

ORDINANCE

AN ORDINANCE OF THE CITY OF MANITOU SPRINGS, COLORADO, AMENDING CERTAIN PROVISIONS OF CITY OF MANITOU SPRINGS PERSONNEL MANUAL REGARDING USE OF MOBILE DEVICES, REMOTE ACCESS AND OVERTIME

WHEREAS, the City recognizes the prevalence of mobile devices in employees' personal and work life;

WHEREAS, the use of mobile devices and remote access has blurred the lines between work hours and non-work hours which has a particular effect on nonexempt employees who are eligible for overtime; and

WHEREAS, the City Council finds it is in the best interest to adopt clear policies regarding the use of mobile devices and remote access by nonexempt employees to clarify when such activity is permitted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANITOU SPRINGS, COLORADO, THAT:

Section 1: Section X of the City of Manitou Springs Personnel Manual is hereby revised by the addition of new subsections E and F as follows:

E. MOBILE DEVICES AND REMOTE ACCESS

Outside of an employee's regular work hours, there may be times in which the employee is required to use City-issued or personal mobile devices to perform work, to remotely access the City's network to perform work or to use other methods of remote access to perform work when out of the office. While the City recognizes the prevalence of mobile devices and remote access in both an employee's personal and work life, the restrictions on the use of mobile devices and remote access for work duties addressed in this Manual must be strictly adhered to.

All time spent by non-exempt employees using electronic communications, regardless of the type of device, for work purposes will be considered time worked, is compensable, and will count toward overtime eligibility as required by law.

Electronic communications shall not be used outside of a non-exempt employee's regularly scheduled work hours unless required and previously approved by the employee's Department Head or the City Administrator. Non-exempt employees shall not check, read, send or respond to work-related emails or texts outside of their normal work schedule unless directed to do so by their Department Head or the City Administrator. Non-exempt employees using electronic communications for work-related correspondence during unauthorized times may be subject to

discipline for violating this policy. This includes all types of electronic communication, including but not limited to emails, texts or communications over social media.

Access to the City's network through mobile devices or other types of remote access is a privilege, not a right. The City reserves the right to revoke access at any time.

F. REPORTING OF OVERTIME

Non-exempt employees must report all overtime accurately and timely. For purposes of this policy, "timely" means that all overtime must be reported within the pay period during which the work was performed. Failure to accurately and timely report overtime work may result in disciplinary action.

Section 2: If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3: This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Passed on first reading and ordered published this 20th day of October, 2015.

/s/ Donna Kast
City Clerk

A Public Hearing on this ordinance will be held at the November 3, 2015, City Council meeting. The Council Meeting will be held at 7:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published: October 22, 2015 (in full)
City's Official Website and City Hall

The Public Hearing on this ordinance was postponed until the December 1, 2015 meeting. The meeting will be held at 7:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Postponement Published: November 5, 2015 (in full)
City's Official Website and City Hall

Passed on second reading and ordered published this 1st day of December, 2015.

Approved: /s/ Marc A. Snyder
Mayor and City Council

Attest: /s/ Donna Kast
City Clerk

Ordinance Published: December 3, 2015 (in full)
City's Official Website and City Hall