

ORDINANCE O-2021-22

A BILL FOR AN ORDINANCE AMENDING CHAPTER 3 OF THE LONGMONT
MUNICIPAL CODE ON PERSONNEL RULES

THE COUNCIL OF THE CITY OF LONGMONT, COLORADO, ORDAINS:

Section 1

In this ordinance, ellipses indicate material not reproduced as the Council intends to leave that material in effect as it now reads.

Section 2

The Council amends section 3.04.020. - Definitions of the Longmont Municipal Code, by adding italicized material and deleting stricken material, to read as follows:

3.04.020. - Definitions.

...

Appointment (selection) means formal authorization of the hiring of an individual to fill a budgeted vacant position. Appointments can be regular, *part-time*, temporary, interim or acting.

...

Conflict of interest means an employee obligation outside of the workplace that has the potential to interfere with the employee's duties as a City of Longmont representative or create the appearance of impropriety. Conflicts are identified in, but not limited to, purchasing code conflicts, advisory board conflicts, and conflicts with Council Rules and Procedure.

...

~~Domestic partner means a person who shares a close personal relationship with a city employee of the same sex and:~~

~~1. Is 18 years of age or older;~~

~~2. Shares responsibility with the city employee for each other's common welfare;~~

~~3. Has lived with the city employee continuously for six months;~~

~~4. Is the city employee's sole domestic partner;~~

~~5. Is not married to anyone;~~

~~6. Is not related by blood to the city employee closer than would bar marriage in the State of Colorado;~~

~~7. Shares the same regular and permanent residence with the city employee and has the current intent to continue doing so indefinitely;~~

~~8. Is jointly financially responsible with the city employee for the cost of basic food, shelter and any other expenses which are paid at least in part by a program or benefit for which the partner qualified because of the domestic partnership, however, the domestic partner need not contribute equally or jointly to the cost of these expenses as long as the domestic partner and the city employee agree that both are responsible for the cost;~~

~~9. Was mentally competent to consent to contract when the domestic partnership began.~~

...

Executive director means administrative personnel reporting directly to the city manager *as well as Directors of City Departments as identified in the*

1 *Administrative Regulations.* Division heads and other high-level supervisors or
2 administrative personnel may, from time to time and except as otherwise provided
3 by these rules, be designated to act on behalf of an executive director. Such
4 designation shall be in writing and approved by the city manager. “Executive
5 director” also includes the city attorney, who does not report to the city manager.

6 *Fixed-term employee means an employee who is hired to work for a specific*
7 *project and a designated period of time. Fixed term employees may be either full-*
8 *time or part-time. Fixed-term employees working full-time or three-quarter time*
9 *for a period of more than one year have the same rights and responsibilities*
10 *under this code as regular employees.*

11 Fringe benefits means compensation to employees, in kind and in cash, except
12 leave, in addition to salary paid for services rendered; however, “fringe benefits”
13 does not include awards to employees under the employee recognition program or
14 similar programs designated by the city manager which recognize exceptional
15 employee accomplishments. *(Note: exceptional pay is part of base salary and*
16 *not included in the definition of fringe benefits.)*

17 . . .

18 Leave means an authorized absence from regularly scheduled work hours for
19 reasons specified in the personnel rules (holidays, vacation, sickness, injury,
20 *Family and Medical Leave*, disability, jury duty, *witness, bereavement, military*).

21 *Non-benefitted means a position which is less than 30 hours per week and*
22 *designated to receive limited benefits.*

Overtime means time an employee is directed and authorized to work in excess of the standard work week, or in the ~~ease~~-case of fire and police personnel, the standard work period.

Part-time means an employee who works on a schedule of less than 30 hours per week. Part-time employees may be regular or non-benefitted.

...

Position means the aggregate of duties and responsibilities performed by one person. A position may be regular, *part-time, fixed-term*, temporary or acting and may be occupied or vacant.

...

Probationary period means a period following ~~original~~-appointment *to a regular position*; for ~~regular~~-employees, during which the employee is on trial and during which the employee is evaluated for job suitability in accordance with the personnel rules.

...

Regular employee means an employee appointed to a regular position according to the personnel rules. A regular employee may be full-time or ~~part~~*three-quarter*-time. *Employees hired into a part-time, benefitted position prior to January 1, 2018 are also considered regular employees.*

Regular position means a full-time or ~~part~~*three-quarter*-time position designated in the annual budget to receive all paid leave and fringe benefits in proportion to hours worked. *Positions hired as benefitted prior to January 1, 2018 are also considered regular positions.*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

...

Seasonal employee means an employee appointed to a temporary position who is hired to work a designated period of 26 weeks or less in order to complete assignments that only last for part of the year. Seasonal positions are identified as such and the seasonal employee is notified at the time of hire.

...

Separation means the voluntary or involuntary end of employment of an individual employee.

Temporary employee means an employee appointed to a temporary position *of less than one year* according to the personnel rules. A temporary employee may be full-time or part-time.

Temporary position means a full-time or part-time position *of less than one year's duration and* not designated in the annual budget to receive paid leave and fringe benefits. A temporary position may be general or specialized. Specialized temporary positions are to be designated annually by the ~~human resources director~~*chief human resources officer*, are positions requiring specialized or focused training, licensing or certification and are not career path positions.

Termination means the ~~voluntary or~~ involuntary end of employment of an individual employee.

Section 3

The Council amends section 3.04.070. - Administrative procedures and regulations— Authority—Effective date of the Longmont Municipal Code, by adding italicized material and deleting stricken material, to read as follows:

1 3.04.070. - Administrative procedures and regulations—Authority—Effective
2 date.

3 The city manager, at any time deemed by the city manager to be necessary or
4 proper for the purpose of enforcement or implementation, ~~may, or~~ may, by the
5 city manager's authorization and through a designee, adopt, amend or rescind
6 written administrative procedures or regulations consistent with these rules. Such
7 procedures or regulations shall be effective on the dates specified by the city
8 manager and shall be placed on record in the personnel office, together with these
9 rules, to be open to public inspection during normal working hours.

10 Section 4

11 The Council amends section 3.04.075. – Equal employment opportunity of the Longmont
12 Municipal Code, by adding italicized material and deleting stricken material, to read as follows:

13 3.04.075. - Equal employment opportunity.

14 The city is an equal opportunity employer. The city affirms its commitment to
15 diversity and to complying with all applicable federal ~~and~~, state, *and local* laws
16 regarding nondiscrimination in employment. The city will not discriminate
17 against any person in recruiting, examining, appointing, hiring, training,
18 *placement, termination, layoffs, recall, transfer, leave of absence*, promoting,
19 compensating, retaining, disciplining, or any other personnel action on the basis
20 of *age*, race, color, creed, religion, sex, ~~age~~, sexual orientation, *gender identity or*
21 *expression*, national origin, ancestry, *genetic information, marital status*, veteran
22 status, *status with regard to public assistance, physical or mental* disability, *or*
23 *any other characteristic protected by federal, state, or local law*, except when any

of these categories constitutes a bona fide occupational qualification (i.e., an actual qualification for performing a job).

Section 5

The Council amends section 3.04.090. – New positions of the Longmont Municipal Code, by adding italicized material and deleting stricken material, to read as follows:

3.04.090. - New positions.

No person shall be employed by the city to fill a *regular* position not budgeted for in the current year's pay plan.

Section 6

The Council amends section 3.04.120. – Pay plan – establishment and review – Recommendation of the Longmont Municipal Code, by adding italicized material and deleting stricken material, to read as follows:

3.04.120. - Pay plan – Establishment and review – Recommendation.

...

