TOWN OF CRESTED BUTTE PERSONNEL MANUAL

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1.00 INTRODUCTION

I. INTENT

The purpose of these personnel rules and regulations is to establish and maintain a system of administration for personnel functions of the Town of Crested Butte (Town). The objectives of these personnel rules and regulations are to facilitate efficient and economical services to the public, to ensure that any personnel action, including recruitment, examination, selection, compensation, training, discipline and retention has a structured basis and to assist managers and supervisors in understanding and communicating Town personnel policy to employees. They are intended to be a management tool.

II. AUTHORITY

These rules shall be authorized by the Town Council and administered by the Town Manager.

III. POSITIONS COVERED

These rules define the general conditions of employment for all employees of the Town with the exception of all elected officials, members of Town boards, commissions and committees, the Town Manager, Town Attorney and Municpal Judge.

IV. DISCLAIMERS

The Personnel Manual is provided for informational purposes only. No provision or portion of the manual constitutes an implied or expressed contract, guarantee, or assurance of employment or a right to an employment related benefit, process or procedure. Nothing in this Manual shall alter the Town's authority to employ personnel at will.

No employee or representative of the Town is authorized to enter into any oral employment contract or agreement. Any agreement altering the terms and provisions of this manual shall be in writing and signed by the Town Manager.

The Town reserves the right to change, modify, eliminate, or deviate from any policy, procedure, process or program in this manual at any time.

V. SEVERABILITY

If any section, subsection, sentence, clause or phrase of these rules and regulations is found to be illegal, such findings shall not affect the validity of the remaining portions of these rules and regulations.

VI. DEPARTMENTAL RULES AND REGULATIONS

Departments may adopt, issue to each employee and/or post their own written work policies, or changes thereto, not covered by or in conflict with these rules and regulations. In any event, this Personnel Manual shall take precedence over any conflicting departmental rule or regulation.

1.10 NONDISCRIMINATION POLICY

I. EQUAL EMPLOYMENT OPPORTUNITY

It is hereby the declared personnel policy of the Town of Crested Butte that the Town will provide equal employment opportunity for all qualified applicants and employees consistent with the requirements of the Town of Crested Butte, state and federal laws. Accordingly, discrimination against any person or employee because of race, color, religion, sex, sexual orientation, age, marital status, national origin, citizenship status, disability, or veteran status in each instance as proscribed by state or federal law shall be prohibited.

Equal opportunity extends to all aspects of the employment relationship, including hiring, transfers, promotions, training, dismissals, working conditions, compensation, benefits, and other terms and conditions of employment.

A. AMERICANS WITH DISABILITIES

Town policy expressly prohibits discriminatory hiring and personnel practices against qualified individuals with disabilities. Reasonable accommodation of known physical or mental limitations will be made, unless the accommodation would pose an undue hardship on the Town .

Individuals will not be placed in positions where, with or without a reasonable accommodation, they create a direct threat to the safety or health of themselves or others. The determination that an individual poses a direct threat will be confirmed by an opinion in writing from an appropriate professional selected by the Town.

B. HARASSMENT

The Town strives to maintain a workplace free from all forms of harassment, including sexual harassment. The Town considers harassment in all forms to be a serious and unacceptable offense.

Any employee who believes they have been subject to prohibited discrimination or harassment should immediately report the incident to their supervisor or a Human Resources Department representative. The Town will thoroughly and promptly investigate all complaints. See Policies 6.1, 6.2, 6.3, 7.0 and 7.1.

1.20 DEFINITIONS

The following are definitions of terms found throughout this Personnel Manual.

Anniversary Date: The day and month of an employee's full time or part time hire. The first anniversary is the date 365 days after initial hire date.

Day(s): Shall mean calendar days.

Exempt Employee: An employee in a position designated as executive, administrative, or professional, which is not subject to the overtime pay provisions of the Federal Fair Labor Standards Act (FLSA) and its regulations, paid on a salary basis.

Full Time Employee: An employee scheduled to work a minimum of 37.5 hours per week, 52 weeks per year.

Introductory Period: The period of time used for new employees or employees moving into a new position for the employee to become familiar with the job.

