



IGNACIO TOWN BOARD WORK SESSION AGENDA
Monday, April 10, 2023 – 5:00 PM
Abel F. Atencio Community Room, 570 Goddard Avenue
or via Remote Public Meeting

The remote meeting is hosted by Zoom and requires Attendees to log into the Zoom meeting website at the following address: <https://us06web.zoom.us/j/81666383857>, or Attendees wishing to participate by phone shall call: [346-248-7799](tel:346-248-7799) and key in Webinar ID Number: [816 6638 3857](#).

This Work Session is specifically for Town Board Members to be able to have dialogue concerning these issues and give direction to staff.

There will not be opportunity for public comment during Work Sessions.

- I. HUMAN RESOURCES POLICIES AND PROCEDURES MANUAL UPDATES**
- II. MISCELLANEOUS**
- III. ADJOURNMENT**

~~ADOPTED August, 2013~~

~~Revised per CIPSA recommendations and approved by the Board on August 20, 2014~~



The Town of Ignacio, Colorado

Human Resources Policies and Procedures

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Introduction

Employment with the Town

These Policies and Procedures of the Town are designed as a guide for the management and administration of employment practices and employee-related matters. The policies that follow do not cover every situation that may arise.

Should ~~you~~ an employee need assistance in the interpretation of a policy, ~~please~~ they should consult ~~your~~ with their Department Head or the Town Manager. In any event, good judgment, knowledge of and adherence to the policies and practices, and cooperation are an employee's professional responsibility.

Employment with the Town offers many opportunities and benefits; however, the Town and its management make no commitment for employment of any specific duration. ~~Your~~ Employment with the Town is "at-will." ~~As an~~ Employees of the Town ~~you~~ have no contractual, property, or other legal rights in any term, condition, or aspect of the employment relationship, including but not limited to, termination. Just as ~~you are~~ the employee is free to resign at any time, the Town retains the right to ~~conclude your~~ terminate employment at any time as it has set forth in this manual.

The Town Board retains the right and may change the policies and procedures set forth in this manual ~~from time to time and~~ at any time, ~~and~~ for any ~~reason~~ or no reason. Further, it retains the right to make changes on a case-by-case basis in keeping with the circumstances and with sound business practices. The Town Manager, as necessary, shall recommend changes. All changes adopted by the Town Board shall become effective on the date of adoption or such date as the Town Board designates.

The Town Manager, at any time deemed necessary or proper for purposes of enforcement or implementation of these policies and procedures, may adopt, amend, or rescind written administrative procedures consistent with the policies set forth herein. Such procedures shall become effective on the date(s) specified by the Town Manager.

The policies and procedures set forth herein become effective on ~~August 14, 2012~~ ~~March 01, 2013~~ ~~January 01, 2023~~ ~~2018~~ and revised on August 20, 2014. Subsequent changes will supersede that which appears in this manual and will become effective upon the date of authorization by the Town Board or an authorized designee.

I. COMPLIANCE

Equal Employment Opportunity

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The Town fully supports federal and state Equal Employment Opportunity requirements. The Town provides an Equal Employment Opportunity to all employees, applicants, and candidates for employment without regard to race, creed, color, sexual orientation, age, disability, religion, ~~Vietnam era or~~ veteran status, or national origin. ~~Equal Employment Opportunity includes, but is not limited to, hiring, training, promotion, transfer, demotion, and termination.~~ It is the Town's intent that all employees benefit from a safe work environment free from all forms of discrimination ~~including and~~ harassment. Discrimination ~~or~~ and harassment based on race, creed, color, sexual orientation, age, disability, religion, ~~Vietnam era or~~ veteran status, or national origin is considered a violation of ~~its~~ these policies and practices.

Discrimination

The Town believes that it is all employees' singular and collective responsibility to deal fairly and honestly with their peers, subordinates, ~~and superiors as well as applicants~~ supervisors, and the public, to ensure a work environment free of discrimination.

Any employee, applicant, or candidate who feels that he/she has been discriminated against based on race, creed, color, sexual orientation, age, disability, religion, ~~Vietnam era or~~ veteran status, or national origin should, without fear of reprisal:

- **If employed**, contact the: 1) Immediate Supervisor or 2) Department Head or 3) Town Manager in the respective order shown, unless the situation warrants skipping a level of supervision (i.e., where the perpetrator of alleged discriminatory action(s) is the Supervisor).
- **If an applicant or candidate**, contact the Town Manager.
- **If the accusation involves the Town Manager**, contact the Mayor.

The Town will, upon receipt of critical information ~~that may not reflect support of its Equal Employment Opportunity practices~~ detailing the alleged discrimination, investigate the circumstances and, if needed, take appropriate actions ~~to eliminate the persistence of such circumstances~~. The employee or applicant may be asked to provide additional information for the investigation. The Town will attempt to maintain confidentiality of the situations and parties involved, but it makes no guarantee of absolute anonymity. Employees and external parties may be provided with information on a "need to know" basis as a part of the investigative process. Proof of either discrimination or a false accusation may result in disciplinary action up to and including termination of employment for employees and/or legal action for employees, applicants, and/or candidates.

Harassment

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~~It is the Town's intent that all employees enjoy a safe work environment free from all forms of discrimination including harassment. Discrimination, inappropriate behavior or harassment based on age, race, color, religion, disability, Vietnam era or veteran status, sexual orientation, or national origin is considered a violation of its policies and practices.~~

The Town believes it is all employees' singular and collective responsibility to deal fairly and honestly with their peers, subordinates, ~~and superiors as well as applicants~~ supervisors, and the public, to ensure a work environment free of ~~discrimination and~~ harassment. Disrespect for or abuse of anyone's dignity through verbal, physical, or visual slurs of a sexual or intimidating nature, ~~and/or through~~ derogatory or other inappropriate conduct is unacceptable and ~~may be the subject of to~~ disciplinary action, ~~up to and including and may result in~~ immediate termination.

Sexual harassment is a specific form of ~~discrimination/~~harassment that undermines the integrity of the employment relationship. The Town will not tolerate sexual harassment by Town employees or by those who work with the Town including suppliers, general public, consultants, or any other vendors. Unwelcome sexual advances, requests of sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment. ~~when one or more of the following examples may exist:~~

~~□ Submission to such conduct is either explicitly or implicitly a term or condition of an individual's employment.~~

~~□ Submission to or rejection of the conduct is the basis for an employment decision affecting the employee.~~

~~□ The conduct substantially interferes with an employee's work performance or creates an intimidating, hostile, or offensive work situation or atmosphere.~~

~~Harassment and/or discrimination based on age, race, color, religion, disability, veteran status, national origin, sexual orientation, or any other factors protected by law undermines the employment relationship. Harassment may take the form of verbal or physical conduct that disparages, threatens, or shows aversion to an individual because of the aforementioned factors. This form of harassment may exist if one or all of the following exist:~~

~~□ The conduct substantially interferes with an employee's work performance or creates an intimidating, hostile, or offensive work situation or atmosphere.~~

~~□ The conduct adversely affects an employee's employment or work opportunities.~~

Any employee, applicant or candidate, who feels ~~that he/she~~ they may have encountered harassing circumstances, should report the incident, without fear of reprisal: ~~contact Town management as outlined below:~~

~~—If employed~~, contact the: 1) Immediate Supervisor or 2) Department Head or 3) Town Manager in the respective order shown, unless the situation warrants skipping a level of supervision.

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~~—If an applicant or candidate~~, contact the Town Manager.

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- ***If the accusation involves the Town Manager***, contact the Mayor.

The Town will, upon receipt of critical information ~~that indicates a possible lack of support of its Equal Employment Opportunity practices and Harassment policies detailing the alleged~~ harassment, investigate the circumstances and if needed, take appropriate actions ~~to eliminate the persistence of such circumstances~~. The employee, applicant, or candidate may be asked to provide additional information for the investigation. The Town will attempt to maintain confidentiality of the situations and parties involved, but it makes no guarantee of absolute anonymity. Employees and external parties may be provided with information on a “need to know” basis as a part of the investigative process. Proof of discrimination, harassment, or a false accusation may result in disciplinary action up to and including termination of employment for employees and/or legal action for employees, applicants, and/or candidates.

Safety

It is the Town's intent that all employees enjoy a safe work environment free from known health and safety hazards.

The Town has established safety practices concerning work area organization as well as use of tools, equipment, and chemicals.

Each employee is expected to take responsibility for helping ensure that the standards are followed by conducting ~~his/her~~ their activities in accordance with established practices.



It is each employee's responsibility to report any accident or injury on the job immediately regardless of severity.

Failure by an employee to follow safety standards or related practices may result in immediate disciplinary action up to and including immediate discharge.

Drug and Alcohol-Free Workplace

~~The Town is the recipient of federal grants. Because of the Town's status as a federal grant recipient, it is required to comply with the Drug-Free Workplace Act.~~

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~~Compliance with the Drug-Free Workplace is a condition of continued employment with the Town.~~ All employees are required to acknowledge that they have read and agree to abide by the following policy by signing a copy of the policy, which is provided to the employee during the initial employment orientation.

~~POLICY STATEMENT:~~

The Town strives to provide for its employees a safe and productive workplace and an atmosphere that allows for the protection of its assets. Compliance with the Drug and Alcohol Free Workplace ~~policy~~ is a condition of continued employment with the Town. ~~The Town will maintain a workplace free from the influence of controlled substances.~~ The Town will maintain a workplace free from the influence of drugs and alcohol. This policy applies to all employees, contractors, and vendors. The Town expects all employees, contractors, and vendors to be in a suitable mental and physical condition while at work, reporting to work, and during work-related functions, allowing for safe and effective job performance.

~~Consistent with the Drug-Free Workplace Act of 1988, the Town will maintain a workplace free from the influence of controlled substances.~~ The unlawful manufacture, distribution, dispensation, possession, or use of ~~controlled substances~~ drugs and/or alcohol is prohibited on any Town site or any site where work is being performed on behalf of the Town.

Any Town employee reporting for work or working under the influence of ~~illegal drugs or narcotics and/or involved in the manufacture, possession, sale, or use of such illegal substances during Town business~~ drugs or alcohol will be subject to disciplinary action up to and including immediate dismissal.

~~The~~ An employee shall ~~also~~ notify their Department Head or Town Manager ~~the Town~~ of any criminal drug ~~statute~~ or alcohol convictions no later than five (5) days after such conviction. ~~The employee shall also notify his/her Department Head who will report the incident to the Town Manager.~~ Failure to report such a conviction will subject the employee to dismissal.

The Town retains the right to offer employees convicted of ~~a violation of a criminal drug statute~~ drug or alcohol charges participation in an approved rehabilitation or drug assistance program as an alternative to or in addition to disciplinary actions. Participation in such a program is the financial responsibility of the employee. If such a program is offered, the employee must satisfactorily participate in and complete the approved program as a condition of continued employment.

Violence-Free Workplace

The Town is committed to preventing workplace violence and to maintaining a safe work environment.

Conduct that threatens, intimidates, or coerces another employee or a member of the public at any time will not be tolerated.

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to ~~you~~ the employee's immediate supervisor or the Town Manager. This includes threats by employees, as well as threats by citizens, vendors, solicitors or other members of the public. When reporting a threat of violence, the employee should be as specific and detailed as possible. Any employee found to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

All suspicious individuals or activities should also be reported as soon as possible to a supervisor and/or the Town Manager. The employee should not place ~~him/herself~~ them self in peril. If the employee sees or hears a commotion or disturbance near ~~his/her~~ their workstation, **do not try to intervene** -- Seek assistance of the supervisor, department head, Police Department, or the Town Manager, and, if appropriate, call 911.

The Town will promptly and thoroughly investigate all reports of threats or actual violence and of suspicious individuals or activities. The Town has the discretion of requesting outside Law Enforcement assistance as deemed necessary ~~by the Town~~. The identity of the individual making a report will be protected as much as is practical. ~~In order to maintain workplace safety and the integrity of its investigation, the Town may suspend employees, either with or without pay, pending investigation.~~

~~Any employee found to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.~~ The Town encourages employees to bring their disputes or differences with other employees to the attention of their supervisor, department head, or the Town Manager before the situation escalates into potential violence. The Town is eager to assist in the resolution of employee disputes and will not discipline employees for raising **valid** concerns.

Confidentiality

Although many of the records maintained by the Town are considered public records under ~~the~~ State law, certain classes of documents and/or information are considered confidential and private. Records that are confidential include, but are not limited to, employee records, the records maintained by the Town Attorney's Office, criminal records maintained by the Police Department, and information that is confidential as a result of contracts or leases with other parties.

Dissemination of confidential or private information may be a violation of State law. Before providing any information or documents to the public, Town employees must be certain that such information/documents are not confidential and/or private. If there is any doubt, the employee must request guidance from the supervisor, department head, or the Town Manager.

Employees should not discuss matters that other employees or clients would have an expectation of privacy in any setting. Any release or inappropriate discussion of confidential or private information, or records, in violation of this policy is grounds for disciplinary action, including immediate termination.

Only the Town Manager or ~~his/her~~^{their} designee should release Town information to any member of the news media.

II. Employment with the Town

Full-Time Employee Recruitment and Selection

All Town employees are employed at will. The Town retains the right to dismiss or terminate an employee at any time.

The Town is an equal opportunity employer. ~~In support of its practices, the~~ Town utilizes recruitment and selection practices that are designed to employ the most qualified person for the specific position ~~in a time and cost effective method~~. While the following procedures are provided as recommendations, it should be recognized that each recruitment may be conducted in a manner and time frame appropriate to the specific position and needs of the Town at that given point in time, and may not necessarily be conducted in a manner similar to any past or future recruitment process. The Town Manager, in consultation with the Department Head, may exercise discretion in determining the recruitment method utilized for each job vacancy.

~~POLICY STATEMENT:~~

- ☐ **Vacancies** - ~~The~~ A Department Head is responsible for notifying the Town Manager of an open position ~~opening~~ and shall seek~~ing~~ authorization to fill any full-time position.
- ☐ **Announcements** - A full-time job opening shall be advertised, in accordance with the Town ordinance that specifies conventions for announcing job openings, to notify internal applicants and members of the general public who may be interested and qualified for the position.

All Town departments shall receive notice of full-time job openings so that current employees are informed of the vacancy or vacancies.

The Job Announcement shall document:

- ~~Position Title and a brief description of position duties~~
- ~~Salary Range for the position~~
- ~~Minimum requirements and qualifications~~
- ~~The Town's Equal Employment Opportunity Statement~~
- ~~Application procedures, and~~

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- The time frame during which applications will be accepted

☐ **Application Forms** - The Town uses application forms that meet the standards set forth by Federal and State laws. All persons interested in being considered for a full-time position must complete a Town application.

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☐ **Screening and Testing** - Once applications have been accepted, the selection process may include:

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- Job related standardized tests or screening processes, which are given to each applicant who is being considered. Examples include: Public Safety testing such as verbal and written skills and health evaluations. Public Works testing such as commercial driver's license qualification and physical/strength examinations; and typing tests for clerical positions.

- ☐ Signing a waiver of liability releasing the Town from responsibility for injury or damage that could occur as a result of tests that are required for certain positions.

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Interviews -

It is required that any candidate for a full-time position who has been selected be interviewed prior to recommendation for hiring. This process may include the following components:

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- The interviews may be conducted by one person or a panel of individuals, as management deems appropriate.
- All interviewees will be asked the same questions that will be documented and maintained within the selection files.

☐ **Examinations** - Upon receipt of a conditional offer of employment, all regular full-time and part-time positions may require that the applicants be examined by the Town's chosen professionally-recognized and verifiable health care provider. These examinations are job related and are conducted in the interest of the candidate's health and safety to assure that ~~his/her~~ **their** health condition is compatible with the duties and responsibilities of the position being sought or to ensure that the Town can make reasonable accommodations. **Additionally, pre-employment drug and alcohol screening will be completed for all positions requiring drug and alcohol testing.**

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Certain selected positions, which will be specified during the application process, may require the candidate to be evaluated by a mental health professional chosen by the Town to assure compatibility with identified tasks that are mentally and emotionally demanding. (For Police positions, reference the Standard Operating Procedures of the Police Department.)

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Background Information - ~~As stated in the Town's Motor Vehicle Records Review Policy, each~~ prospective employee must have a valid Colorado driver's license of the appropriate type, if one is required for the position. ~~Each such prospective employee must provide at his or her own expense a current Motor Vehicle Record (MVR) that is no older than 30 days.~~

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The Ignacio Police Department will evaluate the prospective employee's ~~MVR driving history~~ prior to hiring. No person shall be hired into a position requiring a driver's license unless the person's MVR ~~meets the criteria listed is~~ "Acceptable or Better" as defined in Section V ~~on~~ of the Town's Motor Vehicle Records Review Policy.

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References - Applicants are asked to provide references as part of the pre-employment process. Former employers, supervisors, and personal references may be contacted and qualifying credentials may be authenticated prior to scheduling an interview appointment.

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Appointments - Once the selection processes are completed, the Department Head shall provide the Town Manager with all the necessary information and documentation for review and, if appropriate, hiring authorization.

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Applicant Falsification of Information - Applicants who are selected for interviews and who subsequently may be extended a conditional offer of employment will be immediately disqualified from the recruitment process should it become apparent that application information is inaccurate, incomplete, misleading, false, or untrue, whether it is on the application form, resume or other written documentation, or is verbally stated.

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Should a candidate accept an offer of employment and the Town subsequently discover that an applicant's information was inaccurate, incomplete, misleading, false or untrue, the Town retains the right to proceed with disciplinary action up to and including immediate termination of employment.

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Selection Process Documentation - Unsuccessful job applicant resumes and/or applications, selection documentation, correspondence, and other relevant information concerning the applicant or candidate will be retained in a secure and confidential file in accordance with State and Federal regulations. All requested disclosures would be conducted in accordance with the strictest regulatory requirements.

New Employee Orientation – On or about the first day of employment, new Town employees shall report to the ~~Finance~~ **Human Resources** Director ~~or his/her designee~~ for initial employment orientation and for the purposes of receiving payroll, benefits, and employment information. Department heads and supervisors are responsible for job orientation and department specific procedures.

Waiver of Process(es) - With Town Manager approval, any and all of the aforementioned processes may be waived in the hiring process.

Nepotism

The Town recognizes that the employment of immediate family members may occur on occasion. It shall take the steps necessary to ensure that no full-time immediate family members are employed in direct or indirect supervisory, subordinate relationships, or other situations that could present a security or confidentiality concern or a conflict of interest. This may include, but not be limited to, the transfer of employees within the organization to maintain impartial employment practices and to enhance supervision and security.

~~POLICY STATEMENT:~~

▢ The Town defines relatives as: two individuals related by blood, adoption, marriage or domestic partnership (a person with whom the employee's life is interdependent and with whom the employee shares a mutual residence). Relatives are spouse, parent, child, grandparent, grandchild, brother or sister, in-laws, step-relations, life partners, or other family members who by domestic association are not distinguishable from the relatives identified.

▢ The Town ordinarily will not employ close relatives under circumstances where:

- One would directly or indirectly exercise supervisory, appointment, or dismissal authority over the other
- One would directly or indirectly have authority over disciplinary action as to the other
- One would audit, verify, receive, or be entrusted with money received or handled by the other in the course of employment or
- One would have access to the employer's confidential information, including payroll and personnel records

▢ Relatives of full-time employees who are applicants for a vacant position must **be qualified and** meet the same requirements as others applying for the position.

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Any situation, which may fall under this policy, shall be treated within the guidelines of the Equal Employment Opportunity commitment that the Town has made to employees, applicants, and the community.

Employment Period of Evaluation

The Town has established an evaluation period of at least six (6) months for all newly hired non-exempt employees. This time provides both the employee and the Town an opportunity to become acquainted and allows both to determine whether employment should continue. Each new employee, upon accepting a position with the Town, shall be advised of the parameters of the evaluation period.

For exempt employees, the evaluation period shall be in accordance with a written contract or, if there is no contract, it shall be the same as the non-exempt employees.

~~POLICY STATEMENT:~~

The Town retains the right, ~~for any reason or no reason,~~ to terminate ~~the employment relationship~~ during, or at the end of the evaluation ~~/extended evaluation periods,~~ or at any other time during employment, as it deems necessary.

During this evaluation period the employee will participate in performance evaluations ~~both of an informal and formal nature.~~ Performance factors considered include, but are not limited to, quality and quantity of work, ability to learn, initiative, attendance/punctuality, conduct, and other performance evaluations. As the period progresses it may be determined that the evaluation process should be extended up to, but not to exceed, an additional six (6) months. Should this occur, documentation concerning the extended process shall be completed by the Department Head and forwarded to the Town Manager for approval.

Completion of this initial period by an employee shall not be considered to mean ~~that~~ the Town is obligated in any way to continue employment, nor does it mean ~~that~~ there is an agreement between the Town and the employee for continued employment.

For contract employees, such as the Town Manager, the evaluation process shall be established by the Town Board, and may enlist the Town Clerk to assist with the evaluation process. Once each individual Board Member has completed their evaluation, the results shall be provided to the Mayor who shall make a written report of the composite results. The Town Board shall then meet with the Town Manager in Executive Session at the

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~~For contract employees, such as the Town Manager, the evaluation process shall be a composite of the Town Board members' individual written and informal evaluations. The Town Board members may contact individual employees for the employees' perspective on the performance of the Town Manager. Comments by employees shall be anonymous if the employee so requests established by the Town Board, and may enlist the Town Clerk to assist with the evaluation process. Once each individual Board Member has completed their evaluation, the results shall be provided to the Mayor who shall make a written report of the composite results. The Board shall then meet with the Manager in Executive Session at the earliest convenience of the Town Board to discuss the results of the evaluation. A written report shall be provided to the Town Manager and a copy placed in the contract employee's personnel file.~~



Employment Classification

All employees will be assigned an employment classification at time of hire.

POLICY STATEMENT:

- ☐ **Full-time Employment:** Regular full-time employees are those who have been hired with the understanding that they are to work a 40-hour work week or 80-hour pay period.
- ☐ **Part-time Employment:** Regular part-time employees are those who have been hired with the understanding that they are to work less than 40 hours per workweek. A part-time employee may occasionally work 40 hours per week or more based on the Town's needs.
- ☐ **Temporary Full-time Employment:** Temporary full-time employees are those who work 40 hours per work week or 80 hours per pay period for a defined period of time typically not to exceed six months or 130 working days of continuous service.
- ☐ **Temporary Part-time Employment:** Temporary part-time employees are those who work less than 40 hours per work week for a defined period of time typically not to exceed six months or 130 working days of continuous service.
- ☐ **Seasonal Employment:** Seasonal employees are those who work for a defined period of time, completion of a project, or work of a seasonal nature typically not to exceed six months or 26 weeks of continuous service.
- ☐ **Contract Employment:** Contract employees are those whose employment relationship, compensation, benefits, and terms of employment are defined by an employment agreement. Employment contracts may only be authorized by the Board of Trustees.

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Volunteers: Volunteers are NOT employees of the Town. Volunteers participate/work at their discretion on Town programs, special events, or projects that are scheduled throughout the year.

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~~Any employee who has severed his/her employment or whose employment has been severed for any reason or no reason forfeits his/her status as an employee at the time of separation.~~

Employment Status

The Town recognizes the provisions of the Fair Labor Standards Act (FLSA), and subscribes to the guidelines therein to determine whether a position is eligible for compensatory time, or payment of overtime for hours worked beyond 40 hours during a seven day given work week or 80 hours during a given pay period. Compensatory time or overtime may have different criteria if a special work schedule (i.e. 9/80) is developed.

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~~POLICY STATEMENT:~~

- ☐ **Exempt Employment:** Employees who are exempt from the overtime provisions of the Fair Labor Standards Act are generally management, supervisory, sales, professional, and administrative personnel who work at least 40 hours per work week or 80 hours per pay period. Exempt employees shall use timesheets to document work schedules and leave time.

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- ☐ **Non-Exempt Employment:** Employees who are covered by the provisions of the Fair Labor Standards Act generally perform skilled and/or semi-skilled tasks in technical, clerical, maintenance, and/or attendant positions. Timesheets for recording hours worked will be provided at the beginning of each pay period for this employment classification.

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~~Motor Vehicle Records Review~~

~~See the Town's Motor Vehicle Records Review Policy, adopted July 1, 2013.~~

Work Hours

The Town recognizes a standard workweek that begins at 12:01 a.m. on Monday and ends at 12:00 Midnight on Sunday for all positions. ~~within the Town that are not Public Safety or other responsibilities with specific workweek definitions. Further, t~~The Town and its employees recognize that, ~~at any time and from time to time,~~ circumstances may necessitate working hours that are outside of the beyond regularly scheduled work hours ~~for a given day.~~

~~POLICY STATEMENT:~~

- Full-time employees have a workweek consisting of forty (40) hours within the seven-day period described above or 80 hours within a 14-day period as described above. This shall be the standard for all employees with the exception of those employed in public safety positions.
- Shift assignments and work periods for public safety positions shall be established by the Police Chief. Meal periods will be considered as time worked if officers are available for assignments and calls during meal periods.
- Part-time employment schedules vary and are established by department heads and supervisors.

~~Schedules which recognize the around the clock coverage (24 hours, 7 days per work week) for Public Safety positions are handled as a separate matter.~~

~~Shift assignments and work periods shall be established by the Police Chief for the Police Department. Meal periods will be considered as time worked only if officers are available for assignments during meal periods.~~

~~Part-time employment schedules will generally fall within a core hour's schedule of 8:00 a.m. to 5:00 p.m. during the workweek defined above.~~

Work Breaks: Each full-time employees will be allowed work breaks during each standard work schedule as established by his/her their respective department. A lunch break will be arranged in accordance with the department's standards. Each part-time employee's schedule will be established by his/her their supervisor on a case-by-case basis.

Generally, part-time employees who are scheduled to work 4 hours or less during a given day may not receive a break. Part-time employees scheduled to work more than 4 hours, but less than 8 hours during a given day, will receive scheduled work breaks in accordance with the guidelines of the department.

Overtime Work Breaks: All work breaks taken while working overtime hours will be scheduled in accordance with the department's standards.

The Town recognizes that requirements and/or regulations may change at any time for any reason. The Town retains the right to change work schedules on a temporary or continuous basis.

Outside Employment

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In the interest of the employees' wellbeing, the Town requires that regular full-time employees comply with the guidelines and procedures outlined below prior to accepting additional employment with another employer.

~~The Town cautions an employee who is considering outside employment to carefully weigh the demands that additional activity will create.~~

~~POLICY STATEMENT:~~

- ☐ A ~~full-time~~ employee is free to pursue outside employment provided the activities and conduct away from ~~his/her~~their job with the Town do not compete, conflict with, compromise the Town's interests, or adversely affect job performance, or one's ability to fulfill ~~his/her~~their responsibilities ~~to~~with the Town. Any outside employment ~~other than that which would be associated with the Town~~ is clearly subordinate to ~~the position held and~~ employment with the Town.
- ☐ Should the Department Head or Town Manager, for any of the reasons cited ~~in the first paragraph above~~, determine that ~~an employee should not continue~~ outside employment ~~has an adverse effect on the employee's performance~~, the Town Manager may require that such employment be discontinued.
- ☐ Should an outside engagement involve being paid by honorarium, the Town will handle the situation on a case-by-case basis, taking into account that this type of engagement frequently involves time outside of the standard work schedule.
- ☐ Outside employment will not be considered grounds for an employee to justify unsatisfactory performance, absenteeism, tardiness, early departure from ~~his/her~~their Town job, refusal to travel, refusal to work overtime, or a different work schedule.