Market rate is defined as the average salary or salary range for a position. Market rates will be determined and utilized as follows:

(1) For government-specific positions that can be compared to a local labor market and filled via local recruitment, market rate will be determined by valid local government market surveys.

The city will set the ~~midpoint~~*market rate* at the 50th percentile of municipalities of similar size (+/- 100 percent population) within a 50-mile radius.

(2) For cross-industry positions with a local labor market and filled via local recruitment, market rate will be determined by valid local government market surveys and cross-referenced to other valid industry services.

The city will combine surveys and set the ~~midpoint~~ *market rate* at the 50th percentile of combined market.

...

Section 7

The Council amends section 3.04.140. – Pay rate at appointment – Increases of the Longmont Municipal Code, by adding italicized material and deleting stricken material, to read as follows:

3.04.140. - Pay rate at appointment – Increases.

Upon original appointment all persons *with general/basic qualifications* shall be paid at the minimum rate for the classification. However, the city manager may authorize original appointments at higher than the minimum rate within the designated pay range and acceleration through the pay ~~steps~~ *range* at a rate in excess of the rate established by section 3.04.160(B) according to standards issued by the city manager if the employee demonstrates exceptional experience or training. ~~If hired at a higher than minimum rate, such employee shall be eligible for salary increases in accordance with the approved pay plan.~~ *Persons hired with qualifications in excess of job requirements may be hired at a higher than minimum rate.*

1 Section 8

2 The Council amends section 3.04.160. – Performance pay advancements—For pay plans
3 providing step increases—Performance review of the Longmont Municipal Code, by adding
4 italicized material and deleting stricken material, to read as follows:

5 3.04.160. – ~~Performance pay advancements—For pay plans providing step~~
6 ~~increases—Performance review.~~*Pay advancement.*

7 A. The city manager shall have final review of all ~~performance~~ pay
8 advancements within assigned salary ranges.

9 B. If, at the end of the probationary period, an employee is recommended to
10 be retained as provided in section 3.04.340 of this chapter, the employee shall
11 receive a pay-~~step~~ increase ~~to the next highest pay step~~ within the pay range,
12 except when hired at higher than minimum pay rate, in which case the employee
13 shall receive pay-~~step~~ increases in accordance with the approved pay plan.

14 *C. An executive director or designee may, on the basis of exceptional*
15 *performance by the employee or exceptional departmental need, recommend pay*
16 *in excess of the defined target as published in the annual pay plan. The city*
17 *manager shall have final review of all such requests.*~~If at the time of the~~
18 ~~employee's annual performance review the executive director or designee~~
19 ~~determines that the employee is performing at a satisfactory level, the employee~~
20 ~~shall receive a pay step increase to the next highest pay step until the maximum~~
21 ~~step for the salary range is reached. Once the maximum salary pay step is~~
22 ~~achieved, each employee shall continue to be reviewed for performance at least~~
23 ~~every 12 months.~~

1 D. All employees who are currently meeting position requirements shall be
2 eligible for salary increases in accordance with the approved pay plan. A
3 compensation plan which provides guidelines for individual salary adjustments
4 for all employees who are assigned to an open range shall be established by the
5 city manager. Such salaries shall be approved by the city manager or designee.
6 The city manager shall have final review of all pay advancements within assigned
7 salary ranges. The city reserves the right to not adjust salaries. Employees who
8 are not meeting position requirements may not receive salary increases until such
9 time that performance is determined satisfactory.

10 ~~If the employee's performance review indicates less than satisfactory~~
11 ~~performance, a pay step increase may be withheld until the employee has, in the~~
12 ~~judgment of the executive director or designee, demonstrated satisfactory~~
13 ~~performance. If an employee has achieved the maximum step in the pay plan and~~
14 ~~a performance review indicates less than satisfactory performance, the executive~~
15 ~~director or designee may move the employee to the next lowest pay step in the~~
16 ~~pay range. When the employee has again demonstrated satisfactory performance,~~
17 ~~the executive director or designee may recommend that the employee move again~~
18 ~~to the highest step in the pay range.~~

19 ~~E. In some cases, advanced pay steps may be designated in departments to~~
20 ~~meet special needs. Such pay steps shall only be established by order of the city~~
21 ~~manager and may be limited in number by budget authorization. Criteria for~~
22 ~~movement into or removal from these advanced pay steps shall be established by~~
23 ~~administrative regulation at the city manager or the department level.~~

1 ~~F. — An executive director or designee may, on the basis of exceptional~~
2 ~~performance by the employee, recommend more than one pay-step increase at the~~
3 ~~time of the employee's performance review. The city manager shall have final~~
4 ~~review of all such requests.~~

5 Section 9

6 The Council amends section 3.04.165. – Performance pay increases for open range pay
7 plans of the Longmont Municipal Code, by adding italicized material and deleting stricken
8 material, to read as follows:

9 3.04.165. - ~~Performance pay increases~~ *For open range pay plans.* *[Reserved]*
10 ~~A compensation plan which provides guidelines for individual salary adjustments~~
11 ~~for all employees who are assigned to an open range shall be established by the~~
12 ~~city manager. Such salaries shall be approved by the city manager or designee.~~

13 Section 10

14 The Council amends section 3.04.170. – Pay raise upon promotion of the Longmont
15 Municipal Code, by adding italicized material and deleting stricken material, to read as follows:

16 3.04.170. - Pay raises upon promotion.

17 An employee ~~shall~~*may*, upon promotion, receive an increase in pay consistent
18 with the approved pay plan.

19 Section 11

20 The Council amends section 3.04.180. – Pay upon demotion of the Longmont Municipal
21 Code, by adding italicized material and deleting stricken material, to read as follows:

22 3.04.180. - Pay upon demotion.

1 When an employee is demoted for disciplinary reasons to a position having a
2 lower classification level, the employee shall receive a salary decrease. The
3 decrease shall be within the pay range of the lower-level position. ~~If an employee~~
4 ~~receives a demotion for non-disciplinary reasons, the rate of pay may equal the~~
5 ~~rate of pay received prior to the demotion, provided the rate of pay is within the~~
6 ~~pay range of the lower-level position.~~

7 *When an employee's position is demoted to a lower-level position for non-*
8 *disciplinary reasons, or when a classification is assigned to a lower salary range,*
9 *the affected employee shall be permitted to continue at the employee's present*
10 *rate of pay provided that such pay aligns with the salary range for the new*
11 *position. If the current salary of a transferred employee does not fit into the*
12 *range of the new position, the employee will be transferred and placed in the top*
13 *of the new salary range.*

14 Section 12

15 The Council amends section 3.04.200. – Pay upon reclassification of the Longmont
16 Municipal Code, by adding italicized material and deleting stricken material, to read as follows:

17 3.04.200. – Pay upon reclassification.

18 A. When an employee's position is reclassified to a higher-level
19 classification, or when a classification is assigned to a higher salary range, the
20 *affected* employee shall receive at least the minimum rate of pay in the new range
21 or a rate of pay higher than the minimum rate within the designated range based
22 on the findings and recommendations of the ~~human resources director~~*chief human*
23 *resources officer* and the approval of the city manager.

1 B. When an employee's position is reclassified to a lower-level classification,
2 or when a classification is assigned to a lower salary range, the affected employee
3 shall ~~be permitted to~~ continue at the employee's present rate of pay. The
4 employee shall not be eligible for salary increases until the salary range
5 encompasses the incumbent's pay rate.

6 ~~C. A change in the employee's performance review date may be~~
7 ~~recommended as a result of a reclassification.~~

8 Section 13

9 The Council amends section 3.04.210. – Pay at termination of the Longmont Municipal
10 Code, by adding italicized material and deleting stricken material, to read as follows:

11 3.04.210. – Pay at ~~termination~~*separation*.