Immediate Family: Shall mean spouse, children, mother, father, mother-in-law, father-in-law, brother, brother-in-law, sister, sister-in-law, grandparent, grandchild, stepmother, stepfather, stepchild, stepbrother, stepsister, legal guardian or a person wth whom the employee shares a household in a personal intimate relationship.

Non-Exempt Employee: An employee who is not excluded from the overtime and/or minimum wage provisions of the Fair Labor Standards Act, paid on an hourly basis.

Part Time Employee: An employee scheduled to work less than 37.5 hours per week, 52 weeks per year.

Seasonal Employee: An employee scheduled to work for a specific season, i.e. summer season, winter season. Employee does not work during the entire year.

Sworn Officer: An employee of the Marshals Department who has taken the oath of office to defend and protect the public. Also known as a public safety employee.

Working Days: Shall mean Monday through Friday excepting holidays.

2.00 COMPENSATION POLICY

Compensation Philosophy

The Town of Crested Butte takes pride in its ability to deliver a total compensation package which includes cash compensation, health benefits, and employment benefits that in combination provide employees with security and opportunity.

The Town of Crested Butte is committed to compensating its employees equitably within economically feasible parameters considering the following:

* The Market
* Internal Relationships
* Individual Performance

The Town takes into account what other comparable and competitive organizations pay for similar positions in its definition of **MARKET,** which may include other public and local and regional private sector companies with similar positions. **INTERNAL RELATIONSHIPS** considers reporting relationships as well as comparable work within the organization.

Pay Policies and Practices

INITIAL PLAN INTRODUCTION

The initial introduction of the compensation plan involved:

- Establishing the schedule and market control point for the range structure.
- Recognizing that some employees current salaries may be either below the proposed range minimum, or above the proposed range maximum on the effective date of the plan implementation.
- Determining the transition practices that will successfully guide the Town from its current compensation plan to the new plan.

COMPENSATION ADMINISTRATION

Salary Range Structure

Periodic reviews of the salary range structure are anticipated every twenty-four (24) months to determine the relative competitiveness of the pay structure to the established market using identified benchmark positions.

New Hire Salary

The pay level for new hires may vary up to 25% above the minimum of the salary range with Department Head and Town Manager approval. Any salary offer that will vary above the minimum of the salary range must receive approval of the Town Manager prior to making the offer.

As a guide, new hires with:

– **Little or no experience** in duties related to the new position, should be placed at or near the minimum salary of the range for the position.

- **Skills/proficiencies** that will allow competent performance of the job duties after a (short) reasonable orientation period, may be placed into the salary range up to 15% above the salary range minimum.

- **Qualifications** sufficient to warrant an initial salary higher than the initial 25% of the salary range for the position must be accompanied by documented rationale for review by the Town Manager.

In no event will the base salary offered exceed the maximum of the salary range for the position.

Should a job opening represent a new position, the position will be reviewed relative to the market and internal relationships to determine appropriate salary range placement.

SALARY ADJUSTMENTS

Authorization

All salary adjustments proposed, whether interim or during a salary review period, shall require the approval/authorization of the Town Manager prior to becoming effective.

The Town Manager will demonstrate approval by signing the salary increase document or an official report which provides all the salary increases proposed within a given department.

Merit

Merit increases are normally given annually. The Town of Crested Butte bases its merit increases on incumbent performance.

Sustained successful performance is the criteria the Town uses to identify those incumbents whose performance warrants eligibility for an increase that may result in pay to the midpoint of the salary range.

Sustained outstanding performance is the criteria the Town uses to identify those incumbents whose performance warrants eligibility for an increase in pay above the midpoint of the salary range.

If the addition of a percentage increase to the base pay will place the incumbent's salary over the maximum of the pay range, the incumbent may be eligible for a combination increase:

- Base pay increase to the maximum of the salary range, plus,
- A one-time lump sum payment, which would recognize the difference between the base pay increase to the maximum and the total pay increase recommended.

Promotions

Promotional increases may be granted to incumbents who have moved into distinctly more responsible positions with a higher salary range designation. A promotional increase will raise the incumbent's salary to the minimum of the

promotional salary range or greater. Increases above the minimum will be limited to up to 25% and must be approved by the Town Manager.

Demotions

Demotion occurs when an employee accepts, either voluntarily or involuntarily, a position that has decreased responsibility and is in a lower salary range than the position presently held.