Conflict of Interest

Employees shall not accept or engage in any activity, business, or employment during or after working hours that would conflict with the interests of the Town or interfere with the unbiased ability of the employee to ~~discharge his/her~~execute their duty to the public in the best interest of the Town. The Town retains the right to determine that which constitutes a conflict of interest in accordance with appropriate Federal, State, and local statutes, regulations, ordinances, and mandates.

~~POLICY STATEMENT:~~

- ☐ Should a situation arise concerning a possible conflict of interest with any Town employee or member of an appointed board and any enterprise or organization doing business with the Town, the details of the situation will be presented to the Town Manager for review, investigation, and final determination.

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- Use of the official Logo, Letterhead, or other items in the conduct of activities that may not be viewed as Town business is prohibited unless authorized by the Town Manager.

Violation of this policy may result in disciplinary actions, up to and including immediate termination.

Punctuality and Absenteeism

Employees are expected to report to work as scheduled, and on time. Being absent or tardy causes scheduling problems and places an undue burden on fellow employees, who must perform their job as well as the duties of those absent and creates inefficiencies for the department and the Town.

Supervisors shall notify other departments with interfacing responsibility/work duties of absences within the given department to minimize any resulting burden.

~~Employee records of absenteeism and tardiness will be kept on a continual basis.~~ All employees are expected to keep absences and tardiness to a minimum. Poor attendance and/or punctuality, regardless of reason, ~~shall be treated in accordance with the Problem Resolution policy and~~ may result in disciplinary action. ~~Employee records of absenteeism and tardiness will be monitored on time sheets.~~

~~POLICY STATEMENT:~~

- Any employee who is unable to report to work, or who will be late for work, must notify or attempt to notify ~~his/her~~ their immediate supervisor prior to the start of work. Should ~~one an~~ employee be unable to ~~contact his/her~~ notify their immediate supervisor, ~~because of the circumstances,~~ a member of the employee's immediate family or an authorized representative shall attempt to contact the ~~Town supervisor~~ on ~~his/her~~ their behalf prior to the ~~beginning of the scheduled start of work day.~~
- Absenteeism **without notice**, unless circumstances ~~prohibit warrant~~, for ~~one (1) day~~ two (2) days will ~~be the subject of~~ result in an immediate documented warning and ~~may result in further possible~~ disciplinary action, ~~up to and~~ including immediate termination. Absence for three (3) days **without notice** will be considered a voluntary termination. The exit interview document will be completed and inserted in the ~~former~~ employee's file stating reason for termination ~~was~~ "Did Not Return to Work."

Position Classification

The Town's practice is to provide equitable compensation for all jobs within the organization. To accomplish this objective, the Town has adopted the methods outlined herein.

Position Classification:

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□ **Classification:** The Position Classification Plan is a system by which the duties and responsibilities of a position, as outlined in the job description, are assigned to a particular job family and given a position title that is reflective of the position within the organization and in relation to positions of similar scope in comparable entities outside the Town organization.

The Classification Plan was developed and is maintained as a guide for measuring and compensating comparable positions within the Town organization.

□ **Establishment, Amendment, or Revision:** The Town Manager shall present recommendations regarding departmental appropriations to the Board of Trustees for approval and/or adoption.

□ **New Positions:** The Town Manager may recommend and the Board of Trustees may create new positions within the Town's organization. Any such new full-time position shall be deemed to be a part of the Classification Plan unless the Board of Trustees otherwise directs.

□ **Reclassification:** Existing positions that have changed materially may be reviewed and considered for reclassification. Based on the merits of the changes, the Town Manager may approve such reclassification.

Payroll – Dates and Pay Distribution, Questions, and Time Reporting

Pay Dates:

Employees of the Town are paid on a bi-weekly schedule with pay dates every two weeks. Paychecks are distributed every other Thursday unless the date falls on an observed Holiday. Should the scheduled distribution fall on an observed holiday, paychecks are distributed on the last workday prior to the holiday.

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Employee Absences:

An employee who must be absent on payday may authorize, in writing, the release of ~~his/her~~their paycheck to a representative. The Town does not assume or retain any further responsibility for a paycheck once released to an authorized representative of the employee.

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An employee who is on a prolonged leave of absence from work may request in writing that ~~his/her~~their pay check be mailed to a designated address or may request in writing the direct deposit of net earnings with a designated financial institution. In either case, the written instructions will be followed until rescinded in writing by the employee.

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Direct Deposit:

Employees may authorize in writing the direct deposit of their net earnings with designated financial institutions. Upon the authorization of direct deposit by any employee, that employee's net earnings shall be deposited with the designated institution until such time as the authorization is rescinded in writing.

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Payroll Deductions:

All deductions required by Federal and State law are automatically deducted from an employee's paycheck. However, additional deductions such as health care insurance premiums, life insurance policy premiums, ~~credit union payments~~ supplemental insurance premiums, and other voluntary forms of payment require written authorization by the employee for the Town to withhold the funds on behalf of the employee.

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Payroll Questions:

Questions concerning pay or related matters should be brought to the immediate attention of ~~you or the~~ employee's Supervisor or the Department Head. Should adjustments be necessary, they will be made and appear on the following pay period's paycheck.

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Time Reporting:

~~=~~Non-exempt employees will be provided with a timesheet and will be responsible for recording time on a daily basis. Each employee is responsible for ~~his/her~~ their timesheet and recording time in and out whenever an interval of time away from work is taken.

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Exempt employees shall use timesheets to document work schedules and leave time.

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~~Overtime must be authorized prior to working the schedule, including determination of overtime or compensatory time status, unless extraordinary circumstances prohibit employees from seeking prior authorization. The Department Director or Supervisor will demonstrate this authorization by initialing the timesheet.~~

Separation of Employment

In the event an employee is dismissed or voluntarily resigns from the Town, the following steps are generally taken:

~~POLICY STATEMENT:~~

- ☐ **Resignation:** Employees are asked to provide at least a two-week~~s~~ written notice of resignation. Notice shall include anticipated date of departure, employee signature, and any other information the employee deems applicable.

Failure to return to work upon the expiration of a leave of absence unless medical or other evidence has been submitted to the Town along with a request for an extension of the authorized leave will be regarded and recorded as ~~a~~ job abandonment without notice.

- ☐ **Layoff and Reduction in Force:** The Town may encounter situations such as lack of work, shortage of funds/materials, completion of special project(s), and other circumstances that require a ~~Reduction in Force (RIF)~~. Should a situation of this nature occur, a retention strategy will be developed and documented by the Town Manager and presented to the Town Board of Trustees.

All employees subject to the ~~reduction in force~~RIF will be given a two-week~~s~~ notice. Once the ~~reduction in force~~RIF takes effect, benefits will cease to accrue,~~s~~ but all benefits accrued prior to the ~~reduction in force~~RIF will be retained unless the employee requests pay for compensatory time and vacation during the time off.

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All employees subject to involuntary termination due to a ~~reduction in force~~RIF will be given a two-week~~s~~ notice. All compensatory time and vacation benefits accrued prior to the reduction-in-force will be paid in the final paycheck.

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- **Disability:** Employment may be severed for disability reasons when an employee cannot perform the duties/responsibilities of their position because of physical or mental impairment, and no reasonable accommodation can be made. This action may be initiated by the employee, his/her~~their~~ legal representative, or the Town,~~s~~ but in~~and~~ all cases it~~is~~ must be substantiated by medical evidence that the Town deems acceptable. To validate the health condition, the Town, at its own expense, may request an examination by a professionally identifiable, authorized, and qualified health care provider.
- **Retirement:** Employees may choose to retire pursuant to their respective retirement plans. An employee ~~who is contemplating retirement~~ is requested to give his/her~~their~~ Supervisor or Department Head a 90-day~~s~~ notice of his/her~~their~~ intention to retire.
- **Abandonment:** Any employee who is absent from his/her~~their~~ position without the appropriate approvals or who fails to return to his/her~~their~~ assigned duties within three (3) days of absence may be considered to have abandoned his/her~~their~~ employment.
- **Dismissal or Involuntary Termination:** ~~All individuals who are employed by the Town are employed at will. Therefore, just as an employee is free to resign, the Town retains the right and may dismiss an employee at any time for any reason.~~ Employees may be dismissed or terminated following their inability to respond to required performance management measures or corrective actions.
- **Death:** In the event of an employee's death, termination of employment will be effective as of the date of death. Compensation due a deceased employee shall be paid to the estate of the employee, except for sums that by law are to be paid to the surviving spouse or other eligible persons.

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SEPARATION PROCEDURES:

~~□ **Notice Requirement:** Voluntary employment separation, except abandonment and death, shall require written notice of the employee's resignation and the effective date. The employee is responsible for submitting a written notice to his/her Department Head in the event of resignation, acknowledgement of a disability initiated by either the employee or his/her legal representative, and retirement.~~

- All notices associated with separations must be submitted accordingly and place in personnel files. The Department Heads ~~is~~ are responsible for submitting a written notice to affected employees in the event of a ~~reduction in force~~ RIF, acknowledgement of a disability that cannot be accommodated that is initiated by the Town, ~~ex~~ and dismissals.

~~Copies of the separation notice(s) shall be submitted to the Town Manager and to the Finance Director for placement in the employee's personnel file.~~

- **Town Property:** At the time of separation and prior to issuance of the final pay check, all records, assets, and other items of Town property in the employee's custody shall be transferred to the Department Head, and certification of the same shall be executed by the employee and acknowledged by the Department Head. Any amount due the Town, ~~because of a shortage in any of the areas outlined above,~~ will be withheld from the employee's final compensation in accordance with Federal and State law and/or collected through other appropriate actions.

- **Final Compensation:**

Voluntary Separation of Employment - Employees shall receive all compensation due upon separation at the standard payroll cycle in accordance with Federal and State guidelines, ~~as well as~~ and with the policies outlined in the Human Resources Policies and Procedures. Any compensation due will be subject to regular payroll deductions and the deduction of any additional indebtedness to the Town.

Involuntary Termination of Employment – Employees shall receive all ~~due~~ compensation ~~due immediately and no later than~~ within 24 hours of termination in accordance with Federal and State guidelines, ~~as well as~~ and with the policies outlined in the Human Resources Policies and Procedures. Any compensation due will be subject to regular payroll deductions and the deduction of any additional indebtedness to the Town.

Compensation due a deceased employee shall be paid to the estate of the employee, except for sums that by law are to be paid to the surviving spouse or other eligible persons.

- **Exit Interviews:** Exit interviews are a valuable tool to obtain insight from employees who are leaving the Town. ~~Therefore,~~ The Town may require, and the Town Manager or ~~his/her~~ a designee may conduct, an exit interview with ~~anyone~~ an employee voluntarily terminating ~~his/her~~ their employment. ~~Should circumstances not permit this discussion~~ If the exit interview does not occur, the exit interview document shall state ~~ing that~~ the interview was not possible and will be placed in the ~~departing~~ employee's file.

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Commented [TD4]: Do we have a form for this? An exit interview form is referenced several times in this policy manual.

- **Military Service Re-employment:** Reference the Uniformed Service Leave policy (see page 36) for *reemployment* which involves time away from work specifically to respond to Military and/or related services which fall under the Uniformed Services Employment and Reemployment Rights Act of 1994.

Personnel Records

The Town regards and treats an employee's personnel records as highly confidential. However, as a public entity, the Town must comply with the Open Records Act, and certain provisions define what employee information is public relative to selected personnel information. Should it be asked to release information not specified in the Open Records Act, the Town will not release any confidential information from an employee's personnel records without a written request from the employee/former employee requesting a copy of the complete record including the address where the records are to be mailed. The time period to retrieve and copy the file will be three to five working days and the costs associated with preparation, if any, will be the responsibility of the requesting employee/former employee.

A central file of records on all employees is maintained by the administration, during an employee's tenure with the Town and for ten (10) years after an individual has severed his/her employment has ceased with the Town. Further, an employee who is severing his/her their employment with the Town may request a complete copy of his/her their file upon leaving. Information in the file may be photocopied, but original documents may not be removed.

- An employee may, upon request, review his/her their own personnel file, excluding medical records, during normal business hours at the Town's main office with a Department Head or Town Manager present.
- All information placed in an employee's file will be done with full knowledge of the employee. An employee's acknowledgement on a record will appear in the form of the employee's signature including the date of signing.
- No portion of the file shall be duplicated by any person other than the Town Manager or his/her designee, without the employee's consent. Any request, other than the Town Manager's, must be approved by the Town Manager.
- With Town Manager approval, an employee may place any job-related, pertinent information in his/her their personnel file.

Former employees of the Town may wish to use the Town as an employment reference. Should this occur, the Town will provide the inquiring party the individual's hire date, position(s) held with the Town, eligibility for rehire in the form of yes or no if asked, and the departure date.

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~~REQUIRED UPDATE INFORMATION:~~

An employee must notify and schedule related actions with ~~his/her~~their Department Head and the ~~Finance~~Human Resource Director should any of the information listed below change:

- Address and/or telephone number
- Emergency notification(s)
- The number of dependents to be claimed for State and Federal income tax purposes
- Benefit program beneficiary elections and changes
- Benefit program dependent coverage status
- Identification of other health insurance companies that may be co-insurers

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III. Compensation and Benefits

~~Cash~~Compensation and Pay Increases

The Town ~~'s practice is~~strives to provide competitive compensation for all jobs within the Town. ~~As a component of its Total Compensation Plan, the Town takes into account what other municipalities of comparable size and mission pay for similar positions, internal equity within the Town, and economic feasibility in determining the level of pay for a given position. An individual's pay is based on performance of the job duties and responsibilities within a given position.~~Employee hourly rates and salaries are established and based on comparable rates and salaries from nearby communities and town similar in size and function.

Each employee participates in performance evaluations in accordance with the following schedule:

- ~~New employees~~New Employees participate in performance evaluations, which may be scheduled more frequently, but generally are scheduled after continuous service of 6 months and 1 year.

Employees with greater than one year of service

- ~~Employees with Greater than One Year of Service~~ participate in annual performance evaluations.

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Annually, the Town considers pay increases ~~using performance evaluation input as well as market information for comparable positions~~ based on overall financial conditions, budget feasibility, and general market changes economic trends that may include the consumer price index and the budgetary feasibility to grant increases. ~~Once the Town has established its pay posture for a given year, each~~ All regular full-time employees may be considered for an increase during ~~an~~ their annual review process ~~should if~~ the Town determines that increases ~~may be~~ are feasible ~~during that~~ for the given year.

The Town retains the right to grant no increases for a given year, and/or it retains the right to grant only selected increases based on management's judgment. In any event, the increase practices are established on a year-by-year basis and shall not be viewed as the ~~necessary~~ standard from year to year.

Differential Pay

The Town ~~regards the flexibility to~~ may temporarily assign an employee to another job function as a benefit to both the organization and the employee. Acknowledging that assignments may place considerably greater responsibility on the employee than ~~his/her~~ their regular position, the Town Manager may award a differential pay increase for the duration of the assignment.

~~POLICY STATEMENT:~~

~~The assignment must be~~ in addition to the employee's regular job responsibilities and a minimum of ~~seven (7)~~ 30 days for eligibility to receive differential pay.

~~Request for differential pay increases (a temporary change prompted by a temporary assignment of increased responsibility)~~ shall be submitted to and approved by the Town Manager.

Overtime Policy – Non-exempt Employees

Employees ~~may be asked to~~ shall work overtime ~~to meet service schedules~~ from time to time, as management deems necessary. Whenever possible, prior notice will be ~~given~~ provided for scheduled overtime, however, management retains the right to request overtime whenever the need ~~is identified~~ arises.

~~Further, management~~ Management may authorize overtime requested by an employee for completion of a service request or a project.

All overtime or compensatory time must be **approved** by an employee's Department Head or the Town Manager, prior to working overtime hours, ~~including determination of overtime or compensatory time status,~~ except in the case of emergency. The Department Head or Supervisor will demonstrate this authorization by signing the employee's timesheet.

~~POLICY STATEMENT:~~

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- ~~Approved overtime~~ at a rate of one and one-half times the regular hourly rate will be paid for all ~~overtime hours worked~~ (hours over forty (40) hours per week ~~or eighty (80) hours per pay period~~) by all non-exempt employees ~~(as defined under Employment Status Page 1415)~~ in accordance with Federal and State laws.

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- ~~Compensatory time (comp time)~~ may be requested in place of overtime pay at the same rate (one and one-half times the ~~hours worked equals one and one half hours compensatory time~~) up to a maximum of eighty (80) hours ~~at any given point during a given year.~~ (For example, 24 hours worked over a 40-hour work week schedule will equate to 36 hours of ~~compensatory time is equal to 53 and 1/3 hours of time worked at one and one half times.~~)

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- ~~Employees ordinarily are not permitted to accumulate more than eighty (80) hours of compensatory time.~~ Upon termination of employment, employees shall be compensated for any unused compensatory time.

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- **Public Safety (Police) Positions:** Public Safety positions will be paid overtime or compensatory time for all hours worked beyond the 80-hour schedule as outlined in the Fair Labor Standards Act. The Police Department has chosen the 14-day, 80-hour schedule provided for Public Safety employees in the Fair Labor Standards Act.

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~~Public Safety (Police) Positions: Public Safety, Police positions will be paid overtime or compensatory time for all hours worked beyond the 80-hour schedule as outlined in the Fair Labor Standards Act. The Police Department has chosen the 14-day, 80-hour schedule provided for Public Safety employees in the Fair Labor Standards Act. Overtime may be paid in lieu of compensatory time off in the case where employees must maintain a presence around the clock, three hundred sixty-five days (365) per year.~~

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Court overtime or compensatory time will be provided for Police personnel ~~requested~~ to testify in court on a scheduled day off ~~as a result of a work-related activity.~~ A minimum of two (2) hours ~~time will be accrued~~ for ~~response to~~ a court appearance as established by Police Department Standard Operating Procedures ~~will be paid.~~ All time beyond the original two (2) hours will be compensated at the appropriate rate for actual time worked. In instances of a civil subpoena that is the result of a work-related activity, Police personnel may be compensated through the Town, provided all applicable fees and/or other expenses are collected by the employee and turned into the Town.

□ **Public Works Positions:** Public Works positions responsible for Water/Wastewater/Natural Gas on-call operations ~~that are required to or that are called out on weekends to monitor operations~~ shall ~~take~~ receive compensatory time off at a rate of one and a half hour compensatory time for each hour worked ~~on a weekend~~ during their on-call schedule during the following week. All compensatory time for a given weekend shall be taken within the pay period unless the Department Head determines that circumstances do not permit full exchange.

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- **Standby and Callback Time** will be provided for all non-exempt personnel who are requested to remain in contact with the Town to respond to possible service or emergency requests after their normal scheduled workday. During any given twenty-four (24) hour period, a minimum of one (1) hour overtime or compensatory time will be given for the first callback period. All time beyond the original hour will be compensated at the overtime rate for actual time worked. Should multiple callbacks occur, all time beyond the original callback would be compensated at the overtime rate for actual time worked.
- ~~=====~~ **Overtime Approval** will be demonstrated by the appearance of the Department Head's or Supervisor's ~~=====~~ initials on the **timesheet** prior to submission for payroll processing.
- **Method of Overtime Pay** or compensatory time granted Non-Public Safety, non-exempt employees shall be based on the employee's request up to a maximum of 80 hours of compensatory time accrual. Once the maximum accrual level of 80 hours is reached, all overtime work will be paid until compensatory time is used below this maximum.

Public Safety, non-exempt employee pay, or compensatory time granted shall be based on ~~the employee's request~~ hours accrued up to a maximum of 80 hours of compensatory time accrual. Once the maximum accrual level of 80 hours is reached, all overtime work will be paid until compensatory time is used below the maximum.

This guideline will apply based on the Town Manager's administration of budgetary constraints at the time of approval.

The Town Manager or ~~his/her~~ their designee will review time reports monthly for unusual or special circumstances. Compensatory time of up to eighty (80) hours may be accumulated and carried over from year to year in accordance with the provisions of the Fair Labor Standards Act.

Commented [TD5]: All of the Public Works guys are well over 80 hours. Do I need to pay them down to the 80 hours?

All hours accrued beyond the stated threshold above, that were accrued prior to adoption of this policy will be grandfathered for the employee's use in addition to time accrued after adoption if hours exceed eighty (80) hours. Otherwise, the policy applies as stated.

Upon termination of employment, an employee shall be paid for any unused compensatory time along with the other compensation due the individual at departure.

Department Head Compensatory Time

The Town recognizes Department Head positions that are exempt from overtime are paid at levels that include the scope of responsibility held. However, from time to time the employees who hold these positions may find it necessary to work significant numbers of hours beyond the standard work week to ensure service is available and provided, and to represent the Town.

~~POLICY STATEMENT:~~

In recognition of the dedication shown, the Town Manager may approve periodic time off during regular work schedules when work/service loads are less demanding.

Employee Benefits

The Town provides an employee benefit package which is considered as part of an employee's total compensation package. ~~Immediately upon hire,~~ At the beginning of the month following date of hire, all regular full-time employees are eligible for participation in the Employee Benefits programs that includes health care, ~~and~~ life insurance, and retirement benefits. ~~At the beginning of the month following date of hire, an employee is eligible for retirement benefits.~~

Annually, the Town Board of Trustees adopts the employee benefit package as a part of the budget resolution. For more details and a summary of the employee benefits package, ~~please contact your~~ the employee should contact their Department Head or the ~~Finance~~ Human Resources Director.

~~In addition to the benefits adopted annually by budget resolution of the Town Board of Trustees,~~ The Workers' Compensation Act requires that all employers provide employees with coverage for health care resulting from injury or accident on the job.

WORKERS' COMPENSATION INSURANCE:

In accordance with the guidelines of the Workers' Compensation Act and the Town's insurance carrier, ~~the~~ ***an employee is responsible for reporting any injury or accident incurred on the job, regardless of severity, within the established time frame of no more than two (2) days.*** Failure to report an accident within the required time frame may result in delayed, reduced, or denied coverage by benefits provided by the Workers' Compensation Insurance carrier.

This insurance provides necessary medical coverage and hospital services as well as loss-time benefits for any employee sustaining a work-related injury requiring medical attention. Further, should time off work be required for recovery from the injury sustained, this plan will outline the parameters for the Town's handling of pay for the employee.

Commented [TD6]: I have the forms that would allow the Town to pay the employee directly, at their regular rate of pay, and the Town would be reimbursed by CIRSA. I would like to adjust this section to reflect that change, but want to make sure it is okay with the Town Manager and Town Board.

An injured employee may not return to work without a written release from the Town's designated physician stating that the employee may resume essential duties and responsibilities of ~~his/her~~their position. The written release must be given to the ~~Finance~~ Human Resources Director or ~~his/her~~their designee prior to beginning work. In the absence of either individual, please provide the release to the Town Manager.

An employee absent from work as the result of a job-related injury or illness may choose to use other forms of accrued paid time off to cover **ANY** balance of regular pay that Workers' Compensation does/may not ~~provide cover~~. To provide for the additional regular pay, an employee may draw from Compensatory Time, Sick Time, Vacation Time, and other forms of accrued paid time off, in the order listed, by contacting the ~~Finance~~ Human Resources Director.

Any fraudulent claim for Workers' Compensation benefits or any claim filed against the Town for an injury or illness incurred while ~~volunteering work for another employer, engaging in self-employment, or conducting one's own work will not be tolerated~~not on Town time will be investigate and prosecuted if substantiated.

All employees who are off work as a result of a work-related injury shall update the Town's ~~Finance~~ Human Resources Director and ~~his/her~~their Department ~~Director~~ Head on a monthly basis concerning the current status of their injury, treatment, and progress toward wellness. This requirement may be fulfilled when the employee picks up ~~his/her~~their paycheck or in accordance with other arrangements made with the ~~Finance~~ Human Resources Director.

Paid Time Off

The Town provides ~~its~~regular full-time employees with paid time off during the year to take vacation, and/or to accommodate health care ~~needs~~ and illness of the employee or an immediate family member.

Immediate family members for this policy are defined as a spouse or significant other, children, stepchildren, adopted children, and elder parents of either the employee or the employee's spouse or significant other.

Time off is regarded as a privilege--not a right. Paid time off is earned beginning with the first day of employment as a regular full-time employee. ~~All paid time off must be authorized by an employee's Department Head, Supervisor, or an appropriate member of management.~~ Authorization of four (4) hours or less of leave is acknowledged by approval of an employee's time sheet. Authorization of more than four (4) hours of leave must be approved on a completed and signed Time Off Request Form. ~~but may not be taken for vacation purposes until after completion of six month's continuous employment.~~

~~The Town~~Management recognizes that some personal and health matters for the employee or immediate family members must be handled during work hours. ~~Therefore, management~~ and strongly recommends that time away from work, which can be scheduled, be minimized by following the procedures listed below.

Commented [TD7]: Based on new legislation, this is now a right for both full-time and part-time employees, at a minimum of 48 hours per year. The Town provides more than 48 hours in the current benefit package for full-time employees, and each part-time employee receives the 48 hours at the beginning of each year.

Commented [TD8]: At the April 15, 2015 Board Meeting there was approval of "Administrative Days" that are called by the Mayor or the Town Manager. Are these "Administrative Days" covered in this statement?

1. Attempt to schedule Doctor, Dentist, and/or Personal Business appointments **after-work hours or on Saturdays**. Many providers of these services have these hours available specifically for the working individual.
2. If appointments must be made during work hours, schedule these as early or as late in the day as possible -- NOT in the middle of the day unless the situation demands it. Employees shall, unless unable, return to work after early appointments and arrive at work in accordance with their scheduled time prior to late appointments.
3. Should an employee's child or children become ill and normal child care will not provide coverage, it is the employee's responsibility to attempt to arrange for alternative child care either in advance or when it occurs.

Paid time off, used particularly in the case of health care **needs** or illness, is intended to cover **short-term leave needs** ~~illness of a very short-term nature~~. Longer-term illnesses may be accommodated under the Family Medical Leave Act. Should the circumstances fall under the Family Medical Leave Act, the Town will administer the leave as outlined in compliance with the Act.

Paid time off to recover from accident/injury, to attend the funeral of an immediate family member, or to fulfill civil requirements all have separate conventions within this policy.

~~POLICY STATEMENT:~~

~~Authorization~~ All paid time off must be ~~authorized~~ by an employee's Department Head, Supervisor, or an appropriate member of management.

Sick Leave

All regular full-time employees are eligible for paid time off for **health care needs or illnesses**. ~~reasons once 30 calendar working days of continuous service has been achieved. Health or illness time off~~ Sick leave is earned at a rate of one-half ~~working day~~ or four (4) work hours per bi-weekly pay period or 12 working days per year, which will be accrued up to a **maximum of 90 days or 720 hours**. ~~Once the 90-day maximum is achieved, an employee cannot hold additional hours over from year to year.~~

~~Accrued Sick Leave Conversion (Termination of Employment):~~ After two years of continuous employment, an employee may receive pay for accrued sick leave credit up to the 90 day (720 hour) maximum. Accrued time will be converted at a rate of four hours of accumulated sick leave for one hour of regular pay at the employee's current rate of pay.

Use of sick leave by an employee may require verification by a qualified health care professional. Sick leave may be used for the following purposes: ~~However, at any time, a verification of sickness or injury may be required from an acknowledged, professionally recognized and qualified health care provider.~~

Commented [TD9]: The law requires employers with 50 or more employees to provide FMLA leave; the Town does not currently provide this.

Commented [TD10]: It is actually accrued at 3.6923 per pay period...just like vacation. Does this need to be corrected in the policy manual?

- ☐ Sickness or injury incapacitation;
- ☐ Medical, dental or optical examinations or, treatment, or preventative care as well as and professional counseling;
- ☐ Employee exposure to a contagious disease that may jeopardize the health of others; and
- ☐ Attendance to the medical needs of immediate family.

