

ORDINANCE O-2023-

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

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

Section 1

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

Section 2

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

3.04.020. - Definitions.

...

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

...

Interim employee means an ~~employee~~ *outside applicant* appointed, on an interim basis, to a temporarily vacant regular position.

...

1 *Part-time non-benefited means a part-time position designated for more than one*
2 *year duration and not designated in the annual budget to receive paid leave and*
3 *fringe benefits unless required by law. As applied to employees, part-time non-*
4 *benefitted means a temporary employee with a continuous employment period of*
5 *one year or more.*

6 . . .

7 Performance review means written *or oral* evaluation of the job performance of
8 an employee by a supervisor.

9 . . .

10 Regular position means a full-time or three-quarter time position *of 30 or more*
11 *hours per week* designated in the annual budget to receive all paid leave and
12 fringe benefits in proportion to hours worked. *This includes full time and three-*
13 *quarter time fixed-term appointments, and half-time p*Positions hired as benefitted
14 prior to January 1, 2018, ~~are also considered regular positions.~~

15 . . .

16 *Review period means a period following a promotion or transfer appointment to a*
17 *regular position for employees, during which the employee is evaluated for job*
18 *suitability in accordance with the personnel rules.*

19 . . .

20 Temporary position means a full-time or part-time *non-benefited* position ~~of~~
21 *designated for* less than one year's duration. ~~and not designated in the annual~~
22 ~~budget to receive paid leave and fringe benefits. A temporary position may be~~
23 ~~general or specialized. Specialized temporary positions are to be designated~~

1 ~~annually by the chief human resources officer, and are positions requiring~~
2 ~~specialized or focused training, licensing or certification and are not career path~~
3 ~~positions.~~

4 . . .

5 Section 3

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

9 3.01.120 Pay plan; establishment and review; recommendation.

10 . . .

11 B. Market rate is defined as the average salary or salary range for a position.

12 *Market rates for all positions will be determined utilizing valid governmental or*
13 *private survey data. When applicable a mixture of governmental and private data*
14 *will be used.* ~~Market rates will be determined and utilized as follows:~~

15 (1) For government-specific positions that can be compared to a local labor
16 market and filled via local recruitment, market rate will be determined by valid
17 local government market surveys. The city will set the market rate at the 50th
18 percentile of municipalities of similar size ~~(plus/minus 100 percent population)~~
19 ~~within a 50 mile radius.~~

20 (2) For cross-industry positions with a local labor market and filled via local
21 recruitment, market rate will be determined by ~~valid local government market~~
22 ~~surveys and cross referenced to other valid industry services~~ *an appropriate*

1 *mixture of governmental and private data.* The city will combine surveys and set
2 the market rate at the 50th percentile of the combined market.

3 (3) For positions involving national recruitment, the market rate will be
4 determined by *an appropriate mixture of governmental and private data* ~~national~~
5 ~~surveys, as appropriate.~~ *Any national survey data utilized will include a*
6 *geographical differential to account for local cost of labor differential. Any*
7 *national survey data utilized will incorporate a local market index.*

8 ~~a. Any national survey data utilized will incorporate a local market index.~~

9 ~~b. For specialized positions without a local or government benchmark, national~~
10 ~~surveys will be utilized to set the midpoint. Any national survey data utilized will~~
11 ~~incorporate a local market index.~~

12 Section 4

13 The Council amends section 3.04.160. – Pay advancement of the Longmont Municipal
14 Code, by adding italicized material and deleting stricken material, to read as follows:

15 3.04.160 Pay advancement.

16 A. The city manager shall have final review of all pay advancements within
17 assigned salary ranges.

18 B. If, at the end of the probationary period *or any review period*, an employee
19 is recommended to be retained, as provided in section 3.04.340, the employee
20 shall receive a pay increase within the pay range, ~~except when hired at higher than~~
21 ~~minimum pay rate, in which case the employee shall receive pay increases~~ in
22 accordance with the approved pay plan.