The employee's position title and salary grade will immediately reflect that of the position accepted, and base salary will be determined on a case-by-case basis.

Lateral Transfers

A lateral transfer occurs when an employee accepts a position with different responsibilities that has the same salary range as that of the position presently held. The base salary will be determined on a case-by-case basis.

Departmental Reorganization

Departmental reorganization may occur when a program or function encounters new service requirements, reassigns or redefines job duties, decreases or increases staffing levels within the department, and/or changes reporting relationships. When this occurs, a 180 day period of review will be established to allow the department adequate time for review of budgets, staffing levels, service requirements, and organizational structure.

Upon completion of the 180 day review period, all positions and salaries within the department will be reviewed and treated in accordance with the applicable guidelines and policies.

Reclassification

Increases or decreases in position responsibility may prompt the need to re-evaluate a position or series of positions. Should this occur, the supervisor must update the position description(s) and submit it/them along with a formal request for reclassification.

If the position is reclassified to a lower salary range, the incumbent's base salary will be reviewed on a case-by-case basis and will remain at current rate until sufficient market information is secured to determine the pay trends associated with the particular discipline.

If the position is reclassified to a higher salary range, the base salary may be increased to reflect market/internal equity. These situations will be determined on a case-by-case basis.

Market Increases

The Town of Crested Butte will conduct periodic market reviews to determine the extent to which pay trends have changed in the market relative to specific positions and/or pay systems.

Should the review result in a decision to adjust the salary structure to reflect a market change, the change will be anchored at the midpoint of the salary range with minimum and maximum adjusted accordingly.

Incumbent salaries may or may not be increased as a result of salary structure adjustment. If salaries are increased, this action will reflect the changes in the market, which may suggest only certain job families need adjustment. Likewise, the market may suggest changes across the board. The results of each review will be handled on an independent basis with no requirement of the Town to take any action or implement any adjustment.

Lump Sum Payments

The Town may consider awarding lump sum payments in special situations such as:

- Incumbent's pay has reached the top of the salary range, and performance warrants recognition.

- An incumbent's pay is currently under the maximum of the pay range, however, performance warrants an increase that will raise his/her pay level above the salary range maximum. In this case, the incumbent may receive an increase that is a partial increase applied to base pay with the remainder awarded as a lump sum payment.

2.10 HOURS OF WORK

I. WORK PERIOD

The regular work week for full-time employees, with the exception of certain designated personnel in the Marshals Department, shall be 40 hours during the 7 day period from Monday through Sunday.

Designated personnel in the Marshals Department shall have a regular work period of 15 11-hour shifts during each designated 28 day cycle. The regular hourly rate for these employees shall be twelve times the monthly rate divided by 2,080.

2.20 SPECIAL PAY

I. OVERTIME, NON-EXEMPT

In compliance with the Fair Labor Standards Act, a nonexempt employee who performs work in excess of a regular 40 hour work week, or 165 hour work period for sworn officers, shall be compensated with overtime pay or compensatory time.

Supervisors will be accountable for controlling overtime situations and the associated expense. Whenever possible, work schedules shall be adjusted to avoid or reduce routine overtime work. In situations where unexpected changes in workload require additional hours mandated by the supervisor, overtime hours may be authorized.

Overtime work shall, whenever possible, be on a voluntary basis, however an employee's supervisor, or the supervisor's designee, reserves the right to require any employee to work extra hours when the need arises. All overtime must be authorized by the appropriate department head or the department head's designee.

A. HOURS WORKED

Paid time that is not actually worked such as compensatory time, paid time off, paid holidays, vacation leave, sick leave, funeral leave, jury duty hours and standby hours, shall not be considered "hours worked" for the purpose of computing overtime. Call back hours are paid at the overtime rate and therefore are not included as time worked for the purpose of computing overtime. Only actual hours physically worked will be counted for the purposes of calculating overtime.

Each work week, or work period for sworn officers, shall stand alone for the purpose of calculating overtime.

B. RATE OF PAY

Overtime compensation for nonexempt employees will be in the form of either 1 and 1/2 times the regular hourly rate of pay or in the form of compensatory time at the rate of 1 and 1/2 times the overtime hours worked.