Sick Leave/Health Care Sharing: Employee contributions for paid time off to assist another employee during a catastrophic illness or injury situation will be available, as appropriate, and on a case-by-case basis. This program may will be initiated after the employee has used all compensatory, sick and vacation leave. as a situation or circumstance prompts — it will not be maintained on an ongoing basis.

~~Employees may donate sick leave to other employees in the event of a major health issue after the employee receiving the donation has received used up all their vacation and sick leave.~~

Accrued Sick Leave Conversion (Termination of Employment): After two years of continuous employment, an employee may, upon termination of employment, receive pay for accrued sick leave credit up to 90 days or 720 hours. Accrued time will be converted at a rate of four hours of accumulated sick leave for one hour of regular pay at the employee's current rate of pay.

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Vacation

All regular full-time employees begin accruing vacation on the first day of employment, which becomes the anniversary date of hire. and are eligible to take vacation after completion of six months or thirty (180) days of continuous service. Vacation leave shall accrue based on the number of months of service by an employee and employee's anniversary date of hire in accordance with the following schedule:

~~Years 0 – 60 Months~~ 12 Work Days, or 96 Hours, accrued at 3.69 H hours per Bi-W weekly P pay period or 96 hours per year. Maximum accrual is 160 hours.

~~Years 5 – 1061 – 120 Months~~ 18 Work Days, or 144 Hours, accrued at 5.54 H hours per Bi-W weekly P pay period or 144 hours per year. Maximum accrual is 240 hours.

~~Years 10+ 120+ Months~~ 24 Work Days, or 192 Hours, accrued at 7.38 H hours per Bi-W weekly P pay period or 192 hours per year. Maximum accrual is 320 hours.

~~Employees will move to the next accrual level once they have attained the upper range in their accrual schedule. For example, when an employee has worked for the Town continuously for 5 years and 1 day they will be eligible to accrue vacation at the rate of 1.5 days per month.~~

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- ~~The maximum amount of vacation time that employees may accrue shall not exceed their current accrual schedule (96, 144, or 192, hours). Any vacation leave time that is accrued beyond the maximum accrual limit, will be forfeited. It is the employee's responsibility to monitor their vacation accrual limits and take vacation in order to avoid losing accrued vacation leave.~~
 - ~~Employees will be compensated at their current rate of pay for any unused vacation time up to their maximum accrual amount should they sever their employment for any reason.~~
 - ~~Holiday pay shall be used if should a Town holiday falls during an employee's scheduled vacation, holiday pay may be used for the Town holiday day(s).~~
 - In the event the Town denies requests vacation requests not be taken, the circumstances will be documented by along with the Department Head and Town Manager with authorization for the employee to carry over paid time off which may exceed the allowed accrual. Carry-over situations will be handled on a case-by-case basis.
 - An employee may request to have a maximum of 80 hours vacation paid out to them in a calendar year. In the event of a hardship, an employee may request additional vacation time be paid out if approved by the Department Head and Town Manager.
 - Employees will be compensated at their current rate of pay for unused vacation time up to their maximum accrual amount upon conclusion of employment with the Town.
- ~~An employee may request to have a maximum of 80 hours vacation paid out to them in a calendar year. In the event of a hardship an employee may request an additional vacation time paid if approved by the Department Head and Town Manager.~~

Use of Paid Leave During Worker's Compensation Injury

~~Any employee injured while performing their Town duties of his/her position with the Town, and whose injury duties is accepted as eligible for compensation under Workers' Compensation Insurance in accordance, shall become eligible for a leave of absence with benefits pursuant to the Workers' Compensation Act. The employee may, at his/her their option, request in writing that the difference between his/her their Workers' Compensation benefits and his/her their regular straight time pay be supplemented by drawing on his/her their accumulated Compensatory Time, Sick Leave, Vacation Leave, and other forms of accrued paid time off in the order listed. (In addition to this policy, please reference Workers' Compensation Insurance on Page 25 of this manual.)~~

Any employee out on Worker's Compensation Leave shall continue to receive benefits and compensation in accordance with the provisions of the Workers' Compensation Insurance Plan of the Town. During such leave, any benefits received by the Town from outside providers on behalf of the injured employee will become the property of the Town.

Commented [TD11]: See my comment on page 30 under Worker's Compensation. I don't think this section is necessary since all the information is the same as above (except the part about the benefits becoming Town property, which can simply be moved to the space above).

An employee returning from Worker's Compensation Leave ~~to restricted or regular duty shall be required to provide the Finance Director and his/her Department Head with~~ a medical release prepared by an ~~acknowledged,~~ professionally recognized and qualified health care provider.

Domestic Abuse Leave

Employees may be eligible for time off if they are the victims of domestic violence or abuse, stalking, sexual assault or a crime found by a court of ~~in the~~ record to include an act of domestic violence.

~~If the employee has been with the Town for more than 12 months, he or she~~ may request up to three working days off ~~with pay~~ in a 12-month period.

Bereavement Leave

Leave of absence with pay may be granted by the Department Head for three (3) days should a member of an employee's immediate family pass away. An additional two (2) days may be granted for out-of-state travel in accordance with the circumstances, on a case-by-case basis. This type of leave has no limit during a given year and does not accrue from year to year.

The Town defines immediate family for ~~the~~ purposes of this policy as ~~a~~ spouse, parent, child, grandparent, grandchild, brother or sister, in-laws, step-relations, life partners or others who by domestic association are not distinguishable from the relations identified.

Civil Leave

Employees shall be granted time off without loss of pay or benefits when appearing in court as juror or witness for Town business or a jury summons; in response to a summons or subpoena for Town business, and for purposes of voting.

- **Court Appearances:** The employee shall turn over all court fees received for serving as a juror or witness to the Town but may retain all reimbursements received while on civil leave.
- **Voting:** ~~Any~~ Full-time regular employees whose work schedule effectively prevents ~~him/her~~ them from voting before or after work or during a break period will be permitted to use paid leave not exceeding two hours (2) for voting purposes.

Administrative Leave

The Town ~~recognizes that it may be necessary to~~ place an employee on Administrative Leave of Absence, with or without pay, when circumstances such as disciplinary action, criminal misconduct, or other situations warrant such actions.

~~POLICY STATEMENT:~~

~~• A full time regular employee may be placed on Administrative Leave of Absence with or without pay.~~

- Public Safety Administrative Leave will be addressed in accordance with Police Standard Operating Procedures.
- Town ~~he full time regular~~ employees placed on leave will be advised of the reason for the leave and ~~the conventions under which~~ informed of any restrictions on interactions with the Town, Town staff, and the public ~~should be conducted~~.
- Town ~~he full time regular~~ employees will be advised of the type and duration of the leave, and the investigation that will be initiated and completed by the Town during the leave of absence ~~or at least of the timing for the next discussion/meeting with a Town representative~~.

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Inactive Employment Status

The Town recognizes that employees may from time to time have a situation that legitimately requires their absence from work for an extended period of time. A leave of absence requested in writing, without pay, may be authorized ~~for employees including, but not limited to, circumstances listed below.~~ Absences of this nature and will be handled on a case-by-case basis.

~~• Uniformed Service Leave: (Reference Below)~~

~~• Personal Leave of Absence: Employees may be granted leave for personal reasons that do not fall under the conventions of medical, military, or other defined forms of leave.~~

Authorization of a leave of absence without pay shall occur only after the employee who is on approved leave of absence has exhausted all accrued paid time off.

An authorized leave of absence shall not constitute a break in service. However, paid time off will not accrue ~~during a leave~~ unless specifically provided by an applicable law. The time lapse during such leave shall not apply toward length of service considerations or time accrual credits for pay increases.

Authorized leave periods, approved by the Town Manager, will be determined in conjunction with the employee's and the Town's needs. Employees should contact the Department Head or the ~~Finance~~ Human Resources Director to discuss any type of Leave of Absence.

Uniformed Service Leave

The Town recognizes that employees may ~~from time to time, be required or have a situation that legitimately requires their absence from work~~ request leave for an extended period of time to meet Uniformed Services obligations or to respond to a call to active service duty. Absences of this nature will be handled on a case-by-case basis.

~~POLICY STATEMENT:~~

Subject to applicable federal and state law, leaves of absence ~~for~~ a maximum of 15 days per year will be granted to employees who are active in the National Guard or a branch of the Armed Forces Reserves for the purpose of fulfilling their annual field training obligations. Written or oral application for a military leave of absence must be made as soon as possible after receiving ~~the~~ military orders. Employees will be placed on leave without pay while absent on military leave. ~~A Town employee may use Compensatory or Vacation leave for Military Leave exceeding 15 days per year.~~

If the employee's salary from the ~~Armed~~ ~~Forces~~, exclusive of travel allowance, is less than the gross pay from the Town, the employee will be eligible to receive the difference for a period not to exceed 15 days ~~of training~~. To receive differential pay ~~for the difference~~, the employee must submit the appropriate paperwork detailing the pay received from the Armed Forces to the ~~Finance~~ ~~Human Resources~~ Department upon return to work.

~~If an employee's work schedule conflicts with the once a month weekend duty, the employee may use vacation leave (and or holiday leave for police officers) or leave without pay to attend such duty. Normally, employees will be able to schedule their monthly duty so that they can take it on their regular days off.~~

Employees who enter the military service by draft or reserve call-up shall be granted a leave of absence without pay ~~for that purpose~~, after receipt of ~~military orders~~ ~~official notice~~.

After the employee's military service ends, the employee will be reinstated in accordance with applicable provisions of the Selective Service and Training Act or the Uniformed Services Employment and Re-employment Rights Act (USERRA) and any other applicable laws.

Holiday Policy

The Town observes the following ~~nationally recognized holidays, when they fall during the standard workweek of a given year. Except for those employees for whom a different holiday system or schedule is specified in these or other Town policies, regular full-time employees shall receive full pay for time off work for observance of the following:~~

New Year's Day

Martin Luther King Day

Presidents' Day

Memorial Day

Independence Day

Labor Day

~~Columbus Day/Diversity Day~~

Veterans Day

Thanksgiving Day

▲ Day after Thanksgiving

▲ Leonard C Burch Day

Christmas Day

In addition to the above, we will be closed on the following: From 12:00 pm. to 5:00 pm on Christmas Eve and New Year's Eve; ~~the Friday after Thanksgiving (all day) and~~ any year that Christmas falls on a Thursday, we will be closed the following Friday;¹ And any year that Christmas falls on a Tuesday, we will be closed the preceding Monday.

All full-time, regular employees are eligible for paid holidays ~~that fall on a scheduled workday~~. Part-time, seasonal, temporary, and contract employees are not eligible for holiday pay.

If a~~ny~~ holiday falls on a Saturday or Sunday, the holiday will be observed either on the preceding Friday or the following Monday, ~~whichever day is closest to the actual holiday~~ ~~at the discretion of the Town~~.

Employee~~s~~ ~~are~~ holiday pay is paid at the regular straight time rate in accordance with their regular work schedule ~~eight (8) hours for a holiday not worked if they have worked or been paid for the work day immediately preceding and immediately following the holiday~~. If an employee works on an official Town holiday, the employee will be paid or receive compensatory time at the regular rate for the number of hours worked on the holiday in addition to regular holiday pay.

Should a holiday fall during an employee's vacation, the employee will receive holiday pay in lieu of vacation pay for that day and vacation time used will be adjusted accordingly.

Performance Management

Performance Management and Evaluation

The Town encourages continuous communication on an informal basis, between an employee and ~~his/her~~their supervisor, concerning performance. The Town and its management view the informal processes as well as the formal processes as a way of reinforcing consistent quality and effectiveness in the delivery of services.

¹ Additional Days added by Board Approval on 12/3/2014.

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To facilitate the processes, each employee participates with ~~his/her~~their immediate supervisor in planning and evaluating performance. The preparation and results of these discussions are in written form, are signed by all parties involved, and are placed in the employee's personnel records. Generally, the outline below serves as a framework to guide the performance processes.

New Employees participate in the performance planning and evaluation processes after continuous service of ~~90 days, 6 months,~~ and 1 year.

~~• **Initial Period of Evaluation** - The first process, recommended after 90 days of continuous service, is designed to allow all parties to assess whether employment should continue and to determine what, if anything, needs focus to assist the new employee in meeting performance standards during the 90 days which follow.~~

• **Six Month Evaluation** - ~~The second process, recommended at 6 months of continuous service,~~ This evaluation allows all parties ~~to participate in evaluating progress,~~ to assess whether employment should continue and to determine the performance goals and measures that will be the basis for evaluation upon reaching 1 year of continuous service with the Town.

• **One Year Evaluation** - ~~The third process at 1 year.~~ This evaluation uses the goals and measures established at 6 months as the basis of evaluation and provides a forum for the employee and ~~his/her~~their supervisors to assess whether employment should continue and to establish the goals and measures for the 2nd year of employment.

Employees with Greater than One Year of Service participate in performance planning and evaluation processes that are conducted annually ~~on the anniversary date of employment~~in December. This process uses the goals and measures established during the previous annual or initial employment year process, and any updates made during ~~that~~e period, as the basis of evaluation to measure the employee's performance, review options for improvement including a timeline and the ramifications for failure to improve, and provides a forum for the employee and ~~his/her~~their supervisors to establish the goals and measures for the next period of employment. Annually, the Town may consider pay increases using performance evaluation input as well as other variables including the consumer price index, competitive labor market trends, and the budgetary feasibility of the Town to grant increases.~~Once the Town has established its pay posture for a given year, each full-time employee may be considered for an increase during an annual review process.~~

The Town retains the right to grant no increases for a given year, and/or it retains the right to grant only selected increases based on management's judgment. In any event, the increase practices are established on a year-by-year basis and shall not be viewed as the necessary standard from year to year.

Employee Development and Training

The Town recognizes that its employees are one of its most valuable assets. In keeping with this philosophy, it encourages and provides for employee training that promotes efficiency, economy, safety, and that assists employees with improving their abilities for advancement. Department Heads shall

determine departmental employee training requirements, develop and administer internal training programs, and provide active encouragement for employees to participate.

POLICY STATEMENT:

Employee Development/Training - Department Heads are responsible for fostering and promoting employee training for the purpose of improving the quality of services rendered to the community and for assisting employees in their preparation for advancement within the Town organization. Employees may request approval to attend formal education classes on their own time, seminars, workshops, or conferences that will mutually benefit the Town and the employee. *If an employee receives training and leaves their position within a year of receiving that training, they must repay the Town for all costs associated with their training (including travel expenses), unless there is a hardship that forced them to leave.*

The Town Manager will review all requests for additional training, and may approve Town payment for attendance based on the following criteria:

- Apparent direct benefit for both the Town and employee.
- Budgetary limitations allowing for the spending.
- Relevance to current or near-term municipal affairs. In other words, relevance or application to Town business or operations beginning within an identified period of one (1) to two (2) years.

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In-Service Training - In-service training includes organized training and educational seminars, lectures, institutes, conferences, workshops, and orientation sessions. This training shall be provided to aid employees in gaining efficiency in their present and future work through development of skills, knowledge, and aptitude.

Supervisory Development Training - This training is targeted for managers, supervisors, and others with supervisory potential. It will provide standardized training in supervisory and managerial principles, human resources policies and procedures; legal issues associated with employee management, and other human relations and communication skills.

The Town may pay all incidental costs of approved in-service training. Travel will be reimbursed in accordance with the Town's Travel Policy ([see below and page 50](#)).

Compensation During Training - All regular full-time and regular part-time employees will receive their regular rate of pay during the normal schedule of work hours while participating in approved training programs. For the purposes of this policy:

- Lodging is defined as approved destination and location other than the employee's normal and routine residence.

- The normal schedule of work hours is defined as beginning when the employee leaves his/her/their lodging and goes directly to a training session and ending when the employee returns to his/her/their lodging directly after completion of the training session.
- Travel time before and after participation in a training program will not be paid if it is outside the normal schedule of work hours defined above.

Internal Job Changes

The Town recognizes the importance and benefit of providing growth and advancement opportunities for its employees. The Town is an equal opportunity employer; it hires, transfers, and promotes the most qualified individuals into positions where vacancies occur. In support of its practices:

~~POLICY STATEMENT:~~

- ☐ The Town encourages employees who would like to be considered for transfer to an open position to express their interests to their immediate supervisor.
- ☐ Employees of the Town are considered for open positions whenever a vacancy occurs.
- ☐ Should multiple internal candidates possess generally equal qualifications, the Town and its management may consider length of service as a factor in the selection process.
- ☐ An employee who is interested in advancement opportunities or the requirements for advancement should contact his/her/their immediate supervisor.
- ☐ Department Heads/Supervisors may be asked to nominate potential candidates for positions that become vacant.
- ☐ All internal job changes -- promotions and lateral transfers -- shall be subject to a period of evaluation. **(Reference: Employment Period of Evaluation Policy)**

Standards of Conduct

The Town recognizes its responsibility to the community as a whole and expects its employees to conduct themselves in a professional manner as representatives of local government. Employees are expected to conduct themselves in a manner that contributes positively to the Town's reputation. All employees shall be responsible for demonstrating the characteristics of quality work, positive attitude, effort, and appropriate appearance in the conduct of the duties and responsibilities of their jobs.

To clarify understanding of that which is considered unacceptable conduct, the Town offers the examples listed below, ~~while~~ though not exhaustive, for the identification of improper conduct that may be the **subject of performance management action including written advisories that may result in immediate discharge**. The Town retains the right to identify conduct that may not be listed below as improper, to investigate situations and/or incidents that may be considered unacceptable or improper, and to treat same as the subject of immediate discharge.

1. Theft or unauthorized removal of the Town property, another employee's property from the premises, or personal use of the same.
2. Altering or falsifying Town records or reports.
3. Using, possessing, or selling alcohol or unlawful drugs on Town premises, including Town vehicles, or reporting to work under the influence of alcohol or unlawful drugs.
4. Improper use of authority or position within the Town for personal profit or advantage.
5. Entering false information on the employment application or other personnel records or failing to answer all questions fully and truthfully.
6. Actions resulting in injury to individuals or willful destruction/damage to the Town, customer, or employee property.
7. Acceptance of any gift, fee, money, or other valuable consideration in connection with employment.
8. Disregard or violation of safety, fire, or security standards and regulations. Failure to use prescribed safety practices with equipment, chemicals, and tools.
9. Unauthorized disclosure of confidential Town information.
10. Flagrant insubordination—refusal to follow reasonable supervisory instruction or perform assigned tasks.
11. Failure to report to work or leaving work during the standard work schedule without notifying an immediate supervisor or senior management as the case may require.
12. Conviction of a felony or other criminal act, which occurred either on or off the job, that affects the employee's position with the Town.
13. Use of profane, abusive, or threatening language or action toward fellow employees, ~~and~~ supervisors, subordinates, or the public.

14. Discrimination, inappropriate behavior, or harassment based on age, race, color, religion, disability, Vietnam era or veteran status, sex, sexual orientation or identity or national origin, toward fellow employees, supervisors, subordinates, or the public.
15. Excessive absenteeism or tardiness.
16. Neglect of duties or sleeping during scheduled work hours.
17. Disregard for customer relations, rude or discourteous conduct toward a customer or citizen.
18. Failure to immediately report an accident or injury on the Town premises or during the conduct of business on behalf of the Town to the nearest Supervisor or Manager.
19. Incompetent or unsatisfactory work performance as defined within the given job duties and/or other standard duties and expectations employed while working with customers and suppliers on behalf of the Town.
20. Conduct that would bring serious discredit to the Town, its employees, customers, and/or its suppliers.
21. Failure to follow and abide by Town ordinances and regulations as an employee of the Town or a private citizen.

Problem Resolution

The Town encourages employees to resolve concerns, issues, or complaints that they may have promptly, sincerely, and candidly when they arise. The decisions/solutions resulting from discussion will be based upon a desire to provide employees with timely resolutions, regardless of the issue raised. The Town recommends the following procedure of communications:

- A. The employee shall contact ~~his/her~~their immediate supervisor and schedule a time for discussing the matter. Employees are encouraged to discuss issues openly and honestly so that an opportunity for resolution occurs as soon as possible.
The Town expects that an employee's immediate supervisor will be able to handle the majority of the matters that arise, will resolve them successfully in most cases within a two month period, and will prepare detailed, accurate documentation of the matter and its resolution.
- B. Should an employee's immediate supervisor decide that further consultation is necessary or in the employee's opinion the discussion with ~~his/her~~their supervisor does not resolve the matter to ~~his/her~~their satisfaction, a written request for a follow-up discussion, which both attend, will be scheduled with the next higher supervisor.

- C. Should any one of the parties view the results of prior discussions as not resolving the matter, a discussion including the employee, ~~his/her~~their immediate supervisor, and the next level of supervision shall be requested in writing with the Town Manager.

The decisions resulting from the meeting with the Town Manager will be final and will be documented concerning the final outcome. Information about the issue or concern will be held in confidence to the extent possible, depending on the situation. Employees should be aware that other employees may be provided information on a “need-to-know” basis only if the situation warrants.

Whatever the resolution, the Town and management make no commitment for employment of any specific duration, and employment with the Town remains “at-will.” As an employee of the Town, employees have no contractual, property, or other legal rights in any term, condition, or aspect of the employment relationship, including but not limited to, termination. Employees are free to voluntarily terminate employment at any time, and the Town retains the right to terminate employment of any employee at any time, ~~with or without reason~~.

Performance Counseling

The Town sincerely supports the philosophy that performance counseling must be corrective, positive action. To facilitate and reinforce its standards, it has adopted guidelines of correction from the initial verbal advisory to a final advisory that may result in termination. The Town views this period as allowing sufficient time for correction of actions which are generally unacceptable but not severe enough to warrant immediate termination. However, it recognizes that some policy infractions by their very nature are serious enough to warrant termination without prior warning.

Performance management actions are viewed as constructive correction processes designed to assist the employee in developing the skills necessary to successfully perform the duties and responsibilities of a given position. With each action taken, the employee will be advised of the next action to be taken should the same or another issue arise. The Town may initiate whatever form of corrective action it deems appropriate and necessary, in its judgment, based on the seriousness of the issue. Serious performance management measures may be taken without exhausting less serious measures, depending on the circumstances.

Initial Verbal Advisory: The Supervisor and the employee discuss the issue/concern. These discussions may be documented depending on the severity of the issue or concern.

Written Advisory: The Department Head or Supervisor counsels the employee concerning the issue/concern and recommends a plan for correction/improvement. A written description of the concern/circumstance and the plan for improvement, including the date or dates of follow-up, shall be co-signed by the supervisor and the employee and placed in the employee's personnel file. Generally, the time span in the plan for improvement would be from one to 90 days only, depending on the nature of the improvement to be made and the details of the plan for improvement.

Follow-up discussions shall be documented and co-signed as with the original written advisory and placed in the employee's personnel file as an addition to the original document.

Suspension: The employee may be placed on suspension with or without pay. Pay treatment and duration of suspension will be determined in consultation with the ~~ss~~Supervisor, Department Head, and Town Manager.

Dismissal: The Department Head, with the prior approval of the Town Manager, may terminate an employee with or without performance counseling as circumstances warrant.

Employment with the Town is "at-will." Employees of the Town have no contractual, property, or other legal rights in any term, condition, or aspect of the employment relationship, including but not limited to, termination. Employees may voluntarily terminate employment at any time, and the Town retains the right to terminate employment of any employee at any time, **with or without reason**.

Substance Use

Drugs and Alcohol

The Town prohibits the illegal use of controlled substances (also referred to as "illegal drugs") and on-the-job impairment by alcohol, regardless of the source of the alcohol.

The illegal purchase, **sale**, transfer, or possession of controlled substances is also prohibited.

An employee who uses illegal drugs, tests positive for illegal drugs, or is impaired by alcohol on the job, reporting for duty, or while representing the Town in an official capacity will be subject to disciplinary action, which may include immediate dismissal.

Controlled Substances:

The Town does not permit the possession, sale, consumption of, or reporting to work under the influence of controlled substances (illegal drugs). The violation of this policy by any employee shall be grounds for immediate termination.

For purposes of this policy, work hours shall include the standard work schedule as well as any other interpretations of work hours/schedule or any time spent on the Town premises or job sites or while representing the Town in an official capacity.

Employees required to hold a Commercial Driver's License (CDL) are subject to random illegal **drug** use ~~of drug~~ testing as provided in **the** Department of Transportation regulations and procedures. In addition, Public Safety Department employees who are required to carry firearms are subject to random illegal **drug** use ~~of drug~~ testing.

Alcohol:

The Town does not permit reporting to work under the influence of [alcohol](#), or the consumption of alcohol on its premises or within its vehicles, during standard work hours by anyone employed by the Town. Further, it does not permit the consumption of alcohol during lunch break or any period when an employee may be off-premise during the standard work hours. Any violation of this policy shall be grounds for immediate dismissal.

Employees required to hold a CDL are subject to random alcohol testing while on work duty or reporting for duty as provided in Department of Transportation regulations and procedures. In addition, Public Safety Department employees who are required to carry firearms are subject to random alcohol testing while on work duty or reporting for duty.

Tobacco Use

In the interest of employee and public health, the Town discourages tobacco use and has designated Town facilities and vehicles as smoke and tobacco free. The Town provides designated outdoor areas for use by employees who smoke.

Employees who use any type of tobacco product are asked to utilize the following standards giving utmost consideration to co-workers, customers, and the image of the Town.

- Deposit the remains of tobacco products in the proper receptacles and be considerate of the appearance of the work areas, parking lots, and grounds. Maintain cigarette receptacles in a presentable manner.
- Employees may smoke in designated areas during work and lunch breaks. Use the area that is designated for smoking.
- All general work areas of the Town are designated as tobacco and smoke free, as well as individual offices and Town vehicles.

Vehicles and Equipment

Town Vehicles and Equipment

The Town issues vehicles and equipment for its employees' use in a manner that facilitates the productive use of time relative to job accomplishment. The issuance of a vehicle or equipment is regarded by the Town as an important component of delivery of the services provided by the Town, and it expects its employees to operate and maintain the vehicles and equipment conscientiously.

POLICY STATEMENT:

- Vehicles shall not be operated on behalf of the Town without the operator possessing a valid Colorado driver's license, appropriate supplemental licenses, and the Town having a current motor vehicle record on file.

Per CRS 42-4-237, the Town imposes a safety/seat belt policy requiring the utilization of a lap/seat belt, a shoulder belt, or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, which system conforms to federal motor vehicle safety standards.

- All accidents involving any vehicle or equipment shall be reported **immediately** and the proper reports will be submitted as soon as possible. Failure to comply with this requirement may result in disciplinary actions up to and including termination.

If an accident involving an employee driving a Town vehicle occurs within City limits, final investigation should be conducted or reviewed by an outside agency.

- An accident involving a Town vehicle or equipment that is determined to be the fault of the employee through carelessness or neglect may result in disciplinary actions up to and including immediate termination.
- Employees shall maintain vehicles both inside and out in a neat, clean, and orderly manner.
- The unauthorized personal use of Town vehicles or unauthorized transportation of any persons, such as family members, shall be prohibited.
- Employees shall report any defects or maintenance problems immediately to management.
- In the event a Town vehicle is not available for use and an employee is asked to use their own personal vehicle to conduct Town business, the Town will reimburse properly documented requests for mileage reimbursement at the standard rate, in accordance with IRS guidelines ~~as established by the Town Manager.~~

Supplies and Equipment

The Town provides supplies, tools and equipment for the employee's use in performing ~~his/her~~ their job. Employees are asked to exercise care, safety, and conscientiousness in the use of the Town property.

POLICY STATEMENT:

- Personal use of, or allowing others, to use Town property, unless previously authorized by the Town Manager, shall not be allowed.

