

City of Cheyenne

Rules and Regulations



City of
Cheyenne
Wyoming

May 2, 2022

Revised: June 2, 2023

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IMPORTANT NOTICE

THIS DOCUMENT IS DESIGNED TO IDENTIFY FOR EMPLOYEES OF THE CITY OF CHEYENNE (THE CITY) THE PERSONNEL RULES AND REGULATIONS WHICH AFFECT THEIR EMPLOYMENT. THIS EDITION REPLACES ANY PREVIOUSLY ISSUED EDITIONS.

AT THE CITY, NEITHER THE EMPLOYEE NOR THE CITY IS COMMITTED TO AN EMPLOYMENT RELATIONSHIP FOR A FIXED PERIOD OF TIME. THE CITY DOES NOT OFFER PERMANENT OR GUARANTEED EMPLOYMENT. NO REPRESENTATIVE OF THE CITY, OTHER THAN THE MAYOR, HAS AUTHORITY TO ENTER INTO AN AGREEMENT OF EMPLOYMENT FOR ANY SPECIFIED PERIOD AND SUCH AGREEMENT MUST BE IN WRITING, SIGNED BY THE ELECTED OFFICIAL AND APPROVED BY THE GOVERNING BODY.

THE CITY RESERVES THE RIGHT TO SUSPEND, TERMINATE, INTERPRET, OR CHANGE ANY OR ALL OF THESE RULES, ALONG WITH ANY OTHER PROCEDURES, PRACTICES, BENEFITS, OR OTHER PROGRAMS OF THE CITY. THE MAYOR AND HUMAN RESOURCES HAVE THE RIGHT TO PROMULGATE RULE CHANGES.

NO DOCUMENT CAN ANTICIPATE EVERY CIRCUMSTANCE OR QUESTION. AFTER READING THE RULES AND REGULATIONS, EMPLOYEES WHO HAVE QUESTIONS SHOULD TALK WITH THEIR IMMEDIATE SUPERVISOR OR THE HUMAN RESOURCES DEPARTMENT.

ABOUT THESE RULES AND REGULATIONS

This was developed to describe the rules which affect employees, 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, in their employment with the City. Other guidelines, programs, and benefits for employees exist. All employees should familiarize themselves with the contents of the employee Rules and Regulations as soon as possible, as it may answer many questions about employment with our City.

We believe that each employee contributes directly to the City's success, and we hope you will take pride in being a member of our team.

We hope that your experience here will be challenging and enjoyable.

1. EQUAL EMPLOYMENT OPPORTUNITY / UNLAWFUL HARASSMENT

The City is dedicated to the principles of equal employment opportunity (EEO). The City prohibits all unlawful discrimination of any kind, by any person for any reason based on race, creed, color, sex, age (over 40), national origin, ancestry, disability, religion, sexual orientation, sexual preference, gender identity or expression, marital status, military or veteran's status, political affiliation, genetic information, use or non-use of tobacco products, or any other status protected by applicable state or local law. This prohibition includes unlawful harassment based on any of these protected classes. This policy applies to all forms of communication including, but not limited to, social media.

2. 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 escalation. All allegations of harassment will be investigated by the Human Resources Department or appropriate supervisor.

3. SEXUAL HARASSMENT

- 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 that 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.

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 allegation of sexual harassment may result in disciplinary action against the complainant. 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 complainant or needlessly disrupting City operations; or the factual allegation in the complainant's lack of evidentiary support that has been presented with a good faith on belief that the allegations are true.

4. BULLYING

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.

Bullying will not be tolerated. Employees are encouraged to report any bullying at an early stage to prevent escalation. All allegations of bullying will be investigated by the Department Director or authorized designee and the Human Resources Department.

5. AMERICANS WITH DISABILITY ACT (ADA) AND RELIGIOUS ACCOMMODATION

The City will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship to the City or cause a direct threat to health or safety. The City will make reasonable accommodation for employees whose work requirements interfere with a religious belief, unless doing so poses undue hardship on the City. Employees needing either such accommodation are instructed to contact their Department Director or authorized designee or the Human Resources Director.

6. DIVERSITY

The City values and promotes diversity as a strategic advantage. Diversity refers to human differences, including those based on culture, ethnicity, gender, and age.

Some of the benefits the City derives from the diversity of its workforce are:

- Different viewpoints and perspectives in decision making.
- Greater innovation and creativity.
- A broad pool of qualified employees.

The City values the richness that diversity brings to its workforce – it makes the City better, and the community served stronger. The City is proud of its efforts to maintain a workforce that represents many backgrounds and is deeply committed to cultivating an environment where the contributions of every employee and citizen are respected.

The City believes that diversity enriches performance and services, the community in which we live and work, and the lives of its employees. As the workforce evolves to reflect the growing diversity of communities and global marketplace, efforts to understand, value, and incorporate differences become increasingly important.

7. PREGNANCY ACCOMMODATION

Employees have the right to be free from discriminatory or unfair employment practices because of pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth.