C. LIMITS ON ACCUMULATION

Nonexempt employees may accumulate up to 80 hours of compensatory time. Hours reported in excess of this limit will be paid at overtime rates. Compensatory time must be used by December 31st of each year. Compensatory time accrued in December may be carried forward into the next calendar year.

D. NONEXEMPT TO EXEMPT

Nonexempt employees who are reclassified or promoted to an exempt position shall, prior to the effective date of the reclassification or promotion, be paid for all unused compensatory time. Payment for the compensatory time shall be at the regular rate earned by the employee in his/her nonexempt position.

E. ON SEPARATION

Compensatory time earned but not used by nonexempt employees shall be paid at the regular hourly rate of pay upon separation.

II. OVERTIME, EXEMPT

Exempt positions generally require more hours than the normal workweek to complete assigned duties.

Positions determined by the Town Manager to be professional, administrative or executive, as defined by the Fair Labor Standards Act, are exempt from the overtime pay provisions of this Chapter.

"Flex time off" for exempt employees may be authorized periodically and administered by the appropriate department head or Town Manager at his or her discretion but with the understanding that it is not an employee entitlement.

III. WINTER SNOW REMOVAL PAY

In addition to regular wages, employees who work snow removal on streets and sidewalks during the winter months of November 1 to April 1 will receive additional pay as follows:

1) One half of their regular hourly wage for hours worked between midnight and 7:00 am
2) One half of their regular hourly wage for all non-scheduled weekend hours
3) Regular hourly wage for hours worked on a holiday

This is also in addition to overtime pay they receive for hours worked over 40 hours per week.

IV. COURT APPEARANCE

Non-exempt employees and sworn officers subpoenaed to appear during off-duty hours as a witness for court proceedings arising out of or within the scope of their employment shall be eligible for special court appearance pay.

A. SWORN OFFICER

Sworn officers who are required to appear in court for job-related reasons during off-duty hours shall be compensated for actual hours spent in court, to a maximum of 4 hours, at overtine rate for appearance. If the appearance will be more than 4 hours, the sworn officer shall request the court appearance date as a scheduled work day and shall be compensated at the employee's regular rate of pay and shall be considered "hours worked" for overtime purposes.

B. OTHER NON-EXEMPT EMPLOYEES

For non-exempt employees, other than sworn officers, off-duty hours spent on job-related court appearance shall be compensated at the employee's regular rate of pay. Such hours spent on job-related court appearances shall be considered "hours worked" for overtime purposes. Overtime compensation will be in accordance with the general overtime provisions of this Section.

V. TEMPORARY UPGRADE PAY

In situations where the department head has determined that a vacant position must be filled in order to maintain operation of the department and that the employee to be assigned will be temporarily performing duties which require a higher level of skill than

that required of the employee's regular classification, the department head may request, in writing, that the employee receive temporary upgrade pay.

Request for temporary upgrade pay shall be recommended by the appropriate department head, reviewed by the Human Resources Manager and approved by the Town Manager.

Employees who are temporarily upgraded for at least one full pay period or the equivalent shall be compensated at either the entry rate of the pay range of the higher classification or their present base rate plus 5%, whichever is greater.

Temporary upgrade to a vacant position shall be limited to 6 months, except in cases of an extended leave of absence.

VI. PAY FOR REQUIRED TRAINING / TRAVEL TIME

A. TRAINING TIME

A non-exempt employee who is required to attend a lecture or training program shall be compensated for time in attendance if the following are met: 1) the required training occurs during the employee's regular working hours; 2) the training is initiated and mandated by the employee's supervisor or department head; and 3) the training is directly related to the employee's job.

Time spent by non-exempt employees in voluntary training shall not be considered hours worked. All of the following must be met for the training to be considered voluntary and not counted as hours worked: 1) attendance must occur outside the employee's regular working hours; 2) attendance must in fact be voluntary; 3) the employee does not perform any productive work while attending; and 4) the training is not directly related to the employees job or does not aid the employee in handling his present job better. With the approval of the supervisor and department head, voluntary training may occur during work hours.

If the training or continuing education is required by the State of Colorado as a condition of practice of the trade or profession, and if the training is not tailored to meet the particular needs of the Town, attendance at such training shall not be considered working time.