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- Removal of the Town's supplies, tools, or equipment from the Town premises shall not be allowed unless it is authorized or is part of the conduct of Town business that is being performed off-site.
- Unsafe or careless use of Town supplies, tools, equipment, and chemicals may be viewed as a violation of safety standards and may become the subject of disciplinary action.
- Personal property that is damaged or lost in conjunction with the performance of Town assigned duties will be reviewed on a case-by-case basis for repair or replacement consideration.

Community Relations

Community Relations and Engagement

The Town organization is regarded as a model within the community. It is each employee's responsibility to ensure that Citizen's and other entities' concerns are addressed in such a manner that issues are resolved in a quality, courteous, timely, service-oriented manner.

Public Relations involve many aspects of business. If an employee is unable to resolve a Citizen's concern, ~~he/she~~they will immediately report it to ~~his/her~~their supervisor for resolution or appropriate forwarding to the proper department. It is essential that everyone maintains a pleasant, courteous, and businesslike/professional manner in communicating with and responding to each other as well as the Town's various audiences.

Whether in person or via other means, such as telephone, written correspondence, or electronic/automated transmission, the manner in which the interface is handled can promote goodwill that reinforces the competency of the individual employee's performance and recognition and the regard with which the Town is viewed for employing competent, capable representatives.

Regardless of the nature of the contact, each employee is responsible for ~~his/her~~their own conduct in a manner that is professional, courteous, and helpful.

Political Activities

To serve the best interests of the employees, taxpayers, and the Town Government, it is the policy of the Town to restrict certain types of political activity without infringing upon the employees' rights to exercise their suffrage as citizens. This policy is set forth to safeguard the employee from political pressure to support, financially or otherwise, any political party or person and to safeguard the interests of the public, whom employees serve without regard for political opinion or affiliation. **Nothing in this policy shall be construed to restrict an employee's freedom to express opinions or exercise ~~his/her~~their right to vote while off-duty.**

~~POLICY STATEMENT~~

- ☐ No employee, either full-time or part-time, shall campaign for or against or publicly support or oppose Town elected officials or candidates while on duty.
- ☐ No Town employee, either full-time or part-time, while on duty or in a uniform which identifies ~~him/her~~ **them** as an employee of the Town shall:
 - Canvass on behalf of any candidate, political party, or political issue;
 - Display any political media whether it is campaign related or supportive of an elected official's views;
 - Circulate any petition;
 - Participate in petitioning activities focused on public service issues presented by the general public (non-Town officials).
- ☐ No employee shall, **on a Town vehicle**, place, allow to be placed, or allow to remain ~~on a Town vehicle~~ any political media.
- ☐ Any active, full-time or part-time regular employee who is announcing candidacy for an elected office may choose to continue ~~his/her~~ **their** regular work schedule with the Town if no interferences or conflicts of interest are present.

Just as the employee may choose to continue employment, any active, full-time or part-time regular employee who is announcing candidacy for an elected office may choose to request a **leave of absence** to conduct ~~his/her~~ **their** campaign even if no interferences or conflicts of interest are present.

If a potential conflict of interest or interference is present, the employee will be asked to take a leave of absence to become effective with the date candidacy is officially registered. This leave of absence will continue during the total campaign period unless candidacy is withdrawn and should be requested in accordance with the procedures outlined by the Inactive Employment Status policy herein.

Once the elections are over, the successful candidate shall be asked to resign ~~his/her~~ **their** position with the Town if the elected office has any dealing whatsoever with the Town Board of Trustees.

Gifts and Favors

~~POLICY STATEMENT~~

- ❑ Officials and employees shall not accept any gift, favor, or thing of value that exceeds \$50 that may tend to influence the manner in which they discharge their duties on behalf of the Town whether in the form of service, loan, thing, or promise from any person or entity that may have a direct or indirect interest in conducting business with the Town.
- ❑ Officials and employees shall not grant improper favors or services or give things of value to persons or entities during the discharge of their duties on behalf of the Town.

It is a conflict of interest for any Town employee or member of an employee's immediate family to receive any compensation, gift, payment, reward, gratuity, or anything else of value from any person or corporation for obtaining preferential treatment from the Town.

Expenses Incurred on Behalf of the Town

Official Travel

All employee travel for the benefit of the Town shall be completed at the most economical and reasonable cost. Generally, an employee shall be reimbursed for **pre-authorized** expenditures including but not limited to air fares, lodging, toll fees, and rental cars as business expense, and will be provided a per diem to cover the cost of meals and mileage reimbursement at the established IRS rate per mile for use of their own vehicle. No expenses for alcoholic beverages shall be reimbursed.

The expense must be an ordinary, reasonable and necessary traveling expense, and

- Incurred while away from the employee's primary area of assignment or requires overnight lodging; or
- Incurred while the employee is attending a seminar, conference, or other meeting to benefit the Town.

Job-Related Expenses

Requests for reimbursement of out-of-pocket expenses are to be submitted to the ~~Finance~~-Human Resources Director by the employee's Supervisor or Department Head on the appropriate reimbursement form showing itemized expenditures, substantiating receipts, and Department Head approval. Expense payments are made on a monthly basis. Expenses for reimbursement include the following:

Mileage for Use of Personal Vehicle - Employees are encouraged to use Town-owned vehicles for business use when available. However, if a Town vehicle is not available, an employee may use ~~his/her~~their own vehicle when it is authorized in advance by the Department Head or ~~Finance~~-Human Resources Director. The Town will reimburse an employee at the established IRS rate per mile for approved business use of a personal vehicle. The use of seat belts remains strictly in effect. (See page ~~38~~47 reference to CRS 42-4-237).

Other Expenses - Other expenses such as parking fees, ~~meals~~, cab fares, tips, ~~approved travel~~, required telephone calls, and other incidentals are eligible for reimbursement. Employees must provide substantiating cash receipts with supervisory approval.

Commented [TD12]: Meals and approved travel are covered under the per diem; I deleted them from here.

Travel - All out-of-state travel must have the prior written approval of the Town Manager.

Employees should utilize the Town's tax-exempt number as appropriate. The tax-exempt number may be obtained from the ~~Finance~~ Human Resources Director or ~~your~~ Department Head.

Uniforms - Uniforms and apparel paid for by the Town are approved annually as part of the budget process. The Town provides specific benefits for employees who are required to wear gloves and ~~safety shoes~~.

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Gloves - All employees required to wear gloves in their jobs will be provided with Town-approved gloves upon beginning employment. These gloves are considered Town property and must be returned upon termination. Gloves are to be kept within the workplace and worn as circumstances and safety guidelines dictate.

No Expectation of Privacy

~~City~~ Town personnel have no expectation of privacy in ~~City~~ Town property and equipment. Such property and equipment include, but are not limited to, any electronic resources provided by the ~~City~~ Town, such as computers, telephones, cell phones, smart phones, and pagers. Furthermore, ~~City~~ Town personnel have no expectation of privacy in any messages, data files, programs, or information stored in, transmitted in, or received by such electronic resources. ~~City~~ The Town reserves the right to monitor, access, use, and disclose all messages, data files, programs, and information sent, received, or stored in such electronic resources for any business-related purpose. ~~City~~ Town management reserves the right to monitor, inspect, and examine any such electronic resources at any time and without notice.

~~City~~ The Town may monitor or access an employee's usage of such electronic resources, including information received or transmitted thereby, with or without notice, for any business-related purpose, including any situation in which a supervisor has reason to believe that an employee is misusing or abusing the privilege of using such resources, or is violating any other ~~City~~ Town policy.

Employees are further advised that correspondence of an employee in the form of e-mail may be a public record under the public records law, and may be subject to public inspection under C.R.S. Section 24-72-203, unless an exception provided by law applies. The ~~City~~ Town may monitor or access an employee's e-mail, with or without notice, for any business-related purpose, including any situation in which a supervisor has reason to believe that an employee is misusing or abusing e-mail privileges, or is violating any other ~~City~~ Town policy.

Information and Telecommunications Systems

Hardware/Software/Internet Use

The Town utilizes an organization-wide information and computer system to communicate and maintain information necessary for the operation and delivery of services. This system, as well as all software, computer hardware and peripherals, and Internet/Web access are the property of the Town and are provided to employees for business use.

- ☐ Only official licensed software may be used on the Town's computer systems. Software may only be —loaded onto the system or an individual computer with the authorization of the Town Manager or ~~his/her~~their designee. An employee may be held liable for any damage to the system due to an employee loading personal software onto the system or otherwise causing intentional damage to the system.
- ☐ Employees may not copy and/or distribute any Town-owned software without the permission of the Town Manager or ~~his/her~~their designee.
- ☐ Employees may not copy or download software available from the Internet into the Town's system or onto a computer owned by the Town without permission of the Town Manager or ~~his/her~~their designee.
- ☐ Internet/Web access provided for use by an employee in conducting municipal business is Town property. Connectivity is provided to allow employees to communicate within the Town, with others concerning Town business, and to use the vast Internet resource for productive purposes. Use/access that is deemed by Town management as contradictory to these purposes may be grounds for performance counseling as deemed appropriate on a case-by-case basis.
- ☐ A computer provided for use by an employee in conducting municipal business is Town property. The confidentiality of computer information should not be assumed by any employee. The Town reserves the right to review, audit, access, and disclose all information and contents of any individual computer, laptop computer, voice mail, information systems, or telecommunications systems.
- ☐ Very brief (10 minutes) and occasional use only during authorized breaks and lunch periods of this resource for personal purposes is permitted as long as it does not interfere in any way with the conduct of Town business or with fulfilling one's job responsibilities.

Electronic Mail (E-Mail)

The Town maintains an electronic mail system that is provided to assist its employees in the conduct of business and services. Both the internal e-mail system and e-mail through the Internet are considered to be the electronic mail system as set out in this statement. All messages composed, sent, or received on the electronic mail system are and remain the property of the Town. **These messages are not the private property of an employee.**

- ☐ The purpose of e-mail is for the conduct of Town business.
- ☐ The Town reserves and intends to exercise the right to review, audit, intercept, access, and disclose all messages created, received, or sent over the electronic mail system for any purpose. The contents of electronic mail properly obtained for legitimate business purposes may be disclosed within the organization without the permission of the employee.
- ☐ The confidentiality of any message should not be assumed. Even when a message is erased, it is still possible to retrieve and read that message.
- ☐ Notwithstanding the right of the Town to retrieve and access any electronic mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient.
- ☐ Information or correspondence in the form of electronic mail may be considered public records under public records law and may be subject to public inspection under the law.
- ☐ The electronic mail system is not intended for use to solicit or canvass for commercial venture, religious or political causes, or other non-job related solicitations. Further, it is not to be used to create or disseminate any offensive or disruptive messages.
- ☐ Any employee who discovers a violation of this policy should notify ~~his/her~~their immediate ~~Supervisor~~Supervisor, Department Head, or the ~~Finance~~Human Resources Director.
- ☐ Any employee who violates this policy or uses e-mail for improper purposes may be subject to elimination of e-mail privileges or disciplinary action, up to and including termination.
- ☐ Very brief and occasional use of this resource for personal purposes is permitted as long as it does not interfere in any way with the conduct of Town business or with fulfilling one's job responsibilities.

Cellular Telephones

The Town maintains cellular telephones and service for selected positions to use in conducting official Town business and services. Additionally, the Town recognizes that it has become a societal standard for individuals to possess personal cellular telephones and services.

Recognizing the differences in purpose for each of these situations is very important to maintaining the integrity of the Town's systems.

▲ All messages communicated, sent, or received on the Town's cellular telephone system are and remain the property of the Town. **These messages are not the private property of an employee.**

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- The use of a Town cellular telephone, or contribution of \$20 per month in lieu thereof for the use of a personal cellular telephone, is provided for the conduct of Town business on an as needed basis in connection with emergencies or field operations. This replaces the previous practice of using bulkier and more expensive radios.
- The Town reserves and intends to exercise the right to review, audit, intercept, access, and disclose all messages received or sent using a Town cellular telephone for any purpose. The contents of voice mail properly obtained for legitimate business purposes may be disclosed within the organization without the permission of the employee.
- The confidentiality of any message should not be assumed. Even when a message is erased, it must be recognized that it is still possible to retrieve and hear that message.
- Notwithstanding the right of the Town to retrieve and access any Town cellular telephone messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient.
- Information recorded on cellular voice mail related to Town business may be considered public record under public records law and may be subject to public inspection under the law.
- Any employee who uses a **personal cellular telephone** with photographic capability to record unauthorized or confidential information that is Town property, regardless of the content, will be subject to disciplinary action up to and including termination.
- The Town's cellular telephone system is not intended for use to solicit or canvass for commercial ventures, religious or political causes, or other non-job related solicitations. Further, it is not to be used to create or disseminate offensive or intimidating messages.
- Any employee who violates this policy or uses a cellular telephone for improper purposes may be subject to removal of cellular privileges and/or disciplinary action, up to and including termination.
- Very brief and occasional use of this resource for personal purposes is permitted as long as it does not interfere in any way with the conduct of Town business or with fulfilling one's job responsibilities.

Any employee who discovers a violation of this policy should notify ~~his/her~~ **their** immediate ~~Supervisor,~~ Supervisor, Department Head, or the Town Manager.

Human Resources Policy Administration

Policy Development, Announcement, and Authorization

The Town has established the processes and procedures outlined below for the development, announcement and authorization of human resources policies and procedures.

A. POLICY DEVELOPMENT AND REVIEW

Development of changes to existing policies and new policies shall be the responsibility of the Town Manager or the Department Head with Town Manager approval.

Each Department Head, with written Town Manager approval, may develop supplemental procedures for the operation of their department providing that they do not conflict with the standards outlined herein.

B. POLICY ANNOUNCEMENT

Policy changes, ~~including rescinding old policies that no longer apply,~~ and/or adopting new policies, shall normally be announced at least ten (10) working days prior to the action to allow employees to become familiar with **the** change before the effective date. These changes will be distributed to each employee.

C. POLICY AUTHORIZATION

No policy after initial publication of this document, dated **August 14, 2012**, will be official unless it displays dated authorization in the form of a signature by the Town Manager.

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Employee Policy Acknowledgment

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I acknowledge that I have received a copy of the Town of Ignacio Human Resources Policies and Procedures Manual. I understand that the information contained in this manual supersedes any written or verbal policies I may have received in the past.

My signature below indicates that I have familiarized myself with the information contained in the manual and that I will seek verification or clarification where necessary.

I understand that the information contained in the manual is subject to change as situations warrant and that changes in the policies may supersede, modify, or rescind any or all policies summarized in the manual. Further, I understand that changes in policy will be communicated in accordance with the procedure outlined in this manual and that this process may be supplemented by communications from my supervisor or through other notices issued verbally, in writing, or in an electronic form. I accept full responsibility for keeping informed of the policies and practices in place at a given point in time as well as for any changes thereto.

I understand that the policies, practices, and procedures contained in the manual do not constitute any form of contractual or legal employment agreement between the Town and me. My employment with the Town is at will by mutual consent of the Town as the employer and me as the employee.

Employee's Name (Printed)

Employee's Signature

Date

~~Manager's~~ Supervisor's Signature

Date

***NOTE: This form becomes a permanent part of an employee's personnel file.
Please complete this page, remove it from the manual, and return it to your supervisor.***

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION DRUG AND ALCOHOL POLICY

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Purpose

It is the policy of the Town of Ignacio that its drivers be free of substance and alcohol abuse. Consequently, the use of illegal drugs by drivers is prohibited. Further, drivers shall not use alcohol or engage in "prohibited conduct" as defined herein. The overall goal of this policy is to ensure a drug- and alcohol-free transportation environment and to reduce accidents, injuries and fatalities.

Definition of a Driver

A driver, as defined in §382.107, means "any person who operates a commercial motor vehicle. This includes, but is not limited to: full-time, regularly-employed drivers; casual, intermittent or occasional drivers; leaves drivers and independent, owner-operator contractors."

Consequences of Policy Violation

Any driver who becomes unqualified or engages in prohibited conduct as set forth herein may be subject to the consequences listed in Federal Safety Pipeline Regulations Part 199.

Prohibited Conduct

The following shall be considered "prohibited conduct" for purposes of this policy:

No driver shall report for duty or remain on duty while having an alcohol concentration of 0.04 or greater.

No driver shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol unless the alcohol is manifested and transported as part of a shipment.

No driver shall use alcohol while performing safety-sensitive functions.

No driver required to take a post-accident alcohol test shall use alcohol for eight (8) hours following the accident or until he or she undergoes a post-accident alcohol test, whichever occurs first.

No driver shall refuse to submit to a DOT-required drug or alcohol test.

No driver shall report for duty or remain on duty when the driver uses any controlled substance, except when use is pursuant to the instructions of a licensed medical practitioner who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.

No driver shall report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive for controlled substances or has adulterated or substituted a test specimen.

For the purposes of this subpart, an Employer can obtain actual knowledge that a driver has used alcohol or controlled substances based on the Employer's direct observation of the driver, information provided by the driver's previous Employer(s), a traffic citation for driving a CMV while under the influence of alcohol or controlled substances or a driver's admission of alcohol or controlled substance use, except when done according to a written employer-established voluntary self-identification program or policy which meets FMCSA requirements. Direct observation as used in this definition means observation of alcohol or controlled substances use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing under Section 382-307.

If a driver voluntarily admits to alcohol misuse or drug use, he/she will not be subject to the referral, evaluation and treatments requirements of Part 40 and 382 provided that:

1. The driver's admission is in accordance with the written Employer-established Voluntary Self-identification Program or policy;
2. The driver did not make the admission to avoid testing;
3. The driver makes the admission before performing a safety-sensitive function; and
4. The driver does not perform a safety-sensitive function until the Employer is satisfied that he/she has been evaluated and has successfully completed education or treatment requirements in accordance with the self-identification guidelines.

If a driver engages in prohibited conduct, the driver is not qualified to drive a commercial motor vehicle and shall be immediately removed from service. The Employer may, in its discretion, at the request of the driver, keeps the driver's position open while such driver attempts to become requalified. The Employer may also take action against the driver up to and including termination.

Refusal to Test

A refusal to test is defined as conduct that would obstruct the proper administration of a test. Refusal to submit to the types of drug and alcohol tests employed by the Employer will be grounds for refusal to hire driver/applicants and to terminate employment of existing drivers.

Types of Test

Pursuant to regulations promulgated by the Department of Transportation (DOT), the Employer has implemented six circumstances for drug and alcohol testing: (1) pre-employment (drug testing only); (2) post-accident testing; (3) random testing; (4) reasonable suspicion testing; (5) return-to-duty testing; and (6) follow-up testing. Employers may choose to conduct pre-employment alcohol test for new drivers/applicants.

Pre-Employment Testing

All applicants for safety-sensitive positions must submit to urine drug tests. A driver/applicant is not required to submit to a urine drug test if (1) the Employer can verify that the driver has participated in a valid controlled substances test program within the preceding thirty (30) days; and (2) while participating in that program, was either tested, with a negative result, within the past six (6) months or participated in a random selection program for the previous, consecutive twelve (12) months; and (3) no prior employer has knowledge that the driver violated any part of the regulation within the last six months. Applicants must sign a release form in order for previous Employers to release this information.

Post-Accident Testing

The driver must submit to drug and alcohol testing as soon as practicable any time he or she, while performing a safety-sensitive function, is involved in an accident where (1) a fatality is involved; or (2) the driver receives a citation for a moving violation arising from the accident (within 8 hours for alcohol, and within 32 hours for controlled substances), and any party involved requires immediate treatment for an injury away from the accident scene, or if any vehicle involved incurs “disabling damage” (i.e., must be towed away). Following any accident while performing a safety-sensitive function, the driver must contact the Employer as soon as possible. The driver has been presented with information setting forth certain instructions for post-accident drug and alcohol testing. The driver shall follow the instructions contained in the information as well as any additional instructions from the Employer or its representatives.

Any time a post-accident drug or alcohol test is required, it must be performed as soon as possible following the accident. Every effort must be made to complete the alcohol test within two (2) hours. If this is not possible, you must continue to try for up to eight (8) hours. If no alcohol test can be made within eight (8) hours, attempts to perform an alcohol test shall cease. If no urine collection can be obtained for purposes of post-accident drug testing within thirty-two (32) hours, attempts to make such collection shall cease.

If a law enforcement officer does not issue a citation within the specified time frames, the Employer shall not attempt to conduct post-accident testing and shall proceed with documenting the reason why the test was not performed. If the Employer wants to pursue testing under its program, the Employer may conduct non-Federal tests accordingly.

In the event that Federal, State, or local officials conduct breath or blood tests for the use of alcohol and/or urine tests for the use of controlled substances following an accident, these tests may meet the requirements of this section, provided the tests conform to applicable Federal, State, or local requirements. The Employer may request testing documentation from such agencies, and may ask the driver to sign a release allowing the Employer to obtain such test results.

In the event a driver is so seriously impaired that the driver cannot provide a sample of urine, breath or saliva at the time of the accident, the driver may provide necessary authorization for the Employer to obtain hospital records or other documents that would indicate the presence of controlled substances or alcohol in the driver’s system at the time of the accident.

Random Testing

The Employer conducts random drug and alcohol testing. The Employer or its agents will submit all drivers' names and/or ID numbers to a random selection system. The random selection system provides an equal chance for each driver to be selected each time random selection occurs. Random selections will be announced and reasonably spread throughout the year. The Employer will drive test, at a minimum, 50 percent of the average number of covered employee position in each calendar year or at a rate established by the Department of Transportation (DOT) for the given year. The Employer will select, at a minimum, 10 percent of the average number of driver positions in each calendar year for random alcohol testing, or at the rate established by the DOT for the given year. Random selection, by its very nature, may result in drivers being selected in successive selections, or more than once a calendar year. Alternatively, some drivers may not be selected in a calendar year.

If a driver is selected at random, for either drug or alcohol testing, the DER will notify the driver. Once notified, every action the covered employee takes must lead to a collection. If the covered employee engages in conduct that does not lead to a collection as soon as possible after notification, such conduct may be considered a refusal to test.

Reasonable Suspicion Testing

Reasonable suspicion for requiring a driver to submit to drug and/or alcohol testing shall be deemed to exist when a driver, while performing a safety-sensitive function, manifests physical or behavioral symptoms or reactions commonly attributed to the use of controlled substances or alcohol. Such driver conduct must be witnessed by at least one supervisor trained in compliance with Section 382.603. Should a supervisor observe such symptoms or reaction, the driver must submit to testing.

Substance Abuse Evaluation, Return-to-Duty, and Follow-Up Testing

Any driver who engages in prohibited conduct shall be provided with the names, addresses, and telephone numbers of qualified substance abuse professionals (SAP's). If the driver desires to become re-qualified, the driver must be evaluated by a SAP and submit to any treatment the SAP prescribes. Following evaluation and treatment, in order to become re-qualified, the driver must submit to and successfully complete a return-to-duty drug and/or alcohol test. When treatment is completed, the driver is also subject to follow-up testing. Follow-up testing is separate from and in addition to the Employer's reasonable suspicion, post-accident, and random testing procedures. The schedule for follow-up testing shall be unannounced and in accordance with the instructions of the SAP. Follow-up testing may continue for a period of up to sixty (60) months following the driver's return to duty. No fewer than six (6) tests shall be performed in the first twelve (12) months of follow-up testing. The cost of any SAP evaluation or prescribed treatment shall be borne by the driver. The Employer does not guarantee or promise a position to the driver should he/she regain qualified status.

Authorization for Previous Test Records

Within 30 days of performing a safety-sensitive function, DOT regulations require that the Employer obtain certain drug and alcohol test records from the driver's previous Employer for the previous two (2) years. The purpose is to maintain complete driver records indicating violations of any DOT rule pertaining to controlled substance or alcohol use within the previous two (2) years. As a condition of employment, the driver shall provide the Employer with a written authorization for all previous Employers within the past two (2) years to release such drug and alcohol testing records as the regulations require. Employers must also ask the driver whether he or she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the driver applied for, but did not obtain, safety-sensitive transportation work.

Drug Urinalysis

Drug testing will be performed through urinalysis. Urinalysis will test for the presence of drugs and/or metabolites of the following controlled substances: (1) marijuana; (2) cocaine; (3) opiates; (4) amphetamines; and (5) phencyclidine (PCP).

The urinalysis procedure starts with the collection of a urine specimen. Urine specimens will be submitted to a SAMHSA-certified laboratory for testing. As part of the collection process, the specimen provided will be split into two vials; a primary vial and a secondary vial.

The SAMHSA-certified laboratory will perform initial screenings on all primary vials. In the event that the primary specimen tests positive, a confirmation test of that specimen will be performed before being reported by the laboratory to the Medical Review Officer (MRO) as a positive.

All laboratory results will be reported by the laboratory to an MRO designated by the Employer. Negative test results will be reported by the MRO to the Employer. Before reporting a positive test result to the Employer, the MRO will attempt to contact the driver to discuss the test result. If the MRO is unable to contact the driver directly, the MRO will contact the DER, chosen in advance by the Employer, who shall, in turn, contact the driver and direct the driver to contact the MRO. Note: No stand down shall occur until the MRO receives the laboratory report of a confirmed positive test result, an adulterated test, or a substituted test result. Waiver may be obtained pursuant to Part 40.21(c).

Upon being so directed, the driver shall contact the MRO immediately or, if after the MRO's business hours and the MRO is unavailable, at the start of the MRO's next business day. In the MRO's sole discretion, a determination will be made as to whether a result is positive or negative. If the driver fails to contact the MRO after 72 hours, or if the driver cannot be contacted within ten (10) days, the MRO may verify the test as positive, or refusal to test, as applicable. After any positive verification the driver may petition the MRO to reopen the case for reconsideration.

Pursuant to DOT regulation, individual test results for driver/applicants and the drivers will be released to the Employer and will be kept strictly confidential unless consent for the release of the test results has been obtained. Any individual who has submitted to drug testing in compliance with this policy is entitled to receive the results of such testing upon timely written request.

An individual testing positive may make a request of the MRO to have the secondary vial tested. This request can be made verbally or in writing to the MRO within 72 hours of being notified by the Employer of a positive test result. The secondary vial must be tested by a different SAMHSA-certified lab than tested the primary specimen. The individual making the request for a test of the second specimen is responsible for all costs associated with the test.

Dilute Specimens

If the MRO informs the Employer that a negative drug test was dilute, the Employer may, but is not required to, direct the driver to take another test immediately. Such re-collection will not be collected under direct observation, unless there is another reason to do so (see Section 40.67(b) and (c)). The Employer will treat all similarly situated employees the same way for re-collections. However, the Employer may establish different policies for different types of testing (e.g., conduct retest in pre-employment test situations, but not in random test situations).

Drivers will be informed in advance of the policy regarding recollections. When the Employer directs the driver to take another test, the driver will be given the minimum possible advance notice that he or she must go to the collection site. The result of the second test – not the original test – is the test of record. Any driver required to take another test, which is also negative and dilute, will not be permitted to take a third test. If the Employer directs the driver to take a second test and the driver refuses, the test will be treated as a positive test result.

Alcohol Tests

Alcohol tests will be performed using a device that is on the National Highway, Traffic Safety Administration's (NHTSA) Conforming Products List (CPL) and meets the DOT's testing requirements. This may be a breath testing device or a saliva testing device, and may be provided through a vendor or agent. The device will be operated by a technician who is certified and trained on the specific device he or she will be operating. The driver shall report to the alcohol testing site as notified by the Employer. All alcohol tests shall be performed just prior to, during, or just after duty. The driver shall follow all instructions given by the alcohol technician.

