

City of Cheyenne Personnel Rules & Regulations

The City of Cheyenne does not offer permanent or guaranteed employment to probationary, part-time, temporary or seasonal employees or to Appointed Officers subject to Section 2.08.010 of the Cheyenne City Code. For such employees and Appointed Officers, the City adheres to the policy of employment “at will” which permits the City, and any such employee or Appointed Officer, to terminate the employment relationship at any time, for any reason, with or without cause, and with or without notice. No one is authorized to provide any employee or Appointed Officer with an employment contract or special agreement concerning the terms and conditions of employment unless the contract or agreement is signed by the Mayor after approval of the Governing Body when required.

CITY OF CHEYENNE, WYOMING

February 17, 2015

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CHAPTER I

DEFINITIONS OF TERMS

APPEAL	A process by which an employee may seek review of a personnel decision. See Chapters X and XI of these Rules.
APPLICANT	A person who has filed a completed application for employment with the City of Cheyenne.
APPOINTED OFFICERS	Persons appointed as officers pursuant to Section 2.08.010 of the Cheyenne City Code are employed at will. For such officers, the City adheres to the policy of employment at will, which permits the City and any such officer, to terminate the employment relationship at any time, for any reason, with or without cause, and with or without notice.
BULLYING/HARASSMENT	Any verbal, written or physical conduct or communication, or manipulation of work, which is intended or substantially likely to humiliate or degrade any individual or group of individuals.
CITY	The City of Cheyenne, Wyoming.
CLASSIFICATION	A system of classification of employees as determined from time to time by the Mayor and the City Council.
COMPENSATION	Salary, wages, and all other forms of consideration, earned by or paid to any employee for services. Compensation includes benefits such as health insurance and the various forms of paid leave to the extent provided to a particular employee under these Rules.
CONTROLLED SUBSTANCE	“Controlled substance” means a controlled substance as defined in the Controlled Substances Act (21 U.S.C. Section 812) and as further defined by 21 C.F.R. Sections 1308.11 through 1308.15 as amended, or by Wyo. Stat. §§ 35-7-1014, 35-7-1016, 35-7-1018, 35-7-1020 and 35-7-1022.
DAYS	In computing any period of time prescribed or allowed by these Rules, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, or, when the act to be done is the filing of a paper, a day on which weather or other conditions have made the Office of the City Clerk inaccessible, in which event the period runs

until the end of the next day which is not one of the aforementioned days. When the period of time prescribed or allowed is less than eleven (11) days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. As used in this rule, "legal holiday" includes any day officially recognized by the City of Cheyenne as a holiday.

DEPARTMENT DIRECTOR

Person assigned the title of Department Director by the Mayor.

DIVISION DIRECTOR

A person designated by a Department Director to supervise a Division within a Department.

EMPLOYEE

Any full-time (or regular) employee, including an Appointed Officer, who is scheduled to work at least forty (40) hours per week in exchange for the compensation and benefits provided for in these Rules or as provided by ordinance. Only full-time employees are subject to and eligible for the compensation and benefits provided by these Rules. Only full-time employees who have satisfactorily completed probation are eligible for the procedural and substantive employment protections stated in these Rules. All other employees, whether part-time, temporary or seasonal, are not eligible for benefits under these Rules, and are not eligible for the procedural and substantive employment protections stated in these Rules. An employee who is hired under a separate written employment agreement shall be eligible for compensation and benefits only to the extent specified in the written agreement. Employees who are classified as Appointed Officers, as defined in these Rules, are entitled to the benefits provided by these Rules to the same extent as full-time (regular) employees.

ESSENTIAL PERSONNEL

Those individual employees or groups of employees who may be directed to work by the Mayor during adverse weather conditions.

EXEMPT EMPLOYEES

City employees who are exempt from the overtime requirements of the federal Fair Labor Standards Act.

EXTEND OUT

The practice of extending the effective date of a voluntary resignation date for the purpose of exhausting accumulated vacation leave, sick leave, goodie hours, or personal days.

FULL-TIME EMPLOYEE

An employee who is scheduled to work a minimum of forty (40) hours in a regular scheduled week.

GOVERNING BODY	The Mayor and City Council.																				
GRADE	Pay level for positions of comparable responsibility and authority which is used to identify the appropriate salary range for those positions.																				
GRIEVANCE	A process by which any full-time employee may seek review of discipline, other than termination, or an adverse personnel action. See Chapter XI of these Rules.																				
HOURS WORKED	Includes all of the time an employee is required to be on duty at any workplace designated by the City. To ensure the ability to respond to emergencies, it is necessary to have some non-exempt employees scheduled for on-call duty. On-call hours are not considered hours worked and will not be added to the total work week hours for the purpose of calculating overtime.																				
IMMEDIATE FAMILY	<table border="0"> <tr> <td>1. Spouse</td> <td>11. Grandmother</td> </tr> <tr> <td>2. Daughter</td> <td>12. Grandfather</td> </tr> <tr> <td>3. Son</td> <td>13. Grandchild</td> </tr> <tr> <td>4. Mother</td> <td>14. Mother-in-Law</td> </tr> <tr> <td>5. Father</td> <td>15. Father-in-Law</td> </tr> <tr> <td>6. Sister</td> <td>16. Sister-in-Law</td> </tr> <tr> <td>7. Brother</td> <td>17. Brother-in-Law</td> </tr> <tr> <td>8. Step-Mother</td> <td>18. Daughter-in-Law</td> </tr> <tr> <td>9. Step-Father</td> <td>19. Son-in-law</td> </tr> <tr> <td>10. Step-Children</td> <td></td> </tr> </table>	1. Spouse	11. Grandmother	2. Daughter	12. Grandfather	3. Son	13. Grandchild	4. Mother	14. Mother-in-Law	5. Father	15. Father-in-Law	6. Sister	16. Sister-in-Law	7. Brother	17. Brother-in-Law	8. Step-Mother	18. Daughter-in-Law	9. Step-Father	19. Son-in-law	10. Step-Children	
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9. Step-Father	19. Son-in-law																				
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INVOLUNTARY TRANSFER	A transfer that is not initiated by the employee.																				
MANAGEMENT	Those supervisory employees of the City responsible for controlling, carrying out, and directing the affairs and business of the City.																				
MEDICAL FILE	A medical file shall be maintained in a separate file by the City. The contents of a medical file are confidential except to Human Resources Staff, supervisors within the chain of command of the employee, the City Attorney's Office, and the employee whose records are retained in the file. The medical file shall be kept in a separate file from the personnel file and are kept in a secure location.																				
NON-EXEMPT EMPLOYEES	City employees who are eligible for overtime compensation under the federal Fair Labor Standards Act.																				

ORGANIZATIONAL CHART	The organizational chart prepared by the Human Resources Director and approved by the Mayor establishing the chain of supervisory command for employees of the City.
OVERTIME	Pre-authorized time worked by a non-exempt employee in excess of the normal forty (40) hour work week.
PAY RAISE	A salary increase within the limits of a pay grade.
PERSONNEL COMMISSION	The Cheyenne Personnel Commission created by Chapter 2.52 of the Cheyenne City Code.
PERSONNEL FILE	The official personnel file for an employee which is maintained by the Human Resources Department. The personnel file for an employee shall contain such documents and information as may be required or permitted by law. The personnel file of an employee is confidential except to the extent provided in the Wyoming Public Records Act (Wyo. Stat. §§ 16-4-201, <i>et seq</i>). The official personnel file shall be defined as the employment file containing personal information relevant to the employee's employment which is maintained by the Human Resources Department. The official personnel file shall be the only file considered official in matters relating to wages and salary, employee selection and employee relations. A personnel file shall be maintained for each employee. These personnel files contain confidential documents and shall be managed and maintained by the City. Personnel files shall be kept in a secure location.
PERSONNEL RECORDS	Personnel records shall be defined as all documents maintained for each employee by the Human Resources Department including the employee's personnel file, medical file, and any other documents relating to the employment of the employee.
POSITION	A specific job for which a job description and pay grade have been assigned.
PROBATIONARY STATUS	A full-time employee shall be on probation during the first twelve (12) consecutive months of employment following the employee's date of hire. A full-time employee who has been promoted or has been voluntarily transferred to another position shall be on probation for six (6) consecutive months following the date of promotion or transfer.
PROMOTION	The assignment of greater responsibility which may result in an increase in pay.

REASONABLE SUSPICION	Any set of circumstances that tend to indicate a reason to conduct an investigation or assessment of an employee's fitness for duty, or to explore possible explanations for an employee's conduct, actions, or appearance.
RE-CLASSIFICATION	Change of an employee's position title, job description, or other re-classification which may result in changes in an employee's duties or compensation.
REDUCTION IN FORCE (RIF)	Involuntary, non-disciplinary, separation or transfer of a City employee.
REGULAR STATUS	Status of a full-time employee who is no longer on probationary status. A full-time employee shall be considered to be on regular status after employment by the City for a period of twelve (12) consecutive months.
REPRIMAND	Any verbal or written notice issued by a duly authorized supervisor to discipline an employee for acts or conduct which violate these Rules.
RULES	The City of Cheyenne Personnel Rules and Regulations effective February 17, 2015.
SEPARATION	Any voluntary or involuntary severance of an employee from City employment.
SEXUAL HARASSMENT	Any form of conduct which creates an unprofessional or hostile work environment for an employee because of his or her gender. Examples of sexual harassment include, but are not limited to, unwelcome sexual advances, requests for sexual favors, obscene gestures, displaying sexually graphic magazines, calendars or posters, sending sexually explicit e-mails, text messages, or other forms of electronic communication, and other verbal or physical conduct of a sexual nature such as uninvited touching of a sexual nature or sexually related comments. Depending on the circumstances, sexual harassment may also include sexual joking, vulgar or offensive conversations, commenting about an employee's physical appearance, conversation about an employee's own or another's sex life, or teasing directed at another person because of his or her gender or sexual orientation.

SOCIAL MEDIA POLICY

The City shall, from time to time, issue one or more social media policies which shall contain directives and guidelines relating to all means of communicating or posting information or content on the Internet, including a web log or blog, journal or diary, personal website, social networking or affinity website, web bulletin board or chat room, as well as any other form of electronic communication. These social media policies will provide directives and guidelines for employees who post content on the Internet as part of their job responsibilities or as private persons.

SUBSTANCE ABUSE

Abuse or violation of the Alcohol and Controlled Substance Policy. See Chapter XIII of these Rules.