B. TRAVEL TIME

A non-exempt employee who attends a lecture, training program, meeting or seminar that has been approved by the employee's supervisor or department head shall be compensated for time in attendance and travel time. The Town recognizes the importance of training and travel and the benefit to the employee and the Town. Abuse of training and travel benefits may be subject to disciplinary action.

2.30 PAYROLL PROCESSING

I. PAY PERIODS & PAY DAY

There are 26 pay periods in each full calendar work year. The work week runs Monday through Sunday and a pay period is made up of two consecutive work weeks. Pay day is Friday following the Sunday ending the two week pay period, thus every other Friday is payday. Pay is done by direct deposit into the employee's bank account.

Employees who resign shall receive a paycheck on the next regular payday. A dismissed employee's final paycheck including all compensation due will be available at the time of dismissal or no later than 8 hours after the start of the next regular workday of the Finance Department.

II. RECORD KEEPING AND REPORTING

The Town is required by law to keep a record of regular hours worked, overtime, sick leave accrual and usage, vacation accrual and usage, and holidays. Employees are required to know their departmental procedures for time sheet reporting and collection. The department head will submit completed payroll time sheets to the Finance Department no later than Tuesday for the previous week. Information for the payroll time sheets will be obtained from time cards or departmental hourly records which are to be signed by the appropriate employee and department heads. Employees are responsible for completing the time cards by accurately reporting all hours worked, and all holiday, vacation hours and absences from work. Falsification of time cards will not be tolerated and will make the employee subject to disciplinary action. Additonally, it may be considered as a criminal offense of theft and/or fraud. Employees should not record information on another employee's time sheet.

III. AUTHORIZATION

Department heads shall see to the maintenance and accuracy of daily time and attendance records for their various divisions. Approved time and attendance records are due into the Finance Department every Tuesday.

IV. PAYROLL DEDUCTIONS

The following types of deductions of authorized amounts may be made from an employee's pay:

A. Mandatory deductions such as Federal and state withholding tax, contributions to Social Security and Medicare and court-ordered wage garnishments.

B. Mandatory contributions to benefit plans provided or authorized by the Town of Crested Butte such as contributions to retirement or pension plans, disability and retiree health insurance premiums.

C. Voluntary deductions or contributions authorized by the employee such as contributions to retirement, credit union accounts, insurance premiums and flexible spending accounts.

D. Other deductions authorized by the Town Manager.

2.40 WORK RELATED EXPENSES

I. TRAVEL EXPENSES

The Town will pay for ordinary and necessary expenses incurred by employees which are directly related to Town business and/or Town required travel. In accordance with IRS guidelines, employees are required to report their actual and/or per diem travel expenses. Actual and/or per diem costs must be itemized on the Travel Expenses Form and submitted, along with necessary documentation and department head approval, for payment.

A. TRANSPORTATION REIMBURSEMENT

The Town will pay for the cost of commercial, coach-class airfare and/or ground transportation. Employees using a personal vehicle for Town travel will be reimbursed for mileage at a per mile rate subject to annual budget review and approved by the Town Manager. Mileage reimbursement will be the IRS rate. If more than one employee is traveling in a personal vehicle, mileage reimbursement will be paid to only the employee owning the vehicle. Use of personal vehicles for Town sponsored travel is discouraged and should only happen when there is no Town vehicle available or with prior approval.

Employees will not be reimbursed for the cost of traffic tickets issued because of parking infractions or other traffic violations.

B. MEAL ALLOWANCE

Allowance for meals during travel shall not exceed the current authorized Town rate unless receipts and justification of the need for a greater expense are provided and approved by department head and/or Town Manager. The meal allowance rates are subject to annual budget review and may be changed upon written authorization by the Town Manager.

C. OTHER TRAVEL RELATED EXPENSES

The Town will pay for actual cost of other expenses such as lodging, registration fees, telephone charges and miscellaneous items related to the travel when submitted with receipts and approved by the appropriate department head.

