intervals for performing the calibration checks for the EBT and specify the tolerances for external calibration checks within which the EBT is in proper calibration. Finally, the plan specifies inspection, maintenance, and calibration requirements and intervals.

#### **3. Initial Test**

A test may have two separate parts. The first test is the initial test. If the initial test shows a reading of less than 0.02, the test is recorded as "negative." If the initial test result is 0.02 or greater, a confirmation test will be done. The alcohol testing will be administered at a site that affords privacy. Only one breath test will be done at one time. The person giving the test will not leave the testing site during employee=s test.

Only a certified breath alcohol technician (BAT), trained in the operation of the EBT, may administer the alcohol test. Employee=s supervisor may not administer the test under any circumstances.

The EBT will immediately read the results of the test and a copy of the printed results will be given to employee. Printed results are not required for the initial test.

IN LIEU OF AN EBT, THE DOT REGULATIONS PERMIT THE USE OF CERTAIN APPROVED NON-EBT TESTING DEVICES TO BE USED FOR THE INITIAL TEST; THE PROCEDURES DESCRIBED ABOVE MAY DIFFER IF SUCH DEVICES ARE USED.

#### 4. Identification

Before the test is administered, the BAT will ask employee to provide identification. If employee asks, the BAT must give employee his/her name.

#### 5. Blank Test

The first part of the testing process is to make sure that the EBT is operating properly. In employee=s presence the technician runs an "air blank" test to make sure the EBT is working correctly and the reading is zero. Next, a sealed mouthpiece is opened and placed into the EBT. In order to get a sufficient quantity of deep lung air, employee will be asked to blow into the mouthpiece for at least 6 seconds, or until the EBT indicates that an adequate amount of breath has been obtained.

6. When the initial tests results show a reading of 0.02 or greater, a confirmation test is necessary. The BAT who administers the confirmation test will be different from the BAT who administered the first test. Before the confirmation test, a 1 5 minute waiting period will be observed. The purpose of the 1 5 minute waiting period is to make sure that the presence of mouth alcohol from recent use of food, tobacco, or hygiene products, does not artificially raise the test results. As the confirmation test is done on the same EBT as the first test, the testing procedures will be the same. When the results of the test are available, the BAT will show them to employee and ask employee to initial the form on which the results are printed.

The confirmation result is the test of record. **(Revised 02/08)** A breath alcohol testing form will be prepared with a copy for employee .

#### 7. Inadequate Breath Sample

If employee refuses to try to provide an adequate breath sample, the BAT will immediately notify the City of Delta.

If employee tries to provide an adequate breath sample but is unable to, the BAT will make a note of it in the "Remarks" section of the form and immediately inform employee=s supervisor. Employee will be directed by their supervisor to obtain an evaluation by a licensed physician. The physician will provide an opinion on whether or not a medical condition has prevented employee from providing the breath sample.

#### 8. Release of Results

The results of the employee=s alcohol test or tests will not be released to others unless the employee expressly authorizes the release or unless required by law. For example, the City of Delta may release the results of the employee=s alcohol test(s) to the next employer if employee furnishes the City of Delta a letter authorizing the release of the results. The City of Delta will not release test results unless employee specifically request the release IN WRITING. The City of Delta may make the authorization for release of previous records a requirement for employment.

### B. Drug Testing Procedures

#### 1. Which Drugs

The required testing program is limited to five type of drugs: marijuana, cocaine, opiates, amphetamines, and phencyclidine.

#### 2. Testing Conditions

All drug testing must be done from urine specimens collected under highly controlled conditions. Specimen collection procedures require a designated collection site; security for the collection site; chain of custody documentation; use of authorized personnel; privacy during collection; integrity and identity of the specimen; and transportation to the laboratory.

#### 3. Certified Laboratories

Driver protection is built into the testing procedures. The only laboratories that can be used are those that have been properly certified.