12 If an employee is ~~dismissed~~*terminated* or resigns, the final check is due and
13 payable the next regular payday. *In cases of termination, requests for immediate*
14 *payment of final check will be honored.*

15 Section 14

16 The Council amends section 3.04.250. – Overtime – Scheduling of the Longmont
17 Municipal Code, by adding italicized material and deleting stricken material, to read as follows:

18 3.04.250. – Overtime – Scheduling.

19 Overtime shall be authorized only by an executive director or designee. Overtime
20 shall be assigned and required in the event of an emergency or as otherwise
21 required by the city manager or designee. Executive directors or designees may
22 adjust any employee's work schedule within the designated work period to avoid
23 or reduce the impact of overtime. *Employees who work overtime without*

approval as noted above will be paid consistent with the provisions of the Fair Labor Standards Act. However, failure to obtain approval for overtime is a performance issue subject to disciplinary action.

Section 15

The Council amends section 3.04.290. – Recruitment and application process of the Longmont Municipal Code, by adding italicized material and deleting stricken material, to read as follows:

3.04.290. – Recruitment and application process.

A. Announcement of vacancies. The ~~personnel~~*human resources* office shall prepare job announcements using such publicity as deemed appropriate to reach prospective applicants for the position to be filled. All job announcements and other publicity material concerning position vacancies shall explicitly state that the city is an equal opportunity employer.

...

C. Application. All persons wishing to apply for employment with the city must complete an approved job application ~~form and must submit the form to the personnel office~~*using the City's online requisition system. Such forms**This application* shall provide information concerning training, experience, references and such other data as deemed necessary.

...

1 Section 16

2 The Council amends section 3.04.300. – Nature and types of examinations of the
3 Longmont Municipal Code, by adding italicized material and deleting stricken material, to read
4 as follows:

5 3.04.300. - Nature and types of examinations.

6 A. Selection techniques. The selection techniques used in the examination
7 process shall be objective, of a practical nature, and shall relate to those factors
8 which, upon the review of the ~~human resources director~~*chief human resources*
9 *officer*, can reasonably be expected to measure the relative capabilities of the
10 persons examined in their ability to execute the duties and responsibilities of the
11 class to which they seek to be appointed. Examinations shall consist of selection
12 techniques which will fairly assess the qualifications of candidates, such as, but
13 not ~~necessarily~~ limited to, achievement and aptitude tests, other written tests,
14 personal interviews, oral boards, assessment centers, performance tests, physical
15 agility tests, evaluation of daily work performance, work samples, medical tests,
16 or any combination of these or other tests.

17 B. Waiver of tests. The ~~human resources director~~*chief human resources officer*,
18 with the approval of the city manager, may waive one or more of the tests in
19 selection process for applicants whose qualifications fulfill the requirements for
20 which that specific test or tests is to be given. ~~The terms and conditions of such~~
21 ~~waiver shall be clearly stated on the job announcements and waived for all~~*Such a*
22 *waiver shall apply to all* applicants meeting the specified terms and conditions.

23 . . .

1 D. Promotional examination. Whenever an adequate number of candidates is
2 available, as determined by the ~~human resources director~~*chief human resources*
3 *officer* and the respective executive director with the approval of the city
4 manager, a promotional examination may be held as a means of establishing
5 qualified employees for promotion to fill existing or future vacancies.
6 Promotional examinations may include any of the selection techniques mentioned
7 in this section, or any combination of them. Promotional examinations may be
8 conducted on a city, department, or divisional basis. Only ~~regular~~-employees who
9 meet the requirements set forth in the promotional announcements may compete
10 in promotional examinations.

11 E. Right of appeal. Any applicant or candidate who believes that he/she has
12 been discriminated against because of any nonmerit factor in any portion of the
13 examination process may appeal such to the ~~human resources director~~*chief human*
14 *resources officer*.

15 Section 17

16 The Council amends section 3.04.310. – Employment lists of the Longmont Municipal
17 Code, by adding italicized material and deleting stricken material, to read as follows:

18 3.04.310. - ~~Employment~~*Eligibility* lists.

19 A. After the completion of an examination *process*, the ~~human resources~~
20 ~~director~~*chief human resources officer* ~~shall~~*may*
21 establish an ~~employment~~*eligibility* list as a means of recommending qualified
22 individuals to fill existing or future vacancies. ~~Employment lists shall be of two~~
23 ~~types:~~

1 ~~1.~~ Open competitive employment lists, which shall include the names of all
2 persons who have successfully completed a *selection process for a class or*
3 position ~~examination~~ that was announced as an open-competitive ~~examination~~;

4 ~~2.~~ Promotional ~~employment-eligibility~~ lists, ~~which~~ shall include the names of
5 those employees who have successfully completed a promotional *selection*
6 *process examination* for a position or a class of work. Such lists may be used in
7 conjunction with other recruitment procedures at the discretion of the ~~human~~
8 ~~resources director~~ *chief human resources officer*. Placement on an ~~employment~~
9 *eligibility* list shall in no way entitle an applicant or candidate to appointment to
10 any position.

11 B. Duration of lists. ~~Employment-Eligibility~~ lists for positions outside of the
12 police and fire departments shall remain in effect for six months. ~~Employment~~
13 *Eligibility* lists for classified positions in the police and fire departments shall
14 remain in effect ~~for one year~~ *according to the provisions of the respective*
15 *collective bargaining agreement*. At the request of an executive director an
16 ~~employment-eligibility~~ list may be extended for good cause prior to its expiration
17 date by action of the ~~human resources director~~ *chief human resources officer* for
18 an additional 90 days.

19 C. Reemployment lists. The ~~human resources director~~ *chief human resources*
20 *officer* shall place the names of regular employees who have been dismissed
21 under authority of section 3.04.430 on appropriate reemployment lists according
22 to that section.

1 D. Removal of names from list. The name of any person appearing on an
2 ~~employment-eligibility~~ or reemployment list shall be removed by the ~~human~~
3 ~~resources-director~~*chief human resources officer* if the eligible person requests in
4 writing that their name be removed, if they fail to respond to a notice of
5 appointment mailed to their last known address, or when the list expires, as
6 specified in these rules. The names of persons on promotional
7 ~~eligibility~~~~employment~~ lists who resign shall automatically be dropped from such
8 lists.

9 E. Waivers. An eligible individual or candidate may waive the opportunity for
10 appointment or reemployment without suffering any loss of status on an *eligibility*
11 ~~employment~~ or reemployment list. However, when an eligible individual or
12 candidate has waived appointment two times from the same ~~employment~~
13 *eligibility* or reemployment list, the individual or candidate's name shall
14 automatically be dropped from that list.

15 Section 18

16 The Council amends section 3.04.320. – Job vacancies of the Longmont Municipal Code,
17 by adding italicized material and deleting stricken material, to read as follows:

18 3.04.320. – Job vacancies.

19 A. Method of filling vacancies. All vacancies for regular positions in the
20 municipal service shall be filled by *an open competitive process, unless an*
21 *alternative process is utilized for* reemployment, transfer, *promotion*, demotion,
22 or from ~~eligibles-use of an eligibility list~~ certified by the ~~human resources~~
23 ~~director~~*chief human resources officer* ~~from an appropriate employment list.~~

1 B. Notice to ~~human resources director~~*chief human resources officer*. Whenever
2 a vacancy is to be filled, notification shall be given to the ~~human resources~~
3 ~~director~~*chief human resources officer*.

4 . . .

5 Section 19

6 The Council amends section 3.04.330. – Types of appointment – Status of the Longmont
7 Municipal Code, by adding italicized material and deleting stricken material, to read as follows:

8 3.04.330. – Types of appointment – Status.