23 . . .

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

11 Section 5

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

14 3.04.200. Pay upon reclassification.

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

21 . . .

1 Section 6

2 The Council amends section 3.04.230. – Overtime; eligibility for compensation of the
3 Longmont Municipal Code, by adding italicized material and deleting stricken material, to read
4 as follows:

5 3.04.230. Overtime; eligibility for compensation.

6 Any employee not in an exempt position, ~~as defined by administrative regulation~~
7 *defined by the federal Fair Labor Standards Act*, who works time in excess of the
8 standard workweek, or designated work period for fire and police department personnel,
9 shall be compensated for overtime. Compensation may be in the form of pay or
10 compensatory time off, consistent with the provisions of the Fair Labor Standards Act.

11 Section 7

12 The Council amends section 3.04.260. – Overtime; computation of the Longmont
13 Municipal Code, by adding italicized material and deleting stricken material, to read as follows:

14 3.04.260. Overtime; computation.

15 A. Basis. Employees will be compensated for overtime based on quarter-hour
16 increments, depending on the time worked.

17 B. Callback. *The city manager may promulgate, by administrative regulation,*
18 *guidelines for the administration of the call back pay policy for those services*
19 *performed when an authorized nonexempt employee is actually called back to the*
20 *workplace or a designated work site to perform essential services for the City.*

21 ~~When a nonexempt employee is called back for overtime work, all work~~
22 ~~performed shall be at the overtime rate. When recording overtime hours for all~~
23 ~~employees on callback overtime, employees shall be credited with a minimum of~~
24 ~~two hours overtime. All time worked in excess of the minimum will be credited to~~

1 ~~the nearest quarter hour. For shift personnel in the fire department, a distinction~~
2 ~~shall be made between overtime compensated in the event of emergency callback,~~
3 ~~and overtime compensated for staffing callback, as follows:~~

4 ~~1.—— Callback for emergency situations will be compensated at the overtime~~
5 ~~rate (time and one half) based on the 40-hour hourly rate.~~

6 ~~2.—— Callback for purposes of staffing will be compensated at the overtime rate~~
7 ~~(time and one half) based on the 56-hour hourly rate.~~

8 C. On-call pay. The city manager may promulgate, by administrative
9 regulation, guidelines for the administration of the on-call pay policy for *those*
10 *positions in the organization that perform essential functions for the City that*
11 *might require them to return to the work site, and remain available and prepared*
12 *to return within a required response time fully able to safely perform job*
13 *duties.* ~~those services performed by the city that require the prompt availability of~~
14 ~~employees on an emergency basis.~~

15 . . .

16 Section 8

17 The Council amends section 3.04.270. – Positions ineligible for overtime compensatory
18 absences of the Longmont Municipal Code, by adding italicized material and deleting stricken
19 material, to read as follows:

20 3.04.270 Positions ineligible for overtime; compensatory absences.

21 Employees in exempt professional and supervisory positions ~~are expected to~~ *may*
22 work in excess of the standard workday or workweek to complete job duties.

23 Exempt employees shall not be eligible to receive overtime for such time worked;

moreover, any such time shall not be compensable in wages or salaries nor shall it be accumulated. If, however, an exempt employee works an excessive amount of time beyond the standard workweek, the executive director may grant short administrative absences. The granting of such absences, including the time allowed for and the scheduling of these absences, shall be strictly discretionary with the executive director or designee.

Section 9

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

3.04.290 Recruitment and application process.

• • •

C. Application. All persons wishing to apply for employment with the city must ~~complete an approved job application~~*do so* using the city's online requisition system *or post notice according to internal selection processes*. ~~This application shall provide information concerning training, experience, references and such other data as deemed necessary.~~

• • •

Section 10

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

3.04.300 Nature and types of examinations.

...

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

...

Section 11

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

3.04.310 Eligibility lists.

A. Types of lists; placement on list. After the completion of an examination process, the chief human resources officer may establish an eligibility list as a means of recommending qualified individuals to fill existing or future vacancies.