#### 4. Tests

After the urine specimen has been collected and forwarded to the laboratory, two tests may be performed. The initial test is the immunoassay test. This is a screening test to determine drug usage for the five classes of drugs. The second test is a confirmation test.

#### 5. Initial Test

If the results of the initial test are negative, the testing laboratory will advise the City of Delta's Medical Review Officer (MRO) that the drug test for the driver was negative. No additional tests on the specimen will be done.

#### 6. Confirmatory Test

If the results of the initial test are positive, that is, if the results exceed the permitted levels for any of the five drugs tested, a second (confirmation) test is performed. In the meantime, employee will be removed from performing any safety-sensitive duties, even though the results of the confirmatory test are not yet available. The second, or confirmatory, test is done in an entirely different manner from the initial one. All specimens identified as positive on the initial tests must be confirmed using gas chromatography/mass spectrometry techniques. Only specimens that are confirmed positive on the second or confirmatory test are reported positive to the MRO for review and analysis.

#### 7. Split Specimen Collection

A split specimen collection will be done. That is, the urine is divided into two specimen bottles. If the test result of the primary specimen is positive, employee may request the MRO to send the second (or split) specimen to a different certified lab for testing. The test of the split specimen will be for the presence of drugs with no cut-off levels. If the result of the test of the split specimen is negative, the MRO will cancel the test. If employee wants the split specimen tested, employee must advise the MRO within 72 hours of being notified of the positive test result of the primary specimen. If employee provides an insufficient quantity of urine, the test will be canceled. Employee will be asked to drink fluids and to take another test 2 hours after the first test.

#### 8. Records of Results

The City of Delta will keep a record in the driver's file showing the type of test (pre-employment, etc.); date of collection; location of collection; entity performing the collection; name of the lab; name of the MRO; and the test results. Employee can access the results of his or her drug test(s) if employee makes a request IN WRITING.

### **VII. ALCOHOL AND DRUG TESTS ARE NOT OPTIONAL.**

Employee MAY NOT REFUSE to take a post-accident alcohol or drug test, a random alcohol or drug test, a reasonable suspicion alcohol or drug test, or a follow-up alcohol or drug test. If employee refuses to take any of those tests, the supervisor will consider that employee tested positive for alcohol and/or drugs, and employee will not be permitted to perform or continue to perform any safety-sensitive function except in accordance with the procedures which apply to a positive test.

Refusing to be testing means that employee either:

- A. Did not provide enough breath for testing without a valid medical explanation after employee was told the requirements for breath testing;
- B. Did not provide adequate urine for drug testing without valid medical explanation; or
- C. Engaged in conduct that clearly prevented or obstructed the testing process.

## **IX. WHAT HAPPENS IF EMPLOYEE TEST POSITIVE FOR ALCOHOL OR DRUGS?**

### **A. Immediate Consequences**

Employee will not be allowed to work on a safety-sensitive function if employee violated the City of Delta's alcohol and drug policies. Employee will not be permitted to work on a safety-sensitive function if it is determined that employee violated these policies.

### **B. Evaluation**

If employee has engaged in prohibited conduct, they will be advised by their supervisor of the resources available to them in evaluating and addressing employee=s alcohol or drug abuse problem, including the names, addresses, and telephones numbers of substance abuse professionals, counseling and treatment programs. Some information is provided in these materials. Employee will also be evaluated by a substance abuse professional who will determine what type of assistance, if any, employee needs in addressing employee=s dependence problem.

### **C. Return To Duty Testing**

If employee has violated these provisions, they will, before returning to duty and work on a safety-sensitive function, take a return to duty alcohol test with a result indicating less than 0.02, if employee=s conduct involved alcohol, or a negative drug test, if the conduct involved illegal drugs.