Any initial test indicating a blood alcohol concentration (BAC) of 0.02 or greater will be confirmed on an evidential breath test device (EBT) operated by a breath alcohol technician (BAT). The confirmation test will be performed no sooner than 15 minutes and no later than 30 minutes following the completion of the initial test. In the event the confirmation test indicated a BAC of 0.02 to 0.0399, the driver shall be removed from duty for 24 hours or until their next scheduled on-duty time, whichever is longer. Drivers with tests indicating a BAC of 0.04 or greater are considered to have engaged in prohibited conduct. This may result in disciplinary action up to and including termination.

Training

All supervisors designated to determine whether or not reasonable suspicion exists to require a driver to undergo testing under Section 382.307, will have received at least 60 minutes of training on recognizing alcohol misuse, and at least 60 minutes of training on recognizing controlled substances use. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse or the use of controlled substances.

Educational Materials

Drivers shall be provided with educational materials that explain the requirements of Section 382.601, consequences of violating the regulations, and the Employer's policies and procedures with respect to meeting these requirements. The materials supplied to drivers will include information on additional Employer policies with respect to the use or possession of alcohol or controlled substances. Each driver shall be required to sign a statement certifying that he or she has received a copy of the materials described in Section 382.601.

This policy is not intended, nor should it be construed, as a contract of employment between the Employer and the driver. This policy may be changed at any time at the sole discretion of the Employer.

Passed and approved by the Town Board on August 12, 2003.

Town of Ignacio

Motor Vehicle Records Review Policy

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Adopted: July 1, 2013

I. Purpose:

The purpose of this policy is to establish procedures and standards for the review of employees who drive motor vehicles on entity business.

II. Responsibilities:

The Finance Department shall administer this policy.

III. Prospective Employees:

Each prospective employee must have a valid Colorado driver's license of the appropriate type, if one is required for the position. Each such prospective employee must provide at his or her own expense a current Motor Vehicle Record (MVR) that is no older than 30 days.

The Ignacio Police Department will evaluate the prospective employee's MVR prior to hiring. No person shall be hired into a position requiring a driver's license unless the person's MVR meets the criteria listed in Section V below.

IV. Current Employees:

Each current employee must have a valid Colorado driver's license of the appropriate type if one is required for the position. The Finance Department will obtain at least annually at the entity's expense a copy of the MVR for each such employee.

MVRs for current employees may also be requested and reviewed in the following situations:

- After an on-the-job collision determined to be preventable by the Department.
- If a complaint is received regarding the employee's driving while on entity business.
- If an employee transfers to a position requiring a valid Colorado driver's license (or into a position requiring a different type of driver's license than required for the current position).

V. Evaluating MVRs and Driving Records:

The following criteria will be used when evaluating MVR's and driving records.

Clear MVR – No minor convictions or preventable collisions in the last 3 years and no major violations/convictions in the last 5 years.

Acceptable MVR –

- No major violations/convictions in the last 5 years; OR
- 2 minor convictions in the last 3 years; OR
- 1 preventable collision and 1 minor conviction in the last 3 years.

Marginal MVR –

- 3 minor violations/convictions in the last 3 years; OR
- 2 preventable collisions in the last 3 years; OR
- Any combination of minor convictions and preventable collisions totaling 3 in the last 3 years.

Unacceptable MVR –

- 1 or more major violations/convictions in the last 3 years; OR
- 4 or more minor convictions in the last 3 years; OR
- 3 or more preventable collisions in the last 3 years; OR
- Any combination of minor convictions and preventable collisions totaling 4 or more in the last 3 years.

Major and minor convictions are listed below. The entity's Vehicle Accident Review Policy will be used to determine the preventability of motor vehicle accidents for current employees.

Major Violations/Convictions include, but are not limited to the following:

Driving under the influence of alcohol or drugs (DUI) or while ability is impaired (DWAI)
Reckless driving
Racing/speed contests
Speeding 20 mph or more over the posted speed limit
Leaving the scene of an accident
Failure to report an accident
Making a false accident report
Vehicular homicide or manslaughter
Attempting to elude a police officer
Driving while license is suspended, revoked or restricted
Driving an entity vehicle that has been locked/tagged out

Minor Convictions include, but are not limited to the following:

Speeding less than 20 mph over the posted speed limit
Running a stop sign or red light
Improper turn
Passing across a double yellow line
Failure to yield
Following too close
Failure to wear a seatbelt
Careless driving
Failure to possess a valid Colorado driver's license

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Failure to provide proof of insurance if operating their personal vehicle
Motor vehicle equipment violations
Operating a defective or unsafe vehicle
Failure to stop for a school bus with its red flashers activated

VI. Corrective Action for Marginal and Unacceptable Driving Records:

- When an employee's MVR falls into the unacceptable category, corrective action up to and including termination of employment will be taken.
- When an employee's MVR falls into the marginal category, corrective action, including but not limited to the following, will be taken:
 - Attending a defensive driver training program.
 - Participating in a documented ride-along evaluation.
 - Other actions as deemed appropriate.

VIII. Driver's License Suspensions, Revocations or Restrictions:

It is the employee's responsibility to notify the supervisor immediately if the employee's driver's license is suspended, revoked or restricted for any reason. Failure to do so may be grounds for corrective action, up to and including termination of employment.

IT Credential Policy

This policy is to define the requirements and responsibilities for all users connecting or using the Town's network; or any users accessing any Town owned computers. It is necessary to ensure the Town's network is properly used to avoid distractions in the work environment and/or harm to the Town's reputation or financial well-being.

This policy applies to all employees that have access to the Town's computing facilities. By using the computers and internet, the user must agree to this policy. Every user who accesses the Town's network must:

- Have their own user-id and password for any applications which require such.
- Never share credentials with anyone else.
- Manager may grant some employees access to the same user-id and password in cases of shared workstations and accounts.

The Manager will establish the initial credentials for every person requiring access to the Town's network.

All passwords will require routine changing by the users. The complexity and frequency of change may vary from system to system. Users may be requested to change their passwords in certain situations, off the normal cycle of password changes.

Upon a user's termination or separation from the Town, the user's manager must inform IT of the date of separation and detail the disposition of all information, accounts and credentials.

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Data Breach Plan

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This plan is to prevent a serious disruption of operations, loss of funds or damage to reputation by providing an immediate and effective response to any unexpected event involving the unauthorized access of computer information systems, network or databases. This plan also includes files such as personnel, financial records and information stored on portable media such as flash drives or contained in transportable equipment such as laptops or tablets.

A data breach is defined as the unauthorized acquisition of data that compromises the security, confidentiality or integrity of the organization or an employee.

All employees are responsible for keeping data secure and reporting any potential data breaches. The IT department is responsible for identifying data breach risks, recommending appropriate controls to prevent data breaches, implementing those controls and continually evaluating the controls to ensure they work.

The following data may be at risk of being breached:

- Personnel Records
- Social Security Numbers for Employees
- Payroll Information
- Credit Card Information
- Bank Accounts
- Investment Accounts
- Human Resource Files
- Other Financial Records Containing Confidential Information
- Employee User Name and Passwords

To protect the integrity of data, no employee shall transport any hard copy files containing high risk data outside the office and laptops or tablets shall not be left in vehicles.

After a breach is discovered, IT will take immediate steps to limit the breach.

The steps are:

- Contain the breach by stopping an unauthorized practice, recovering records, revoking access or correcting physical security.
- Identify the source of the compromise and the timeframe involved.
- Document the chronology of the event.
- Document how the breach was discovered.
- Review the network to identify all compromised or affected systems.
- Document all internet protocol addresses, operating systems, domain systems names and other pertinent system information.
- Determine the type of information that was lost or compromised.
- Secure and protect the integrity of the evidence and ensure that any systems affected by a breach are only accessible to internal investigators and law enforcement.

Take measures to contain and control the incident to prevent further unauthorized access to or use of sensitive information.

Change applicable passwords for users that have access to personal information, including system processes and authorized users. If it is determined that an authorized user's account was compromised and used by the intruder, disable the account.

Do not alter the compromised system.

Do not turn off the authorized machine; Isolate the system from the network.

Preserve all system and audit logs and evidence for law enforcement in the event of a criminal investigation.

If the breach occurred at a third party location, work with the appropriate parties to determine the extent of the breach.

Notify law enforcement if there is suspected theft or other criminal activity.

Monitor systems and network for signs of continued intruder access.

Notification of individual affected by the breach should occur as soon as possible after the breach. However, notification may be delayed if law enforcement authorities recommend delaying the notification.

The following individuals may be notified of the breach if deemed appropriate:

Citizens

Employees

Law Enforcement

Banks

Credit Card Companies

Vendors

Others as Needed

Cash Receipting Verification Policy

For the protection of the Town and its employees in handling the cash drawer, the person who reconciles the bank account should not be the one who counts the monies or verifies the amounts.

To ensure that there is always \$100.00 cash in the drawer, the person who closes the drawer for the day must count the money in the drawer and add up the monies on an adding machine tape. They must write the date and time on the tape, as well as initial the tape.

All cash payments are processed in a separate batch from any check and credit card payments. Once the cash is received and appropriate change given, ensure that the drawer balances back to \$100.00 and place the cash payment in the appropriate night deposit bag in the locked drawer in the supply room. On a regular basis and at the discretion of the Town Clerk, the cash in this bag must be counted, the batch closed, and a deposit made at the bank. The receipt from the bank must be filed with the paperwork from the cash receipting system.

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The Town of Ignacio, Colorado

Human Resources Policies and Procedures

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Introduction

Employment with the Town

These Policies and Procedures of the Town are designed as a guide for the management and administration of employment practices and employee-related matters. The policies that follow do not cover every situation that may arise.

Should an employee need assistance in the interpretation of a policy, they should consult with their Department Head or the Town Manager. In any event, good judgment, knowledge of and adherence to the policies and practices, and cooperation are an employee's professional responsibility.

Employment with the Town offers many opportunities and benefits; however, the Town and its management make no commitment for employment of any specific duration. Employment with the Town is "at-will." Employees of the Town have no contractual, property, or other legal rights in any term, condition, or aspect of the employment relationship, including but not limited to, termination. Just as the employee is free to resign at any time, the Town retains the right to terminate employment at any time as it has set forth in this manual.

The Town Board retains the right and may change the policies and procedures set forth in this manual at any time, and for any or no reason. Further, it retains the right to make changes on a case-by-case basis in keeping with the circumstances and with sound business practices. The Town Manager, as necessary, shall recommend changes. All changes adopted by the Town Board shall become effective on the date of adoption or such date as the Town Board designates.

The Town Manager, at any time deemed necessary or proper for purposes of enforcement or implementation of these policies and procedures, may adopt, amend, or rescind written administrative procedures consistent with the policies set forth herein. Such procedures shall become effective on the date(s) specified by the Town Manager.

The policies and procedures set forth herein become effective on _____. Subsequent changes will supersede that which appears in this manual and will become effective upon the date of authorization by the Town Board or an authorized designee.

I. COMPLIANCE

Equal Employment Opportunity

The Town fully supports federal and state Equal Employment Opportunity requirements. The Town provides an Equal Employment Opportunity to all employees, applicants, and candidates for employment without regard to race, creed, color, sexual orientation, age, disability, religion, veteran status, or national origin. It is the Town's intent that all employees benefit from a safe work environment free from all forms of discrimination and harassment. Discrimination and harassment based on race, creed, color, sexual orientation, age, disability, religion, veteran status, or national origin is considered a violation of these policies and practices.

Discrimination

The Town believes that it is all employees' singular and collective responsibility to deal fairly and honestly with their peers, subordinates, supervisors, and the public, to ensure a work environment free of discrimination.

Any employee, applicant, or candidate who feels that he/she has been discriminated against based on race, creed, color, sexual orientation, age, disability, religion, veteran status, or national origin should, without fear of reprisal:

- ***If employed***, contact the: 1) Immediate Supervisor or 2) Department Head or 3) Town Manager in the respective order shown, unless the situation warrants skipping a level of supervision (i.e., where the perpetrator of alleged discriminatory action(s) is the Supervisor).
- ***If an applicant or candidate***, contact the Town Manager.
- ***If the accusation involves the Town Manager***, contact the Mayor.

The Town will, upon receipt of critical information detailing the alleged discrimination, investigate the circumstances and, if needed, take appropriate actions. The employee or applicant may be asked to provide additional information for the investigation. The Town will attempt to maintain confidentiality of the situations and parties involved, but it makes no guarantee of absolute anonymity. Employees and external parties may be provided with information on a "need to know" basis as a part of the investigative process. Proof of either discrimination or a false accusation may result in disciplinary action up to and including termination of employment for employees and/or legal action for employees, applicants, and/or candidates.

Harassment

The Town believes it is all employees' singular and collective responsibility to deal fairly and honestly with their peers, subordinates, supervisors, and the public, to ensure a work environment free of harassment. Disrespect for or abuse of anyone's dignity through verbal, physical, or visual slurs of a sexual or intimidating nature, and/or derogatory or other inappropriate conduct is unacceptable and subject to disciplinary action, and may result in immediate termination.

Sexual harassment is a specific form of harassment that undermines the integrity of the employment relationship. The Town will not tolerate sexual harassment by Town employees or by those who work with the Town including suppliers, general public, consultants, or any other vendors. Unwelcome sexual advances, requests of sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment.

Any employee, applicant or candidate, who feels they may have encountered harassing circumstances, should report the incident, without fear of reprisal:

- ***If employed***, contact the: 1) Immediate Supervisor or 2) Department Head or 3) Town Manager in the respective order shown, unless the situation warrants skipping a level of supervision.
- ***If an applicant or candidate***, contact the Town Manager.
- ***If the accusation involves the Town Manager***, contact the Mayor.

The Town will, upon receipt of critical information detailing the alleged harassment, investigate the circumstances and if needed, take appropriate actions. The employee, applicant, or candidate may be asked to provide additional information for the investigation. The Town will attempt to maintain confidentiality of the situations and parties involved, but it makes no guarantee of absolute anonymity. Employees and external parties may be provided with information on a “need to know” basis as a part of the investigative process. Proof of discrimination, harassment, or a false accusation may result in disciplinary action up to and including termination of employment for employees and/or legal action for employees, applicants, candidates, suppliers, consultants, vendors, and/or the general public.

Safety

It is the Town’s intent that all employees enjoy a safe work environment free from known health and safety hazards. The Town has established safety practices concerning work area organization as well as use of tools, equipment, and chemicals. Each employee is expected to take responsibility for helping ensure that the standards are followed by conducting their activities in accordance with established practices.

It is each employee’s responsibility to report any accident or injury on the job immediately regardless of severity. Failure by an employee to follow safety standards or related practices may result in immediate disciplinary action up to and including immediate discharge.

Drug and Alcohol Free Workplace

All employees are required to acknowledge that they have read and agree to abide by the following policy by signing a copy of the policy, which is provided to the employee during the initial employment orientation.

The Town strives to provide for its employees a safe and productive workplace and an atmosphere that allows for the protection of its assets. Compliance with the Drug and Alcohol Free Workplace policy is a condition of continued employment with the Town. The Town will maintain a workplace free from the influence of drugs and alcohol. This policy applies to all employees, contractors, and vendors. The Town expects all employees, contractors, and vendors to be in a suitable mental and physical condition while at work, reporting to work, and during work-related functions, allowing for safe and effective job performance.

The unlawful manufacture, distribution, dispensation, possession, or use of drugs and/or alcohol is prohibited on any Town site or any site where work is being performed on behalf of the Town.

Any Town employee reporting for work or working under the influence of drugs or alcohol will be subject to disciplinary action up to and including immediate dismissal.

An employee shall notify their Department Head or Town Manager of any drug or alcohol convictions no later than five (5) days after such conviction. Failure to report such a conviction will subject the employee to dismissal.

The Town retains the right to offer employees convicted of drug or alcohol charges participation in an approved rehabilitation or drug assistance program as an alternative to or in addition to disciplinary actions. Participation in such a program is the financial responsibility of the employee. If such a program is offered, the employee must satisfactorily participate in and complete the approved program as a condition of continued employment.

Violence-Free Workplace

The Town is committed to preventing workplace violence and to maintaining a safe work environment. Conduct that threatens, intimidates, or coerces another employee or a member of the public at any time will not be tolerated. All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to the employee's immediate supervisor or the Town Manager. This includes threats by employees, as well as threats by citizens, vendors, solicitors or other members of the public. When reporting a threat of violence, the employee should be as specific and detailed as possible. Any employee found to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

All suspicious individuals or activities should also be reported as soon as possible to a supervisor and/or the Town Manager. The employee should not place them self in peril. If the employee sees or hears a commotion or disturbance near their workstation, **do not try to intervene** -- Seek assistance of the supervisor, department head, Police Department, or the Town Manager, and, if appropriate, call 911.

The Town will promptly and thoroughly investigate all reports of threats or actual violence and of suspicious individuals or activities. The Town has the discretion of requesting outside Law Enforcement

assistance as deemed necessary. The identity of the individual making a report will be protected as much as is practical.

The Town encourages employees to bring their disputes or differences with other employees to the attention of their supervisor, department head, or the Town Manager before the situation escalates into potential violence. The Town is eager to assist in the resolution of employee disputes and will not discipline employees for raising **valid** concerns.

Confidentiality

Although many of the records maintained by the Town are considered public records under State law, certain classes of documents and/or information are considered confidential and private. Records that are confidential include, but are not limited to, employee records, the records maintained by the Town Attorney's Office, criminal records maintained by the Police Department, and information that is confidential as a result of contracts or leases with other parties.

Dissemination of confidential or private information may be a violation of State law. Before providing any information or documents to the public, Town employees must be certain that such information/documents are not confidential and/or private. If there is any doubt, the employee must request guidance from the supervisor, department head, or the Town Manager.

Employees should not discuss matters that other employees or clients would have an expectation of privacy in any setting. Any release or inappropriate discussion of confidential or private information, or records, in violation of this policy is grounds for disciplinary action, including immediate termination.

Only the Town Manager or their designee should release Town information to any member of the news media.

II. Employment with the Town

Full-Time Employee Recruitment and Selection

All Town employees are employed at will. The Town retains the right to dismiss or terminate an employee at any time.

The Town is an equal opportunity employer. The Town utilizes recruitment and selection practices that are designed to employ the most qualified person for the specific position. While the following procedures are provided as recommendations, it should be recognized that each recruitment may be conducted in a manner and time frame appropriate to the specific position and needs of the Town at that given point in time, and may not necessarily be conducted in a manner similar to any past or future recruitment process. The Town Manager, in consultation with the Department Head, may exercise discretion in determining the recruitment method utilized for each job vacancy.

- **Vacancies** - A Department Head is responsible for notifying the Town Manager of an open position and shall seek authorization to fill any full-time position.
- **Announcements** - A full-time job opening shall be advertised, in accordance with the Town ordinance that specifies conventions for announcing job openings, to notify internal applicants and members of the general public who may be interested and qualified for the position.

All Town departments shall receive notice of full-time job openings so that current employees are informed of the vacancy or vacancies.

The Job Announcement shall document:

- Position Title and a brief description of position duties
- Salary Range for the position
- Minimum requirements and qualifications
- The Town's Equal Employment Opportunity Statement
- Application procedures, and
- The time frame during which applications will be accepted

Application Forms - The Town uses application forms that meet the standards set forth by Federal and State laws. All persons interested in being considered for a full-time position must complete a Town application.

Screening and Testing - Once applications have been accepted, the selection process may include:

- Job related standardized tests or screening processes, which are given to each applicant who is being considered. Examples include: Public Safety testing such as verbal and written skills and health evaluations. Public Works testing such as commercial driver's license qualification and physical/strength examinations; and typing tests for clerical positions.
- Signing a waiver of liability releasing the Town from responsibility for injury or damage that could occur as a result of tests that are required for certain positions.

Interviews - It is required that any candidate for a full-time position who has been selected be interviewed prior to recommendation for hiring. This process may include the following components:

- The interviews may be conducted by one person or a panel of individuals, as management deems appropriate.
- All interviewees will be asked the same questions that will be documented and maintained within the selection files.

Examinations - Upon receipt of a conditional offer of employment, all regular full-time and part-time positions may require that the applicants be examined by the Town's chosen professionally-recognized and verifiable health care provider. These examinations are job related and are conducted in the interest of the candidate's health and safety to assure that their health condition is compatible with the duties and responsibilities of the position being sought or to ensure that the Town can make reasonable accommodations. Additionally, pre-employment drug and alcohol screening will be completed for all positions requiring drug and alcohol testing.

Certain selected positions, which will be specified during the application process, may require the candidate to be evaluated by a mental health professional chosen by the Town to assure compatibility with identified tasks that are mentally and emotionally demanding. (For Police positions, reference the Standard Operating Procedures of the Police Department.)

Background Information - Each prospective employee must have a valid Colorado driver's license of the appropriate type, if one is required for the position.

The Ignacio Police Department will evaluate the prospective employee's driving history prior to hiring. No person shall be hired into a position requiring a driver's license unless the person's MVR is "Acceptable or Better" as defined in Section V of the Town's Motor Vehicle Records Review Policy.

References - Applicants are asked to provide references as part of the pre-employment process. Former employers, supervisors, and personal references may be contacted and qualifying credentials may be authenticated prior to scheduling an interview appointment.

Appointments - Once the selection processes are completed, the Department Head shall provide the Town Manager with all the necessary information and documentation for review and, if appropriate, hiring authorization.

Applicant Falsification of Information - Applicants who are selected for interviews and who subsequently may be extended a conditional offer of employment will be immediately disqualified from the recruitment process should it become apparent that application information is inaccurate, incomplete, misleading, false, or untrue, whether it is on the application form, resume or other written documentation, or is verbally stated.

Should a candidate accept an offer of employment and the Town subsequently discover that an applicant's information was inaccurate, incomplete, misleading, false or untrue, the Town retains the right to proceed with disciplinary action up to and including immediate termination of employment.

Selection Process Documentation - Unsuccessful job applicant resumes and/or applications, selection documentation, correspondence, and other relevant information concerning the applicant or candidate will be retained in a secure and confidential file in accordance with State and Federal regulations. All requested disclosures would be conducted in accordance with the strictest regulatory requirements.

New Employee Orientation – On or about the first day of employment, new Town employees shall report to the Human Resources Director for initial employment orientation and for the purposes of receiving payroll, benefits, and employment information. Department heads and supervisors are responsible for job orientation and department specific procedures.

Waiver of Process(es) - With Town Manager approval, any and all of the aforementioned processes may be waived in the hiring process.

Nepotism

The Town recognizes that the employment of immediate family members may occur on occasion. It shall take the steps necessary to ensure that no full-time immediate family members are employed in direct or indirect supervisory, subordinate relationships, or other situations that could present a security or confidentiality concern or a conflict of interest. This may include, but not be limited to, the transfer of employees within the organization to maintain impartial employment practices and to enhance supervision and security.

The Town defines relatives as: two individuals related by blood, adoption, marriage or domestic partnership (a person with whom the employee's life is interdependent and with whom the employee shares a mutual residence). Relatives are spouse, parent, child, grandparent, grandchild, brother or sister, in-laws, step-relations, life partners, or other family members who by domestic association are not distinguishable from the relatives identified.

The Town ordinarily will not employ close relatives under circumstances where:

- One would directly or indirectly exercise supervisory, appointment, or dismissal authority over the other
- One would directly or indirectly have authority over disciplinary action as to the other
- One would audit, verify, receive, or be entrusted with money received or handled by the other in the course of employment or
- One would have access to the employer's confidential information, including payroll and personnel records

Relatives of full-time employees who are applicants for a vacant position must be qualified and meet the same requirements as others applying for the position.

Any situation, which may fall under this policy, shall be treated within the guidelines of the Equal Employment Opportunity commitment that the Town has made to employees, applicants, and the community.

Employment Period of Evaluation

The Town has established an evaluation period of at least six (6) months for all newly hired non-exempt employees. This time provides both the employee and the Town an opportunity to become acquainted and allows both to determine whether employment should continue. Each new employee, upon accepting a position with the Town, shall be advised of the parameters of the evaluation period. For exempt employees, the evaluation period shall be in accordance with a written contract or, if there is no contract, it shall be the same as the non-exempt employees.

The Town retains the right to terminate employment during, or at the end of the evaluation period, or at any other time during employment, as it deems necessary.

During this evaluation period the employee will participate in performance evaluations. Performance factors considered include, but are not limited to, quality and quantity of work, ability to learn, initiative, attendance/punctuality, conduct, and other performance evaluations. As the period progresses it may be determined that the evaluation process should be extended up to, but not to exceed, an additional six (6) months. Should this occur, documentation concerning the extended process shall be completed by the Department Head and forwarded to the Town Manager for approval.

Completion of this initial period by an employee shall not be considered to mean the Town is obligated in any way to continue employment, nor does it mean there is an agreement between the Town and the employee for continued employment.

For contract employees, such as the Town Manager, the evaluation process shall be established by the Town Board, and may enlist the Town Clerk to assist with the evaluation process. Once each individual Board Member has completed their evaluation, the results shall be provided to the Mayor who shall make a written report of the composite results. The Town Board shall then meet with the Town Manager in Executive Session at the

earliest convenience of the Town Board to discuss the results of the evaluation. A written report shall be provided to the Town Manager and a copy placed in the contract employee's personnel file.

Employment Classification

All employees will be assigned an employment classification at time of hire.

- ☐ **Full-time Employment:** Regular full-time employees are those who have been hired with the understanding that they are to work a 40-hour work week or 80-hour pay period.
- ☐ **Part-time Employment:** Regular part-time employees are those who have been hired with the understanding that they are to work less than 40 hours per workweek. A part-time employee may occasionally work 40 hours per week or more based on the Town's needs.
- ☐ **Temporary Full-time Employment:** Temporary full-time employees are those who work 40 hours per work week or 80 hours per pay period for a defined period of time typically not to exceed six months or 130 working days of continuous service.

- **Temporary Part-time Employment:** Temporary part-time employees are those who work less than 40 hours per work week for a defined period of time typically not to exceed six months or 130 working days of continuous service.
- **Seasonal Employment:** Seasonal employees are those who work for a defined period of time, completion of a project, or work of a seasonal nature typically not to exceed six months or 26 weeks of continuous service.
- **Contract Employment:** Contract employees are those whose employment relationship, compensation, benefits, and terms of employment are defined by an employment agreement. Employment contracts may only be authorized by the Board of Trustees.

Volunteers: Volunteers are NOT employees of the Town. Volunteers participate/work at their discretion on Town programs, special events, or projects that are scheduled throughout the year.

Employment Status

The Town recognizes the provisions of the Fair Labor Standards Act (FLSA), and subscribes to the guidelines therein to determine whether a position is eligible for compensatory time, or payment of overtime for hours worked beyond 40 hours during a seven day work week or 80 hours during a given pay period. Compensatory time or overtime may have different criteria if a special work schedule (i.e. 9/80) is developed.

Exempt Employment: Employees who are exempt from the overtime provisions of the Fair Labor Standards Act are generally management, supervisory, sales, professional, and administrative personnel who work at least 40 hours per work week or 80 hours per pay period. Exempt employees shall use timesheets to document work schedules and leave time.

Non-Exempt Employment: Employees who are covered by the provisions of the Fair Labor Standards Act generally perform skilled and/or semi-skilled tasks in technical, clerical, maintenance, and/or attendant positions. Timesheets for recording hours worked will be provided at the beginning of each pay period for this employment classification.

Work Hours

The Town recognizes a standard workweek that begins at **12:01** a.m. on Monday and ends at **12:00** Midnight on Sunday for all positions. The Town and its employees recognize that circumstances may necessitate work beyond regularly scheduled work hours.

- Full-time employees have a workweek consisting of forty (40) hours within the seven-day period described above or 80 hours within a 14-day period as described above. This shall be the standard for all employees with the exception of those employed in public safety positions. Shift assignments and work periods for public safety positions shall be established by the Police Chief. Meal periods will be considered as time worked if officers are available for assignments and calls during meal periods.
- Part-time employment schedules vary and are established by department heads and supervisors.