~~Open competitive~~ *An* eligibility lists shall include the names of all persons who have successfully completed a selection process for a position that was announced. ~~as open competitive. Promotional eligibility lists shall include the names of those employees who have successfully completed a promotional~~

~~selection process for a position or a class of work.~~ Such lists may be used in conjunction with other recruitment procedures at the discretion of the chief human resources officer. Placement on an eligibility list shall in no way entitle an applicant or candidate to appointment to any position.

...

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

...

Section 12

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

3.04.320 Job vacancies.

A. Method of filling vacancies. *The Chief Human Resources Officer or designee is responsible to determine methods to fill vacancies based on State and Federal Law* ~~All vacancies for regular positions in the municipal service shall be filled by an open competitive process, unless an alternative process is utilized for reemployment, transfer, promotion, demotion, or from use of an eligibility list certified by the chief human resources officer.~~

...

Section 13

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

3.04.330 Types of appointment; status.

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

B. Part-time *non-benefited* appointment. An employee appointed to a position for more than one year, in which the employee is working a part-time schedule of less than 30 hours. Part-time *non-benefited* appointments are *generally* not eligible for employee benefits *except for bereavement leave and as required by State law*, and do not have grievance and appeal rights during their employment.

C. Temporary appointment. An employee appointed to a temporary position shall not receive paid leave except jury and witness leave, ~~bereavement leave, and~~ paid sick leave as required by state law. These positions *are generally not eligible for employee benefits except as required by State law and do not have grievance and appeal rights* ~~also are not eligible for fringe benefits. Temporary employees~~

1 ~~serve at the pleasure of the city manager. They have no rights of grievance, pre-~~
2 ~~action notice or conference, or appeal. The city may terminate the services of a~~
3 ~~temporary employee without cause.~~ Temporary appointments may not exceed 12
4 months.

5 D. Acting appointment. For the good of the city, or to fill a temporary job
6 vacancy, or to provide training, the city manager may appoint an employee to a
7 different job classification. The city shall pay the employee the salary for the
8 appointed job during the acting appointment, if the salary is at least equal to the
9 employee's salary before the acting appointment. The city manager may not
10 make an acting appointment for ~~less than one calendar month nor more than six~~
11 *twelve* calendar months, *but may, upon a showing of good cause and with city*
12 *council approval, extend such acting appointment in increments of six months;*
13 ~~The city manager may extend an acting appointment for two successive periods~~
14 ~~totaling up to six calendar months of six months each as necessary. Each extension~~
15 ~~requires a written finding of good cause, and benefit to the city, based on~~
16 ~~identified special circumstances.~~

17 E. Interim appointment. The city manager or designee may appoint an
18 outside applicant, with or without examination, on an interim basis for up to 12
19 months, to a temporarily vacant regular position. *The City Manager may, upon a*
20 *showing of good cause and with city council approval, extend such interim*
21 *appointment in increments of six months* Persons so appointed must meet the
22 minimum training, experience and other employment qualifications for the
23 position. Interim employees serve at the pleasure of the city manager. ~~They~~

~~receive no paid leave (except jury and witness leave) or fringe benefits, and have
no rights of grievance, pre-action notice or conference, or appeal.~~

...

Section 14

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

3.04.340 Probationary period.

A. Upon regular appointment, all new employees, with the exception of members of the commissioned police and fire service and communications specialists, shall be subject to a six-month probationary period. Members of the commissioned police and fire service and communications specialists shall be subject to a one-year probationary period. Any approved leave without pay, *alternative duty or non-hazardous work assignment*, injury leave in excess of 14 calendar days that is taken during the probationary period, or period of police training as a recruit, including, but not limited to, orientation, attendance at a police training academy, and completion of the field officer training program, will extend an employee's probationary status proportionately. Any period of employment under a temporary or part-time, non-benefitted appointment may be counted as part of the probationary period when the temporary or part-time service is performed in the same position and when there is no break in service between temporary or part-time employment and regular appointment.