9 A. Regular appointment. An employee appointed to a regular position *of 30 or*
10 *more hours per week*, except an interim employee, shall receive all *benefits*
11 *offered by the city, including but not limited to*, paid leave and fringe benefits in
12 proportion to hours worked, and has rights of grievance and appeal except during
13 the probationary period. *Full-time and three-quarter time fixed-term appointments*
14 *that that exceed one year shall be entitled to the benefits established for regular*
15 *employees.*

16 B. *Part-time appointment. An employee appointed to a position for more than*
17 *one year, in which the employee is working a part-time schedule of less than 30*
18 *hours. Part-time appointments are not eligible for employee benefits, and do not*
19 *have grievance and appeal rights during their employment.*

20 ~~B~~C. Temporary appointment. An employee appointed to a temporary position
21 shall not receive paid leave ~~(except jury and witness leave, bereavement leave,~~
22 *and paid sick leave as required by State law.)* *These positions also are not eligible*
23 *for* ~~or~~ fringe benefits. Temporary employees serve at the pleasure of the city

1 manager. They have no rights of grievance, pre-action notice or conference, or
2 appeal. The city may terminate the services of a temporary employee without
3 cause. ~~General T~~ temporary appointments, ~~except to grant funded positions, should~~
4 ~~may~~ not exceed 12 months ~~if the employee works more than 1,040 hours in a 12~~
5 ~~month period. Specialized temporary appointments, except to grant funded~~
6 ~~positions, should not exceed 12 months, if the employee works more than 1,560~~
7 ~~hours in a 12-month period. For the purpose of the preceding sentence, hours~~
8 ~~worked in temporary appointments to different positions do not aggregate. A~~
9 ~~temporary appointment may be full-time or part-time.~~

10 ~~ED~~. Acting appointment. For the good of the city, or to fill a temporary job
11 vacancy, or to provide training, the city manager may appoint an employee to a
12 different job classification. The city shall pay the employee the salary for the
13 appointed job during the acting appointment, if the salary is at least equal to the
14 employee's salary before the acting appointment. The city manager may not make
15 an acting appointment for less than one calendar month nor more than six
16 calendar months. The city manager may extend an acting appointment for
17 successive periods totaling up to six calendar months. Each extension requires a
18 written finding of good cause, and benefit to the city, based on identified special
19 circumstances.

20 ~~DE~~. Interim appointment. The city manager or designee may appoint an outside
21 applicant, with or without examination, on an interim basis for up to 12 months,
22 to a temporarily vacant regular position. Persons so appointed must meet the
23 minimum training, experience and other employment qualifications for the

1 position. Interim employees serve at the pleasure of the city manager. They
2 receive no paid leave (except jury and witness leave) or fringe benefits, and have
3 no rights of grievance, pre-action notice or conference, or appeal.

4 ~~EF.~~ ~~Effective date~~ *Anniversary date*. If a temporary or interim employee
5 becomes a regular employee, the employee's anniversary date is the effective date
6 of the regular appointment.

7 Section 20

8 The Council amends section 3.04.340. – Probationary period of the Longmont Municipal
9 Code, by adding italicized material and deleting stricken material, to read as follows:

10 3.04.340. - Probationary period.

11 A. Upon ~~original~~ *regular* appointment, all ~~regular~~ *new* ~~full-time and part-time~~
12 employees, with the exception of members of the ~~classified~~ *commissioned* police
13 and fire service and communications specialists, shall be subject to a six-month
14 probationary period. Members of the ~~classified~~ *commissioned* police and fire
15 service and communications specialists shall be subject to a one-year probationary
16 period. Any approved leave without pay, injury leave in excess of 14 calendar
17 days that is taken during the probationary period, or period of police training as a
18 recruit, including, but not limited to, orientation, attendance at a police training
19 academy, and completion of the field officer training program, will extend an
20 employee's probationary status proportionately. Any period of employment under
21 a temporary *or part-time, non-benefitted* appointment may be counted as part of
22 the probationary period when the temporary *or part-time* service is performed in

1 the same position and when there is no break in service between temporary *or*
2 *part- time* employment and regular ~~employment~~*appointment*.

3 B. The probationary period shall be considered a trial employment period
4 during which the executive director or designee shall determine whether the
5 employee shall be retained.

6 C. *If it is the judgment of the executive director or designee that an employee's*
7 *probationary period should be extended for the good of the service, such*
8 *executive director or designee may authorize an extension of probation for a*
9 *period of up to six months.* ~~If at any time during or at the end of the probationary~~
10 ~~period the executive director or designee determines without cause that the~~
11 ~~employee shall not be retained, the executive director or designee may~~
12 ~~recommend immediate termination of employment, to be approved by the city~~
13 ~~manager, whose decision is final.~~

14 D. *If at any time during or at the end of the probationary period the executive*
15 *director or designee determines without cause that the employee shall not be*
16 *retained, the executive director or designee may recommend immediate*
17 *termination of employment, to be approved by the city manager, whose decision is*
18 *final.* ~~Any employee who has not successfully completed the probationary period~~
19 ~~shall not be entitled to property or other rights to continuation of employment, nor~~
20 ~~shall he/she be entitled to rights of appeal as defined by these rules.~~

21 E. *Any employee who has not successfully completed the probationary period*
22 *shall not be entitled to property or other rights to continuation of employment,*
23 *nor shall he/she be entitled to rights of appeal as defined by these rules. —If it is*

~~the judgment of the executive director or designee that an employee's probationary period should be extended for the good of the service, such executive director or designee may authorize an extension of probation for a period of up to six months.~~

F. An employee shall not be subject to a probationary period except upon original *regular* appointment, *or when hired or rehired after a break of more than one year of employment*. Original appointments shall include appointment within the police service, the fire service, or appointment to any of the other job classifications.

Section 21

The Council amends section 3.04.370. – Unacceptable supervisory relationships of the Longmont Municipal Code, by adding italicized material and deleting stricken material, to read as follows:

3.04.370. – Unacceptable supervisory relationships.

A. No employee shall hold a position to directly or indirectly supervise or receive supervision from a person who is related by blood or by marriage, or a person with whom the employee maintains a lifestyle accommodation substantially equivalent to marriage.

...

3. Absent a transfer, or an exception under subsections (A)(1) ~~and-or~~ (2) of this section, one or more of the related employees shall either resign or be ~~dismissed~~*terminated*, so that no employee holds a precluded position.

1 B. No employee shall hold a position to directly or indirectly supervise or
2 receive supervision from someone that employee dates or with whom that
3 employee has an ~~intimate, amorous~~ *sexual* or romantic relationship.

4 . . .

5 C. Any employee engaged in a relationship that precludes continued
6 employment in any given position under this section shall immediately report that
7 fact to the supervisor's superior, the ~~human resources director~~ *chief human*
8 *resources officer* or the city manager.

9 . . .

10 Section 22

11 The Council amends section 3.04.380. – Performance review of the Longmont Municipal
12 Code, by adding italicized material and deleting stricken material, to read as follows:

13 ~~3.04.380. – Performance review.~~

14 ~~A. — After the successful completion of the probationary period, each employee~~
15 ~~shall be reviewed for performance by the employee's supervisor every 12 months~~
16 ~~and at such other times as deemed appropriate on forms furnished by the~~
17 ~~personnel/hr office. The granting or the withholding of pay advancements as a~~
18 ~~result of the annual performance review shall be administered pursuant to sections~~
19 ~~3.04.160 and 3.04.165.~~

20 ~~B. — If the employee disagrees with the supervisor's conclusions, the employee~~
21 ~~may, within seven days of receiving the supervisor's conclusions, request a~~
22 ~~conference with the next level of supervision to review the supervisor's~~
23 ~~evaluation. The conclusion of that supervisor will be deemed final and~~

~~unappealable with regard to that evaluation. The employee may, however, prepare a statement of response to the evaluation conclusions in writing. That response will be retained in the employee's personnel file, together with the original evaluation.~~

[Reserved].