SUPERVISOR FILE

Supervisor files are any confidential files maintained by any supervisor in the chain of command of an employee. These Rules do not prohibit supervisors from maintaining written notes or records of an employee's performance separate from the personnel file for the purposes of evaluating job performance.

SUSPENSION

The imposition of a period of leave, without pay, for disciplinary purposes.

TEMPORARY ASSIGNMENT

The assignment of different or additional authority or responsibilities for a specified period of time. Temporary assignees may receive a temporary pay increase during assignment.

TERMINATION

An involuntary separation of an employee from City employment.

TRANSFER

The movement of any City employee from one position to another position for cause.

VOLUNTARY TRANSFER

Employee initiated request to move to another position.

WORKPLACE

Any site designated by the City for the performance of work by City employees.

CHAPTER II

GENERAL CODE OF CONDUCT; ETHICS

Section 1. General Code of Conduct.

City employees must represent the City in a professional, courteous, efficient and helpful manner. The proper working relationship between City employees and the public depends on each employee's conduct and behavior. In their interactions with the public and co-workers, City employees shall act in a professional and courteous manner. City employees must not use their positions to violate the public's trust or confidence.

Section 2. Code of Ethics.

A. The Code of Ethics promulgated in 2013 by the American Society for Public Administration (ASPA) is adapted and incorporated into these Rules as additional guidance for full-time employees and Appointed Officers in the performance of official duties in an ethical and professional manner.

B. The ASPA Code of Ethics is a statement of the aspirations and high expectations of public servants. These practices serve as a guide to behavior for the City of Cheyenne in carrying out its principles. The Code and these practices are intended to be used as a whole and in conjunction with one another. An ethical public servant will consider the full range of standards and values that are relevant to handling a specific matter and be committed to upholding both the spirit and the letter of this Code.

The City of Cheyenne is committed to:

A. **Advance the Public Interest.** Promote the interest of the public and put service to the public above service to oneself.

1. Seek to advance the good of the public as a whole, taking into account current and long-term interests of the City and its citizens.
2. Exercise discretionary authority to promote the public interest.
3. Be prepared to make decisions that may not be popular, but that are in the public's best interest.
4. Subordinate personal interests and institutional loyalties to the public good.
5. Serve all persons with courtesy, respect, and dedication to high standards.

B. **Uphold the Constitution and the Law.** Respect and support government constitutions and laws, while seeking to improve laws and policies to promote the public good.

1. Recognize and understand the constitutional, legislative and regulatory framework in which you work and fully discharge your professional roles and responsibilities.

2. Promote constitutional principles of equality, fairness, representativeness, responsiveness and due process in protecting citizens' rights and promoting the public good.

3. Develop proposals for sound laws and policies and for improving or eliminating laws and policies that are unethical, counterproductive, or obsolete.

4. Respect and safeguard protected and confidential information.

C. **Promote Democratic Participation.** Inform the public and encourage active engagement in governance. Be open, transparent and responsive, and respect and assist all persons in their dealings with the City.

1. Be open and transparent while protecting privacy rights and security.

2. Recognize and support the public's right to know the public's business.

3. Involve the community in the development, implementation, and assessment of policies and public programs, and seek to empower citizens in the democratic process, including special assistance to those who lack resources or influence.

4. Assist members of the public in their dealings with government and respond to the public in ways that are complete, clear, and easy to understand.

5. Promote timely and continuing dissemination of information about government activities to the community, ensuring a fair and transparent process and educating citizens to make effective contributions.

D. **Strengthen Social Equity.** Treat all persons with fairness, justice, and equality, and respect individual differences, rights, and freedoms. Promote affirmative action and other initiatives to reduce unfairness, injustice, and equality in society.

1. Provide services to the public with impartiality and consistency tempered by recognition of differences. Ensure that all persons have access to programs and services to which they are entitled under the law and maintain equitable standards of quality for all who receive the programs and services.

2. Provide equal treatment, protection, and due process to all persons.

3. Oppose all forms of discrimination and harassment and promote affirmative action, cultural competence, and other efforts to reduce disparities in outcomes and increase the inclusion of under represented groups.

E. **Fully Inform and Advise.** Provide accurate, honest, comprehensive, and timely information and advice to elected and appointed officials and staff members of the City.

1. Provide information and advice based on a complete and impartial review of circumstances and needs of the public and the goals and objectives of the City.

2. Be prepared to provide information and recommendations that may not be popular or preferred by superiors or colleagues.

F. **Demonstrate Personal Integrity.** Adhere to the highest standards of conduct to inspire public confidence and trust in public services.

1. Exercise integrity, courage, compassion, benevolence, and optimism.

2. Maintain truthfulness and honesty and do not compromise them for advancement, honor or personal gain.

3. Resist political, organization, and personal pressures to compromise ethical integrity and principles and support others who are subject to these pressures.

4. Accept individual responsibility for your actions and the consequences of your actions.

5. Guard against using public position for personal gain or to advance personal or private interests.

6. Zealously guard against conflict of interest or its appearance. Disclose any interests that affect objectivity in making decisions and rescue oneself from participation in those decisions.

7. Conduct official acts without partisanship or favoritism.

8. Ensure that others receive credit for their work and contributions.

G. **Promote Ethical Organizations.** Strive to attain the highest standards of ethics, stewardship, and public services in organizations that serve the public.

1. Work to establish procedures that hold employees of the City accountable for their conduct and support these procedures with clear reporting of activities and accomplishments.

2. Act as stewards of public funds by the strategic, effective, and efficient use of resources; by regularly re-examining the efficacy of policies, programs, and services; and by seeking to prevent all forms of mismanagement or waste.

3. Encourage open expression of views by employees and provide administrative channels for dissent. Protect the whistle-blowing rights of public employees,

provide assurance of due process and safeguards against reprisal, and give support to colleagues who are victims of retribution.

4. Seek to correct instances of wrongdoing or report them to superiors. If remedies cannot be assured by reporting wrongdoing internally, seek external sources or agencies for review and action.

5. Support merit principles that promote excellence, competence, and professionalism in the selection and promotion of public officials and employees and protect against biased, arbitrary and capricious actions.

6. Promote proactive efforts to increase the representativeness of the public workforce and the full inclusion of persons with diverse characteristics.

7. Periodically review this Code as a living document to guide the conduct of City employees in furthering the goals and objectives of the City.

H. **Advance Professional Excellence.** Strengthen personal capabilities to act competently and ethically and encourage the professional development of others.

1. Keep up-to-date on emerging issues, practices, and potential problems that could affect employee performance or the goals or objectives of the City.

2. Provide support and encouragement to others to upgrade competence and participate in professional activities and associations.

3. Allocate time and resources to the professional development of students, interns, beginning professionals, and other colleagues.

Section 3. Politics.

A. No employee shall use the employee's official authority, influence or position for the purpose of interfering with or affecting the result of an election or nomination for office; or directly or indirectly coerce, attempt to coerce, command or advise a City officer or employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes.

B. Discrimination against any person in recruitment, examination, hiring, appointment, retention, discipline or any other aspect of personnel administration because of political opinion or affiliation shall be prohibited. No questions shall be asked on any application, examination or interview which would directly or indirectly require the disclosure of a person's political affiliations, preferences or opinions. Applicants and employees shall be prohibited from using political influence as an advantage in securing or making appointments or for other personal benefit for themselves or others in personnel matters.

Section 4. Acceptance of Gifts.

It is the policy of the City of Cheyenne that employees and members of their immediate families shall not accept personal gifts offered because of the employee's duties, functions or responsibilities as an employee of the City. This prohibition does not apply to gifts of a general advertising nature having a nominal value or to food and drink consumed by the employee at the time of receipt at an appropriate social or business occasion, meal or other event which other employees are also attending, and are also being offered food and drink.

Section 5. Outside Employment.

A Department Director may permit an employee to work for another employer provided the employee continues to function in a satisfactory manner and the outside employment does not conflict with the hours that the employee is scheduled to work for the City. The City may prohibit an employee from engaging in outside employment if there is an actual conflict of interest or the outside employment would create the appearance of a conflict of interest.

Section 6. Conflicts of Interest.

Employees shall not enter into any financial or other relationship with a City agency, private business or other organization which would constitute a conflict of interest with their City employment or create the appearance of impropriety. Employees shall not permit themselves to be placed under any personal or other obligation which could lead any person, group or organization to expect official favors. If an employee has questions about what constitutes a conflict of interest, the employee may ask the employee's immediate supervisor, Department Director or the Human Resources Department.

Section 7. Use of City Property.

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

Section 8. Employment of Immediate Family.

A. No person will be hired, promoted or transferred into a position where supervisory authority falls directly or indirectly upon a member of that person's immediate family. If an employee and supervisor come into violation of this policy, transfer or reassignment of one member of the family shall be required.

B. No employee may participate in decisions relating to the hiring, retention, promotion or compensation of a member of the employee's immediate family.

Section 9. Crimes and Offenses.

City employees are encouraged to review the criminal statutes which are codified in Title 6--Crimes and Offenses, Chapter 5--Offenses against Public Administration, of the Wyoming Statutes. City employees should pay particular attention to the following criminal statutes:

Wyo. Stat. § 6-5-101—Definitions

Wyo. Stat. § 6-5-102—Bribery

Wyo. Stat. § 6-5-103—Compensation for past official behavior

Wyo. Stat. § 6-5-104—Soliciting unlawful compensation

Wyo. Stat. § 6-5-105—Designation of supplier

Wyo. Stat. § 6-5-107—Official misconduct

Wyo. Stat. § 6-5-108—Issuing false certificate

Wyo. Stat. § 6-5-110—Wrongful appropriation of public property

Wyo. Stat. § 6-5-111—Failure or refusal to account for, deliver or pay over property

Wyo. Stat. § 6-5-114—Notarial Officers; issuance of certificate without proper acknowledgment

Wyo. Stat. § 6-5-116—Public officer acting before qualifying

Wyo. Stat. § 6-5-117—Public officer demanding kickback from deputy

Wyo. Stat. § 6-5-303—False swearing in nonjudicial or nonadministrative proceeding; false claims or vouchers.

The statutes listed above may be accessed electronically through the website of the Wyoming Legislative Service Office. Go to: <http://legisweb.state.wy.us/statutes/statutes.aspx>

CHAPTER III

GENERAL PROVISIONS

Section 1. Applicability.