Work Breaks: Full-time employees will be allowed work breaks during each standard work schedule as established by their respective department. Lunch break will be arranged in accordance with the department's standards. Each part-time employee's schedule will be established by their supervisor on a case-by-case basis.

Generally, part-time employees who are scheduled to work 4 hours or less during a given day may not receive a break. Part-time employees scheduled to work more than 4 hours, but less than 8 hours during a given day, will receive scheduled work breaks in accordance with the guidelines of the department.

Overtime Work Breaks: All work breaks taken while working overtime hours will be scheduled in accordance with the department's standards.

The Town recognizes that requirements and/or regulations may change at any time for any reason. The Town retains the right to change work schedules on a temporary or continuous basis.

Outside Employment

In the interest of the employees' wellbeing, the Town requires that regular full-time employees comply with the guidelines and procedures outlined below prior to accepting additional employment with another employer.

- A full-time employee is free to pursue outside employment provided the activities and conduct away from their job with the Town do not compete, conflict with, compromise the Town's interests, or adversely affect job performance, or one's ability to fulfill their responsibilities with the Town. Any outside employment is clearly subordinate to employment with the Town.
- Should the Department Head or Town Manager, for any of the reasons cited above, determine that outside employment has an adverse effect on the employee's performance, the Town Manager may require that such employment be discontinued.
- Should an outside engagement involve being paid by honorarium, the Town will handle the situation on a case-by-case basis, taking into account that this type of engagement frequently involves time outside of the standard work schedule.

- Outside employment will not be considered grounds for an employee to justify unsatisfactory performance, absenteeism, tardiness, early departure from their Town job, refusal to travel, refusal to work overtime, or a different work schedule.

Conflict of Interest

Employees shall not accept or engage in any activity, business, or employment during or after working hours that would conflict with the interests of the Town or interfere with the unbiased ability of the employee to execute their duty to the public in the best interest of the Town. The Town retains the right to determine that which constitutes a conflict of interest in accordance with appropriate Federal, State, and local statutes, regulations, ordinances, and mandates.

- Should a situation arise concerning a possible conflict of interest with any Town employee or member of an appointed board and any enterprise or organization doing business with the Town, the details of the situation will be presented to the Town Manager for review, investigation, and final determination.
- Use of the official Logo, Letterhead, or other items in the conduct of activities that may not be viewed as Town business is prohibited unless authorized by the Town Manager.

Violation of this policy may result in disciplinary actions, up to and including immediate termination.

Punctuality and Absenteeism

Employees are expected to report to work as scheduled and on time. Being absent or tardy causes scheduling problems and places an undue burden on fellow employees, and creates inefficiencies for the department and the Town.

Supervisors shall notify other departments with interfacing responsibility/work duties of absences within the given department to minimize any resulting burden.

All employees are expected to keep absences and tardiness to a minimum. Poor attendance and/or punctuality, regardless of reason, may result in disciplinary action.

- Any employee who is unable to report to work, or who will be late for work, must notify or attempt to notify their immediate supervisor prior to the start of work. Should an employee be unable to notify their immediate supervisor, a member of the employee's immediate family or an authorized representative shall attempt to contact the supervisor on their behalf prior to the start of work.

- Absenteeism **without notice**, unless circumstances warrant, for two (2) days will result in an immediate documented warning and possible disciplinary action, including immediate termination. Absence for three (3) days **without notice** will be considered a voluntary termination. The exit interview document will be completed and inserted in the employee's file stating reason for termination was "Did Not Return to Work."

Position Classification

The Town's practice is to provide equitable compensation for all jobs within the organization. To accomplish this objective, the Town has adopted the methods outlined herein.

Position Classification:

- **Classification:** The Position Classification Plan is a system by which the duties and responsibilities of a position, as outlined in the job description, are assigned to a particular job family and given a position title that is reflective of the position within the organization and in relation to positions of similar scope in comparable entities outside the Town organization.

The Classification Plan was developed and is maintained as a guide for measuring and compensating comparable positions within the Town organization.

- **Establishment, Amendment, or Revision:** The Town Manager shall present recommendations regarding departmental appropriations to the Board of Trustees for approval and/or adoption.

- **New Positions:** The Town Manager may recommend and the Board of Trustees may create new positions within the Town's organization. Any such new full-time position shall be deemed to be a part of the Classification Plan unless the Board of Trustees otherwise directs.

- **Reclassification:** Existing positions that have changed materially may be reviewed and considered for reclassification. Based on the merits of the changes, the Town Manager may approve such reclassification.

Payroll – Dates and Pay Distribution, Questions, and Time Reporting

Pay Dates: Employees of the Town are paid on a bi-weekly schedule with pay dates every two weeks. Paychecks are distributed every other Thursday unless the date falls on an observed Holiday. Should the scheduled distribution fall on an observed holiday, paychecks are distributed on the last workday prior to the holiday.

Employee Absences: An employee who must be absent on payday may authorize, in writing, the release of their paycheck to a representative. The Town does not assume or retain any further responsibility for a paycheck once released to an authorized representative of the employee.

Commented [TD1]: Where are the position classifications outlined and explained?

An employee who is on a prolonged leave of absence from work may request in writing that their pay check be mailed to a designated address or may request in writing the direct deposit of net earnings with a designated financial institution. In either case, the written instructions will be followed until rescinded in writing by the employee.

Direct Deposit: Employees may authorize in writing the direct deposit of their net earnings with designated financial institutions. Upon the authorization of direct deposit by any employee, that employee's net earnings shall be deposited with the designated institution until such time as the authorization is rescinded in writing.

Payroll Deductions: All deductions required by Federal and State law are automatically deducted from an employee's paycheck. However, additional deductions such as health care insurance premiums, life insurance policy premiums, supplemental insurance premiums, and other voluntary forms of payment require written authorization by the employee for the Town to withhold the funds on behalf of the employee.

Payroll Questions: Questions concerning pay or related matters should be brought to the immediate attention of the employee's Supervisor or the Department Head. Should adjustments be necessary, they will be made and appear on the following pay period's paycheck.

Time Reporting: Non-exempt employees will be provided with a timesheet and will be responsible for recording time on a daily basis. Each employee is responsible for their timesheet and recording time in and out whenever an interval of time away from work is taken. Exempt employees shall use timesheets to document work schedules and leave time.

Separation of Employment

In the event an employee is dismissed or voluntarily resigns from the Town, the following steps are generally taken:

- **Resignation:** Employees are asked to provide at least a two-week written notice of resignation. Notice shall include anticipated date of departure, employee signature, and any other information the employee deems applicable.

Failure to return to work upon the expiration of a leave of absence unless medical or other evidence has been submitted to the Town along with a request for an extension of the authorized leave will be regarded and recorded as job abandonment without notice.

- **Layoff and Reduction in Force:** The Town may encounter situations such as lack of work, shortage of funds/materials, completion of special project(s), and other circumstances that require a Reduction-In-Force (RIF). Should a situation of this nature occur, a retention strategy will be developed and documented by the Town Manager and presented to the Town Board of Trustees.

All employees subject to the RIF will be given a two-week notice. Once the RIF takes effect, benefits will cease to accrue, but all benefits accrued prior to the RIF will be retained unless the employee requests pay for compensatory time and vacation during the time off.

All employees subject to involuntary termination due to a RIF will be given a two-week notice. All compensatory time and vacation benefits accrued prior to the reduction-in-force will be paid in the final paycheck.

- **Disability:** Employment may be severed for disability reasons when an employee cannot perform the duties/responsibilities of their position because of physical or mental impairment, and no reasonable accommodation can be made. This action may be initiated by the employee, their legal representative, or the Town, and all cases must be substantiated by medical evidence that the Town deems acceptable. To validate the health condition, the Town, at its own expense, may request an examination by a professionally identifiable, authorized, and qualified health care provider.
- **Retirement:** Employees may choose to retire pursuant to their respective retirement plans. An employee is requested to give their Supervisor or Department Head a 90-day notice of their intention to retire.
- **Abandonment:** Any employee who is absent from their position without the appropriate approvals or who fails to return to their assigned duties within three (3) days of absence may be considered to have abandoned their employment.
- **Dismissal or Involuntary Termination:** Employees may be dismissed or terminated following their inability to respond to required performance management measures or corrective actions.
- **Death:** In the event of an employee's death, termination of employment will be effective as of the date of death. Compensation due a deceased employee shall be paid to the estate of the employee, except for sums that by law are to be paid to the surviving spouse or other eligible persons.

SEPARATION PROCEDURES:

- **Notice Requirement:** All notices associated with separations must be submitted accordingly and place in personnel files. Department Heads are responsible for submitting a written notice to affected employees in the event of a RIF, acknowledgement of a disability that cannot be accommodated that is initiated by the Town, and dismissals.

- **Town Property:** At the time of separation and prior to issuance of the final pay check, all records, assets, and other items of Town property in the employee's custody shall be transferred to the Department Head, and certification of the same shall be executed by the employee and acknowledged by the Department Head. Any amount due the Town will be withheld from the employee's final compensation in accordance with Federal and State law and/or collected through other appropriate actions.

- **Final Compensation:**

Voluntary Separation of Employment - Employees shall receive all compensation due upon separation at the standard payroll cycle in accordance with Federal and State guidelines, and with the policies outlined in the Human Resources Policies and Procedures. Any compensation due will be subject to regular payroll deductions and the deduction of any additional indebtedness to the Town.

Involuntary Termination of Employment – Employees shall receive all due compensation within 24 hours of termination in accordance with Federal and State guidelines, and with the policies outlined in the Human Resources Policies and Procedures. Any compensation due will be subject to regular payroll deductions and the deduction of any additional indebtedness to the Town.

Compensation due a deceased employee shall be paid to the estate of the employee, except for sums that by law are to be paid to the surviving spouse or other eligible persons.

- **Exit Interviews:** Exit interviews are a valuable tool to obtain insight from employees who are leaving the Town. The Town may require, and the Town Manager or a designee may conduct, an exit interview with an employee voluntarily terminating their employment. If the exit interview does not occur, the exit interview document shall state the interview was not possible and will be placed in the employee's file.
- **Military Service Re-employment:** Reference the Uniformed Service Leave policy (see page 36) for *reemployment* which involves time away from work specifically to respond to Military and/or related services which fall under the Uniformed Services Employment and Reemployment Rights Act of 1994.

Commented [TD2]: Do we have a form for this? An exit interview form is referenced several times in this policy manual.

Personnel Records

The Town regards and treats an employee's personnel records as highly confidential. However, as a public entity, the Town must comply with the Open Records Act, and certain provisions define what employee information is public. The Town will not release any confidential information from an employee's personnel records without a written request from the employee/former employee requesting a copy of the complete record. The time period to retrieve and copy the file will be three to five working days and the costs associated with preparation, if any, will be the responsibility of the requesting employee/former employee.

A central file of records on all employees is maintained by the administration, and for ten (10) years after employment has ceased with the Town. An employee who is severing their employment with the Town may request a complete copy of their file upon leaving. Information in the file may be photocopied, but original documents may not be removed.

- ☐ An employee may, upon request, review their own personnel file, excluding medical records, during normal business hours at the Town's main office with a Department Head or Town Manager present.
- ☐ All information placed in an employee's file will be done with full knowledge of the employee. An employee's acknowledgement on a record will appear in the form of the employee's signature including the date of signing.
- ☐ No portion of the file shall be duplicated by any person other than the Town Manager or designee, without the employee's consent.
- ☐ With Town Manager approval, an employee may place any job-related, pertinent information in their personnel file.

Former employees of the Town may wish to use the Town as an employment reference. Should this occur, the Town will provide the inquiring party the individual's hire date, position(s) held with the Town, eligibility for rehire in the form of yes or no if asked, and the departure date.

An employee must notify and schedule related actions with their Department Head and the Human Resource Director should any of the information listed below change:

- Address and/or telephone number
- Emergency notification(s)
- The number of dependents to be claimed for State and Federal income tax purposes
- Benefit program beneficiary elections and changes
- Benefit program dependent coverage status
- Identification of other health insurance companies that may be co-insurers

III. Compensation and Benefits

Compensation and Pay Increases

The Town strives to provide competitive compensation for all jobs within the Town. Employee hourly rates and salaries are established and based on comparable rates and salaries from nearby communities and town similar in size and function.

Each employee participates in performance evaluations in accordance with the following schedule:

- ☐ New employees participate in performance evaluations, which may be scheduled more frequently, but generally are scheduled after continuous service of 6 months and 1 year.
- ☐ Employees with greater than one year of service participate in annual performance evaluations.

Annually, the Town considers pay increases based on overall financial conditions, budget feasibility, and economic trends that may include the consumer price index. All regular full-time employees may be considered for an increase during their annual review process if the Town determines that increases are feasible for the given year.

The Town retains the right to grant no increases for a given year, and/or it retains the right to grant only selected increases based on management's judgment. In any event, the increase practices are established on a year-by-year basis and shall not be viewed as the standard from year to year.

Differential Pay

The Town may temporarily assign an employee to another job function as a benefit to both the organization and the employee. Acknowledging that assignments may place considerably greater responsibility on the employee than their regular position, the Town Manager may award a differential pay increase for the duration of the assignment.

The assignment must be in addition to the employee's regular job responsibilities and a minimum of seven (7) days for eligibility to receive differential pay. Request for differential pay increases shall be submitted to and approved by the Town Manager.

Overtime Policy – Non-exempt Employees

Employees shall work overtime from time to time, as management deems necessary. Whenever possible, prior notice will be provided for scheduled overtime, however management retains the right to request overtime whenever the need arises. Management may authorize overtime requested by an employee for completion of a service request or a project.

All overtime or compensatory time must be **approved** by an employee's Department Head or the Town Manager prior to working overtime hours, except in the case of emergency. The Department Head or Supervisor will demonstrate this authorization by signing the employee's timesheet.

- ☐ **Approved overtime** at a rate of one and one-half times the regular hourly rate will be paid for all overtime hours worked (hours over forty (40) hours per week or eighty (80) hours per pay period) by **all non-exempt employees** in accordance with Federal and State laws.

- **Compensatory time (comp time)** may be requested in place of overtime pay at the same rate (one and one-half times the hours worked) up to a maximum of eighty (80) hours at any given point during a given year. For example, 24 hours worked over a 40-hour work week schedule will equate to 36 hours of compensatory time. Upon termination of employment, employees shall be compensated for any unused compensatory time.

- **Public Safety (Police) Positions:** Public Safety positions will be paid overtime or compensatory time for all hours worked beyond the 80-hour schedule as outlined in the Fair Labor Standards Act. The Police Department has chosen the 14-day, 80-hour schedule provided for Public Safety employees in the Fair Labor Standards Act.

Court overtime or compensatory time will be provided for Police personnel to testify in court on a scheduled day off. A minimum of two (2) hours will be accrued for a court appearance as established by Police Department Standard Operating Procedures. All time beyond the original two (2) hours will be compensated at the appropriate rate for actual time worked. In instances of a civil subpoena that is the result of a work-related activity, Police personnel may be compensated through the Town, provided all applicable fees and/or other expenses are collected by the employee and turned into the Town.

- **Public Works Positions:** Public Works positions responsible for Water/Wastewater/Natural Gas on-call operations shall receive compensatory time off at a rate of one and a half hour compensatory time for each hour worked during their on-call schedule during the following week. All compensatory time for a given weekend shall be taken within the pay period unless the Department Head determines that circumstances do not permit full exchange.
- **Standby and Callback Time** will be provided for all non-exempt personnel who are requested to remain in contact with the Town to respond to possible service or emergency requests after their normal scheduled workday. During any given twenty-four (24) hour period, a minimum of one (1) hour overtime or compensatory time will be given for the first callback period. All time beyond the original hour will be compensated at the overtime rate for actual time worked. Should multiple callbacks occur, all time beyond the original callback would be compensated at the overtime rate for actual time worked.
- **Overtime Approval** will be demonstrated by the appearance of the Department Head's or Supervisor's initials on the **timesheet** prior to submission for payroll processing.
- **Method of Overtime Pay** or compensatory time granted Non-Public Safety, non-exempt employees shall be based on the employee's request up to a maximum of 80 hours of compensatory time accrual. Once the maximum accrual level of 80 hours is reached, all overtime work will be paid until compensatory time is used below this maximum.

Public Safety, non-exempt employee pay, or compensatory time granted shall be based on hours accrued up to a maximum of 80 hours of compensatory time accrual. Once the maximum accrual level of 80 hours is reached, all overtime work will be paid until compensatory time is used below the maximum.

This guideline will apply based on the Town Manager's administration of budgetary constraints at the time of approval.

The Town Manager or their designee will review time reports monthly for unusual or special circumstances. Compensatory time of up to eighty (80) hours may be accumulated and carried over from year to year in accordance with the provisions of the Fair Labor Standards Act.

All hours accrued beyond the stated threshold above, that were accrued prior to adoption of this policy will be grandfathered for the employee's use in addition to time accrued after adoption if hours exceed eighty (80) hours. Otherwise, the policy applies as stated.

Upon termination of employment, an employee shall be paid for any unused compensatory time along with the other compensation due the individual at departure.

Department Head Compensatory Time

The Town recognizes Department Head positions that are exempt from overtime are paid at levels that include the scope of responsibility held. However, from time to time the employees who hold these positions may find it necessary to work significant numbers of hours beyond the standard work week to ensure service is available and provided, and to represent the Town.

In recognition of the dedication shown, the Town Manager may approve periodic time off during regular work schedules when work/service loads are less demanding.

Employee Benefits

The Town provides an employee benefit package which is considered as part of an employee's total compensation package. At the beginning of the month following date of hire, all regular full-time employees are eligible for participation in the Employee Benefits programs that includes health care, life insurance, and retirement benefits.

Annually, the Town Board of Trustees adopts the employee benefit package as a part of the budget resolution. **For more details and a summary of the employee benefits package, the employee should contact their Department Head or the Human Resources Director.**

The Workers' Compensation Act requires that all employers provide employees with coverage for health care resulting from injury or accident on the job.

WORKERS' COMPENSATION INSURANCE:

In accordance with the guidelines of the Workers' Compensation Act and the Town's insurance carrier, ***an employee is responsible for reporting any injury or accident incurred on the job, regardless of severity, within the established time frame of no more than two (2) days.*** Failure to report an accident within the required time frame may result in delayed, reduced, or denied coverage by benefits provided by the Workers' Compensation Insurance carrier.

This insurance provides necessary medical coverage and hospital services as well as loss-time benefits for any employee sustaining a work-related injury requiring medical attention. Further, should time off work be required for recovery from the injury sustained, this plan will outline the parameters for the Town's handling of pay for the employee.

An injured employee may not return to work without a written release from the Town's designated physician stating that the employee may resume essential duties and responsibilities of their position. The written release must be given to the Human Resources Director or their designee prior to beginning work. In the absence of either individual, please provide the release to the Town Manager.

An employee absent from work as the result of a job-related injury or illness may choose to use other forms of accrued paid time off to cover **ANY** balance of regular pay that Workers' Compensation does/may not cover. To provide for the additional regular pay, an employee may draw from Compensatory Time, Sick Time, Vacation Time, and other forms of accrued paid time off, in the order listed, by contacting the Human Resources Director.

Any fraudulent claim for Workers' Compensation benefits or any claim filed against the Town for an injury or illness incurred while not on Town time will be investigate and prosecuted if substantiated.

All employees who are off work as a result of a work-related injury shall update the Town's Human Resources Director and their Department Head on a monthly basis concerning the current status of their injury, treatment, and progress toward wellness. This requirement may be fulfilled when the employee picks up their paycheck or in accordance with other arrangements made with the Human Resources Director.

Paid Time Off

The Town provides regular full-time employees with paid time off during the year to take vacation, and/or to accommodate health care needs and illness of the employee or an immediate family member.

Immediate family members for this policy are defined as a spouse or significant other, children, stepchildren, adopted children, and elder parents of either the employee or the employee's spouse or significant other.

Commented [TD3]: I have the forms that would allow the Town to pay the employee directly, at their regular rate of pay, and the Town would be reimbursed by CIRSA. I would like to adjust this section to reflect that change, but want to make sure it is okay with the Town Manager and Town Board.

Time off is regarded as a privilege--not a right. Paid time off is earned beginning with the first day of employment as a regular full-time employee. All paid time off must be **authorized** by an employee's Department Head, Supervisor, or an appropriate member of management. Authorization of four (4) hours or less of leave is acknowledged by approval of an employee's time sheet. Authorization of more than four (4) hours of leave must be approved on a completed and signed Time Off Request Form.

The Town recognizes that some personal and health matters for the employee or immediate family members must be handled during work hours and strongly recommends that time away from work, which can be scheduled, be minimized by following the procedures listed below.

1. Attempt to schedule Doctor, Dentist, and/or Personal Business appointments **after-work hours or on Saturdays**. Many providers of these services have these hours available specifically for the working individual.
2. If appointments must be made during work hours, schedule these as early or as late in the day as possible -- NOT in the middle of the day unless the situation demands it. Employees shall, unless unable, return to work after early appointments and arrive at work in accordance with their scheduled time prior to late appointments.
3. Should an employee's child or children become ill and normal child care will not provide coverage, it is the employee's responsibility to attempt to arrange for alternative child care either in advance or when it occurs.

Paid time off, used particularly in the case of health care needs or illness, is intended to cover short-term leave needs. Longer-term illnesses may be accommodated under the Family Medical Leave Act. Should the circumstances fall under the Family Medical Leave Act, the Town will administer the leave as outlined in compliance with the Act.

Paid time off to recover from accident/injury, to attend the funeral of an immediate family member, or to fulfill civil requirements all have separate conventions within this policy.

Sick Leave

All regular full-time employees are eligible for paid time off for **health care needs or illnesses**. Sick leave is earned at a rate of **one-half working day or four (4) work hours per bi-weekly pay period** or 12 working days per year, which will be accrued up to a maximum of 90 days or 720 hours.

Use of sick leave by an employee may require verification by a qualified health care professional. Sick leave may be used for the following purposes:

- ☐ Sickness or injury incapacitation;

Commented [TD4]: Based on new legislation, this is now a right for both full-time and part-time employees, at a minimum of 48 hours per year. The Town provides more than 48 hours in the current benefit package for full-time employees, and each part-time employee receives the 48 hours at the beginning of each year.

Commented [TD5]: At the April 15, 2015 Board Meeting there was approval of "Administrative Days" that are called by the Mayor or the Town Manager. Are these "Administrative Days" covered in this statement?

Commented [TD6]: The law requires employers with 50 or more employees to provide FMLA leave; the Town does not currently provide this.

Commented [TD7]: It is actually accrued at 3.6923 per pay period...just like vacation. Does this need to be corrected in the policy manual?

- ☐ Medical, dental or optical examinations or treatment, preventative care and professional counseling;
- ☐ Employee exposure to a contagious disease that may jeopardize the health of others; and
- ☐ Attendance to the medical needs of immediate family.

Sick Leave Sharing: Employee contributions for paid time off to another employee during a catastrophic illness or injury situation will be available, as appropriate, and on a case-by-case basis. This program may be initiated after the employee has used all compensatory, sick and vacation leave.

Accrued Sick Leave Conversion (Termination of Employment): After two years of continuous employment, an employee may, upon termination of employment, receive pay for accrued sick leave credit up to 90 days or 720 hours. Accrued time will be converted at a rate of four hours of accumulated sick leave for one hour of regular pay at the employee's current rate of pay.

Vacation

All regular full-time employees begin accruing vacation on the first day of employment, which becomes the anniversary date of hire. Vacation leave shall accrue based on the number of months of service by an employee and in accordance with the following schedule:

0 – 60 Months 3.69 hours per bi-weekly pay period or 96 hours per year. Maximum accrual is 160 hours.

61 – 120 Months 5.54 hours per bi-weekly pay period or 144 hours per year. Maximum accrual is 240 hours.

120+ Months 7.38 hours per bi-weekly pay period or 192 hours per year. Maximum accrual is 320 hours.

- Vacation leave that is accrued beyond the maximum accrual will be forfeited. It is the employee's responsibility to monitor their vacation accrual limits and take vacation in order to avoid losing accrued vacation leave.
- Holiday pay shall be used if a Town holiday falls during an employee's scheduled vacation.
- In the event the Town denies vacation requests, the circumstances will be documented by the Department Head and Town Manager with authorization for the employee to carry over paid time off which may exceed the allowed accrual. Carry-over situations will be handled on a case-by-case basis.

- An employee may request to have a maximum of 80 hours vacation paid out to them in a calendar year. In the event of a hardship, an employee may request additional vacation time be paid out if approved by the Department Head and Town Manager.
- Employees will be compensated at their current rate of pay for unused vacation time up to their maximum accrual amount upon conclusion of employment with the Town.

Use of Paid Leave During Worker's Compensation Injury

An employee injured while performing their Town duties is eligible for compensation under Workers' Compensation Insurance in accordance with benefits pursuant to the Workers' Compensation Act. The employee may, at their option, request in writing that the difference between their Workers' Compensation benefits and their regular straight time pay be supplemented by drawing on their accumulated Compensatory Time, Sick Leave, Vacation Leave, and other forms of accrued paid time off in the order listed.

Any employee out on Worker's Compensation Leave shall continue to receive benefits and compensation in accordance with the provisions of the Workers' Compensation Insurance Plan of the Town. During such leave, any benefits received by the Town from outside providers on behalf of the injured employee will become the property of the Town.

An employee returning from Worker's Compensation Leave shall provide a medical release prepared by a professionally recognized and qualified health care provider.

Domestic Abuse Leave

Employees may be eligible for time off if they are the victims of domestic violence or abuse, stalking, sexual assault or a crime found by a court of record to include an act of domestic violence.

Employees may request up to three working days off with pay in a 12-month period.

Bereavement Leave

Leave of absence with pay may be granted by the Department Head for three (3) days should a member of an employee's immediate family pass away. An additional two (2) days may be granted for out-of-state travel in accordance with the circumstances, on a case-by-case basis. This type of leave has no limit during a given year and does not accrue from year to year.

The Town defines immediate family for the purposes of this policy as a spouse, parent, child, grandparent, grandchild, brother or sister, in-laws, step-relations, life partners or others who by domestic association are not distinguishable from the relations identified.

Commented [TD8]: See my comment on page 30 under Worker's Compensation. I don't think this section is necessary since all the information is the same as above (except the part about the benefits becoming Town property, which can simply be moved to the space above).

Civil Leave

Employees shall be granted time off without loss of pay or benefits when appearing in court as juror or witness for Town business or a jury summons; in response to a summons or subpoena for Town business, and for purposes of voting.

- **Court Appearances:** The employee shall turn over all court fees received for serving as a juror or witness to the Town but may retain all reimbursements received while on civil leave.
- **Voting:** Full-time regular employees whose work schedule effectively prevents them from voting before or after work or during a break period will be permitted to use paid leave not exceeding two hours (2) for voting purposes.

Administrative Leave

The Town may place an employee on Administrative Leave of Absence, with or without pay, when circumstances such as disciplinary action, criminal misconduct, or other situations warrant such actions.

- Public Safety Administrative Leave will be addressed in accordance with Police Standard Operating Procedures.
- Town employees placed on leave will be advised of the reason for the leave and informed of any restrictions on interactions with the Town, Town staff, and the public.
- Town employees will be advised of the type and duration of the leave, and the investigation that will be initiated and completed by the Town during the leave of absence.

Inactive Employment Status

The Town recognizes that employees may from time to time have a situation that legitimately requires their absence from work for an extended period of time. A leave of absence requested in writing, without pay, may be authorized and will be handled on a case-by-case basis.