Section 23

The Council amends section 3.04.390. – Transfer and promotion of the Longmont Municipal Code, by adding italicized material and deleting stricken material, to read as follows:

3.04.390. – Transfer and promotion.

A. When a job vacancy is announced, any city employee may apply for transfer or for promotion to the position; providing, the employee meets ~~any~~*the* established qualifications for such position. All such qualified applicants will be assured consideration although no city employee is assured of selection. If the employee successfully applies for transfer or promotion during the employee's original probationary period, the employee shall undergo a new and separate probationary period in the new position.

...

Section 24

The Council amends section 3.04.440. – Inability to perform – Termination of employee of the Longmont Municipal Code, by adding italicized material and deleting stricken material, to read as follows:

3.04.440. – Inability to perform – Termination of employee.

1 Subject to sections 3.04.580 and 3.04.590, and applicable administrative
2 regulations for pre-~~termination~~-*action* conferences, the employee's executive
3 director may terminate an employee's employment due to inability, mental or
4 physical, to perform the essential functions of the employee's job, even with
5 reasonable accommodation.

6 Section 25

7 The Council amends section 3.04.460. – Dismissal – Grounds of the Longmont
8 Municipal Code, by adding italicized material and deleting stricken material, to read as follows:

9 3.04.460. – ~~Dismissal~~-*Termination* – Grounds.

10 ~~An~~ *regular* employee may be ~~dismissed~~-*terminated* from the employ of the city
11 subject to the rules set forth in section 3.04.520.

12 Section 26

13 The Council amends section 3.04.470. – Disciplinary action – Grounds of the Longmont
14 Municipal Code, by adding italicized material and deleting stricken material, to read as follows:

15 3.04.470. – Disciplinary action – Grounds.

16 . . .

17 C. Safety, drug use, and legal matters.

18 . . .

19 7. Violation of any federal or state law or administrative regulation or
20 procedure pertaining to employment, including but not limited to, those ~~on~~
21 *regarding harassment or discrimination*~~sexual or age harassment or equal~~
22 ~~employment opportunity~~.

reprimand shall be kept in the employee's personnel file. A reprimand is a
~~disciplinary~~ *corrective* action.

Section 29

The Council amends section 3.04.500. – Suspension of the Longmont Municipal Code,
by adding italicized material and deleting stricken material, to read as follows:

3.04.500 – Suspension.

Executive directors may, for cause, suspend employees under their supervision
without pay. *A suspension is a disciplinary action.*

...

B. Upon prior review of the facts by the ~~human resources director~~ *chief*
human resources officer, an executive director may, for cause, suspend employees
under their supervision without pay for a period of between four and 30 working
days.

...

Section 30

The Council amends section 3.04.510. – Demotion of the Longmont Municipal Code, by
adding italicized material and deleting stricken material, to read as follows:

3.04.510. – Demotion.

Upon review by the ~~human resources director~~ *chief* *human resources officer* of the
facts, an executive director may demote an employee for cause to a lower
classification. The cause for such a demotion shall be documented in writing and
shall be submitted to the employee and to the ~~human resources director~~ *chief*

1 *human resources officer* at least three working days before the effective date of
2 demotion. *A demotion is a disciplinary action.*

3 Section 31

4 The Council amends section 3.04.520. – Dismissal of the Longmont Municipal Code, by
5 adding italicized material and deleting stricken material, to read as follows:

6 3.04.520. —~~Dismissal~~*Termination*.

7 Upon prior review by the ~~human resources director~~*chief human resources officer*
8 or designee of the facts, an executive director may ~~dismiss~~*terminate* an employee
9 for cause. The cause for such ~~dismissal~~*termination* shall be documented in
10 writing. The statement of cause shall be submitted to the employee and the ~~human~~
11 ~~resources director~~*chief human resources officer* on or before the date of
12 ~~dismissal~~*termination*. *A termination is a disciplinary action.*

13 Section 32

14 The Council amends section 3.04.530. – Grievance – City Policy – Grounds of the
15 Longmont Municipal Code, by adding italicized material and deleting stricken material, to read
16 as follows:

17 3.04.530. - Grievance—City policy—Grounds.

18 A. Policy. It is the policy of the city to provide prompt and equitable
19 resolution of employee grievances. Supervisors and employees are expected to
20 make every effort to resolve problems timely and informally. ~~When~~*If* such
21 informal means fail to resolve such problems satisfactorily, a formal grievance
22 procedure is established. The purpose of this procedure is to provide a just and

equitable method for the resolution of grievances without prejudice, coercion or reprisal.

...

Section 33

The Council amends section 3.04.540. – Grievance – Procedure of the Longmont Municipal Code, by adding italicized material and deleting stricken material, to read as follows:

3.04.540. – Grievance – Procedure.

...

D. In the event that an employee's grievance does not involve the employee's respective supervisors, the written grievance, upon concurrence of the ~~human resources director~~*chief human resources officer*, shall be submitted directly to the executive director of the employee's department, who shall notify the employee of the decision within seven calendar days of receipt of the grievance. However, such grievance, in order to be considered by the executive director, shall be submitted to the executive director within 14 calendar days of the occurrence of the aggrieved action. The decision of the executive director may be appealed directly to the city manager, whose decision shall be final.

E. The ~~human resources director~~*chief human resources officer* may be requested to be involved at any stage of the grievance procedure by either the employee or the executive director. The aggrieved employee may also obtain the assistance of legal counsel in preparing or presenting the grievance to any level of appeal.

1 Section 34

2 The Council amends section 3.04.550. – Grievance – Effect of failure to follow procedure
3 of the Longmont Municipal Code, by adding italicized material and deleting stricken material, to
4 read as follows:

5 3.04.550. – Grievance – Effect of failure to follow procedure.

6 If the employee fails to proceed to successive levels of supervision within the
7 time period specified, the employee shall be conclusively deemed to have waived
8 and abandoned ~~same~~*the grievance*. If any supervisor fails to render a decision
9 within the time period specified, the employee shall appeal to the next level of
10 supervision within the time limits provided. The time limits specified in this
11 grievance procedure may be extended by mutual written consent between the
12 employee and the supervisory level concerned.

13 Section 35

14 The Council amends section 3.04.560. – Grievance – Termination upon employee
15 termination – Pay or benefit grievances excepted of the Longmont Municipal Code, by adding
16 italicized material and deleting stricken material, to read as follows:

17 3.04.560. – Grievance – Termination upon employee ~~termination~~*separation* – Pay
18 or benefit grievances excepted.

19 If any eligible employee ~~terminates or is terminated~~*separates* from employment
20 with the city for any reason, any grievance previously filed by the employee that
21 is in process at the time of ~~termination~~*separation* shall also be terminated, with
22 the exception of any pay-related or benefit-related grievance.

1 Section 36

2 The Council amends section 3.04.562. – Discipline or involuntary termination – Notice
3 of intended action of the Longmont Municipal Code, by adding italicized material and deleting
4 stricken material, to read as follows:

5 3.04.562. – Discipline or involuntary termination – Notice of intended action.

A. Before the imposition of disciplinary action or ~~involuntary~~ termination of an employee's employment, the executive director or the director's designee shall give the affected employee a written notice that includes:

9 . . .