These Personnel Rules and Regulations (“Rules”) are effective on the 17th day of February, 2015, and apply to all full-time employees of the City of Cheyenne with the exception of sworn personnel of the Cheyenne Police Department, and employees of the Cheyenne Fire and Rescue Department who are members of the International Association of Fire Fighters (I.A.F.F.), Union Local No. 279. Officers appointed pursuant to Section 2.08.010 of the Cheyenne City Code are subject to these Rules except that such officers are not entitled to the procedural protections of Chapters X or XI unless such protections are extended to officers pursuant to a formal written employment agreement or pursuant to law. Except as stated, these Rules do not apply to part-time, seasonal or temporary employees. These Rules are applicable to full-time probationary employees except that such employees are not entitled to the procedural protections of Chapters X and XI. These Rules are not applicable to employees of the City of Cheyenne Board of Public Utilities. The Mayor may promulgate policies which are incorporated by this reference into the Rules. Each policy will be distributed to City employees no later than forty-five (45) days prior to the effective date. A hard copy of all current policies shall be kept by the Human Resources Department and shall be available to any employee who requests them. A chronological record of all past and current policies shall be kept in the City Clerk’s Office.

Section 2. Policy on Equal Employment Opportunities.

Persons who are seeking or otherwise being solicited for employment by the City shall be considered without regard to religion, age, race, creed, color, sex, national origin, political affiliation, genetic information, ancestry, disability, sexual orientation or employee group membership.

Section 3. Compliance with Americans with Disabilities Act (ADA).

A. The City will comply with applicable state and federal laws governing the treatment of qualified individuals with disabilities. Accordingly, the City will provide reasonable accommodations to qualified applicants and employees who have permanent or temporary qualifying disabilities.

B. A reasonable accommodation is designed to assist an employee with a qualifying disability in the performance of his or her job without placing an undue hardship on the City or posing a direct threat to others. The Human Resources Director, with the advice of the City Attorney, will determine whether accommodations are reasonable on a case-by-case basis. Once the City is aware of a qualifying disability, it will take measures to reasonably accommodate the disability in accordance with legal requirements.

C. It is the employee's responsibility to inform the employee's supervisor that an accommodation is needed to perform essential job functions. The City reserves the right to request written documentation from any employee seeking an accommodation. All information received by the City relating to the provision of a reasonable accommodation will be treated as confidential and maintained in the medical file separate from other personnel information.

Section 4. Bullying.

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

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

Section 5. Harassment.

A. It is the policy of the City to prohibit intentional and unintentional harassment of any individual by another person on the basis of any protected classification including, but not limited to, race, color, national origin, physical or mental disability, medical condition, religion, marital status, sexual orientation or age.

B. Harassment may include, but is not limited to, offensive jokes, slurs, name-calling, physical assaults, threats, intimidation, ridicule, mockery, insults, put-downs, or interference with work performance or employment opportunities.

C. Unwelcome harassment will not be tolerated. Employees are encouraged to inform the harasser directly that the conduct is unwelcome and must stop. Employees should also report harassment at an early stage to prevent its escalation. All allegations of harassment will be investigated by the Human Resources Department or appropriate supervisor.

Section 6. Sexual Harassment Policy.

A. It is the policy of the City of Cheyenne to:

1. Provide employees with a working environment free from sexual harassment;
2. Communicate such policy and reporting procedures to employees and supervisors;
3. Recognize the unique nature of complaints of sexual harassment, encourage early reporting by employees and resolve complaints promptly and confidentially; and
4. Educate and oversee supervisors in the administration of this policy and in regard to their responsibilities.

B. In determining whether conduct constitutes sexual harassment or creates an intimidating, hostile, or offensive working environment, the totality of the circumstances and the context in which alleged incidents of sexual harassment occurred shall be examined. The determination of whether a particular action constitutes sexual harassment shall be based on the facts of each case.

C. Employee's responsibilities: An employee who believes he or she has been the target of or subjected to sexual harassment or a hostile work environment shall address the problem as follows:

1. Notify the alleged harasser, if comfortable in doing so, or the employee's supervisor, and request that the behavior stop immediately;
2. Report sexual harassment to the Human Resources Department within three (3) days, or as soon as practicable, unless the report alleges harassment by an employee of the Human Resources Department, in which case, the report shall be presented to the City Attorney;
3. If an employee does not feel comfortable reporting sexual harassment to any of the persons noted above, the employee is encouraged to report the matter through the City's Employee Assistance Program (EAP);
4. The employee shall cooperate in investigating the allegation; and

5. An employee who believes he or she has been the target of sexual harassment may also file a formal complaint pursuant to the grievance procedure provided in Chapter XI of these Rules.

D. City's responsibilities:

1. The City shall provide training for supervisors and employees relating to sexual harassment.

2. The City shall maintain an "open door" policy for reporting sexual harassment. Employees may at any time during business hours, report allegations of sexual harassment to their supervisor, the Department Director, the Human Resources Director or the City Attorney.

3. When the City receives an allegation of sexual harassment, it will initiate an investigation.

4. A thorough and timely investigation shall be coordinated by the Human Resources Director. The investigation may also be conducted by an independent investigator retained by the City for this purpose. The investigation will include an examination of the conduct of all involved parties. A written report of the investigation shall be prepared which shall summarize investigatory actions and a summary of results of the investigation. The complaint and investigation will be kept confidential to the maximum extent possible, consistent with a thorough investigation.

5. In any case where it is determined that an act of sexual harassment has occurred, the City shall act to remedy the problem.

E. Substantiated violations of this policy shall result in appropriate disciplinary action in accordance with established disciplinary procedures.

F. Retaliation against any employee who has filed a charge, testified, assisted or participated in any manner in an investigation under this policy is prohibited.

G. Malicious or bad faith allegations of sexual harassment may result in disciplinary action against the complainant. For the purposes of this Section of these Rules, a malicious or bad faith complaint is one which is brought for any wrongful, dishonest or improper purpose including, but not limited to, the purpose of harassing the object of the complaint or needlessly disrupting City operations; or the factual allegations in the complaint lack evidentiary support and have been presented without a good faith belief that the allegations are true.

Section 7. Violation of Rules and Regulations.

Violation of any of these Rules shall be grounds for disciplinary action including, but not limited to, reprimand, suspension with or without pay, or termination. See Chapter X of these Rules.

Section 8. Amendment of Rules and Regulations.

These Rules may be amended in accordance with the Wyoming Administrative Procedure Act (Wyo. Stat. §§ 16-3-101, *et seq.*).

Section 9. Personnel Forms.

The Human Resources Director shall prescribe forms and procedures for use in matters of personnel administration.

Section 10. Personnel Rules and Regulations.

A. All full-time employees shall be given a current copy of these Rules. It will be the responsibility of the Human Resources Director and each Department Director to provide each employee with copies of future amendments to these Rules. Each employee will be required to sign for receipt of a copy of these Rules and any future amendments to these Rules.

B. Departments may establish supplemental personnel policies as long as they do not conflict with these Rules. Such policies shall not be effective until they have been reviewed by the Human Resources Director and the City Attorney, and distributed to all affected personnel in the department. Each employee will be required to sign for receipt of supplemental personnel policies.

Section 11. Employee's Right to Personnel Records.

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

Section 12. E-mail Policy.

A. This policy applies to the City's e-mail system that is hosted on the City's server. This policy does not apply to e-mails sent by an employee using a private device that is transmitted only through the City's WiFi system. The City's e-mail server is available to its employees with the understanding that:

1. Use of the City's e-mail server must be strictly limited to business purposes;
2. All e-mails are subject to employer monitoring conducted by supervisory personnel authorized by the Mayor;

3. Each employee must sign a written waiver of rights to privacy in e-mail communications conducted through the City's e-mail server. This waiver shall constitute the employee's express acknowledgment and consent that the City may access all e-mails sent or received by that employee through the City's e-mail server and that the City may disclose such e-mail messages for any lawful purpose, including compliance with Wyoming Statutes relating to public records and public meetings; and

4. Each employee shall also acknowledge in writing that e-mail messages sent through the City's e-mail server may be preserved or deleted by the City in accordance with its record retention policies.

B. Inappropriate or improper use of the City's e-mail system may constitute grounds for discipline as provided for in Chapters X and XI of these Rules.

C. Computers supplied by the City for use by employees, and all materials stored on said computers, are the property of the City.

Section 13. Internet Policy.

A. This policy applies to any Internet activity which is transmitted through the City's servers or through the City's WiFi system, except for personal e-mails and text messages sent by an employee through the WiFi system using a private device. Employees are advised that:

1. Internet activity must be strictly limited to business purposes;

2. All Internet activity is subject to employer monitoring by supervisory personnel authorized by the Mayor;

3. Employees must sign a written waiver of rights to privacy in Internet activity. This waiver shall constitute the employee's express acknowledgment and consent that the City has access to all of the employee's Internet activity conducted through the City's computer systems and that the City may disclose employees' Internet activity for any lawful purpose, including compliance with Wyoming Statutes relating to public records and open meetings;

4. Records of Internet activities may be preserved by the City and subsequently deleted in accordance with the City's standard records retention policies;

5. It is critical that employees exercise extreme caution when accessing, downloading or transmitting materials from the Internet;

6. Employees who violate this policy may incur personal liability to the City and third parties; and

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

B. Inappropriate or improper use of the Internet will be grounds for discipline as provided in Chapters X and XI of these Rules.

C. Computers supplied by the City for use by employees, and all materials on them, are the property of the City.

Section 14. Appearance and Attire.

All employees are expected to report to work well groomed and clean. Employees should dress according to the requirements of each individual position. Some employees may be required to wear uniforms, safety equipment, or safety footwear and clothing. Employees should contact their supervisors for specific information regarding acceptable attire for their positions. An employee who reports to work dressed or groomed inappropriately will be asked to correct the problem in a reasonable amount of time. To maintain a professional appearance, employees may be asked to cover piercings and visible tattoos. The City of Cheyenne and its workplaces are places of business. Because dress is an important part of the image we present to the public, City employees are expected to exercise good judgment in their clothing choices. Clothing should always be clean, neat, and consistent with the employee's job responsibilities for that day. The City recognizes the concept of "Casual Friday" for office personnel who are otherwise expected to be dressed in business attire during the performance of duties.

Section 15. Weapons in the Workplace.

To the extent permitted by law, employees and visitors are prohibited from carrying weapons onto City premises. This prohibition does not apply to sworn officers of the Cheyenne Police Department or other federal, state, and county law enforcement agencies. This Section shall not prohibit an employee or visitor from storing a weapon in a vehicle parked in City parking lots or structures, so long as the employee or visitor complies with all applicable city, county, state and federal laws regarding the storage of such weapon.

Section 16. Smoking in City-Owned Facilities and Vehicles; Electronic Smoking Devices.