### **D. Follow-Up Testing**

In addition, if the substance abuse professional decides that employee needs assistance, employee must be evaluated again before returning to work to make sure that the employee has properly followed any rehabilitation program. Employee will also need to take unannounced alcohol and drug tests after employee comes back on duty. The number and frequency of the tests will be decided by the substance abuse professional. There will be at least 6 tests in the first 12 months following employee=s return to work. Both alcohol and drug tests may need to be administered if the substance abuse professional so determines. Follow-up testing may occur up to 60 months from the date of employee=s return to duty. The substance abuse professional may determine to stop the follow-up testing at any time after the first 6 tests if he/she decides that the tests are no longer necessary.

#### E. Referrals

The substance abuse professional who refers employee to treatment because of a substance abuse problem shall not refer employee to his/her own private practice or to a person or organization from which he/she receives payment or in which he/she has a financial interest.

### **X. WHAT HAPPENS IF EMPLOYEE=S ALCOHOL CONCENTRATION IS 0.02 OR MORE, BUT LESS THAN 0.04?**

If the results of the employee=s alcohol test show an alcohol concentration of 0.02 or more, but less than 0.04, employee will not be allowed to work on a safety-sensitive function including driving a City of Delta vehicle, until the start of employee=s next regularly scheduled duty time, as long as there are at least 24 hours between taking the test and when employee starts work again. Employee may also be subject to additional actions consistent with law.

### **XI. INFORMATION CONCERNING THE EFFECTS OF ALCOHOL AND DRUG ABUSE**

#### A. Supervisor training

Persons chosen to determine whether reasonable suspicion exists to require a driver to take an alcohol or drug test will receive at least 60 minutes of training on alcohol abuse and an additional 60 minutes of training on controlled substance use. Training will cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances.

#### B. The effects of alcohol and drugs on health, work, and personal life

There is much information available on this subject; the following is only a brief introduction.

The consequences of alcohol and illegal drugs abuse extend far beyond the individual user. Impaired employees put themselves, fellow workers, and other users of our highways in danger. Employees with drugs or alcohol in their systems are less productive and more likely to injure themselves or other persons in an accident.

Alcohol and drug abusing employees increase the costs related to lost productivity, absenteeism, accidents, loss of trained personnel, theft, and treatment and deterrence programs. Also, medical costs are higher and are passed on to the employer in the form of higher health insurance rates. Alcohol and drug abuse is costly to both the employer and the employee.

Alcohol is the number one abused drug in this country. Alcohol consumption causes a number of changes in behavior. Even low doses can damage the judgment and coordination necessary to drive. Low to moderate doses increase the frequency of a variety of aggressive acts. Moderate to high doses cause marked changes in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other drugs, much lower doses of alcohol will produce the effects described. Long-term consumption of large quantities of alcohol can lead to permanent damage to vital organs such as the brain and the liver.

#### C. Signs and Symptoms of an alcohol or drug problem

Drugs can show their effects in many different ways. Some of the most noticeable signs of drug abuse are drowsiness, respiratory depression, constricted pupils, nausea, slurred speech, excitement, loss of appetite, poor perception of time and distance, relaxed inhibitions, disoriented behavior, watery eyes, runny nose, chills and sweats, convulsions, apathy, depression, and the use of drug paraphernalia.

Some of the signs and symptoms of alcohol misuse are the odor of alcohol, slurred speech, staggering, tremors, vomiting, cramps, delirium, loss of appetite, using arms for balance, leaning against walls and doorways, swaying while maintaining balance, and confusion

#### D. Multiple Substance Abuse

Multiple substance abuse is abuse of more than one drug, either at the same time or over a period of time and it involves any combination of alcohol, prescription drugs, over-the-counter drugs, and illegal drugs.

Multiple substance abuse is especially dangerous because different substances combine with each other to produce unexpected effects and dangers.

Multiple substance abuse often begins with abuse of a single substance. This may happen because once a person begins to use a drug, abuse of more substances becomes more likely. People who abuse one substance are at a high risk for developing dependence and tolerance for other substances.