Authorization of a leave of absence without pay shall occur only after the employee who is on approved leave of absence has exhausted all accrued paid time off.

An authorized leave of absence shall not constitute a break in service. However, paid time off will not accrue unless specifically provided by an applicable law. The time lapse during such leave shall not apply toward length of service considerations or time accrual credits for pay increases.

Authorized leave periods, approved by the Town Manager, will be determined in conjunction with the employee's and the Town's needs. Employees should contact the Department Head or the Human Resources Director to discuss any type of Leave of Absence.

Uniformed Service Leave

The Town recognizes that employees may request leave for an extended period of time to meet Uniformed Services obligations or to respond to a call to active service duty. Absences of this nature will be handled on a case-by-case basis.

Subject to applicable federal and state law, leaves of absence for a maximum of 15 days per year will be granted to employees who are active in the National Guard or a branch of the Armed Forces Reserves for the purpose of fulfilling their annual field training obligations. Written or oral application for a military leave of absence must be made as soon as possible after receiving military orders. Employees will be placed on leave without pay while absent on military leave. A Town employee may use Compensatory or Vacation leave for Military Leave exceeding 15 days per year.

If the employee's salary from the Armed Forces, exclusive of travel allowance, is less than the gross pay from the Town, the employee will be eligible to receive the difference for a period not to exceed 15 days. To receive differential pay, the employee must submit the appropriate paperwork detailing the pay received from the Armed Forces to the Human Resources Department upon return to work.

Employees who enter the military service by draft or reserve call-up shall be granted a leave of absence without pay after receipt of military orders. After the employee's military service ends, the employee will be reinstated in accordance with applicable provisions of the Selective Service and Training Act or the Uniformed Services Employment and Re-employment Rights Act (USERRA) and any other applicable laws.

Holiday Policy

The Town observes the following holidays:

New Year's Day

Martin Luther King Day

Presidents' Day

Memorial Day

Independence Day

Labor Day

Veterans Day

Thanksgiving Day

Day after Thanksgiving

Leonard C Burch Day

Christmas Day

In addition to the above, we will be closed on the following: From 12:00 pm. to 5:00 pm on Christmas Eve and New Year's Eve; any year that Christmas falls on a Thursday, we will be closed the following Friday,¹ And any year that Christmas falls on a Tuesday, we will be closed the preceding Monday.

All full-time, regular employees are eligible for paid holidays. Part-time, seasonal, temporary, and contract employees are not eligible for holiday pay.

If a holiday falls on a Saturday or Sunday, the holiday will be observed either on the preceding Friday or the following Monday, whichever day is closest to the actual holiday.

Employee holiday pay is paid at the regular straight time rate in accordance with their regular work schedule. If an employee works on an official Town holiday, the employee will be paid or receive compensatory time at the regular rate for the number of hours worked on the holiday in addition to regular holiday pay.

Should a holiday fall during an employee's vacation, the employee will receive holiday pay in lieu of vacation pay for that day and vacation time used will be adjusted accordingly.

Performance Management

Performance Management and Evaluation

The Town encourages continuous communication on an informal basis, between an employee and their supervisor, concerning performance. The Town and its management view the informal processes as well as the formal processes as a way of reinforcing consistent quality and effectiveness in the delivery of services.

To facilitate the processes, each employee participates with their immediate supervisor in planning and evaluating performance. The preparation and results of these discussions are in written form, are signed by all parties involved, and are placed in the employee's personnel records. Generally, the outline below serves as a framework to guide the performance processes.

New Employees participate in the performance planning and evaluation processes after continuous service of 6 months and 1 year.

¹ Additional Days added by Board Approval on 12/3/2014.

- **Six Month Evaluation** - This evaluation allows all parties to assess whether employment should continue and to determine the performance goals and measures that will be the basis for evaluation upon reaching 1 year of continuous service with the Town.
- **One Year Evaluation** - This evaluation uses the goals and measures established at 6 months as the basis of evaluation and provides a forum for the employee and their supervisor to assess whether employment should continue and to establish the goals and measures for the 2nd year of employment.

Employees with Greater than One Year of Service participate in performance planning and evaluation processes that are conducted annually in December. This process uses the goals and measures established during the previous annual or initial employment year process, and any updates made during that period, as the basis of evaluation to measure the employee's performance, review options for improvement including a timeline and the ramifications for failure to improve, and provides a forum for the employee and their supervisor to establish the goals and measures for the next period of employment. Annually, the Town may consider pay increases using performance evaluation input as well as other variables including the consumer price index, competitive labor market trends, and the budgetary feasibility of the Town to grant increases.

The Town retains the right to grant no increases for a given year, and/or it retains the right to grant only selected increases based on management's judgment. In any event, the increase practices are established on a year-by-year basis and shall not be viewed as the necessary standard from year to year.

Employee Development and Training

The Town recognizes that its employees are one of its most valuable assets. In keeping with this philosophy, it encourages and provides for employee training that promotes efficiency, economy, safety, and that assists employees with improving their abilities for advancement. Department Heads shall determine departmental employee training requirements, develop and administer internal training programs, and provide active encouragement for employees to participate.

Employee Development/Training - Department Heads are responsible for fostering and promoting employee training for the purpose of improving the quality of services rendered to the community and for assisting employees in their preparation for advancement within the Town organization. Employees may request approval to attend formal education classes on their own time, seminars, workshops, or conferences that will mutually benefit the Town and the employee. If an employee receives training and leaves their position within a year of receiving that training, they must repay the Town for all costs associated with their training (including travel expenses), unless there is a hardship that forced them to leave.

The Town Manager will review all requests for additional training, and may approve Town payment for attendance based on the following criteria:

- Apparent direct benefit for both the Town and employee.

- Budgetary limitations allowing for the spending.
- Relevance to current or near-term municipal affairs. In other words, relevance or application to Town business or operations beginning within an identified period of one (1) to two (2) years.

In-Service Training - In-service training includes organized training and educational seminars, lectures, institutes, conferences, workshops, and orientation sessions. This training shall be provided to aid employees in gaining efficiency in their present and future work through development of skills, knowledge, and aptitude.

Supervisory Development Training - This training is targeted for managers, supervisors, and others with supervisory potential. It will provide standardized training in supervisory and managerial principles, human resources policies and procedures; legal issues associated with employee management, and other human relations and communication skills.

The Town may pay all incidental costs of approved in-service training. Travel will be reimbursed in accordance with the Town's Travel Policy (see below and page 50).

Compensation During Training - All regular full-time and regular part-time employees will receive their regular rate of pay during the normal schedule of work hours while participating in approved training programs. For the purposes of this policy:

- Lodging is defined as approved destination and location other than the employee's normal and routine residence.
- The normal schedule of work hours is defined as beginning when the employee leaves their lodging and goes directly to a training session and ending when the employee returns to their lodging directly after completion of the training session.
- Travel time before and after participation in a training program will not be paid if it is outside the normal schedule of work hours defined above.

Internal Job Changes

The Town recognizes the importance and benefit of providing growth and advancement opportunities for its employees. The Town is an equal opportunity employer; it hires, transfers, and promotes the most qualified individuals into positions where vacancies occur. In support of its practices:

- ☐ The Town encourages employees who would like to be considered for transfer to an open position to express their interests to their immediate supervisor.
- ☐ Employees of the Town are considered for open positions whenever a vacancy occurs.

- Should multiple internal candidates possess generally equal qualifications, the Town and its management may consider length of service as a factor in the selection process.
- An employee who is interested in advancement opportunities or the requirements for advancement should contact their immediate supervisor.
- Department Heads/Supervisors may be asked to nominate potential candidates for positions that become vacant.
- All internal job changes -- promotions and lateral transfers -- shall be subject to a period of evaluation. **(Reference: Employment Period of Evaluation Policy)**

Standards of Conduct

The Town recognizes its responsibility to the community as a whole and expects its employees to conduct themselves in a professional manner as representatives of local government. Employees are expected to conduct themselves in a manner that contributes positively to the Town's reputation. All employees shall be responsible for demonstrating the characteristics of quality work, positive attitude, effort, and appropriate appearance in the conduct of the duties and responsibilities of their jobs.

To clarify understanding of that which is considered unacceptable conduct, the Town offers the examples listed below, though not exhaustive, for the identification of improper conduct that may be the **subject of performance management action including written advisories that may result in immediate discharge**. The Town retains the right to identify conduct that may not be listed below as improper, to investigate situations and/or incidents that may be considered unacceptable or improper, and to treat same as the subject of immediate discharge.

1. Theft or unauthorized removal of the Town property, another employee's property from the premises, or personal use of the same.
2. Altering or falsifying Town records or reports.
3. Using, possessing, or selling alcohol or unlawful drugs on Town premises, including Town vehicles, or reporting to work under the influence of alcohol or unlawful drugs.
4. Improper use of authority or position within the Town for personal profit or advantage.
5. Entering false information on the employment application or other personnel records or failing to answer all questions fully and truthfully.
6. Actions resulting in injury to individuals or willful destruction/damage to the Town, customer, or employee property.

7. Acceptance of any gift, fee, money, or other valuable consideration in connection with employment.
8. Disregard or violation of safety, fire, or security standards and regulations. Failure to use prescribed safety practices with equipment, chemicals, and tools.
9. Unauthorized disclosure of confidential Town information.
10. Flagrant insubordination—refusal to follow reasonable supervisory instruction or perform assigned tasks.
11. Failure to report to work or leaving work during the standard work schedule without notifying an immediate supervisor or senior management as the case may require.
12. Conviction of a felony or other criminal act, which occurred either on or off the job, that affects the employee's position with the Town.
13. Use of profane, abusive, or threatening language or action toward fellow employees, supervisors, subordinates, or the public.
14. Discrimination, inappropriate behavior, or harassment based on age, race, color, religion, disability, Vietnam era or veteran status, sex, sexual orientation or identity or national origin, toward fellow employees, supervisors, subordinates, or the public.
15. Excessive absenteeism or tardiness.
16. Neglect of duties or sleeping during scheduled work hours.
17. Disregard for customer relations, rude or discourteous conduct toward a customer or citizen.
18. Failure to immediately report an accident or injury on the Town premises or during the conduct of business on behalf of the Town to the nearest Supervisor or Manager.
19. Incompetent or unsatisfactory work performance as defined within the given job duties and/or other standard duties and expectations employed while working with customers and suppliers on behalf of the Town.
20. Conduct that would bring serious discredit to the Town, its employees, customers, and/or its suppliers.
21. Failure to follow and abide by Town ordinances and regulations as an employee of the Town or a private citizen.

Problem Resolution

The Town encourages employees to resolve concerns, issues, or complaints that they may have promptly, sincerely, and candidly when they arise. The decisions/solutions resulting from discussion will be based upon a desire to provide employees with timely resolutions, regardless of the issue raised. The Town recommends the following procedure of communications:

- A. The employee shall contact their immediate supervisor and schedule a time for discussing the matter. Employees are encouraged to discuss issues openly and honestly so that an opportunity for resolution occurs as soon as possible.
The Town expects that an employee's immediate supervisor will be able to handle the majority of the matters that arise, will resolve them successfully in most cases within a two month period, and will prepare detailed, accurate documentation of the matter and its resolution.
- B. Should an employee's immediate supervisor decide that further consultation is necessary or in the employee's opinion the discussion with their supervisor does not resolve the matter to their satisfaction, a written request for a follow-up discussion, which both attend, will be scheduled with the next higher supervisor.
- C. Should any one of the parties view the results of prior discussions as not resolving the matter, a discussion including the employee, their immediate supervisor, and the next level of supervision shall be requested in writing with the Town Manager.
The decisions resulting from the meeting with the Town Manager will be final and will be documented concerning the final outcome. Information about the issue or concern will be held in confidence to the extent possible, depending on the situation. Employees should be aware that other employees may be provided information on a "need-to-know" basis only if the situation warrants.

Whatever the resolution, the Town and management make no commitment for employment of any specific duration, and employment with the Town remains "at-will." As an employee of the Town, employees have no contractual, property, or other legal rights in any term, condition, or aspect of the employment relationship, including but not limited to, termination. Employees are free to voluntarily terminate employment at any time, and the Town retains the right to terminate employment of any employee at any time, with or without reason.

Performance Counseling

The Town sincerely supports the philosophy that performance counseling must be corrective, positive action. To facilitate and reinforce its standards, it has adopted guidelines of correction from the initial verbal advisory to a final advisory that may result in termination. The Town views this period as allowing sufficient time for correction of actions which are generally unacceptable but not severe enough to warrant immediate termination. However, it recognizes that some policy infractions by their very nature are serious enough to warrant termination without prior warning.

Performance management actions are viewed as constructive correction processes designed to assist the employee in developing the skills necessary to successfully perform the duties and responsibilities of a given position. With each action taken, the employee will be advised of the next action to be taken should the same or another issue arise. The Town may initiate whatever form of corrective action it deems appropriate and necessary, in its judgment, based on the seriousness of the issue. Serious performance management measures may be taken without exhausting less serious measures, depending on the circumstances.

Initial Verbal Advisory: The Supervisor and the employee discuss the issue/concern. These discussions may be documented depending on the severity of the issue or concern.

Written Advisory: The Department Head or Supervisor counsels the employee concerning the issue/concern and recommends a plan for correction/improvement. A written description of the concern/circumstance and the plan for improvement, including the date or dates of follow-up, shall be co-signed by the supervisor and the employee and placed in the employee's personnel file. Generally, the time span in the plan for improvement would be from one to 90 days only, depending on the nature of the improvement to be made and the details of the plan for improvement.

Follow-up discussions shall be documented and co-signed as with the original written advisory and placed in the employee's personnel file as an addition to the original document.

Suspension: The employee may be placed on suspension with or without pay. Pay treatment and duration of suspension will be determined in consultation with the Supervisor, Department Head, and Town Manager.

Dismissal: The Department Head, with the prior approval of the Town Manager, may terminate an employee with or without performance counseling as circumstances warrant.

Employment with the Town is "at-will." Employees of the Town have no contractual, property, or other legal rights in any term, condition, or aspect of the employment relationship, including but not limited to, termination. Employees may voluntarily terminate employment at any time, and the Town retains the right to terminate employment of any employee at any time, with or without reason.

Substance Use

Drugs and Alcohol

The Town prohibits the illegal use of controlled substances (also referred to as "illegal drugs") and on-the-job impairment by alcohol, regardless of the source of the alcohol.

The illegal purchase, sale, transfer, or possession of controlled substances is also prohibited.

An employee who uses illegal drugs, tests positive for illegal drugs, or is impaired by alcohol on the job, reporting for duty, or while representing the Town in an official capacity will be subject to disciplinary action, which may include immediate dismissal.

Controlled Substances:

The Town does not permit the possession, sale, consumption of, or reporting to work under the influence of controlled substances (illegal drugs). The violation of this policy by any employee shall be grounds for immediate termination.

For purposes of this policy, work hours shall include the standard work schedule as well as any other interpretations of work hours/schedule or any time spent on the Town premises or job sites or while representing the Town in an official capacity.

Employees required to hold a Commercial Driver's License (CDL) are subject to random illegal drug use testing as provided in the Department of Transportation regulations and procedures. In addition, Public Safety Department employees who are required to carry firearms are subject to random illegal drug use testing.

Alcohol:

The Town does not permit reporting to work under the influence of alcohol, or the consumption of alcohol on its premises or within its vehicles, during standard work hours by anyone employed by the Town. Further, it does not permit the consumption of alcohol during lunch break or any period when an employee may be off-premise during the standard work hours. Any violation of this policy shall be grounds for immediate dismissal.

Employees required to hold a CDL are subject to random alcohol testing while on work duty or reporting for duty as provided in Department of Transportation regulations and procedures. In addition, Public Safety Department employees who are required to carry firearms are subject to random alcohol testing while on work duty or reporting for duty.

Tobacco Use

In the interest of employee and public health, the Town discourages tobacco use and has designated Town facilities and vehicles as smoke and tobacco free. The Town provides designated outdoor areas for use by employees who smoke.

Employees who use any type of tobacco product are asked to utilize the following standards giving utmost consideration to co-workers, customers, and the image of the Town.

- Deposit the remains of tobacco products in the proper receptacles and be considerate of the appearance of the work areas, parking lots, and grounds. Maintain cigarette receptacles in a presentable manner.

- Employees may smoke in designated areas during work and lunch breaks. Use the area that is designated for smoking.
- All general work areas of the Town are designated as tobacco and smoke free, as well as individual offices and Town vehicles.

Vehicles and Equipment

Town Vehicles and Equipment

The Town issues vehicles and equipment for its employees' use in a manner that facilitates the productive use of time relative to job accomplishment. The issuance of a vehicle or equipment is regarded by the Town as an important component of delivery of the services provided by the Town, and it expects its employees to operate and maintain the vehicles and equipment conscientiously.

POLICY STATEMENT:

- ☐ Vehicles shall not be operated on behalf of the Town without the operator possessing a valid Colorado driver's license, appropriate supplemental licenses, and the Town having a current motor vehicle record on file.

Per CRS 42-4-237, the Town imposes a safety/seat belt policy requiring the utilization of a lap/seat belt, a shoulder belt, or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, which system conforms to federal motor vehicle safety standards.

- ☐ All accidents involving any vehicle or equipment shall be reported **immediately** and the proper reports will be submitted as soon as possible. Failure to comply with this requirement may result in disciplinary actions up to and including termination.

If an accident involving an employee driving a Town vehicle occurs within City limits, final investigation should be conducted or reviewed by an outside agency.

- ☐ An accident involving a Town vehicle or equipment that is determined to be the fault of the employee through carelessness or neglect may result in disciplinary actions up to and including immediate termination.
- ☐ Employees shall maintain vehicles both inside and out in a neat, clean, and orderly manner.
- ☐ The unauthorized personal use of Town vehicles or unauthorized transportation of any persons, such as family members, shall be prohibited.

- ☐ Employees shall report any defects or maintenance problems immediately to management.
- ☐ In the event a Town vehicle is not available for use and an employee is asked to use their own personal vehicle to conduct Town business, the Town will reimburse properly documented requests for mileage reimbursement at the standard rate, in accordance with IRS guidelines.

Supplies and Equipment

The Town provides supplies, tools and equipment for the employee's use in performing their job. Employees are asked to exercise care, safety, and conscientiousness in the use of the Town property.

POLICY STATEMENT:

- ☐ Personal use of, or allowing others, to use Town property, unless previously authorized by the Town Manager, shall not be allowed.
- ☐ Removal of the Town's supplies, tools, or equipment from the Town premises shall not be allowed unless it is authorized or is part of the conduct of Town business that is being performed off-site.
- ☐ Unsafe or careless use of Town supplies, tools, equipment, and chemicals may be viewed as a violation of safety standards and may become the subject of disciplinary action.
- ☐ Personal property that is damaged or lost in conjunction with the performance of Town assigned duties will be reviewed on a case-by-case basis for repair or replacement consideration.

Community Relations

Community Relations and Engagement

The Town organization is regarded as a model within the community. It is each employee's responsibility to ensure that Citizen's and other entities' concerns are addressed in such a manner that issues are resolved in a quality, courteous, timely, service-oriented manner.

Public Relations involve many aspects of business. If an employee is unable to resolve a Citizen's concern, they will immediately report it to their supervisor for resolution or appropriate forwarding to the proper department. It is essential that everyone maintains a pleasant, courteous, and businesslike/professional manner in communicating with and responding to each other as well as the Town's various audiences.

Whether in person or via other means, such as telephone, written correspondence, or electronic/automated transmission, the manner in which the interface is handled can promote goodwill that reinforces the competency of the individual employee's performance and recognition and the regard with which the Town is viewed for employing competent, capable representatives.

Regardless of the nature of the contact, each employee is responsible for their own conduct in a manner that is professional, courteous, and helpful.

Political Activities

To serve the best interests of the employees, taxpayers, and the Town Government, it is the policy of the Town to restrict certain types of political activity without infringing upon the employees' rights to exercise their suffrage as citizens. This policy is set forth to safeguard the employee from political pressure to support, financially or otherwise, any political party or person and to safeguard the interests of the public, whom employees serve without regard for political opinion or affiliation. **Nothing in this policy shall be construed to restrict an employee's freedom to express opinions or exercise their right to vote while off-duty.**

- ☐ No employee, either full-time or part-time, shall campaign for or against or publicly support or oppose Town elected officials or candidates while on duty.
- ☐ No Town employee, either full-time or part-time, while on duty or in a uniform which identifies them as an employee of the Town shall:
 - Canvass on behalf of any candidate, political party, or political issue;
 - Display any political media whether it is campaign related or supportive of an elected official's views;
 - Circulate any petition;
 - Participate in petitioning activities focused on public service issues presented by the general public (non-Town officials).
- ☐ No employee shall, on a Town vehicle, place, allow to be placed, or allow to remain any political media.
- ☐ Any active, full-time or part-time regular employee who is announcing candidacy for an elected office may choose to continue their regular work schedule with the Town if no interferences or conflicts of interest are present.

Just as the employee may choose to continue employment, any active, full-time or part-time regular employee who is announcing candidacy for an elected office may choose to request a **leave of absence** to conduct their campaign even if no interferences or conflicts of interest are present.

If a potential conflict of interest or interference is present, the employee will be asked to take a leave of absence to become effective with the date candidacy is officially registered. This leave of absence will continue during the total campaign period unless candidacy is withdrawn and should be requested in accordance with the procedures outlined by the Inactive Employment Status policy herein.

Once the elections are over, the successful candidate shall be asked to resign their position with the Town if the elected office has any dealing whatsoever with the Town Board of Trustees.

Gifts and Favors

- ☐ Officials and employees shall not accept any gift, favor, or thing of value that exceeds \$50 that may tend to influence the manner in which they discharge their duties on behalf of the Town whether in the form of service, loan, thing, or promise from any person or entity that may have a direct or indirect interest in conducting business with the Town.
- ☐ Officials and employees shall not grant improper favors or services or give things of value to persons or entities during the discharge of their duties on behalf of the Town.

It is a conflict of interest for any Town employee or member of an employee's immediate family to receive any compensation, gift, payment, reward, gratuity, or anything else of value from any person or corporation for obtaining preferential treatment from the Town.

Expenses Incurred on Behalf of the Town

Official Travel

All employee travel for the benefit of the Town shall be completed at the most economical and reasonable cost. Generally, an employee shall be reimbursed for **pre-authorized** expenditures including but not limited to air fares, lodging, toll fees, and rental cars as business expense, and will be provided a per diem to cover the cost of meals and mileage reimbursement at the established IRS rate per mile for use of their own vehicle. No expenses for alcoholic beverages shall be reimbursed.

The expense must be an ordinary, reasonable and necessary traveling expense, and

- Incurred while away from the employee's primary area of assignment or requires overnight lodging;
or
- Incurred while the employee is attending a seminar, conference, or other meeting to benefit the Town.

Job-Related Expenses

Requests for reimbursement of out-of-pocket expenses are to be submitted to the Human Resources Director by the employee's Supervisor or Department Head on the appropriate reimbursement form showing itemized expenditures, substantiating receipts, and Department Head approval. Expense payments are made on a monthly basis. Expenses for reimbursement include the following:

Mileage for Use of Personal Vehicle - Employees are encouraged to use Town-owned vehicles for business use when available. However, if a Town vehicle is not available, an employee may use their own vehicle when it is authorized in advance by the Department Head or Human Resources Director. The Town will reimburse an employee at the established IRS rate per mile for approved business use of a personal vehicle. The use of seat belts remains strictly in effect. (See page 47 reference to CRS 42-4-237).

Other Expenses - Other expenses such as parking fees, cab fares, tips, required telephone calls, and other incidentals are eligible for reimbursement. Employees must provide substantiating cash receipts with supervisory approval.

Travel - All out-of-state travel must have the prior written approval of the Town Manager.

Employees should utilize the Town's tax-exempt number as appropriate. The tax-exempt number may be obtained from the Human Resources Director or Department Head.

Uniforms - Uniforms and apparel paid for by the Town are approved annually as part of the budget process. The Town provides specific benefits for employees who are required to wear gloves and safety shoes.

Gloves - All employees required to wear gloves in their jobs will be provided with Town-approved gloves upon beginning employment. These gloves are considered Town property and must be returned upon termination. Gloves are to be kept within the workplace and worn as circumstances and safety guidelines dictate.

No Expectation of Privacy

Town personnel have no expectation of privacy in Town property and equipment. Such property and equipment include, but are not limited to, any electronic resources provided by the Town such as computers, telephones, cell phones, smart phones, and pagers. Furthermore, Town personnel have no expectation of privacy in any messages, data files, programs, or information stored in, transmitted in, or received by such electronic resources. The Town reserves the right to monitor, access, use, and disclose all messages, data files, programs, and information sent, received, or stored in such electronic resources for any business-related purpose. Town management reserves the right to monitor, inspect, and examine any such electronic resources at any time and without notice.

The Town may monitor or access an employee's usage of such electronic resources, including information received or transmitted thereby, with or without notice, for any business-related purpose, including any situation in which a supervisor has reason to believe that an employee is misusing or abusing the privilege of using such resources, or is violating any other Town policy.

Employees are further advised that correspondence of an employee in the form of e-mail may be a public record under the public records law, and may be subject to public inspection under C.R.S. Section 24-72-203, unless an exception provided by law applies. The Town may monitor or access an employee's e-mail, with or without notice, for any business-related purpose, including any situation in which a supervisor has reason to believe that an employee is misusing or abusing e-mail privileges, or is violating any other Town policy.

Information and Telecommunications Systems

Hardware/Software/Internet Use

The Town utilizes an organization-wide information and computer system to communicate and maintain information necessary for the operation and delivery of services. This system, as well as all software, computer hardware and peripherals, and Internet/Web access are the property of the Town and are provided to employees for business use.

- ☐ Only official licensed software may be used on the Town's computer systems. Software may only be loaded onto the system or an individual computer with the authorization of the Town Manager or their designee. An employee may be held liable for any damage to the system due to an employee loading personal software onto the system or otherwise causing intentional damage to the system.
- ☐ Employees may not copy and/or distribute any Town-owned software without the permission of the Town Manager or their designee.
- ☐ Employees may not copy or download software available from the Internet into the Town's system or onto a computer owned by the Town without permission of the Town Manager or their designee.
- ☐ Internet/Web access provided for use by an employee in conducting municipal business is Town property. Connectivity is provided to allow employees to communicate within the Town, with others concerning Town business, and to use the vast Internet resource for productive purposes. Use/access that is deemed by Town management as contradictory to these purposes may be grounds for performance counseling as deemed appropriate on a case-by-case basis.

- ☐ A computer provided for use by an employee in conducting municipal business is Town property. The confidentiality of computer information should not be assumed by any employee. The Town reserves the right to review, audit, access, and disclose all information and contents of any individual computer, laptop computer, voice mail, information systems, or telecommunications systems.
- ☐ Very brief (10 minutes) and occasional use only during authorized breaks and lunch periods of this resource for personal purposes is permitted as long as it does not interfere in any way with the conduct of Town business or with fulfilling one's job responsibilities.

Electronic Mail (E-Mail)

The Town maintains an electronic mail system that is provided to assist its employees in the conduct of business and services. Both the internal e-mail system and e-mail through the Internet are considered to be the electronic mail system as set out in this statement. All messages composed, sent, or received on the electronic mail system are and remain the property of the Town. **These messages are not the private property of an employee.**

- ☐ The purpose of e-mail is for the conduct of Town business.
- ☐ The Town reserves and intends to exercise the right to review, audit, intercept, access, and disclose all messages created, received, or sent over the electronic mail system for any purpose. The contents of electronic mail properly obtained for legitimate business purposes may be disclosed within the organization without the permission of the employee.
- ☐ The confidentiality of any message should not be assumed. Even when a message is erased, it is still possible to retrieve and read that message.
- ☐ Notwithstanding the right of the Town to retrieve and access any electronic mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient.
- ☐ Information or correspondence in the form of electronic mail may be considered public records under public records law and may be subject to public inspection under the law.
- ☐ The electronic mail system is not intended for use to solicit or canvass for commercial venture, religious or political causes, or other non-job related solicitations. Further, it is not to be used to create or disseminate any offensive or disruptive messages.
- ☐ Any employee who discovers a violation of this policy should notify their immediate Supervisor, Department Head, or the Human Resources Director.