A. In addition to the provisions of Chapter 8.64 of the Cheyenne City Code which pertain to smoking in public places, employees are subject to the following rules relating to electronic smoking devices.

B. Definitions:

1. "Electronic Smoking Device" means any electronic or battery-operated device that can be used to deliver an inhaled dose of nicotine or other substances. This definition of "Electronic Smoking Device" includes any such device, whether manufactured, distributed, marketed or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor.

2. "Vaping" means inhaling vapor from an electronic smoking device.

C. It is the objective of the City of Cheyenne to provide a smoke-free and vapor-free environment in City-owned and operated buildings and vehicles. No employee may smoke, use any smoking instrument (as defined in Section 8.64.020 of the Cheyenne City Code) or electronic smoking device, or engage in any form of vaping, in any City-owned or operated building, in any enclosed space within any such building, within ten (10) feet of the main entrance into the building, or within fifteen (15) feet of any open window or any heating, ventilation or air conditioning equipment connected to any such building. Employees may smoke or engage in vaping in designated outdoor areas.

D. These restrictions apply at all times to employees present in or around City-owned or operated buildings, enclosed spaces, and vehicles including during non-business hours.

CHAPTER IV

CLASSIFICATION AND COMPENSATION PLAN

Section 1. Governmental Approval.

A. The classification and compensation of City employees shall be governed by classification and compensation provisions included in the annual budget adopted by the City's Governing Body. If the annual budget creates any new employment positions, affected Department Directors shall create job descriptions for the new positions and the Human Resources Director shall amend the City's organizational chart accordingly. The City reserves the right, acting through the Mayor, or as authorized by the Governing Body, to re-classify positions, to eliminate positions, to involuntarily assign employees to different positions, and to implement reductions in force, provided, however, that the salary, wages, benefits, and other compensation paid to a full-time regular employee may not be reduced or eliminated except for just cause or the implementation of a reduction in force based on business necessity.

B. Wages for part-time, seasonal, and temporary employees will be established by the Department Director or Division Director with the approval of the Mayor.

Section 2. Performance Evaluations.

A. The work performance of each regular full-time employee shall be evaluated in writing at least annually and at such other intervals as shall be deemed appropriate by the employee's Department Director or Division Director. The results of the performance evaluation shall be recorded in writing using a form prescribed by the Human Resources Director. A copy of the performance evaluation will be provided to the employee and one copy shall be placed in the employee's personnel file.

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

C. The work performance of each newly hired full-time employee shall be evaluated at least once during the employee's probationary period.

D. The supervisor will personally administer the evaluation to the employee.

E. The contents of a written performance evaluation are not subject to the grievance procedures of Chapter XI of these Rules. If an employee disagrees with the performance evaluation, the employee may attach a written statement of his or her objections to the performance evaluation. The performance evaluation and the employee's written statements, if any, shall be placed in the employee's personnel file.

Section 3. Regular Rate of Pay.

A. The hourly rate of pay of a regular full-time employee is determined by dividing the employee's annual salary by the total number of hours required to be worked (2,080 hours) by the employee in a calendar year.

B. The City will pay overtime compensation to non-exempt employees who are eligible for overtime compensation in accordance with applicable federal and state laws governing wages and compensation.

C. Payment for travel time to non-exempt employees will be made in accordance with 29 C.F.R. Sections 785.33 to 785.41. An explanatory summary of these regulations may be obtained from the Human Resources Director.

Section 4. Workers' Compensation Supplementation.

A. Any full-time employee who receives temporary total disability benefits, as defined in Wyo. Stat. § 27-14-102(a)(xviii), for a particular month may use accumulated sick leave, vacation leave, goodie hours, and personal days to supplement the employee's compensation for that month, so long as the total amount of compensation paid to or received by the employee for that month does not exceed the employee's current monthly base salary. For the purposes of this Section, the phrase "base salary" does not include "add" pays. A full-time employee may not use vacation leave, sick leave, goodie days or personal days to supplement any form of pay or benefit other than temporary total disability as defined above. A full-time employee may not use sick leave hours from the Sick Leave Bank to supplement any form of workers' compensation or other disability insurance benefits.

B. Workers' compensation supplementation will not be available for any employee hired after July 1, 2015.

CHAPTER V

VACANCIES AND EMPLOYMENT

Section 1. Announcement of Vacancies.

The Human Resources Director, with the assistance of the affected Department Director or Division Director, shall prepare recruitment notices, consistent with applicable statutes, using such media as deemed appropriate to reach prospective applicants for vacant positions. Such recruitment notices shall be advertised in appropriate media and the City's website for a minimum of four (4) days. All recruitment notices and other publicity concerning position vacancies shall explicitly state that the City is an Equal Opportunity Employer.

Section 2. Application Forms.

Applications shall be submitted on forms prescribed by the Human Resources Director. Such forms shall require the applicant to provide information covering training, experience, references and such other data as deemed necessary. No application shall remain active more than six (6) months after the date of its submittal. Knowing or willful falsification or misrepresentation of any material fact in an application, or submitting any letter of reference or certification with knowledge that the same is false or misleading, may constitute sufficient grounds for rejection of an application.

Section 3. New Hires.

After preliminary screening by the Human Resources Director, copies of applications shall be forwarded to the Department Director or Division Director who is responsible for making the final selection. When an applicant is selected, the Human Resources Director shall conduct any final background or other investigations as needed. After completion of background investigations, the Department Director or Division Director may offer a position to the selected applicant. The selected applicant shall report to the Human Resources Department before commencing work.

Section 4. Probation; New Hires; Voluntary Transfers; Promotions; and Involuntary Transfers.

A. Newly Hired Full-Time Employee. A newly hired full-time employee may be dismissed without cause and without notice throughout the probationary period. These Rules do not grant a newly hired full-time probationary employee any promise of continued employment nor any property interest in continued employment. Each newly hired full-time probationary employee is employed at will while on probationary status. If terminated during the probationary period, a full-time employee is not entitled to a pre-termination hearing, post-termination hearing or an appeal to the City of Cheyenne Personnel Commission. During the probationary period, the employee's supervisor will submit required employee performance evaluations to the Human Resources Director. Prior to the end of the probationary period, the Department Director or Division Director shall notify the employee whether the employee will be retained as an employee. In the absence of notification, the employee will become a regular full-time employee with all of the procedural and substantive protections stated in these Rules. No probationary period may extend beyond twelve

(12) consecutive months from the date of hire. In the event an employee takes a military leave of absence during his or her probationary period, the running of the probationary period shall be tolled during the period of military leave and the remaining portion of the probationary period will begin to run when the employee returns to work.

B. Transfer/Promotion. Full-time regular employees promoted, or voluntarily transferred, will be subject to an additional six (6) month probationary period. During this probationary period, an employee who has been voluntarily transferred or promoted may be returned, without cause, and upon ten (10) days' notice, to the position held by such employee immediately prior to the transfer or promotion or its equivalent.

C. Involuntary Transfer. No full-time employee shall be subject to a probationary period following an involuntary transfer or re-classification. Involuntary transfers or re-classifications may be made within a department only with the Mayor's approval. Involuntary transfers or re-classifications between departments may only be made with the approval of the Mayor and the affected Department Directors.

Section 5. Re-Employment after Military Service.

Any employee who is called into active military service or enlists in the uniformed services of the United States of America will receive a military leave of absence. See Chapter VIII, Section 8, of these Rules.

CHAPTER VI

CONDITIONS

Section 1. Hours of Work.

A. The normal work week for the City is forty (40) hours per week. Unless otherwise specified by a Department Director with the approval of the Mayor, the normal work week is from 12:00 a.m. Monday to 11:59 p.m. the following Sunday. Work days and hours of work may be changed with the approval of a Department Director and the Mayor.

B. City employees are entitled to a fifteen (15) minute work break during each four (4) hour period of work. These work breaks may not be accumulated or taken as paid leave and are immediately lost if not taken.

Section 2. Days Off.

Full-time employees shall have specified days off. In case of emergency, or where required for the performance of essential public service, an employee may be required to work on the employee's scheduled days off.

Section 3. Attendance.

Employees are expected to be at their places of work in accordance with these Rules. All departments shall keep monthly attendance records.

Section 4. Overtime Compensation.

A. Statement of Policy. It is the policy of the City to provide overtime compensation for all City employees who are eligible for overtime under the federal Fair Labor Standards Act. Each non-exempt employee shall be paid one and one half (1½) times the employee's regular rate of pay for all hours actually worked in excess of forty (40) hours in a work week. A non-exempt employee may elect to receive compensatory time in lieu of overtime wages if the election is in writing and signed by the employee. The election must be made in writing in advance of overtime hours worked. Compensatory time, in lieu of overtime wages, may also be accumulated up to a maximum of eighty (80) hours. A non-exempt employee who has accumulated eighty (80) hours of compensatory time shall be paid overtime wages for any additional overtime hours actually worked in a work week. A non-exempt employee shall be paid for accumulated compensatory time, up to a maximum of eighty (80) hours, upon termination of employment. Supervisors are encouraged to adjust work schedules to avoid overtime work by non-exempt employees. Neither the paid holidays set forth in Chapter VII, Section 1, of these Rules nor the types of leave set forth in Chapter VIII, Section 1, of these Rules count as hours actually worked in a work week.

B. Department Director and Division Director Responsibility. It shall be the responsibility of each Department Director and Division Director to administer this policy. These responsibilities include, but are not limited to, the following items:

1. Authorization of overtime to be performed by an employee covered under this policy. Depending on circumstances, each Department or Division shall comply with the following overtime authorization procedures:

a. The Department Director or Division Director may authorize overtime work when funds are available.

b. Each Department Director or Division Director shall have supervisory responsibility for payroll records. The Department Director or Division Director shall forward to the City Treasurer on a monthly basis an hours worked report in summary form. These reports shall show summary hours by division for all employees and are due in the Office of the City Treasurer on the specified day of each month.

c. All Department Directors and Division Directors are responsible for the scheduling of overtime work within budgetary constraints.

d. Adequate control must be established to ensure that overtime work is not performed if such work has not been officially authorized. The mere promulgation of a rule against unauthorized work is insufficient control.

e. The Human Resources Department shall issue an annual notification to all Department Directions requiring each Department to conduct an annual review to ensure that all employees within the Department are properly classified as exempt or non-exempt.

2. Exempt Employees. The City of Cheyenne will abide by the provisions of the Fair Labor Standards Act (29 U.S.C. Section 201, *et seq.*, as amended) and all applicable regulations issued by the United States Department of Labor in classifying employees as exempt or non-exempt from the overtime provisions of the Fair Labor Standards Act.