#### E. Methods of intervention for suspected alcohol and drug problems.

Alcohol and substance abuse is a complicated problem calling for specialized supervision and care. Don't help or aid an employee who you think has an alcohol or drug abuse problem. Don't make excuses for them, don't do their work for them, and don't look the other way. The problem is not going to go away. Don't help them to continue their alcohol or drug abuse.

Leave the treatment and counseling of persons with an abuse problem to professionals. The person with a problem must be evaluated by a professional, such as a physician,

psychologist, other person with knowledge of abuse and clinical experience in the diagnosis and treatment of alcohol and drug related disorders.

#### F. Additional information

For additional information concerning the effects of alcohol and drug abuse, contact the City of Delta's Human Resources Department. For information on where to find treatment for alcohol and other drug problems, a good place to look is in the Yellow Pages under "Alcoholism Information" or "Drug Abuse and Addiction Information." Usually there is a listing of the nearest Council on Alcoholism (or Council on Alcohol and Drug Abuse). These Councils provide information over the phone on the availability of the nearest alcohol treatment programs. Alcoholics Anonymous and Narcotics Anonymous may also be listed. Both offer help in coping with alcohol and drug abuse.

#### Abbreviations/Definitions

U.S. Department of Transportation (DOT)  
Commercial Drivers= License (CDL)  
Evidentiary Breath Testing Device (EBT)  
Blood Alcohol Concentration (BAC)  
Quality Assurance Plan (QAP)  
Medical Review Officer (MRO)

Effective August 25, 2008, observed collections will afford less privacy in order to guard against employee use of items designed specifically to beat the testing process.

A. Directly observed collections will continue to occur only when there is a specific reason to believe that an employee may be attempting, or have sufficient reason, to evade the testing process.

B. Observed collections will now be required, rather than optional, for all return-to-duty and follow-up drug testing.

C. Items such as prosthetic devices designed to carry clean urine must now be checked for by observers with both male and female donors. The observer will have the employee raise and lower clothing, and then put it back in place for the observed collection.

The revised DOT Urine Collection guidelines say that effective August 25, 2008,

The observer must request the employee to raise his or her shirt, blouse, or dress/skirt, as appropriate, above the waist, just above the navel; and lower clothing and underpants to mid-thigh; and to show the observer-by turning around-that the employee does not have a prosthetic device. After the observer has determined that the employee does not have such a device, the observer may permit the employee to return clothing to its proper position and then conduct the observed collection.

Note: there are three basic types of devices employees could wear. @

1. One device has a long plastic tube connected to a bottle containing heated urine.
2. Another device consists of a short plastic tube attached to a battery-heated plastic bag.
3. One device goes a step further by replacing the tube with very realistic prosthetic genitalia designed to match the employee's skin tone.

Effective August 25, 2008, the following collection issues have been added to the regulation and must be treated by the collector as refusals to test. Some of these were part of the previous DOT interpretations of 49 CFR 40.191.

The employee refuses to wash his or her hands after being directed to do so.

The employee admits to the collector that he or she adulterated or substituted their specimen.

In either of these refusal situations, the collector discards any specimen the employee provided previously and notifies the designated employee representative as soon as possible.

With respect to direct observation collections, the following situations have been added as refusals to test: The employee fails to follow the observer's instructions to raise and lower clothing and to turn around to permit the observer to determine if the employee has a prosthetic or other device that could be used to interfere with the collection process. The employee possesses or wears a prosthetic or other device that could be used to interfere with the collection process. Collectors should patiently explain the new regulations to affected employees and work with the employee to avoid a refusal event whenever possible.

# MEMO

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To: City Council  
From: Justin Clifton, City Manager  
Date: November 4, 2014  
Subject: City Manager Evaluation



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*Office of the City Manager*

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**Recommendation:**

I am looking for feedback on conducting this year's performance evaluation. Although my anniversary date is in October, Council may consider shifting my evaluation later toward the end of the year to coincide with completion of the budget and moving into the next year's goals. I'm also looking for any feedback on whether or not Council would like to make any changes to the evaluation process or documents used last year.