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

4 C. If it is the judgment of the executive director or designee that an
5 employee's probationary period should be extended for the good of the service,
6 such executive director or designee may authorize an extension of probation for a
7 period of up to six months.

8 D. If at any time during or at the end of the probationary period the executive
9 director or designee determines *with or* without cause that the employee shall not
10 be retained *they, the executive director or designee* may ~~recommend immediate~~
11 ~~termination of employment, to be approved by the city manager, whose decision~~
12 ~~is final~~ *terminate the probationary employee.*

13 E. Any employee who has not successfully completed the probationary
14 period shall not be entitled to property or other rights to continuation of
15 employment, nor shall he/she be entitled to rights of appeal as defined by these
16 rules.

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

1 Section 15

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

4 3.04.390 Transfer and promotion.

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

4 . . .

5 Section 16

6 The Council amends section 3.04.465. – Administrative leave of the Longmont
7 Municipal Code, by adding italicized material and deleting stricken material, to read as follows:

8 3.04.465 Administrative leave.

9 . . .

B. Administrative leave under this section shall not constitute discipline. During ~~the~~ administrative leave *as denoted in section A above*, the employee shall not attend the regular worksite or any other city facilities, except as designated in the

notice of administrative leave, but shall remain available during normal work hours to meet with the executive director or his designee as requested.

C. In addition to the circumstances noted above, the city manager may provide administrative leave in the following circumstances, which do not require the employee to be available during normal working hours:

1. when the city manager determines there is a business necessity for a form of leave not otherwise contemplated by these rules, and that use of administrative leave by the employee will be in the City's best interest;

~~*Employees who work a significant amount of excess time and are otherwise not compensated for additional work hours*~~

2. where an employee encounters severe personal circumstances such that they are temporarily unable to work under "catastrophic leave" provisions defined in administrative regulation.

Section 17

The Council amends section 3.04.530. – Grievance- City policy; grounds of the Longmont Municipal Code, by adding italicized material and deleting stricken material, to read as follows:

3.04.530 Grievance- City policy; grounds.

...

B. Grounds for grievance. With the exception of matters pertaining to *harassment of any kind (which must be reported immediately and directly to human resources)*, disciplinary action, performance evaluation and/or failure to grant a step or salary increase, any regular employee who has completed the

probationary period may file a grievance in response to any perceived inconsistency in the application of any personnel rules or procedures, administrative regulations, approved departmental policies and rules, or any personnel-related provisions of the Charter.

Section 18

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

3.04.650 Vacation leave; rate of accumulation.

A. *Regular employees shall be hired with a one-week initial vacation accumulation, according to the weekly hours in the employee's regular schedule.*

B. Vacation leave shall be granted to regular employees, other than shift employees, according to the following schedule:

Beginning the	An employee shall accumulate per pay period	Equal to hours per year	Shall not accumulate above without city manager approval
1st year	3.69 hours	96 hours	136 hours
3rd year	4.30 hours	112 hours	156 hours
6th year	4.62 hours	120 hours	160 hours
8th year	5.23 hours	136 hours	176 hours
11th year	5.54 hours	144 hours	184 hours
13th year	6.15 hours	160 hours	200 hours
<i>15th year and above</i>	6.46 hours	168 hours	208 hours
16 th year and above	<i>6.77 hours</i>	<i>176 hours</i>	<i>216 hours</i>

Except that new employees hired with relevant experience ~~significantly exceeding the required and preferred job experience~~ in a role may start with the vacation accrual rate of *an equivalently experienced* ~~a five-year~~ city employee. ~~Additional initial accruals may be recommended by the chief human resources officer, or~~

~~designee, as parity issues are identified.~~ Recommendations for adjustments are reviewed and approved by the city manager. ~~If hired at a higher vacation accrual rate, the employee's vacation accrual rate will remain at the initially offered level until the employee attains a higher milestone of seniority.~~

~~CB.~~ Employees may earn up to eight hours of vacation leave each calendar year by fulfilling the requirements for the wellness incentive as outlined in city policy.