Section 5. Exempt Employee Compensation.

A. Each full-time employee, who is salaried and classified as exempt from the payment of overtime compensation, will receive a salary which is intended to compensate the employee for all hours worked for the City. This salary will be established when the employee is hired or when the employee becomes classified as an exempt employee. While the salary may be subject to review and modification from time to time, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work that the employee performs.

B. Under federal and state law, deductions may be taken from an exempt employee's accrued vacation leave, sick leave, goodie days, personal days, and other forms of paid leave for full-day or partial-day absences from work for personal reasons, sickness, disability or other purposes as provided in these Rules. In the event an exempt employee does not have any accrued vacation leave, sick leave, goodie days, personal days, or other paid leave, the employee's salary is subject to certain deductions for the following reasons:

1. Full-day absences for personal reasons;
2. Full-day absences for sickness or disability;
3. Full-day disciplinary suspensions for violations of these Rules;
4. Family and Medical Leave Act (FMLA) full-day or partial day absences;
5. The first or last week of employment in the event the employee works less than a full week; or
6. Any full work week in which the employee does not perform any work.

C. Under federal and state law, deductions may be taken from an exempt employee's accrued vacation leave, sick leave, goodie days, personal days, and other paid leave, for full-day or partial-day absences from work for personal reasons, sickness, disability or other purposes provided in these Rules. Even if an exempt employee does not have any accrued vacation leave, sick leave, goodie days, personal days, or other paid leave, for any work week in which an exempt full-time employee performs any work, the salary of the employee is not subject to deductions for any of the following reasons:

1. Partial-day absences for personal reasons, sickness or disability;
2. Absence from work on a scheduled work day because the City had closed the facility in which the employee works; or
3. Absences for jury duty, attendance as a witness pursuant to a subpoena, or military leave of absence in any week in which the employee performed any work.

D. If a salaried full-time employee who has been classified as exempt from overtime compensation believes that he or she has been subjected to any improper deductions, the employee should bring the matter to the attention of his or her supervisor or Department Director immediately. In the event the employee believes that it would be inappropriate to contact any supervisory personnel in the employee's Department, or in the event the employee does not receive a satisfactory response, the employee should immediately contact the City Treasurer or the Human Resources Director.

CHAPTER VII

HOLIDAYS

Section 1. Granting of Holidays.

A. The City of Cheyenne recognizes the following paid holidays, subject to the conditions set forth herein:

1. New Year's Day
2. Dr. Martin Luther King, Jr.'s Holiday
3. President's Day
4. Memorial Day
5. Independence Day
6. Cheyenne Day (Last Four Hours of the Employees' Regular Work Day)
7. Labor Day
8. Veteran's Day
9. Thanksgiving Day
10. Day Following Thanksgiving
11. Christmas Day

B. Holidays which fall on a Saturday will be celebrated on the preceding Friday. Holidays which fall on a Sunday will be celebrated on the following Monday. Full-time employees of the Sanitation Division may substitute Columbus Day as a recognized holiday in lieu of the Friday after Thanksgiving at the direction of the Department Director and with the approval of the Mayor.

Section 2. Holiday Pay.

A. Each full-time employee will receive one day (8 hours) of regular pay for a recognized holiday which falls on or is celebrated on a day that the employee is scheduled to work. A non-exempt employee who is scheduled to work more than eight (8) hours on a holiday must take vacation leave or must work additional hours within the work week to be compensated for the time in excess of eight (8) hours that the employee was scheduled to work on the holiday. Non-exempt employees will receive eight (8) hours of holiday pay at their regular rate of pay. A non-exempt employee who is called in to work on a holiday will receive eight (8) hours of pay at the employee's regular rate of pay and an additional payment at their regular rate of pay for the actual time the employee works that day.

B. If a holiday falls or is celebrated on a weekday that an employee is not scheduled to work, that employee will be eligible for time off with eight (8) hours of holiday pay on another scheduled work day during the pay period.

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

D. When a holiday falls within a period of approved jury duty leave or bereavement leave, the employee will be paid for the holiday (at the regular rate of pay) and the employee will receive an additional day off with pay on a date to be scheduled by agreement between the employee and the employee's supervisor.

CHAPTER VIII

LEAVE

Section 1. Types of Leaves.

A. The following types of leave are established:

1. Vacation
2. Sick
3. Jury Service
4. Leave Without Pay
5. Uniformed Services Employment and Re-Employment Rights Act
6. Bereavement Leave
7. Absence Without Authorized Leave
8. Family and Medical Leave Act (FMLA Leave)
9. Combined Medical Leave
10. Personal Day
11. Lactation Breaks

Section 2. Eligibility.

Only full-time employees are eligible for the various types of leave provided by this Chapter. A full-time employee is not entitled to accrue vacation leave, sick leave, or personal days during any pay period in which the employee performs no actual work. Department or Division Directors must submit monthly absence reports to the City Treasurer's Office for leave taken. A full time employee is not entitled to accrue vacation leave, sick leave, goodie hours or personal days for any pay period in which the employee performs no actual work and has exhausted all accrued vacation leave, sick leave, personal days, and goodie hours.

Section 3. Vacation Leave.

A. Vacation leave shall be accumulated by full-time employees on a monthly basis.

B. For newly hired employees, vacation leave hours shall accrue on the first day of the month following the date of hire. Vacation leave hours shall accrue as follows:

1. 0 through 60 months of employment. 104 hours vacation accrual per year.
2. 61 through 120 months of employment. 128 hours vacation accrual per year.
3. 121 through 180 months of employment. 152 hours vacation accrual per year.
4. 181 through 240 months of employment. 176 hours vacation accrual per year.
5. 241 months and over of employment. 200 hours vacation accrual per year.

C. For newly hired employees, vacation leave shall accrue as provided in sub-section B., of this Section, but accrued vacation leave may only be taken following the first monthly anniversary of the employee's date of hire.

D. Not more than two hundred forty (240) hours of accumulated vacation leave can be carried from one calendar year to another calendar year. Accumulated vacation leave in excess of two hundred forty (240) hours on January 1 of each year shall be forfeited.

E. While on vacation leave, employees shall be paid at their current rate of pay.

F. Vacation leave shall be allowed for time periods convenient to the Department Director or Division Director, in not less than one-quarter (1/4) hour increments. Supervisors shall make every reasonable effort to approve an employee's vacation leave to accommodate scheduling. Vacation leave may not be taken on the same day as requested unless approved in writing by the Department Director or Division Director or in emergency circumstances.

G. Upon being separated from employment by the City, an employee shall be paid for unused vacation leave at the employee's current salary rate. The payment shall be made within five (5) days or as otherwise provided by Wyoming law.

H. Department Directors or Division Directors shall submit absence reports to the City Treasurer for all leave taken by each full-time employee. Employees will be notified of accumulated leave through their monthly pay check stubs.

I. Department Directors or Division Directors shall grant vacation leave on the basis of the work requirements of the Department after conferring with employees and recognizing their wishes when possible. A single choice or block of time will be given preference in the scheduling of vacation leave by employees in order of their seniority.

J. When a full-time employee transfers from one Department to another within the City or to the Board of Public Utilities, the employee's date of hire and accumulated vacation and sick leave shall also transfer.

Section 4. Sick Leave.

A. Full-time employees accrue sick leave with pay at the rate of ten (10) hours for each full month of service, with sick leave hours for a month accruing on the first day of the immediately following month. Sick leave will not be granted to any employee prior to being earned, except in cases of donation from the Sick Leave Bank.

B. For newly hired employees, sick leave shall accrue as provided in sub-section A., of this Section, but any accrued sick leave may only be taken following the first monthly anniversary of the employee's date of hire.

C. Sick leave may be taken in the event of accident, illness, pregnancy, injury, or as ordered by an employee's physician. Sick leave may also be taken for illness of an employee's minor child or spouse. Also, sick leave may be used for routine visits to a physician, dentist or other providers of medical services for the employee, the employee's spouse or the employee's minor child. Supervisors may authorize sick leave for other immediate family members upon request. Sick leave will not be granted unless notification is given to the employee's supervisor or Department Director.

D. Employees who have accumulated four hundred eighty (480) hours of sick leave as of the beginning of each calendar year are entitled to the following "goodie" hours annually:

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

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

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

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

5. **Full-time employees hired after July 1, 2015 shall not be entitled to earn or accumulate “goodie” hours.**

E. Sick leave shall be charged against employees in not less than one quarter ($\frac{1}{4}$) hour increments. Use of sick leave is based upon accrual availability. In no case may an employee take more sick leave than has been accrued or donated.

F. Upon any of the four (4) following types of termination, the terminated employee shall be paid at the employee’s regular pay rate for one-half ($\frac{1}{2}$) of the employee’s accrued sick leave up to a maximum of two hundred forty (240) hours. This payment will be made in a single lump sum within five (5) days after termination or as otherwise provided by Wyoming law.

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

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

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

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

If the employment relationship between the City and a full-time employee is terminated due to any circumstances other than those described in this sub-section, no sick leave benefits will be paid.

G. When an employee transfers from one department in the City to another or to the Board of Public Utilities, sick leave hours will also be transferred.

H. Department Directors or Division Directors must submit monthly absence reports to the City Treasurer for all sick leave taken by each employee.

I. A Sick Leave Bank is established to provide sick leave with pay for employees of the City during periods of prolonged recovery from illness or injury if such leave is not otherwise compensated by the City. The Sick Leave Bank shall be administered by the Insurance/Sick Leave

Bank Committee and shall function under rules and procedures adopted by the Committee and the Mayor. The recommendations of the Committee shall be submitted to, and approved or disapproved by, the Human Resources Director and the Mayor.

J. Employees who have eighty (80) or more hours of sick leave may donate up to twenty-four (24) hours of sick leave annually to the Sick Leave Bank. The employee receiving the donation must be a regular full-time employee who has used all accrued paid leave and who has an immediate and reasonable need for assistance. The donation of sick leave hours to the Sick Leave Bank will not constitute the use of sick leave for the purposes of the donating employee's eligibility for "goodie days."

K. A City employee may request the use of sick leave days in the Sick Leave Bank. The request must be made on a form provided by the Human Resources Department. The form must be filed in the Human Resources Department and must be signed by the employee's physician certifying that it is necessary that the employee receive additional sick leave due to a prolonged period of recovery from illness or injury.