II. UNIFORM ALLOWANCE

Uniform allowances shall be budgeted on an annual basis by each department and shall be subject to annual budget review. Changes to the same may occur at any time upon written authorization by the Town Manager. Uniformed and certain other designated personnel shall be furnished with uniforms, clothing, clothing allowance, or equipment in accordance with the regulations established by the department head and approved by the Town Manager. Position specific uniforms, and equipment purchased by Town are the property of the Town and shall be returned to same upon separation from employment. Any employee who does not return said property shall be subject to a cash deduction from his/her final paycheck in an amount determined by the Town to be equivalent to replacement costs. Any employee who receives a uniform allowance and terminates employment within 6 months of receiving the allowance, shall reimburse the Town the full amount of the allowance.

3.00 LEAVE POLICY

I. PAID VACATION LEAVE

Accrual of Vacation Leave
Year-round full-time employees shall earn vacation leave on the following scale:

1) 80 hours for the first and second year of employment.
2) 120 hours for the third through the fifth year of employment.
3) 160 hours from the sixth year and on.

Year-round part-time employees shall earn vacation leave directly proportional to the percentage of time they work in relation to a 2080 hour work year. Seasonal and temporary employees are not eligible for vacation leave.

Vacation is accrued every pay period. Vacation will not accrue during an unpaid leave of absence.

Eligibility for Vacation Leave Use
Employees shall be eligible to take accrued Vacation Leave off upon the accrual of same and as approved by the supervisor. Vacation may be borrowed from anticipated future accruals with department head approval. Any un-accrued vacation taken will be deducted from the employee's last paycheck upon termination.

Use of Vacation Leave
In order to be granted vaction leave, an employee must apply on a "Request for Leave" form for approval by their department head and/or the Town Manager. Such approval will not be unreasonably withheld.

Department heads shall take into account the seasonal demand upon their respective activities when setting up vacation schedules, and spread vacations over as wide a period as possible in order to avoid any marked reduction in available personnel.

Up to a maximum of 80 hours of vacation leave accrued but unused at the end of the calendar year may be carried forward into the new calendar year. Any accrued and unused vacation leave will be paid out upon termination.

II. PAID HOLIDAYS

The Town observes the following holidays for which year-round full-time employees, except sworn officers, are granted pay:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Lincoln/Washington President's Day	Thanksgiving Day
Memorial Day	Friday following Thanksgiving Day
Fourth of July	Christmas Day
Colorado Day	Extra Day at Christmas time

If a holiday falls on Saturday, the holiday will be observed on the preceding Friday; or if on Sunday, the holiday will be observed on the following Monday. If the holiday falls on an employee's regular scheduled day off, the holiday leave will be rescheduled through the department head. If an employee voluntarily elects to work on a holiday,

the holiday leave will be rescheduled through the department head or Town Manager, no additional holiday pay will be received. If an employee must work the holiday due to the department schedule, the employee who works the holiday will be paid at time and one-half for the hours worked that holiday, excluding winter snow removal which is paid under Winter Snow Removal Pay policy (Section 2.2) and be allowed to reschedule the holiday at a later date. The rescheduled holiday should be as close to the original holiday as possible or within 30 days. Sworn officers will be granted an additional 96 hours of annual leave for holiday pay.

Year-round part-time employees receive holiday pay directly proportional to the percentage of time they work in relation to a 2080 hour work year.

III. SICK LEAVE

Year-round full-time employees shall accrue sick leave at the rate of 8 hours of sick leave for each full calendar month of the employee's service. A maximum of 960 hours of sick leave may be accrued for use by individual employees. Hours over 960 accumulated by the individual employee will go into a "Sick Leave Pool" available to employees for catastrophic illness. Sick leave does not accrue during a leave of absence without pay or during suspension.

Year-round part-time employees shall accrue sick leave in an amount directly proportional to the percentage of time worked in relation to a 2080 hour work year. Seasonal and temporary employee's are not eligible for sick leave.

Qualifications for Sick Leave

An employee eligible for sick leave with pay shall be granted such leave for the following reasons:

1) Personal Illness. An illness or physical incapacity resulting from causes beyond the employee's control.
2) Medical appointments. Medical, dental or ocular appointments which are of necessity and cannot be scheduled during non-working hours for the employee or employee's dependents for which the employee's attendance at the appointment is required. Non-emegency appointments are to be scheduled at a time that is least disruptive to the department. Employees may be asked to postpone or reschedule non-emergency appointments, depending upon the work schedule or requirements as identified by the appropriate supervisor.
3) Family Illness. An illness of a member of the employee's immediate family that requires the employee's personal care and attendance. "Immediate family" will mean spouse, children, mother, father, mother-in-law, father-in-law, brother, brother-in-law, sister, sister-in-law, grandparent, grandchild, stepmother, stepfather, stepchild, stepbrother, stepsister, legal guardian or a person with whom the employee shares a household in a personal relationship. Sick leave may be used to care for other family members beyond the employee's immediate family if approved by the Town Manager.