~~DE.~~ Annual vacation leave accumulation in excess of the above limitations shall be subject to forfeit except where the employee has been denied the opportunity to take vacation time, or where special circumstances exist, and approval to exceed the limits has been authorized by the city manager.

Section 19

The Council amends section 3.04.665. –Combined holiday-vacation leave for certain personnel assigned to shift work of the Longmont Municipal Code, by adding italicized material and deleting stricken material, to read as follows:

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

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

~~A.~~—Holiday-vacation time accumulated.

Non-Fire Shift Employees (Non-CBA)

Beginning the	An employee shall accumulate per pay period	Equal to hours per year	Shall not accumulate above without city manager approval
1 st year	7.39 hours	192 hours	232 hours
3 rd year	8.00 hours	208 hours	252 hours
6 th year	8.31 hours	216 hours	256 hours
8 th year	8.93 hours	232 hours	272 hours
11 th year	9.24 hours	240 hours	280 hours
13 th year	9.85 hours	256 hours	296 hours
15 th year	10.16 hours	264 hours	304 hours
16 th year <i>and above</i>	<i>10.47 hours</i>	<i>272 hours</i>	<i>312 hours</i>

Fire Shift Employees

These employees follow the shift firefighter vacation schedule as outlined in the IAFF collective bargaining agreement.

Except that new *fire shift* employees *shall be hired with an initial vacation accumulation of 56 hours and those new employees,* ~~according to the weekly hours in the employee's regular schedule.~~ hired with relevant experience ~~significantly exceeding the required and preferred job experience~~ in a role may start with the vacation accrual rate of an *equivalently experienced* ~~five-year~~ city employee. ~~Additional initial accruals may be recommended by the chief human resources officer, or designee, as parity issues are identified.~~ Recommendations for adjustments are reviewed and approved by the city manager. ~~If hired at a higher vacation accrual rate, the employee's vacation accrual rate will remain at the initially offered level until the employee attains a higher milestone of seniority.~~

...

1 Section 20

2 The Council amends section 3.04.660. – Vacation leave; use; scheduling of the
3 Longmont Municipal Code, by adding italicized material and deleting stricken material, to read
4 as follows:

5 3.04.660 Vacation leave; use; scheduling.

6 Vacation leave may be taken in any increments. The employee may take vacation
7 leave if it has been accumulated *and authorized*. The employee may also take up
8 to the equivalent of five *consecutive* work days or shifts, not to exceed *one*
9 *request per calendar year of up to* 40 hours ~~per calendar year~~, of vacation leave
10 before it has accrued. New vacation leave accruals will first be applied to any
11 vacation leave deficits. *Employees have the responsibility to request vacation*
12 *leave in advance, per their departmental guidelines for notification.* The
13 executive director or designee shall authorize the scheduling and amount of
14 vacation leave taken.

15 Section 21

16 The Council amends section 3.04.690. – Sick leave; grounds for authorization of the
17 Longmont Municipal Code, by adding italicized material and deleting stricken material, to read
18 as follows:

19 3.04.690 Sick leave; grounds for authorization.

20 Paid sick leave absence from the worksite shall be authorized for the following
21 purposes~~only~~: any sickness, injury, medical treatment, hospitalization or medical,
22 ~~and~~-dental *or vision* appointments not compensated for under injury leave. Sick
23 leave absence shall also be authorized for family illness. The term "family," in

1 this case, shall be defined as any parent, spouse, child, or individual for whom an
2 employee is a primary caregiver during the period of sick leave. In addition, sick
3 leave may be authorized for any employee in the event of the birth or adoption of
4 the employee's child. *Paid sick leave is also provided in other circumstances in*
5 *accordance with State Law.*

6 Section 22

7 The Council amends section 3.04.720. – Sick leave; accumulation of the Longmont
8 Municipal Code, by adding italicized material and deleting stricken material, to read as follows:

9 3.04.720 Sick leave; accumulation.