B. The city shall serve the notice of proposed action upon the employee by personal delivery, *or by email to the last known personal email address and*~~or~~ by depositing the notice in the United States mail, postage prepaid, to the employee's last known address. Service is effective upon personal delivery, *or email and* ~~or~~ mailing. The executive director or the director's designee shall also deliver a copy to the ~~human resources director~~*chief human resources officer*.

6 . . .

17 Section 37

8 The Council amends section 3.04.565. – Pre-action conference procedure of the
9 Longmont Municipal Code, by adding italicized material and deleting stricken material, to read
20 as follows:

21 3.04.565. – Pre-action conference procedure.

1 A. If the employee has obtained legal representation, the employee must
2 notify the ~~human resources director~~*chief human resources officer* or designee at
3 least 24 hours before the scheduled conference.

4 B. The executive director or the executive director's designee with authority
5 to make the final decision shall conduct the pre-action conference referenced
6 above. The executive director, or the executive director's designee, shall
7 determine whether there are reasonable grounds to believe that the stated grounds
8 for action are true and support the proposed action.~~When the proposed action is~~
9 ~~suspension of four days or more, demotion, or dismissal,~~ *The human resources*
10 ~~director~~*chief human resources officer* or designee shall attend the conference.

11 . . .

12 Section 38

13 The Council amends section 3.04.570. – Appeal of disciplinary actions – Permitted of the
14 Longmont Municipal Code, by adding italicized material and deleting stricken material, to read
15 as follows:

16 3.04.570. – Appeal of disciplinary actions – Permitted.

17 Any ~~formal~~ disciplinary action ~~except a reprimand~~*as outlined in 3.04.562* may be
18 appealed by an employee so disciplined. *Written reprimands are intended to*
19 *correct problematic behavior and avoid disciplinary action. Accordingly,*
20 *reprimands may not be appealed and do not require a pre-action conference.*

1 Section 39

2 The Council amends section 3.04.580. – Appeal of disciplinary actions – Procedure for
3 filing and hearing – Further appeal of the Longmont Municipal Code, by adding italicized
4 material and deleting stricken material, to read as follows:

5 3.04.580. – Appeal of disciplinary actions – Procedure for filing and hearing –
6 Further appeal.

7 A. Within seven calendar days of receiving written notification of
8 disciplinary action~~–or involuntary termination action except a reprimand~~, under
9 section 3.04.565(E) of this Code, the employee may submit an appeal in writing,
10 stating the detailed reasons for appeal, to the ~~human resources director~~*chief*
11 *human resources officer*.

12 B. Within 14 calendar days of receiving the appeal, the ~~human resources~~
13 ~~director~~*chief human resources officer* shall establish a time for a hearing of the
14 appeal.

15 C. The city manager shall appoint an impartial hearing officer to hear the
16 appeal on the date established by the ~~human resources director~~*chief human*
17 *resources officer*.

18 . . .

19 E. If either the employee or the supervisor is not satisfied with the finding,
20 either party may, within seven calendar days of receipt of the decision, appeal the
21 decision to the city manager *or designee*. The appeal shall be a written statement
22 explaining the reasons for the appeal in detail and setting forth a statement of
23 action desired by the appellant. The city manager *or designee has the* ~~may, at the~~

1 ~~city manager's~~ discretion *to*, elect to review the record of the hearing officer, hold
2 a de novo hearing, or hear additional evidence as he sees fit. The city manager *or*
3 *designee* shall render a timely decision, and reserves the right to modify by
4 increasing or reducing the penalty imposed if the city manager *or designee* deems
5 such action appropriate. The decision of the city manager *or designee* shall be
6 final. All such hearings shall be conducted according to the standards of due
7 process and administrative regulations and procedures the city manager shall
8 issue.

9 F. The hearing officer and city manager *or designee* shall have authority to:

10 . . .

11 5. Take any other action consistent with this section or ~~implementing~~
12 administrative regulations and procedures.

13 Section 40

14 The Council amends section 3.04.590. – Appeal of disciplinary actions – Failure to
15 follow procedure – Representation of the Longmont Municipal Code, by adding italicized
16 material and deleting stricken material, to read as follows:

17 3.04.590. – Appeal of disciplinary actions – Failure to follow procedure –
18 Representation.

19 A. If the employee fails to abide by any part of the appeal procedure as
20 outlined in section 3.04.580, then the employee shall be conclusively deemed to
21 have waived and abandoned same. Time limits may be waived or extended,
22 however, by the written mutual consent of the employee and the ~~human resources~~
23 ~~director~~*chief human resources officer*.

1 . . .

2 Section 41

3 The Council amends section 3.04.600. – Executive directors – Not entitled to grievance
4 or appeal rights of the Longmont Municipal Code, by adding italicized material and deleting
5 stricken material, to read as follows:

6 3.04.600. – Executive directors – Not entitled to grievance or appeal rights.

7 Executive director (except the city attorney) and other positions listed by the city
8 manager, and assistant and deputy city attorneys pursuant to section 2.20.080 of
9 this Code, serve at the pleasure of the city manager or city attorney, respectively,
10 and shall not be entitled to rights of grievance, pre-action notice or conference,
11 ~~and~~ *or* appeal as set forth in sections 3.04.530 through 3.04.590. The city attorney
12 serves at the pleasure of the city council, subject to the terms of ~~any~~ employment
13 contract.

14 Section 42

15 The Council amends section 3.04.610. – Paid holidays – Designated of the Longmont
16 Municipal Code, by adding italicized material and deleting stricken material, to read as follows:

17 3.04.610. - Paid holidays – Designated.

18 A. Paid holidays. The following shall be paid holidays for all regular
19 employees who are not covered by a collective bargaining agreement:

20 . . .

21 11. In addition to the above-named holidays, each employee *appointed to*
22 *regular position* not covered by section 3.04.655 shall be entitled to one

1 additional holiday to be taken during the calendar year. This holiday shall not be
2 accrued.

3 . . .

4 Section 43

5 The Council amends section 3.04.620. – Paid holidays – Certain employees excepted of
6 the Longmont Municipal Code, by adding italicized material and deleting stricken material, to
7 read as follows:

8 3.04.620. – Paid holidays – Certain employees excepted.

9 All regular employees on a ~~pay~~*paid employment* status ~~receiving any pay~~ on the
10 scheduled workday immediately prior to ~~and~~*or* immediately after the holiday
11 shall be accorded holiday leave as listed in section 3.04.610(A). *Employees on an*
12 *unpaid leave or donated leave status prior to and following the holiday will not*
13 *receive holiday leave. Employees who work in departments where continuous*
14 *operation is necessary will schedule holiday leave according to department*
15 *needs.*~~, with the exception of employees who work in departments where~~
16 ~~continuous operation is necessary to provide adequate service to the public.~~

17 Section 44

18 The Council amends section 3.04.640. – Paid holidays – Holidays during vacation or sick
19 leave of the Longmont Municipal Code, by adding italicized material and deleting stricken
20 material, to read as follows:

21 3.04.640. – Paid holidays – Holidays during vacation or sick leave.

Holidays which occur during an employee's absence due to *paid sick leave or*
paid vacation ~~or sickness-leave~~ shall not be counted as vacation or sick leave, but
as holiday leave.

Section 45

The Council amends section 3.04.650. – Vacation leave—Rate of accumulation of the
Longmont Municipal Code, by adding italicized material and deleting stricken material, to read
as follows:

A. Vacation leave shall be granted to regular employees, other than shift
employees, according to the following ~~guidelines~~*schedule*:

...

Section 46

The Council amends section 3.04.655. – Combined holiday-vacation leave for certain
personnel assigned to shift work of the Longmont Municipal Code, by adding italicized material
and deleting stricken material, to read as follows:

3.04.655. - Combined holiday-vacation leave for certain personnel assigned to
shift work.