- Any employee who violates this policy or uses e-mail for improper purposes may be subject to elimination of e-mail privileges or disciplinary action, up to and including termination.
- Very brief and occasional use of this resource for personal purposes is permitted as long as it does not interfere in any way with the conduct of Town business or with fulfilling one's job responsibilities.

Cellular Telephones

The Town maintains cellular telephones and service for selected positions to use in conducting official Town business and services. Additionally, the Town recognizes that it has become a societal standard for individuals to possess personal cellular telephones and services.

Recognizing the differences in purpose for each of these situations is very important to maintaining the integrity of the Town's systems.

All messages communicated, sent, or received on the Town's cellular telephone system are and remain the property of the Town. **These messages are not the private property of an employee.**

- The use of a Town cellular telephone, or contribution of \$20 per month in lieu thereof for the use of a personal cellular telephone, is provided for the conduct of Town business on an as needed basis in connection with emergencies or field operations. This replaces the previous practice of using bulkier and more expensive radios.
- The Town reserves and intends to exercise the right to review, audit, intercept, access, and disclose all messages received or sent using a Town cellular telephone for any purpose. The contents of voice mail properly obtained for legitimate business purposes may be disclosed within the organization without the permission of the employee.
- The confidentiality of any message should not be assumed. Even when a message is erased, it must be recognized that it is still possible to retrieve and hear that message.
- Notwithstanding the right of the Town to retrieve and access any Town cellular telephone messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient.
- Information recorded on cellular voice mail related to Town business may be considered public record under public records law and may be subject to public inspection under the law.
- Any employee who uses a **personal cellular telephone** with photographic capability to record unauthorized or confidential information that is Town property, regardless of the content, will be subject to disciplinary action up to and including termination.

- The Town's cellular telephone system is not intended for use to solicit or canvass for commercial ventures, religious or political causes, or other non-job related solicitations. Further, it is not to be used to create or disseminate offensive or intimidating messages.
- Any employee who violates this policy or uses a cellular telephone for improper purposes may be subject to removal of cellular privileges and/or disciplinary action, up to and including termination.
- Very brief and occasional use of this resource for personal purposes is permitted as long as it does not interfere in any way with the conduct of Town business or with fulfilling one's job responsibilities.

Any employee who discovers a violation of this policy should notify their immediate Supervisor, Department Head, or the Town Manager.

Human Resources Policy Administration

Policy Development, Announcement, and Authorization

The Town has established the processes and procedures outlined below for the development, announcement and authorization of human resources policies and procedures.

A. POLICY DEVELOPMENT AND REVIEW

Development of changes to existing policies and new policies shall be the responsibility of the Town Manager or the Department Head with Town Manager approval. Each Department Head, with written Town Manager approval, may develop supplemental procedures for the operation of their department providing that they do not conflict with the standards outlined herein.

B. POLICY ANNOUNCEMENT

Policy changes, including rescinding old policies that no longer apply and/or adopting new policies, shall normally be announced at least ten (10) working days prior to the action to allow employees to become familiar with the change before the effective date. These changes will be distributed to each employee.

C. POLICY AUTHORIZATION

No policy after initial publication of this document, dated August 14, 2012, will be official unless it displays dated authorization in the form of a signature by the Town Manager.

Commented [TD9]: A new date will need to be inserted in this field...

Employee Policy Acknowledgment

I acknowledge that I have received a copy of the Town of Ignacio Human Resources Policies and Procedures Manual. I understand that the information contained in this manual supersedes any written or verbal policies I may have received in the past.

My signature below indicates that I have familiarized myself with the information contained in the manual and that I will seek verification or clarification where necessary.

I understand that the information contained in the manual is subject to change as situations warrant and that changes in the policies may supersede, modify, or rescind any or all policies summarized in the manual. Further, I understand that changes in policy will be communicated in accordance with the procedure outlined in this manual and that this process may be supplemented by communications from my supervisor or through other notices issued verbally, in writing, or in an electronic form. I accept full responsibility for keeping informed of the policies and practices in place at a given point in time as well as for any changes thereto.

I understand that the policies, practices, and procedures contained in the manual do not constitute any form of contractual or legal employment agreement between the Town and me. My employment with the Town is at will by mutual consent of the Town as the employer and me as the employee.

Employee's Name (Printed)

Employee's Signature

Date

Supervisor's Signature

Date

***NOTE: This form becomes a permanent part of an employee's personnel file.
Please complete this page, remove it from the manual, and return it to your supervisor.***

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION DRUG AND ALCOHOL POLICY

Purpose

It is the policy of the Town of Ignacio that its drivers be free of substance and alcohol abuse. Consequently, the use of illegal drugs by drivers is prohibited. Further, drivers shall not use alcohol or engage in "prohibited conduct" as defined herein. The overall goal of this policy is to ensure a drug- and alcohol-free transportation environment and to reduce accidents, injuries and fatalities.

Definition of a Driver

A driver, as defined in §382.107, means "any person who operates a commercial motor vehicle. This includes, but is not limited to: full-time, regularly-employed drivers; casual, intermittent or occasional drivers; leaves drivers and independent, owner-operator contractors."

Consequences of Policy Violation

Any driver who becomes unqualified or engages in prohibited conduct as set forth herein may be subject to the consequences listed in Federal Safety Pipeline Regulations Part 199.

Prohibited Conduct

The following shall be considered "prohibited conduct" for purposes of this policy:

No driver shall report for duty or remain on duty while having an alcohol concentration of 0.04 or greater.

No driver shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol unless the alcohol is manifested and transported as part of a shipment.

No driver shall use alcohol while performing safety-sensitive functions.

No driver required to take a post-accident alcohol test shall use alcohol for eight (8) hours following the accident or until he or she undergoes a post-accident alcohol test, whichever occurs first.

No driver shall refuse to submit to a DOT-required drug or alcohol test.

No driver shall report for duty or remain on duty when the driver uses any controlled substance, except when use is pursuant to the instructions of a licensed medical practitioner who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.

No driver shall report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive for controlled substances or has adulterated or substituted a test specimen.

For the purposes of this subpart, an Employer can obtain actual knowledge that a driver has used alcohol or controlled substances based on the Employer's direct observation of the driver, information provided by the driver's previous Employer(s), a traffic citation for driving a CMV while under the influence of alcohol or controlled substances or a driver's admission of alcohol or controlled substance use, except when done according to a written employer-established voluntary self-identification program or policy which meets FMCSA requirements. Direct observation as used in this definition means observation of alcohol or controlled substances use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing under Section 382-307.

If a driver voluntarily admits to alcohol misuse or drug use, he/she will not be subject to the referral, evaluation and treatments requirements of Part 40 and 382 provided that:

1. The driver's admission is in accordance with the written Employer-established Voluntary Self-identification Program or policy;
2. The driver did not make the admission to avoid testing;
3. The driver makes the admission before performing a safety-sensitive function; and
4. The driver does not perform a safety-sensitive function until the Employer is satisfied that he/she has been evaluated and has successfully completed education or treatment requirements in accordance with the self-identification guidelines.

If a driver engages in prohibited conduct, the driver is not qualified to drive a commercial motor vehicle and shall be immediately removed from service. The Employer may, in its discretion, at the request of the driver, keeps the driver's position open while such driver attempts to become requalified. The Employer may also take action against the driver up to and including termination.

Refusal to Test

A refusal to test is defined as conduct that would obstruct the proper administration of a test. Refusal to submit to the types of drug and alcohol tests employed by the Employer will be grounds for refusal to hire driver/applicants and to terminate employment of existing drivers.

Types of Test

Pursuant to regulations promulgated by the Department of Transportation (DOT), the Employer has implemented six circumstances for drug and alcohol testing: (1) pre-employment (drug testing only); (2) post-accident testing; (3) random testing; (4) reasonable suspicion testing; (5) return-to-duty testing; and (6) follow-up testing. Employers may choose to conduct pre-employment alcohol test for new drivers/applicants.

Pre-Employment Testing

All applicants for safety-sensitive positions must submit to urine drug tests. A driver/applicant is not required to submit to a urine drug test if (1) the Employer can verify that the driver has participated in a valid controlled substances test program within the preceding thirty (30) days; and (2) while participating in that program, was either tested, with a negative result, within the past six (6) months or participated in a random selection program for the previous, consecutive twelve (12) months; and (3) no prior employer has knowledge that the driver violated any part of the regulation within the last six months. Applicants must sign a release form in order for previous Employers to release this information.

Post-Accident Testing

The driver must submit to drug and alcohol testing as soon as practicable any time he or she, while performing a safety-sensitive function, is involved in an accident where (1) a fatality is involved; or (2) the driver receives a citation for a moving violation arising from the accident (within 8 hours for alcohol, and within 32 hours for controlled substances), and any party involved requires immediate treatment for an injury away from the accident scene, or if any vehicle involved incurs “disabling damage” (i.e., must be towed away). Following any accident while performing a safety-sensitive function, the driver must contact the Employer as soon as possible. The driver has been presented with information setting forth certain instructions for post-accident drug and alcohol testing. The driver shall follow the instructions contained in the information as well as any additional instructions from the Employer or its representatives.

Any time a post-accident drug or alcohol test is required, it must be performed as soon as possible following the accident. Every effort must be made to complete the alcohol test within two (2) hours. If this is not possible, you must continue to try for up to eight (8) hours. If no alcohol test can be made within eight (8) hours, attempts to perform an alcohol test shall cease. If no urine collection can be obtained for purposes of post-accident drug testing within thirty-two (32) hours, attempts to make such collection shall cease.

If a law enforcement officer does not issue a citation within the specified time frames, the Employer shall not attempt to conduct post-accident testing and shall proceed with documenting the reason why the test was not performed. If the Employer wants to pursue testing under its program, the Employer may conduct non-Federal tests accordingly.

In the event that Federal, State, or local officials conduct breath or blood tests for the use of alcohol and/or urine tests for the use of controlled substances following an accident, these tests may meet the requirements of this section, provided the tests conform to applicable Federal, State, or local requirements. The Employer may request testing documentation from such agencies, and may ask the driver to sign a release allowing the Employer to obtain such test results.

In the event a driver is so seriously impaired that the driver cannot provide a sample of urine, breath or saliva at the time of the accident, the driver may provide necessary authorization for the Employer to obtain hospital records or other documents that would indicate the presence of controlled substances or alcohol in the driver’s system at the time of the accident.

Random Testing

The Employer conducts random drug and alcohol testing. The Employer or its agents will submit all drivers' names and/or ID numbers to a random selection system. The random selection system provides an equal chance for each driver to be selected each time random selection occurs. Random selections will be announced and reasonably spread throughout the year. The Employer will drive test, at a minimum, 50 percent of the average number of covered employee position in each calendar year or at a rate established by the Department of Transportation (DOT) for the given year. The Employer will select, at a minimum, 10 percent of the average number of driver positions in each calendar year for random alcohol testing, or at the rate established by the DOT for the given year. Random selection, by its very nature, may result in drivers being selected in successive selections, or more than once a calendar year. Alternatively, some drivers may not be selected in a calendar year.

If a driver is selected at random, for either drug or alcohol testing, the DER will notify the driver. Once notified, every action the covered employee takes must lead to a collection. If the covered employee engages in conduct that does not lead to a collection as soon as possible after notification, such conduct may be considered a refusal to test.

Reasonable Suspicion Testing

Reasonable suspicion for requiring a driver to submit to drug and/or alcohol testing shall be deemed to exist when a driver, while performing a safety-sensitive function, manifests physical or behavioral symptoms or reactions commonly attributed to the use of controlled substances or alcohol. Such driver conduct must be witnessed by at least one supervisor trained in compliance with Section 382.603. Should a supervisor observe such symptoms or reaction, the driver must submit to testing.

Substance Abuse Evaluation, Return-to-Duty, and Follow-Up Testing

Any driver who engages in prohibited conduct shall be provided with the names, addresses, and telephone numbers of qualified substance abuse professionals (SAP's). If the driver desires to become re-qualified, the driver must be evaluated by a SAP and submit to any treatment the SAP prescribes. Following evaluation and treatment, in order to become re-qualified, the driver must submit to and successfully complete a return-to-duty drug and/or alcohol test. When treatment is completed, the driver is also subject to follow-up testing. Follow-up testing is separate from and in addition to the Employer's reasonable suspicion, post-accident, and random testing procedures. The schedule for follow-up testing shall be unannounced and in accordance with the instructions of the SAP. Follow-up testing may continue for a period of up to sixty (60) months following the driver's return to duty. No fewer than six (6) tests shall be performed in the first twelve (12) months of follow-up testing. The cost of any SAP evaluation or prescribed treatment shall be borne by the driver. The Employer does not guarantee or promise a position to the driver should he/she regain qualified status.

Authorization for Previous Test Records

Within 30 days of performing a safety-sensitive function, DOT regulations require that the Employer obtain certain drug and alcohol test records from the driver's previous Employer for the previous two (2) years. The purpose is to maintain complete driver records indicating violations of any DOT rule pertaining to controlled substance or alcohol use within the previous two (2) years. As a condition of employment, the driver shall provide the Employer with a written authorization for all previous Employers within the past two (2) years to release such drug and alcohol testing records as the regulations require. Employers must also ask the driver whether he or she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the driver applied for, but did not obtain, safety-sensitive transportation work.

Drug Urinalysis

Drug testing will be performed through urinalysis. Urinalysis will test for the presence of drugs and/or metabolites of the following controlled substances: (1) marijuana; (2) cocaine; (3) opiates; (4) amphetamines; and (5) phencyclidine (PCP).

The urinalysis procedure starts with the collection of a urine specimen. Urine specimens will be submitted to a SAMHSA-certified laboratory for testing. As part of the collection process, the specimen provided will be split into two vials; a primary vial and a secondary vial.

The SAMHSA-certified laboratory will perform initial screenings on all primary vials. In the event that the primary specimen tests positive, a confirmation test of that specimen will be performed before being reported by the laboratory to the Medical Review Officer (MRO) as a positive.

All laboratory results will be reported by the laboratory to an MRO designated by the Employer. Negative test results will be reported by the MRO to the Employer. Before reporting a positive test result to the Employer, the MRO will attempt to contact the driver to discuss the test result. If the MRO is unable to contact the driver directly, the MRO will contact the DER, chosen in advance by the Employer, who shall, in turn, contact the driver and direct the driver to contact the MRO. Note: No stand down shall occur until the MRO receives the laboratory report of a confirmed positive test result, an adulterated test, or a substituted test result. Waiver may be obtained pursuant to Part 40.21(c).

Upon being so directed, the driver shall contact the MRO immediately or, if after the MRO's business hours and the MRO is unavailable, at the start of the MRO's next business day. In the MRO's sole discretion, a determination will be made as to whether a result is positive or negative. If the driver fails to contact the MRO after 72 hours, or if the driver cannot be contacted within ten (10) days, the MRO may verify the test as positive, or refusal to test, as applicable. After any positive verification the driver may petition the MRO to reopen the case for reconsideration.

Pursuant to DOT regulation, individual test results for driver/applicants and the drivers will be released to the Employer and will be kept strictly confidential unless consent for the release of the test results has been obtained. Any individual who has submitted to drug testing in compliance with this policy is entitled to receive the results of such testing upon timely written request.

An individual testing positive may make a request of the MRO to have the secondary vial tested. This request can be made verbally or in writing to the MRO within 72 hours of being notified by the Employer of a positive test result. The secondary vial must be tested by a different SAMHSA-certified lab than tested the primary specimen. The individual making the request for a test of the second specimen is responsible for all costs associated with the test.

Dilute Specimens

If the MRO informs the Employer that a negative drug test was dilute, the Employer may, but is not required to, direct the driver to take another test immediately. Such re-collection will not be collected under direct observation, unless there is another reason to do so (see Section 40.67(b) and (c)). The Employer will treat all similarly situated employees the same way for re-collections. However, the Employer may establish different policies for different types of testing (e.g., conduct retest in pre-employment test situations, but not in random test situations).

Drivers will be informed in advance of the policy regarding recollections. When the Employer directs the driver to take another test, the driver will be given the minimum possible advance notice that he or she must go to the collection site. The result of the second test – not the original test – is the test of record. Any driver required to take another test, which is also negative and dilute, will not be permitted to take a third test. If the Employer directs the driver to take a second test and the driver refuses, the test will be treated as a positive test result.

Alcohol Tests

Alcohol tests will be performed using a device that is on the National Highway, Traffic Safety Administration's (NHTSA) Conforming Products List (CPL) and meets the DOT's testing requirements. This may be a breath testing device or a saliva testing device, and may be provided through a vendor or agent. The device will be operated by a technician who is certified and trained on the specific device he or she will be operating. The driver shall report to the alcohol testing site as notified by the Employer. All alcohol tests shall be performed just prior to, during, or just after duty. The driver shall follow all instructions given by the alcohol technician.

Any initial test indicating a blood alcohol concentration (BAC) of 0.02 or greater will be confirmed on an evidential breath test device (EBT) operated by a breath alcohol technician (BAT). The confirmation test will be performed no sooner than 15 minutes and no later than 30 minutes following the completion of the initial test. In the event the confirmation test indicated a BAC of 0.02 to 0.0399, the driver shall be removed from duty for 24 hours or until their next scheduled on-duty time, whichever is longer. Drivers with tests indicating a BAC of 0.04 or greater are considered to have engaged in prohibited conduct. This may result in disciplinary action up to and including termination.

Training

All supervisors designated to determine whether or not reasonable suspicion exists to require a driver to undergo testing under Section 382.307, will have received at least 60 minutes of training on recognizing alcohol misuse, and at least 60 minutes of training on recognizing controlled substances use. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse or the use of controlled substances.

Educational Materials

Drivers shall be provided with educational materials that explain the requirements of Section 382.601, consequences of violating the regulations, and the Employer's policies and procedures with respect to meeting these requirements. The materials supplied to drivers will include information on additional Employer policies with respect to the use or possession of alcohol or controlled substances. Each driver shall be required to sign a statement certifying that he or she has received a copy of the materials described in Section 382.601.

This policy is not intended, nor should it be construed, as a contract of employment between the Employer and the driver. This policy may be changed at any time at the sole discretion of the Employer.

Passed and approved by the Town Board on August 12, 2003.

Town of Ignacio Motor Vehicle Records Review Policy

Adopted: July 1, 2013

I. Purpose:

The purpose of this policy is to establish procedures and standards for the review of employees who drive motor vehicles on entity business.

II. Responsibilities:

The Finance Department shall administer this policy.

III. Prospective Employees:

Each prospective employee must have a valid Colorado driver's license of the appropriate type, if one is required for the position. Each such prospective employee must provide at his or her own expense a current Motor Vehicle Record (MVR) that is no older than 30 days.

The Ignacio Police Department will evaluate the prospective employee's MVR prior to hiring. No person shall be hired into a position requiring a driver's license unless the person's MVR meets the criteria listed in Section V below.

IV. Current Employees:

Each current employee must have a valid Colorado driver's license of the appropriate type if one is required for the position. The Finance Department will obtain at least annually at the entity's expense a copy of the MVR for each such employee.

MVRs for current employees may also be requested and reviewed in the following situations:

- After an on-the-job collision determined to be preventable by the Department.
- If a complaint is received regarding the employee's driving while on entity business.
- If an employee transfers to a position requiring a valid Colorado driver's license (or into a position requiring a different type of driver's license than required for the current position).

V. Evaluating MVRs and Driving Records:

The following criteria will be used when evaluating MVR's and driving records.

Clear MVR – No minor convictions or preventable collisions in the last 3 years and no major violations/convictions in the last 5 years.

Acceptable MVR –

- No major violations/convictions in the last 5 years; OR
- 2 minor convictions in the last 3 years; OR
- 1 preventable collision and 1 minor conviction in the last 3 years.

Marginal MVR –

- 3 minor violations/convictions in the last 3 years; OR
- 2 preventable collisions in the last 3 years; OR
- Any combination of minor convictions and preventable collisions totaling 3 in the last 3 years.

Unacceptable MVR –

- 1 or more major violations/convictions in the last 3 years; OR
- 4 or more minor convictions in the last 3 years; OR
- 3 or more preventable collisions in the last 3 years; OR
- Any combination of minor convictions and preventable collisions totaling 4 or more in the last 3 years.

Major and minor convictions are listed below. The entity's Vehicle Accident Review Policy will be used to determine the preventability of motor vehicle accidents for current employees.

Major Violations/Convictions include, but are not limited to the following:

Driving under the influence of alcohol or drugs (DUI) or while ability is impaired (DWAI)
Reckless driving
Racing/speed contests
Speeding 20 mph or more over the posted speed limit
Leaving the scene of an accident
Failure to report an accident
Making a false accident report
Vehicular homicide or manslaughter
Attempting to elude a police officer
Driving while license is suspended, revoked or restricted
Driving an entity vehicle that has been locked/tagged out

Minor Convictions include, but are not limited to the following:

Speeding less than 20 mph over the posted speed limit
Running a stop sign or red light
Improper turn
Passing across a double yellow line
Failure to yield
Following too close
Failure to wear a seatbelt
Careless driving
Failure to possess a valid Colorado driver's license

Failure to provide proof of insurance if operating their personal vehicle
Motor vehicle equipment violations
Operating a defective or unsafe vehicle
Failure to stop for a school bus with its red flashers activated

VI. Corrective Action for Marginal and Unacceptable Driving Records:

- When an employee's MVR falls into the unacceptable category, corrective action up to and including termination of employment will be taken.
- When an employee's MVR falls into the marginal category, corrective action, including but not limited to the following, will be taken:
 - Attending a defensive driver training program.
 - Participating in a documented ride-along evaluation.
 - Other actions as deemed appropriate.

VIII. Driver's License Suspensions, Revocations or Restrictions:

It is the employee's responsibility to notify the supervisor immediately if the employee's driver's license is suspended, revoked or restricted for any reason. Failure to do so may be grounds for corrective action, up to and including termination of employment.

IT Credential Policy

This policy is to define the requirements and responsibilities for all users connecting or using the Town's network; or any users accessing any Town owned computers. It is necessary to ensure the Town's network is properly used to avoid distractions in the work environment and/or harm to the Town's reputation or financial well-being.

This policy applies to all employees that have access to the Town's computing facilities. By using the computers and internet, the user must agree to this policy. Every user who accesses the Town's network must:

- Have their own user-id and password for any applications which require such.
- Never share credentials with anyone else.
- Manager may grant some employees access to the same user-id and password in cases of shared workstations and accounts.

The Manager will establish the initial credentials for every person requiring access to the Town's network.

All passwords will require routine changing by the users. The complexity and frequency of change may vary from system to system. Users may be requested to change their passwords in certain situations, off the normal cycle of password changes.

Upon a user's termination or separation from the Town, the user's manager must inform IT of the date of separation and detail the disposition of all information, accounts and credentials.

Data Breach Plan

This plan is to prevent a serious disruption of operations, loss of funds or damage to reputation by providing an immediate and effective response to any unexpected event involving the unauthorized access of computer information systems, network or databases. This plan also includes files such as personnel, financial records and information stored on portable media such as flash drives or contained in transportable equipment such as laptops or tablets.

A data breach is defined as the unauthorized acquisition of data that compromises the security, confidentiality or integrity of the organization or an employee.

All employees are responsible for keeping data secure and reporting any potential data breaches. The IT department is responsible for identifying data breach risks, recommending appropriate controls to prevent data breaches, implementing those controls and continually evaluating the controls to ensure they work.

The following data may be at risk of being breached:

- Personnel Records
- Social Security Numbers for Employees
- Payroll Information
- Credit Card Information
- Bank Accounts
- Investment Accounts
- Human Resource Files
- Other Financial Records Containing Confidential Information
- Employee User Name and Passwords

To protect the integrity of data, no employee shall transport any hard copy files containing high risk data outside the office and laptops or tablets shall not be left in vehicles.

After a breach is discovered, IT will take immediate steps to limit the breach.

The steps are:

- Contain the breach by stopping an unauthorized practice, recovering records, revoking access or correcting physical security.
- Identify the source of the compromise and the timeframe involved.
- Document the chronology of the event.
- Document how the breach was discovered.
- Review the network to identify all compromised or affected systems.
- Document all internet protocol addresses, operating systems, domain systems names and other pertinent system information.
- Determine the type of information that was lost or compromised.
- Secure and protect the integrity of the evidence and ensure that any systems affected by a breach are only accessible to internal investigators and law enforcement.

Take measures to contain and control the incident to prevent further unauthorized access to or use of sensitive information.

Change applicable passwords for users that have access to personal information, including system processes and authorized users. If it is determined that an authorized user's account was compromised and used by the intruder, disable the account.

Do not alter the compromised system.

Do not turn off the authorized machine; Isolate the system from the network.

Preserve all system and audit logs and evidence for law enforcement in the event of a criminal investigation.

If the breach occurred at a third party location, work with the appropriate parties to determine the extent of the breach.

Notify law enforcement if there is suspected theft or other criminal activity.

Monitor systems and network for signs of continued intruder access.

Notification of individual affected by the breach should occur as soon as possible after the breach. However, notification may be delayed if law enforcement authorities recommend delaying the notification.

The following individuals may be notified of the breach if deemed appropriate:

Citizens

Employees

Law Enforcement

Banks

Credit Card Companies

Vendors

Others as Needed

Cash Receipting Verification Policy

For the protection of the Town and its employees in handling the cash drawer, the person who reconciles the bank account should not be the one who counts the monies or verifies the amounts.

To ensure that there is always \$100.00 cash in the drawer, the person who closes the drawer for the day must count the money in the drawer and add up the monies on an adding machine tape. They must write the date and time on the tape, as well as initial the tape.

All cash payments are processed in a separate batch from any check and credit card payments. Once the cash is received and appropriate change given, ensure that the drawer balances back to \$100.00 and place the cash payment in the appropriate night deposit bag in the locked drawer in the supply room. On a regular basis and at the discretion of the Town Clerk, the cash in this bag must be counted, the batch closed, and a deposit made at the bank. The receipt from the bank must be filed with the paperwork from the cash receipting system.



Town of Ignacio

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540 Goddard Ave
Ignacio, CO 81137

970/563-9494 
townofignacio.com 

April 11, 2023

Mr. Paul Tauriello
Director, Division of Workers' Compensation
633 17th Street, Suite 40
Denver, CO 80202

Dear Mr. Tauriello,

The Town of Ignacio, based on direction from CIRSA, is requesting formal wage continuation for employees under a compensable workers' compensation claim.

The Town is requesting to pay the employee directly, at their full rate of pay for up to 90 days, with CIRSA making Worker's Compensation payments to the Town of Ignacio. After 90 days, the Town of Ignacio will cease payments directly to the employee; at that time, CIRSA would begin to pay the employee directly at the Workers' Compensation rate of pay (2/3's of their average weekly wage).

This request is for full time employees only and, should it be approved, it would take effect immediately. Upon approval, Town employees will be notified both by email and by the publication of a notice located in the breakroom and at the Public Works Department Office.

Thank you for considering this request. I look forward to your response.

Sincerely,

Tuggy Dunton
Clerk/Treasurer

cc: Bert Sandoval