L. The Committee shall establish guidelines and procedures for the operation of the Sick Leave Bank.

M. If an employee is entitled, upon termination of City employment, to payment for accumulated sick leave hours as provided in sub-section F., of this Section, the employee may, in lieu of payment, donate sick leave hours to the Sick Leave Bank up to a maximum of two hundred forty (240) hours.

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

Section 5. Reporting and Investigating of Sick Leave.

A. An employee who fails to notify his or her supervisor or Department Director before the beginning of the employee's scheduled work day, that the employee cannot report for work because of sickness, shall not be entitled to approval of a request for payment of sick leave hours except in unusual circumstances to be determined by the Department Director.

B. If a Department Director becomes aware of facts or circumstances that indicate that an employee has used or is using sick leave for any false or fraudulent purpose, the Department Director shall report said facts and circumstances to the Human Resources Director who shall conduct such investigation as may be necessary subject to the requirements and limitations of law. False or fraudulent use of sick leave may constitute cause for disciplinary action including dismissal. Employees should refer to Chapter X of these Rules for additional guidance.

C. An employee who is absent on sick leave for more than three (3) consecutive days, because of illness or injury, may be required to submit a note from the employee's physician stating whether the employee may return to regular duty, and if there are any restrictions on returning to work. An employee who is absent on sick leave for more than two (2) days due to illness or injury in the employee's immediate family, may be required to submit a note from the treating physician.

Section 6. Leave for Jury Service.

An employee shall be granted leave with pay for required jury duty. An employee seeking leave with pay for jury duty shall present the jury duty summons to his or her Department Director or Division Director. An employee who receives jury duty leave with pay may also keep monies paid to the employee by the Court for jury duty. The employee shall report to work after being released from jury duty.

Section 7. Leave Without Pay.

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

Section 8. Uniformed Services Employment and Re-Employment Rights Act.

A. This Section applies to all full-time, part-time, temporary and seasonal employees. If an employee is called into active military service or voluntarily enlists in the military services of the United States of America, the employee will be eligible to receive an unpaid military leave of absence. To be eligible for an unpaid military leave of absence, the employee must provide his or her Department Director with advance notice of the employee's service obligations unless the employee is prevented from providing such notice by military necessity or it is otherwise impossible or unreasonable to provide such notice. Provided the absence of the employee does not exceed applicable statutory limits, the employee will retain re-employment rights and accrue seniority and benefits in accordance with applicable federal and state law. An employee who has questions regarding military leaves of absence should contact his or her Department Director or the Human Resources Director for further information.

B. If an employee is required to attend annual Reserves or National Guard duty, the employee may apply for an unpaid military leave of absence not to exceed the number of days allowed by law (including travel). The employee should provide his or her Department Director with as much notice as possible of the need for military leave. The affected employee, and his or her dependents, may elect to continue coverage under the City's health insurance plan during a military leave of absence, subject to the requirement that the employee must, after thirty (30) days of military leave, pay one hundred percent (100%) of the premium for such coverage as may be elected by the employee up to a maximum of twenty-four (24) months, or as provided by federal law.

C. The duration of a military leave of absence shall continue for the length of active duty required, and for a period not to exceed the number of days of active duty and the number of days immediately following separation from active duty as provided in the Uniformed Services Employment and Re-Employment Rights Act.

D. The City will compensate an employee during a military leave of absence in an amount equal to the difference between the employee's base pay and the base pay to be received by the employee during active duty and deployment. For the purposes of this sub-section, the phrase "base pay" shall include any certification or "add" pays received by an employee. **Employees hired after July 1, 2015 shall not be entitled to supplemental pay during any period included within an approved military leave of absence.**

Section 9. Lactation Breaks.

Full-time employees who are nursing shall be provided with unpaid break time for up to one (1) year following the birth of a child to express breast milk, so long as providing such break time does not unduly disrupt City operations. The City will provide a suitable private location for this purpose.

Section 10. Bereavement.

A full-time employee may be granted a maximum of four (4) scheduled work days off with pay when there is a death in the immediate family as defined in Chapter I. Part-time, temporary, seasonal, and contract employees may be granted time off without pay subject to the approval of the employee's supervisor or Department Director.

Section 11. Absence Without Authorized Leave.

Any absence without authorized leave may be without pay, and is cause for discipline which may include termination. See Chapter X of these Rules. Any employee who is absent for three (3) consecutive scheduled work days without having obtained approved leave may be deemed to have resigned from employment.

Section 12. Continuation of Insurance for Terminated Employees or During Authorized Leaves of Absence.

Except as provided by Section 14 relating to medical leaves of absence, upon the voluntary or involuntary termination of the employment relationship between the City and an employee who is covered by the City's health insurance plan at the time of termination, or during a period of any authorized leave of absence without pay, the employee may elect to continue the health insurance coverage for such periods of time and subject to such requirements as provided in the master group health insurance agreement. The costs of continuing health insurance coverage must be borne by the employee consistent with the Consolidated Omnibus Budget Reconciliation Act (COBRA).

Section 13. Family and Medical Leave Act (FMLA).

A. The City provides up to twelve (12) weeks of unpaid, job-protected leave to eligible employees for the following reasons:

1. The birth of a child and to bond with the newborn child within one (1) year of birth;

2. The placement with the employee of a child for adoption or foster care and to bond with the newly placed child within one (1) year of placement;

3. To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or

4. Serious health condition that makes the employee unable to perform the essential functions of his or her job.

B. Military Family Leave Entitlements.

1. Eligible employees whose spouse, son, daughter or parent is on covered active duty or called to covered active duty status may use their twelve (12) week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

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

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

b. A veteran who was discharged or released under conditions other than dishonorable at any time during the five (5) year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.*

*The FMLA definitions of "serious injury or illness" for current service-members and veterans are distinct from the FMLA definition of "serious health condition".

C. Benefits and Protections.

1. During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, qualifying employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

2. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

D. **Eligibility Requirements.**

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

E. **Definition of Serious Health Condition.**

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

2. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two (2) visits to a health care provider, one (1) visit and a regimen of continuing treatment, incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

F. **Certification of a Serious Health Condition.**

1. Employees seeking approval for leave under this Section are required to provide the City with a certification from the employee's (or family member's) health care provider. The certification must be provided within fifteen (15) days of the date it is requested by the City. Certification will include:

a. The date on which the condition commenced;

b. The probable duration of the condition;

c. Appropriate medical facts regarding the condition;

d. In the case of care for a family member, an estimate of the time the employee will be needed to care for the family member;

e. In the case of medical leave for the employee, a statement that the employee is unable to perform the functions of his or her position;

f. In the case of requested intermittent leave for planned medical treatment, the dates on which the treatment is expected to be given and the duration of the treatment; and

g. If the City determines the employee has provided an incomplete certification (i.e. a certification that is vague, ambiguous, or non-responsive), the City will notify the employee in writing. The employee then must provide a complete certification within seven (7) days of such notification.

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

3. The City may require employees on family/medical leave to periodically report regarding their status and intention to return to work. The City may also require subsequent re-certification of the need for continued leave. Where an employee takes family/medical leave based on his or her own serious health condition, the City generally will require a certification from the employee's health care provider that the employee is able to return to work. The certification must adequately address the employee's ability to perform all essential functions of his or her job duties before the employee is able to return to work.

G. Use of Leave.

1. The maximum time allowed for FMLA Leave is twelve (12) weeks in the twelve (12) month period as defined by the City. **(The City of Cheyenne uses the twelve (12) month period measured forward from the first day of an employee's leave.)**

2. Leave requested due to the birth of a child or for adoption reasons must be taken in a block and must be completed by the end of the twelve (12) month period which commences at the date of birth or placement of the child. However, family leave taken due to the birth of a child or for adoption reasons is available in addition to leave taken due to temporary maternal disability for the birth mother.

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

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

5. Employees will be required to utilize all available accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the City's normal paid leave policies. The total leave which may be used in any twelve (12) month period is twelve (12) weeks, unless the employee has accrued sick leave beyond the twelve (12) week period. The Mayor may approve use of additional vacation and the compensatory leave usage beyond the twelve (12) week period if it is in the best interest of the City to do so.

6. Employees on leave due to a serious health condition are required to apply for workers' compensation benefits, if applicable, disability benefits through the City's disability insurance provider, if applicable, or both.

H. **Employee Responsibilities.**

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

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

3. Continued absence after denial of leave may result in disciplinary action in accordance with these Rules.

I. **City Responsibilities.**

1. Generally, the City will inform employees that they may request leave under FMLA. If the employee requests FMLA leave, the City will notify the employee of the employee's eligibility to take FMLA leave within five (5) days absent extenuating circumstances. If an employee is eligible for FMLA leave, the City will also notify the employee of any additional information needed and advise the employee of his or her rights and responsibilities. This notice will include (1) the leave that is being counted against employee's qualifying FMLA leave; (2) any requirements for the employee to supply a certification of a qualifying serious health condition, serious injury or illness, or qualifying exigency arising out of covered active duty or call to active duty status and the consequences of failing to do so; (3) the employee's right to paid leave or the forced substitution of paid leave or an entitlement to take unpaid leave if the employee does not meet the conditions for paid leave; and (4) any requirements for payments to be made to maintain health benefits.

2. Once the City has adequate information to determine whether the leave is qualifying FMLA leave, the City will notify the employee whether the leave has been designated as FMLA leave within five (5) days absent extenuating circumstances.

3. If an employee is determined not to be eligible for FMLA leave, the City will advise the employee of the reasons for its determination that the employee is not eligible.

J. **Unlawful Acts.**

1. FMLA makes it unlawful for the City to:

a. Interfere with, restrain, or deny the exercise of any right provided under FMLA; and

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

K. Enforcement.

1. An employee may file a complaint with the United States Department of Labor or may bring a private lawsuit against the City.

2. FMLA does not affect any federal or state laws prohibiting discrimination, or supersede any state or local law which provides greater family or medical leave rights.

Section 14. Non-FMLA Medical Leave (Not FMLA Eligible or Leave Extended Beyond FMLA).

A. A medical leave of absence may be granted to full-time employees for absences arising from the employee's illness, injury or pregnancy. This leave may be approved under the following circumstances:

1. The employee is not eligible for FMLA leave; or
2. The employee has exhausted all available FMLA leave.

B. For a medical leave to be granted, the following conditions must be met:

1. The employee has completed ninety (90) days of employment with the City.
2. The employee notifies the immediate supervisor as soon as possible of the need for medical leave.

3. All available vacation leave, sick leave, goodie hours, personal days, and other forms of paid leave are used prior to the commencement of the period for which a medical leave of absence may be granted.