10 A. Regular *full-time* employees other than shift personnel in the fire
11 department shall accumulate eight hours of sick leave per month. Such employees
12 may continuously accumulate sick leave for purposes of use in the event of
13 illness. However, no employee shall accumulate more than 960 hours of sick
14 leave for purposes of payment at termination.

15 B. *Full-time* ~~s~~Shift personnel in the fire department shall accumulate 11.2
16 hours of sick leave per month. Such employees may continuously accumulate sick
17 leave for purposes of use in the event of illness. However, no employee shall
18 accumulate more than 1,344 hours of sick leave for purposes of payment at
19 termination.

20 C. *Other categories of employee not covered above will accumulate sick*
21 *leave in accordance with State Law.*

1 Section 23

2 The Council amends section 3.04.760. – Injuries on job; reporting; medical attention of
3 the Longmont Municipal Code, by adding italicized material and deleting stricken material, to
4 read as follows:

5 3.04.760 Injuries on job; reporting; medical attention.

6 Any employee injured on the job shall ~~immediately~~ report the injury to the
7 employee's supervisor *as soon as they are able. Such supervisor,*~~who~~ shall
8 *immediately* report the injury to the risk management office. ~~An~~*The injured*
9 *employee must submit a written* ~~accident-injury~~ report ~~shall be completed within~~
10 *to the risk management office in the timeframe required by state law and as set*
11 *forth in applicable administrative regulations. 48 hours*~~10 days of the accident.~~

12 If medical attention is required, the procedures set forth in administrative
13 regulations shall be followed.

14 Section 24

15 The Council amends section 3.04.780. –Family and medical leave; status of employee –
16 Termination of employee of the Longmont Municipal Code, by adding italicized material and
17 deleting stricken material, to read as follows:

18 3.04.780 Family and medical leave; status of employee.

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

1 . . .

2 Section 25

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

6 3.04.790 Family and medical leave; eligibility.

7 . . .

8 ~~B. Before electing to take unpaid family and medical leave, an employee~~
9 ~~meeting the conditions cited in subsection A of this section may choose to first~~
10 ~~use any available paid leave the employee may have accumulated and is eligible~~
11 ~~to use per section 3.04.690. For extended leave, beyond 14 calendar days, the~~
12 ~~decision to first use or not use accumulated paid leave shall rest with the~~
13 ~~employee. For intermittent leave, or leave of 14 calendar days or less, the~~
14 ~~employee must first use accumulated paid leave.~~

15 ~~B.~~ A period of paid leave in between two periods of unpaid leave will not be
16 authorized except with approval of the city manager.

17 ~~D~~C. An employee may be required to provide a doctor's statement of the
18 employee's ability to return to work, including specific information about any
19 limitations affecting the ability to perform essential job duties.

20 Section 26

21 The Council amends section 3.04.800. – Family and medical leave; amount of the
22 Longmont Municipal Code, by adding italicized material and deleting stricken material, to read
23 as follows:

3.04.800 Family and medical leave; amount.

A. Any employee eligible to take the basic~~or military~~ family leave for qualifying exigencies is entitled to 12 weeks of leave in a 12-month period.

B. Any employee eligible to take ~~basicor~~ military family leave to care for a covered service member who has had a serious injury or illness incurred in the line of duty is entitled to 26 weeks in a 12-month period.

...

Section 27

The Council adds section 3.04.810. – Parental and caregiver leave of the Longmont Municipal Code, by adding italicized material, to read as follows:

3.04.810. Parental and caregiver leave.

Six weeks of paid parental and caregiver leave (or 10 shifts for fire shift employees) is available for employees with eligible parental and/or caregiving responsibilities. Provisions regarding parental and caregiver leave, including relevant definitions, are provided in an administrative regulation.