Regular employees not covered by a collective bargaining agreement working a
shift schedule shall be granted combined holiday-vacation leave according to the
following ~~guidelines~~*schedule*:

A. Holiday-vacation time accumulated.

NON-FIRE SHIFT EMPLOYEES (*Non-CBA*)

...

FIRE SHIFT EMPLOYEES

1 ~~employee~~. In addition, sick leave may be authorized for any employee in the
2 event of the birth or adoption of the employee's child.

3 Section 48

4 The Council amends section 3.04.710. – Sick leave – Notice by employee – Physical
5 examination of the Longmont Municipal Code, by adding italicized material and deleting
6 stricken material, to read as follows:

7 3.04.710. – Sick leave – Notice by employee – Physical examination.

8 An employee wishing to take sick leave must notify the employee's supervisor or
9 ~~the designated~~ *designee* ~~personnel~~ of the illness prior to the time the employee is
10 expected to report to work or as soon thereafter as possible. If unable to contact
11 the supervisor, the employee must notify the ~~personnel~~ *human resources*
12 department. The executive director or designee may, at the time of the illness or
13 upon the employee's return to work, request a doctor's statement confirming the
14 employee's illness or the employee's immediate family member's illness, or
15 require the employee to undergo a physical examination conducted by a city-
16 designated physician, to be paid for by the city, specifying the medical reason for
17 the employee's absence.

18 Section 49

19 The Council amends section 3.04.725. – Conversion of sick leave of the Longmont
20 Municipal Code, by adding italicized material and deleting stricken material, to read as follows:

21 3.04.725. – Conversion of sick leave.

22 Beginning January 2002 (and every January thereafter), the city will identify all
23 regular employees ~~other than shift personnel in the fire department~~ who have
24 accumulated in excess of 480 hours of sick leave, and all shift personnel in the

1 fire department who have accumulated in excess of 672 hours of sick leave. For
2 these employees, the amount of sick leave in excess of 480 hours for all regular
3 employees and 672 hours for shift personnel in the fire department is considered
4 excess sick leave. The city will convert to a cash equivalent and pay to the
5 employee's individual retiree health savings account the first 56 hours of excess
6 sick leave earned but unused during the prior calendar year for shift personnel in
7 the fire department and the first 40 hours of excess sick leave earned but unused
8 during the prior calendar year for all other regular employees. Unused excess sick
9 leave earned during the prior calendar year and not converted and contributed to
10 the employee's individual retiree health savings account is eligible for conversion
11 either to vacation days or to a cash payment at the employee's option. Conversion
12 for all purposes under this section shall be at the rate of one hour for every two
13 hours accumulated, i.e., each day of sick leave eligible for conversion to vacation,
14 cash or transfer to the individual retiree health savings account equals one-half
15 day of vacation or one-half day of pay at the employee's hourly rate of pay as of
16 the last pay date of the prior calendar year.

17 Section 50

18 The Council amends section 3.04.730. – Sick leave – Payment or transfer for
19 accumulation upon termination of the Longmont Municipal Code, by adding italicized material
20 and deleting stricken material, to read as follows:

21 3.04.730. – Sick leave – Payment or transfer for accumulation upon
22 ~~termination~~*separation*.

1 A. ~~For regular employees whose employment terminates in the year 2001, and~~
2 ~~for those employees~~*For regular employees* ~~whose employment terminates in later~~
3 ~~years~~ who are not participants in the city's retiree health savings plan, the city will
4 convert ~~the~~ sick leave accumulated but not used before ~~termination~~*separation* to
5 a cash equivalent and pay to the employee at the rate of one hour for every two
6 hours accumulated at the employee's hourly rate of pay as of the employee's
7 ~~termination~~*separation* date, subject to section 3.04.720.

8 ~~B. For regular employees whose employment terminates in the year 2002 and~~
9 ~~who are participants in the city's retiree health savings plan, the city will convert~~
10 ~~the sick leave accumulated but not used before termination to a cash equivalent at~~
11 ~~the employee's hourly rate of pay as of the employee's termination date and pay~~
12 ~~the employee at the rate of one hour for every four hours accumulated, subject to~~
13 ~~section 3.04.720. In addition, the city will convert the sick leave accumulated but~~
14 ~~not used before termination to a cash equivalent at the employee's hourly rate of~~
15 ~~pay as of the employee's termination date and pay to the employee's individual~~
16 ~~retiree health savings account at the rate of one hour for every four hours~~
17 ~~accumulated, subject to section 3.04.720.~~

18 *BC.* ~~For regular employees whose employment terminates in the year 2003 or~~
19 ~~later and~~*employees* who are participants in the city's retiree health savings plan,
20 the city will convert ~~the~~ sick leave accumulated but not used before ~~termination~~
21 *separation* to a cash equivalent at the employee's hourly rate of pay as of the
22 employee's ~~termination~~*separation* date and pay to the employee's individual

1 retiree health savings account at the rate of one hour for every two hours
2 accumulated, subject to section 3.04.720.

3 Section 51

4 The Council amends section 3.04.740. – Injury leave – Application of the Longmont
5 Municipal Code, by adding italicized material and deleting stricken material, to read as follows:

6 3.04.740. – Injury leave – Application.

7 Injury leave shall be granted to any regular ~~full-time~~ employee who sustains an
8 injury or occupational disease in the course and scope of employment with the
9 city.

10 Section 52

11 The Council amends section 3.04.750. – Injury and occupational disease leave – Amount
12 – Conditions of the Longmont Municipal Code, by adding italicized material and deleting
13 stricken material, to read as follows:

14 3.04.750. – Injury and occupational disease leave – Amount – Conditions.

15 A regular employee who misses work because of an on-the-job injury or
16 occupational disease is subject to the following injury and occupational disease
17 leave provisions:

18 A. *Indemnity payable as wages.* If the loss of work is one for which,
19 according to otherwise applicable statutory rules, indemnity is payable under
20 C.R.S. § 8-42-103 et seq., the employee shall receive paid injury and occupational
21 disease leave. Instead of the statutory rate of indemnity, the city will pay the
22 employee for this leave at 80 percent of the employee's normal salary, computed
23 according to the otherwise applicable statutory rules. *For regular employees,*

1 *excluding those in collective bargaining units, t*This paid leave may continue up
2 to ~~24~~*960* regular work ~~weeks~~*hours* after the employee first misses work because
3 of the injury or occupational disease. *Employees within a collective bargaining*
4 *unit shall be entitled to paid leave in the amount of hours set forth in the*
5 *collective bargaining agreement If the collective bargaining agreement is silent*
6 *as to injury leave hours, this subsection shall govern.* As used in ~~the~~*is* subsection,
7 ~~preceding sentence,~~a regular work week is the number of hours the employees
8 would have regularly worked in seven days, without the injury or occupational
9 disease.

10 . . .

11 Section 53

12 The Council amends section 3.04.780. – Family and medical leave – Status of employee
13 of the Longmont Municipal Code, by adding italicized material and deleting stricken material, to
14 read as follows:

15 3.04.780. – Family and medical leave – Status of employee.

16 A. Family and medical leave shall constitute a period of leave during which the
17 employee shall retain the employee's position and status as an employee of the
18 city. If ~~the~~*an unpaid* period of leave extends beyond 14 calendar days, the
19 employee will not accumulate leave, nor will the employee accumulate credited
20 months of service for purposes of seniority or step increases.

21 . . .

1 Section 54

2 The Council amends section 3.04.790. – Family and medical leave – Eligibility of the
3 Longmont Municipal Code, by adding italicized material and deleting stricken material, to read
4 as follows:

5 3.04.790. – Family and medical leave – Eligibility.