4. The employee submits to the employee's Department Director a written statement from the employee's physician certifying the reasons for leave and the estimated leave time needed. The City reserves the right to obtain a second opinion at the City's expense.

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

C. Non-FMLA medical leaves of absence will be unpaid and limited to no more than six (6) weeks. The employee will continue to be covered by the City's health insurance plan so long as the employee pays his or her share of the monthly premium for whatever coverage has been elected by the employee. An employee ready to return to work from a medical leave of absence must present a statement from the employee's physician certifying the employee's ability to return to work with or without restrictions. Employees who fail to return at the expiration of a medical leave of absence will be deemed to have resigned from City employment.

Section 15. Personal Day.

Employees who have been employed for one (1) year of continuous service are eligible to receive one (1) personal day per year. A personal day shall be defined as an eight (8) hour work day. If an employee wishes to take a personal day on a day that the employee is scheduled to work a shift greater than eight (8) hours, that employee shall be limited to eight (8) hours of personal day leave applied towards that shift, and shall be required to apply vacation leave toward any additional time on the shift not covered by personal day leave. The personal day may be used by the employee at his or her discretion, with supervisory concurrence, and with the following guidelines:

- A. The personal day must be used in the fiscal year in which the personal day is earned.
- B. A personal day cannot be taken in increments of less than a normal working day. Personal days shall be treated as vacation days in the computation of an employee's earned benefits upon the employee's termination.
- C. **Employees hired after July 1, 2015 shall not be entitled to accrue personal days.**

CHAPTER IX

TRANSFERS AND PROMOTIONS

Section 1. Transfers.

- A. An employee may transfer to another position by applying for the position through normal hiring processes.
- B. Due to specific needs, the affected Department Directors, with the approval of the Mayor, may initiate an involuntary transfer.

Section 2. Promotions.

- A. It is the policy of the City to promote from within if the City determines, in its sole discretion, that such promotion is reasonable.
- B. Promotions must involve a definite increase in duties and responsibilities and shall not be made merely to effect an increase in the employee's compensation.

Section 3. Effects of Transfers.

A. Employees transferred subject to Section 1.A., or promoted as described in Section 2., shall assume probationary status upon accepting the new position. All employees promoted, or voluntarily transferred will be subject to a six (6) month probationary period. During this probationary period, an employee who has been voluntarily transferred or promoted may be returned, without cause and with ten (10) days' notice, to the position held by such employee immediately prior to the transfer or promotion or its equivalent.

B. An employee transferred pursuant to Section 1.B., may not be subjected to a new probationary period and may not be reduced in pay or grade unless there is a significant reduction in duties or responsibilities. Involuntary transfers or re-classifications may be made within a department only with the Mayor's approval. Involuntary transfers or re-classifications between departments may only be made with the approval of the Mayor and the affected Department Directors.

CHAPTER X

DISCIPLINE

Section 1. Reasons for Discipline.

A. A Department Director, or in his or her absence, a Division Director, may discipline an employee for cause including, but not limited to, the following reasons:

1. Absenteeism or unauthorized leave;
2. Misconduct;
3. Assault or battery;
4. Bullying or harassment;
5. Carelessness;
6. Conviction of any crime defined as a felony under the laws of the United States or of any State;
7. Entering a plea of guilty or *nolo contendere* to any crime charged as a felony under the laws of the United States or of any State;
8. Damaging or misuse of City property;
9. Destruction or damaging of property of co-employees;
10. Inappropriate or improper use of the City's e-mail system;

11. Inappropriate or improper use of the City's internet policy;
12. Dishonesty;
13. Insubordination;
14. Knowing or willful falsification or misrepresentation of any material fact in an application for employment or submittal of any letter of reference or certification with knowledge that the same is false or misleading;
15. Refusal to work;
16. Sexual harassment;
17. Theft;
18. Unsatisfactory work performance;
19. Violation of Department work rules or supplemental personnel rules adopted pursuant to Chapter III, Section 10.B.;
20. Violation of City Safety Regulations;
21. Violation of these Rules;
22. Violation of the Alcohol and Controlled Substance Policy;
23. Inability or refusal to work cooperatively and harmoniously with the public or co-employees;
24. Disruption of the workplace;
25. Making malicious, false, or derogatory statements that are intended or could reasonably be expected to damage the integrity or reputation of the City or its employees;
26. Disorderly conduct, rudeness, coercion, use of obscene language or gestures or flagrant lack of courtesy in interactions with the public or co-employees;
27. Violation of the City's social media policy adopted from time to time by the Mayor pursuant to Chapter III, Section 1., of these Rules.
28. Violation of any formal policies promulgated by the Mayor pursuant to Chapter III, Section 1., of these Rules.

B. At the request of the Department Director or Division Director, the Human Resources Director shall provide technical assistance in matters pertaining to the administration of employee discipline. Department Directors and Division Directors shall comply with internal policies of the Mayor regarding disciplinary processes.

Section 2. Determination of Appropriate Discipline.

A. The Department Director, Division Director or supervisor shall, except in cases of flagrant employee behavior in which immediate termination is necessary, attempt to administer employee discipline in progressive stages, as appropriate, to seek corrective results. In determining appropriate disciplinary action, the Department Director shall consider the following factors:

1. Nature and extent of infraction;
2. Employee's past record;
3. Effect on the operations of the Department(s), and the City as a whole; and
4. Effect of employee's action(s).

B. The supervisor's determination of the appropriate action to be taken shall be based on an investigation of the facts and circumstances of the case. Depending on the severity of the conduct and with approval from the Department Director, any discipline in Section 3 of this Chapter may be utilized.

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

Section 3. Types of Discipline.

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

B. Written Reprimand. A supervisor may issue a written reprimand to an employee specifying the reason(s) for the reprimand, noting previous verbal reprimands, as appropriate, and informing the employee of the corrective action necessary to avoid further discipline. The written

reprimand shall be provided in a private meeting between affected employee and his or her supervisors. The original of the written reprimand will be filed in the employee's personnel file in the Human Resources Department.

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

D. Termination.

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

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

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

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

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

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

CHAPTER XI

GRIEVANCE PROCEDURES

Section 1. Statement of Policy.

A. It is the policy of the City of Cheyenne to resolve employee grievances and appeals in a fair and timely manner. Full-time employees shall have the right to present a grievance and appeal pursuant to the provisions of this Chapter, without coercion, restraint, discrimination or reprisal. An employee filing a grievance is encouraged to see the Personnel Commission Rules for further guidance.

Section 2. General Provisions.

A. An employee may contest any discipline or other adverse employment action pursuant to this Chapter, provided, however, that if an employee fails to comply with the procedural steps required by this Chapter, the employee shall be deemed to have forfeited the rights granted by this Chapter.

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

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

Section 3. Grievance Procedure Steps.

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

B. The Department Director or designee shall, within ten (10) days of receipt of the written grievance, hold a conference with the employee for the purpose of attempting to resolve the

dispute. In the event the Department Director was involved in the decision to impose the disciplinary or other adverse employment action that is the subject of the grievance, the Mayor shall designate another Department Director or the Human Resources Director to hear and rule on the grievance.

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

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

CHAPTER XII

SEPARATION

Section 1. Resignation.

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

B. Failure to Notify; Penalties. An employee who, without valid reason, fails to provide such advance notification upon resignation shall not be considered to have separated in good standing; and such fact shall be documented by the Department Director and forwarded to the City Treasurer for payroll purposes. Employees who are not in good standing upon separation shall not be paid for accumulated sick leave.

C. Effective Date. A resignation shall be effective on the date specified in the employee's notification, or, if the employee fails to provide notice, on the date specified in writing by the employee's Department Director. The written specification shall be provided to the Human Resources Director for placement in the employee's personnel file and to the City Treasurer for payroll purposes.

D. Rescinding Notification. An employee, after having provided notification pursuant to Section 1.A., above, who wishes to change the effective date of separation or rescind the notice of separation, may be allowed to do so with the approval of the Mayor and the Department Director.

E. In the absence of Mayoral approval, an employee, after having provided notice of his or her intent to resign, shall not be allowed to “extend out” the employee’s date of resignation, or to accrue additional benefits, in an effort to exhaust all or a portion of the employee’s accumulated vacation leave, sick leave, goodie hours, or personal day.

Section 2. Reduction in Force (RIF).

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

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

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

Section 3. Payment of Accrued Benefits.

Except as provided in Chapter VIII, Section 4.F., or Chapter XII, Section 2.B., when an employee is separated from the City for any reason, the employee will receive all wages, salary, and accrued benefits legally due (except from the state retirement fund and deferred compensation fund) within five (5) days after separation or as provided by Wyoming law. In no event shall an employee be paid under this Section prior to the day immediately following that employee’s date of separation.

CHAPTER XIII

ALCOHOL AND CONTROLLED SUBSTANCE POLICY

A. The objective of this policy is to ensure a safe, productive work environment for everyone. Further, it is the City’s desire to help any employee who has a substance abuse problem to resolve that problem before the employee is found to be in violation of this policy.

B. Any employee who requests help in resolving a substance abuse problem will be offered rehabilitation assistance once during the employee’s employment relationship with the City. Requests for such help may be made through the employee’s Department Director or the Human Resources Director. Requests for assistance will be treated confidentially and the employee will be directed to professional organizations that provide appropriate treatment programs. The employee and members of the employee’s immediate family are eligible to receive assistance through the City’s Employee Assistance Program (EAP). The program provides confidential assistance to

employees in problem identification, evaluation, counseling and referral services for emotional, behavioral, medical, personal and chemical dependency problems that employees and their families may experience. The cost of the recommended treatment program may be partially reimbursed under the City's health insurance plan.

C. Employees participating in this treatment are eligible to:

1. Utilize accrued sick leave, vacation leave, goodie hours, and personal days;
2. Request additional sick leave from the City's Sick Leave Bank; and
3. Apply for unpaid leave under the Family Medical Leave Act under these

Rules.

D. Any employee who takes advantage of this Alcohol and Controlled Substance Policy expressly agrees, as a condition of receiving benefits under this provision, to voluntarily participate in an accredited alcohol or controlled substance testing program. This testing program will be paid for by the City, and testing or samples will be taken during work hours. Testing will be performed in accordance with recommendations from a professional counselor who will be retained by the City. Employees who test positive for illegal controlled substances after having completed the rehabilitation program will be terminated.

Section 1. Pre-Employment Screening.