Employees who are otherwise qualified for a position may request a reasonable accommodation related to pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth. If an employee requests an accommodation, the City will engage in a timely, good-faith, and interactive process with the employee to determine whether there is an effective, reasonable accommodation that will enable the employee to perform the essential functions of their position. A reasonable accommodation will be provided unless it imposes an undue hardship on the City's business operations.

The City may require that an employee provide a note from her health care provider detailing the medical advisability of the reasonable accommodation. Employees who have questions about this policy or who wish to request a reasonable accommodation under this policy should contact the Human Resources Department.

The City will not deny employment opportunities or retaliate against an employee because of an employee's request for a reasonable accommodation related to pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth. An employee will not be required to take leave or accept an accommodation that is unnecessary for the employee to perform the essential functions of the job.

8. RETALIATION

The City prohibits retaliation against any employee for filing a complaint under this policy or assisting in a complaint investigation. If an employee believes there has been a violation of the City's EEO or retaliation standard, please contact the Human Resources Department.

If the City determines an employee's behavior is in violation of this policy, disciplinary action will be taken, and may include termination of employment.

9. EMPLOYEE STATUS

A. FULL-TIME EMPLOYEE

A full-time employee is an employee normally scheduled to work a minimum of thirty (30) hours per week. Full-time employees currently are eligible for City benefits.

B. PART-TIME EMPLOYEE

A part-time employee is normally scheduled to work less than thirty (30) hours per week. Part-Time employees are currently not eligible for City benefits.

C. SEASONAL EMPLOYEE

A seasonal employee is an employee who is hired in a job established for a temporary period or for a specific assignment, generally no longer than for six (6) months. Seasonal employees are currently not eligible for City benefits.

D. APPOINTED OFFICER

An Appointed Officer is an employee defined pursuant to Section 2.08.010 of the City of Cheyenne Municipal Code. All appointed employees are eligible for City benefits.

E. EXEMPT EMPLOYEE

Exempt employees are not eligible for overtime pay.

F. NON-EXEMPT EMPLOYEE

Non-exempt employees are eligible for overtime pay or compensatory (comp) time at one and one-half (1½) time their regular base rate of pay for all hours worked more than forty (40) hours per workweek.

G. PERIOD OF CLOSE REVIEW (Probation Period)

The City has a period of close review for new regular full-time employees who are in training with the City.

An existing employee is also considered to be in a period of close review because of a promotion, transfer, reclassification, or demotion (voluntary or involuntary) to a position in a different classification.

The period of close review is twelve (12) months for newly hired employees and six (6) months for transfers. During this time, the Department Director or authorized designee works closely with the employee to ensure he or she understands his or her new duties.

- 1. Newly hired Full-Time Employee:** A newly hired full-time employee may be dismissed without cause and without notice throughout the probationary period. 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 Administrative Hearing. 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 paused during the period of leave. The remaining portion period will begin to run when the employee returns to work.
- 2. Transfer / Promotion:** Full-time regular 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 upon ten (10) days' notices, to the position held by such employee immediately prior to the transfer or promotion or its equivalent.
- 3. Involuntary Transfer:** No full-time employee shall be subject to a probationary period following an involuntary transfer or reclassification with a minimum of fifteen (15) days' written notification of transfer / reclassification date. Involuntary transfers or reclassifications may be made within a department only with the Mayor's approval. Involuntary transfers or reclassifications between departments may only be made with the approval of the Mayor and the affected Department Directors.

H. NEPOTISM (Employment of Immediate Family)

No person will be hired, promoted, or transferred into a position in the same workgroup when supervisory authority falls directly or indirectly upon a member of that person's immediate family. Immediate family is defined as parent, guardian, child, brother, sister, grandparents, and grandchild, including these relatives: in-law, step or half, or any other

family member residing in the employee's household, including spouses or two people who plan to be married.

1. Should marriage or any other event create a violation of this policy, either employee must, within ninety (90) days, secure other employment, which does not violate this policy, or resign.
2. No employee may participate in decisions relating to the hiring, retention, promotion, or compensation of a member of the employee's immediate family. An applicant or employee shall not receive preferential consideration because of a relationship with another employee.

I. OUTSIDE EMPLOYMENT

1. Employees must consider their position with the City as primary and take appropriate steps to avoid jeopardizing their commitment to the primary position. Any conflicts with the outside position will not be acceptable excuses for not meeting performance expectation or attendance requirements, including any overtime work.
2. The employee must ensure that no conflict or appearance of conflict exists between a second employer including any activity, inspections, supervision, or contracts, and those that are part of the employee's job with the City.
3. Employees who are involved in employment outside of the employee's position with the City must immediately notify their Department Director or authorized designee within ten (10) working days of the new employment. The Department Director or authorized designee will confer with the Human Resources Director and the City Attorney to determine if there is potential or actual conflict of interest and will notify the employee within ten (10) working days of the Department Director's or authorized designee notification. Those employees who have been determined to be working in a position that is or potentially is a conflict with their City employment shall terminate their employment with the City or the other employer within ten (10) working days.

10. 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 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 non-administrative 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>

Acknowledgement of Receipt

Please sign and return to Human Resources.

Printed Name

Date

Signature