Section 28

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

3.04.830 Bereavement leave.

A. Regular employees shall be entitled to a paid leave of absence in the event of the death of a member of their immediate family. Such leave shall be granted for a period of up to one working week by an executive director or designee. *Such leave may be utilized by employees in non-consecutive days or in an alternate*

timeframe if needed for activities related to the family member's death~~An
equivalent of one working week may be utilized by employees in an alternate
timeframe if needed for activities related to the family member's death.~~

B. Part-time, non-benefitted employees shall be entitled to a paid leave of absence in the event of the death of a member of their immediate family. Leave shall be granted for the period of up to seven calendar days by an executive director or designee. The part-time, non-benefitted employee shall be paid for all shifts during which the employee was or would have been scheduled to work during the seven-day bereavement period. *Such leave may be utilized by employees in non-consecutive days or in an alternate timeframe if needed for activities related to the family member's death.*

C. The term "immediate family," in this case, means husband or wife, child, grandchild, brother or sister, parent, father-in-law, mother-in-law, *brother-in-law, sister-in-law*, grandfather, grandmother, stepparent, stepbrother, stepsister and stepchild. In addition, bereavement leave shall be granted if death occurs among other relatives regularly residing in the employee's home. The employee shall be prepared to offer valid proof of death upon request, and shall notify the executive director *or designee* prior to taking bereavement leave.

Section 29

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

3.04.840 Military leave.

1 Any regular employee serving in the Military Reserve Training or Emergency
2 National Guard service shall be entitled to 30 calendar days of military leave per
3 year *or 10 shifts for Fire-Shift employees* without loss of pay, seniority, status,
4 efficiency rating, vacation, sick leave or other benefits for the time the employee
5 is engaged in training or service ordered by the appropriate military authority,
6 provided that the employee who is on such military leave shall turn over to the
7 city any compensation excluding mileage or travel or meal allowances received
8 from the military for such services. Additional leave time for military service is
9 available and will be treated according to the provisions in USERRA.

10 Section 30

11 The Council amends section 3.04.910. –Election to municipal office, boards, or
12 commissions; resignation required of the Longmont Municipal Code, by adding italicized
13 material and deleting stricken material, to read as follows:

14 ~~3.04.910–Election to municipal office, boards, or commissions; resignation~~
15 ~~required~~ *Election to municipal office; service on boards and commissions.*
16 ~~Any employee elected to municipal office, boards, or commissions in the city~~
17 ~~shall resign from the employ of the city.~~ *Any employee elected to the Longmont*
18 *City Council shall resign from the employ of the city. Employee service on city*
19 *boards or commissions, as well as service with “Friends” organizations that*
20 *support City facilities or programming, in the employee’s personal capacity, is*
21 *not strictly prohibited in all cases. Employees interested in serving on such bodies*
22 *should review the Longmont Public Servant Code of Conduct and Ethics as well*
23 *as other applicable provisions of the municipal code, administrative regulations*

and the Charter. If the employee concludes that service on such body is not expressly prohibited and does not pose a conflict of interest with their city duties, the employee must petition the executive director in accordance with the requirements and procedures set forth in 3.04.920.

Section 31

To the extent only that they conflict with this ordinance, the Council repeals any conflicting ordinances or parts of ordinances. The provisions of this ordinance are severable, and invalidity of any part shall not affect the validity or effectiveness of the rest of this ordinance.

Introduced this _____ day of _____, 2023.

Passed and adopted this _____ day of _____, 2023.

MAYOR

ATTEST:

CITY CLERK

NOTICE: THE COUNCIL WILL HOLD A PUBLIC HEARING ON THIS ORDINANCE AT 7:00 P.M. ON THE _____ DAY OF _____, 2023, AT THE LONGMONT CITY COUNCIL MEETING.

APPROVED AS TO FORM:

DEPUTY CITY ATTORNEY

DATE _____

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PROOFREAD

DATE

APPROVED AS TO FORM AND SUBSTANCE:

ORIGINATING DEPARTMENT

DATE

CA File: 23-002352