The Human Resources Department will, in a manner consistent with applicable state and federal law, screen prospective employees whose use of controlled substances or alcohol indicates a potential for impaired or unsafe job performance. This screening process may include drug and alcohol testing of an applicant at the City's expense.

Section 2. On-The-Job Abuse, Possession or Sale of Controlled Substances or Alcohol.

A. Controlled Substances. The City prohibits the unlawful manufacture, distribution, dispensing, possession or use of any controlled substance in the workplace.

1. Any employee of the City who is convicted of a violation of any criminal alcohol or controlled substances statute is required to notify the Human Resources Director or the employee's Department Director within five (5) days of the conviction.

2. No employee shall be allowed to remain in the workplace while under the influence of or when impaired by the use of a controlled substance.

B. Alcohol. No employee shall be intoxicated while performing official functions on behalf of the City. Intoxication means a Blood Alcohol Content test with an evidential breath testing device with a result of 0.02 or greater. Consumption of alcohol by any employee during working hours is prohibited. The consumption of alcohol by an employee on City premises or while operating a City vehicle, equipment, or machinery is prohibited. Consumption of alcohol by any employee while wearing any apparel bearing the name or insignia of the City or identifying the

person as a City employee is prohibited while on or off duty. The word “apparel” used in this subsection does not include items such as honorary pins.

1. No employee shall be allowed to remain in the workplace while under the influence of or impaired by the use of alcohol.

C. Legal Drugs and Medication. Employees who may be required to operate vehicles, equipment or machinery as part of their employment responsibility should exercise extreme caution in the use of medication which may induce drowsiness, dizziness or other side effects that could impair the employee’s ability to function efficiently. Employees should discuss such situations with their supervisors prior to engaging in such work activities. Substance abuse involving legal drugs and medications is prohibited. Use of “spice” while performing official functions for the City is prohibited.

D. Disciplinary Procedures. Violation of this policy will be grounds for discipline pursuant to Chapter X of these Rules. Depending on the nature and extent of the infraction, the employee’s past record, and the effect of the employee’s conduct or action(s) on the operations of the City or others as determined by an investigation of the facts and circumstances of each case, the Department Director may impose discipline that may include written reprimand, suspension without pay for up to thirty (30) days, or termination.

Section 3. Procedures for Management and Supervisors.

When a supervisor has reasonable suspicion that an employee is in violation of this policy, the supervisor shall immediately consult with the Department Director, the Human Resources Director, or with the City Attorney’s Office to determine further actions.

Management and supervisors are to restrict conversations concerning possible violation of this policy to persons participating in the evaluation, investigation or disciplinary action.

If the employee appears to be in possession of or under the influence of a controlled substance (other than legal medications) or alcohol, immediate action is required. In these situations, the supervisor should do the following:

A. The supervisor or Department Director should meet with the suspected employee in a private setting. This may include a request to the employee to submit to an examination for substance abuse. Such examination shall be in accordance with established personnel procedures as approved by the City Attorney’s Office and the Mayor. Arrangements for transportation to the evaluation site shall be made by the employee’s supervisor.

B. If the employee refuses to be evaluated and if impairment is confirmed to the satisfaction of the supervisor, arrangements shall be made for the employee to be transported home. The employee is not to be allowed to drive a City vehicle home.

C. The supervisor or Department Director shall notify the Cheyenne Police Department of any suspected violation of law including possession of, selling or transferring controlled substances.

D. If possible without a physical confrontation, any controlled substances found in the possession of an employee on City property shall be secured by the supervisor or Department Director and delivered to the Cheyenne Police Department without delay.

Section 4. Drug and Alcohol Testing Policy.

The City of Cheyenne is dedicated to providing a safe, drug free workplace for its employees. The personnel covered by this policy are subject to pre-employment, random, reasonable suspicion, post-accident, return-to-duty, and follow-up testing. In meeting these goals, it is the City's goal and policy to:

A. Assure that employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner;

B. Create a workplace environment free from the adverse effects of drug abuse and alcohol misuse;

C. Prohibit the unlawful manufacture, distribution, dispensing, possession or use of controlled substances;

D. Protect the public and City employees from the risks posed by on-the-job misuse of alcohol and use of prohibited drugs; and

E. Comply with all applicable federal regulations governing workplace anti-drug and alcohol programs established for employees for whom a commercial driver's license is a job requirement, and for those employees performing "safety sensitive functions." THE COMPLETE DRUG AND ALCOHOL TESTING POLICY IS AVAILABLE FOR INSPECTION IN THE HUMAN RESOURCES DEPARTMENT, and is hereby expressly incorporated herein.

Section 5. Substance Abuse Related Traffic Infractions.

Every employee who is required to drive as part of his or her assigned duties or job functions must report to the employee's supervisor or Department Director if the employee is convicted of any substance abuse related traffic violation, whether the violation occurs on or off the job.

Every employee required to drive as part of assigned duties or job description shall annually certify that the employee has a current valid driver's license. It shall be the employee's duty to report to the employee's supervisor any restriction imposed by law on the employee's driving privilege.

Section 6. Non-Compliance by the Employee.

Supervisors are not to use force in seeking compliance with a request. The supervisor will explain to the employee that non-compliance may constitute refusal to obey a management directive and may subject the employee to discipline pursuant to Chapter X of these Rules.

Section 7. Contract Personnel or Volunteer Personnel.

These policy provisions are applicable to contract or volunteer personnel. Violations of these provisions or refusal to cooperate with implementation of the policy can result in the City's barring such personnel from City facilities or participating in City operations.

Section 8. Policy Distribution.

A copy of the City's Alcohol and Controlled Substance Policy shall be given to each employee with each employee acknowledging in writing receipt of the policy.

The Human Resources Department shall advise all contractors and volunteers performing work for the City of these policy provisions and shall provide a copy of this policy to such personnel.

Section 9. Services Offered by the Human Resources Department.

The City's Human Resources Department offers assistance to employees who suffer from substance abuse and other personal problems. It is the responsibility of each employee to seek assistance from the Human Resources Department before alcohol and substance abuse problems lead to disciplinary problems.

CHAPTER XIV

MISCELLANEOUS RULES

Section 1. Employee Development.

The Mayor and Department Directors may establish in-service training programs, including courses, seminars, workshops, demonstrations, assignment of reading matter, or such other methods as may be available for improving the effectiveness and knowledge of employees in performing their assigned duties.

Section 2. Mileage Allowance.

If an employee is required or approved to use a personal vehicle in the performance of official duties, he or she shall be reimbursed for the mileage driven at the rate of the maximum non-taxable amount allowed by Internal Revenue Service Regulations.

Section 3. Employee Suggestions.

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

Section 4. Employee Participation.

Employees or their recognized representatives may provide comments and suggestions to the Human Resources Department relating to personnel matters affecting their interests.

Section 5. Other Benefits.

A. The Human Resources Department is responsible for maintaining a current list of benefits available to employees of the City. This list will be updated as opportunities or fees change and be made available to all employees.

B. City employees, and certain former City employees, are entitled to City cemetery benefits pursuant to Resolution No. 1817, adopted February 28, 1972, by the Governing Body of the City of Cheyenne which provides:

1. That the City shall waive the charges for the opening and closing of cemetery spaces in the City cemeteries for current employees and their immediate families.

2. That the City further waives the opening and closing charges of cemetery spaces in City cemeteries for former City employees who have served in the City's employ for not less than ten (10) years and who were in good standing at the time of the termination of employment.

C. For purposes of this Section only, immediate family will be limited to spouse and children of the City employee living at the home of the City employee at the time of his or her death.

Section 6. Snow Plan/Inclement Weather.

A. The City of Cheyenne and Laramie County have developed a City County Hazardous Winter Weather and Snow Plan that is available on-line at www.cheyennecity.org and at www.laramiecounty.com. The snow plan divides Laramie County into three (3) areas. Area One (1) includes the area within the City limits of the City of Cheyenne. Area Two (2) includes the agricultural, suburban residential and commercial areas that are generally located within six (6) miles of the City limits. Area Three (3) includes all areas within Laramie County, both east and west of Interstate 25, that are generally located more than six (6) miles from the City limits. An employee who resides outside of Laramie County, Wyoming, is deemed to live in Area Three (3). Each employee should study the Snow Plan map to determine in which Snow Plan area the employee resides.

B. The Snow Plan authorizes the Mayor to close City offices and facilities before the beginning of any scheduled work day if travel to City offices or facilities would be unnecessarily hazardous, provided, however, that essential employees who are required to work are also required to travel to work regardless of weather conditions. Except for essential employees, the Mayor may close City offices and facilities during a scheduled work day to permit employees to travel to their homes or otherwise seek shelter from severe weather conditions. In addition, except for essential employees, the Mayor may delay the opening of City offices and facilities if weather conditions are severe, but will improve later in the day or to enable City crews to remove snow from downtown

areas. These closures, when they occur, are not a matter of convenience, but are based upon concern for the safety of City employees.

C. In the event of a delayed opening, employees living within Area Three (3) may be asked to report to work after employees living in Areas One (1) or Two (2). In the event of a closure during a scheduled work day, employees living in Area Three (3) may be permitted to leave work before employees living in Areas One (1) or Two (2).

D. The Laramie County Emergency Management Agency (EMA) coordinates with the City on matters of inclement weather. EMA maintains constant contact with the National Weather Service to evaluate weather patterns and potentially threatening storms as they move through our area. The EMA maintains a constant state of readiness for the most severe adverse conditions and maintains open communications with federal, state, county and city authorities and emergency management personnel.

E. After consultation with EMA, the Mayor may order closures and delayed openings. Employees will be notified of closures and delayed openings through e-mail, social media, text messages, telephone calls, and direct contact with supervisory personnel. In the event the Mayor directs that City offices or facilities be closed during a scheduled work day, Department Directors and Division Directors should stagger the release of employees to decrease the amount of traffic on City streets at any given time.

F. Unless otherwise directed by the Mayor, the following departments and divisions are considered to be essential and their presence at work is mandatory during severe weather events. Street and Alley personnel, other than office and parts staff, must report to work to clear primary roads and streets. Sworn officers of the Cheyenne Police Department and the Cheyenne Fire & Rescue Department are essential to public safety, and are required to report to work to ensure the safety of the general populace.

G. In the event of closures or delayed openings, full-time employees shall be paid in accordance with policies to be promulgated by the Mayor pursuant to Chapter III, Section 1, of these Rules.

Section 7. Severability.

If any provision of these Rules, or its application to any person or circumstance, is determined to be invalid, the invalidity shall not affect other provisions or applications of these Rules. These Rules are severable.