6 A. Employees who have been employed at least 12 months and have worked at
7 least 1,250 hours during the preceding 12 months shall be eligible for family and
8 medical leave for the reasons listed in this section. Any eligible employee wishing
9 to take family and medical leave must notify the executive director and the ~~human~~
10 ~~resources director~~*chief human resources officer* at least 30 days in advance, unless
11 the need to take a leave is unforeseeable, in which case an eligible employee shall
12 provide notice as soon as practicable. In either case, employees shall provide
13 appropriate certification with a doctor's statement of the medical reason for the
14 family and medical leave. The ~~executive director~~*human resources department*
15 may require medical evidence at any time during the period of leave taken
16 because of a serious health condition.

17 ~~Reasons for taking f~~Family and medical leave *may be taken for the following*
18 *reasons:*

19 *Basic leave:*

- 20 1. For incapacity due to pregnancy, prenatal medical care or childbirth;
21 2. To care for the employee's child after birth, or placement for adoption or foster
22 care;

3. To care for the employee's spouse; *child, son or daughter, foster child, stepchild, legal ward, or a child of a person standing in loco parentis*; or parent, who has a serious health condition; or

4. For a serious health condition that makes the employee unable to perform the employee's job.

...

Section 55

The Council amends section 3.04.820. – Jury and witness leave of the Longmont Municipal Code, by adding italicized material and deleting stricken material, to read as follows:

3.04.820. – Jury and witness leave.

Regular, *part-time*, *seasonal*, *fixed-term*, and temporary employees shall be granted jury leave for their scheduled work hours, when required to perform jury duty in any municipal, county, state or federal court, or when required to serve as a subpoenaed third-party witness in any such court or administrative hearing.

Employees shall receive their regular pay based on the hours they are normally scheduled to work during such time of service, provided that they pay to the city any jury duty or witness fees, excluding mileage and parking reimbursement, which they receive. Mileage compensation, as well as jury duty or witness fees earned during holidays or vacation, shall be retained by the employee. Any employee appearing as a plaintiff or defendant in a personal case, not as a result of the employee's official capacity, shall not be granted jury leave.

1 Section 56

2 The Council amends section 3.04.830. – Bereavement leave of the Longmont Municipal
3 Code, by adding italicized material and deleting stricken material, to read as follows:

4 3.04.830. - Bereavement leave.

5 Regular employees shall be entitled to a paid leave of absence in the event of the
6 death of a member of their immediate family. Such leave shall be granted for a
7 period of up to ~~seven calendar days~~*one working week* by an executive director or
8 designee. *An equivalent of one working week may be utilized by employees in an*
9 *alternate timeframe if needed for activities related to the family member's death.*

10 *Part-time, non-benefitted employees shall be entitled to a paid leave of absence in*
11 *the event of the death of a member of their immediate family. Leave shall be*
12 *granted for the period of up to seven calendar days by an executive director or*
13 *designee. The part-time, non-benefitted employee shall be paid for all shifts*
14 *during which the employee was or would have been scheduled to work during the*
15 *seven-day bereavement period.*

16 "Immediate family," in this case, shall be defined as husband or wife, ~~domestic~~
17 ~~partner,~~ child, grandchild, brother or sister, parent, father-in-law, mother-in-law,
18 grandfather, grandmother, stepparent, stepbrother, stepsister and stepchild. In
19 addition, bereavement leave shall be granted if death occurs among other relatives
20 regularly residing in the employee's home. The employee shall be prepared to
21 offer valid proof of death upon request, and shall notify the executive director
22 prior to taking bereavement leave.

1 Section 57

2 The Council amends section 3.04.840. – Military leave of the Longmont Municipal Code,
3 by adding italicized material and deleting stricken material, to read as follows:

4 3.04.840. – Military leave.

5 Any regular employee serving in the Military Reserve Training or Emergency
6 National Guard service shall be entitled to ~~15~~30 calendar days of military leave
7 per year without loss of pay, seniority, status, efficiency rating, vacation, sick
8 leave or other benefits for the time the employee is engaged in training or service
9 ordered by the appropriate military authority, provided that the employee who is
10 on such military leave shall turn over to the city any compensation excluding
11 mileage or travel or meal allowances received from the military for such services.

12 *Additional leave time for military service is available, and will be treated*
13 *according to the provisions in USERRA.*

14 Section 58

15 The Council amends section 3.04.850. – Unauthorized leave of the Longmont Municipal
16 Code, by adding italicized material and deleting stricken material, to read as follows:

17 3.04.850. – Unauthorized leave.

18 Any leave not authorized according to the appropriate rules set forth in this
19 chapter shall be deemed to be an absence without pay and may be subject to
20 disciplinary action. Any employee who absents himself or herself for three
21 consecutive days without authorization shall be deemed to have resigned subject
22 to review by the executive director or designee in a ~~predisciplinary~~*pre-action*
23 hearing.

1 Section 59

2 The Council amends section 3.04.860. – Suspension of paid leave of the Longmont
3 Municipal Code, by adding italicized material and deleting stricken material, to read as follows:

4 3.04.860. – Suspension of paid leave.

5 The city manager shall reserve the right to postpone all paid leave for an
6 employee in the event of an emergency, except authorized sick leave, injury
7 leave, *jury duty, military leave, bereavement leave*, and family and medical leave.

8 Section 60

9 The Council amends section 3.04.870. – Leave without pay of the Longmont Municipal
10 Code, by adding italicized material and deleting stricken material, to read as follows:

11 3.04.870. – Leave without pay.

12 For the good of the city and at the employee's request, the city manager may,
13 upon executive director recommendation and ~~human resources director~~*chief*
14 *human resources officer* review, grant a period of leave without pay to any regular
15 employee for up to one year. ~~The employee's executive director may, for the good~~
16 ~~of the city, grant a temporary or interim employee up to 96 hours of unpaid leave~~
17 ~~in any 12-month period.~~

18 *If unpaid leave is exhausted, employees may request to be placed on an*
19 *“eligibility list” status for an additional one year period. Such requests will be*
20 *reviewed and approved jointly by the executive director, chief human resources*
21 *officer, and city manager.*

1 Section 61

2 The Council amends section 3.04.910. - Election to municipal office—Resignation
3 required of the Longmont Municipal Code, by adding italicized material and deleting stricken
4 material, to read as follows:

5 3.04.910. - Election to municipal office, *boards, or commissions*—Resignation
6 required.

7 Any employee elected to municipal office, *boards, or commissions* in the city
8 shall resign from the employ of the city.

9 Section 62

10 The Council amends section 3.04.920. – Outside employment of the Longmont
11 Municipal Code, by adding italicized material and deleting stricken material, to read as follows:

12 3.04.920. - Outside employment.

13 A. A ~~regular~~ *regular* employee is free to pursue outside employment; provided, that
14 there is no conflict of interest, the employment does not occur during the assigned
15 working hours of the employee, and the efficiency of the employee is maintained.

16 B. ~~The A regular~~ *A regular* employee *interested in pursuing outside employment* must
17 petition the respective executive director *or department designee* ~~for authorization~~
18 ~~to pursue outside employment~~. If, at any time, the executive director, for any of
19 the reasons cited in subsection A of this section, determines that an employee
20 should not continue outside employment, the executive director may require that
21 such employment cease. *A timeframe for the cessation of outside employment will*
22 *be determined by the executive director. Proof of cessation may be required.*

1 APPROVED AS TO FORM AND SUBSTANCE:
2
3

4 /s/ Joanne Zeas

04/13/2021

5 ORIGINATING DEPARTMENT

DATE

6
7 CA File: 21-001066