Notice Reguired

An employee not reporting for work for any reason stated above shall inform his/her supervisor of the fact and reason therefore, prior to the time the work period begins. The employee must keep supervisor advised of the illness at least on a daily basis unless otherwise approved by the supervisor. Upon return to work, the employee is required to fill out a "Request for Leave" form showing the dates sick leave used. An employee returning after a major illness may be required to submit a release from his physician or

surgeon prior to returning to work. A major illness is defined as an illness whereby the employee is absent on sick leave for more than 3 consecutive days.

Verification of Sick Leave

The employee may be required to furnish medical verification or other proof that use of sick leave was necessary and unavoidable to his/her supervisor or department head. The Town reserves the right to require that such verification is obtained from an independent physician at the Town's expense.

Illness or Injury While Off Duty

If an employee becomes ill or injured while on vacation, they may, by written request on a "Request for Leave" form, have his/her vacation status changed to sick leave for the duration of such illness or injury.

Payment in Lieu of Sick Leave

No payment shall be due for unused sick leave upon termination of employment.

Sick Leave Pool

In the event an employee's illness extends beyond the employee's accumulated sick leave days, the employee may apply to the Town Manager for use of "pool" sick leave days. If not approved, or if there is no time in the sick leave pool, the employee may use earned vacation leave by applying for the same on a "Request for Leave" form.

IV. MATERNITY/PATERNITY LEAVE

Upon processing Request for Leave forms, full-time and part-time employees may utilize up to 2 weeks of accumulated sick leave for maternity/paternity purposes prior to and after the birth of a child. After the initial 2 week period, the leave of absence may be extended for up to an additional 10 weeks. With prior approval, an employee may use accumulated vacation leave or sick leave depending on the situation during this extension of leave. If annual leave is unavailable and sick leave does not apply, the employee may take a leave of absence without pay for up to an additional 10 weeks with permission of the Town Manager. If a full-time employee takes this leave of absence without pay, the Town will continue to provide the employee's health insurance coverage during the leave of absence. No other benefits will accrue during this time of leave. Extension of the leave beyond the 12 weeks may be granted by the Town Manager for causes related to the maternity/paternity leave. The full-time employee will have the right to continue on the Town's health insurance policy during any extension of maternity/paternity leave, with the employee paying the entire cost of the health insurance coverage.

V. ADOPTION LEAVE

Leave for adoption or placement of a foster child shall follow the Maternity/Paternity Leave policy.

VI. BEREAVEMENT LEAVE

An employee shall be granted leave with pay for the death of a member of the employee's immediate family (See Section 1.20 Definitions) not to exceed 3 days for in-state and 5 days for out-of-state services. The Town Manager may increase the number of days if circumstances or travel distance warrants such an increase.

VII. PAID LEAVE AND HOURS WORKED

Vacation Leave, Holiday Leave, Sick Leave, Comp Leave (Paid Leave) hours used shall not count as hours worked for purposes of computing overtime. In the event that Paid Leave hours used when added to actual hours worked causes an employee to exceed 40 hours in

one week (165 hours in a work period for sworn officers), Paid Leave hours used will be reduced or paid out at regular hourly rate.

3.10 LONG-TERM DISABILITY LEAVE

I. POLICY

Year-round full-time employees are eligible for and shall be covered by the Town's Long-Term Disability plan effective 30 days following full-time employment.

Should an employee's disability be anticipated to exceed a total of approximately 180 days, the employee may initiate an application for long-term disability with the Town's long-term disability insurance provider. An application for Long-Term Disability should be initiated by the employee 4 to 5 weeks in advance of the end of the 180 day waiting period if the general prognosis is that the employee will be unable to return to work.

The employee may use accumulated sick and/or vacation leave during the 180 day waiting period (elimination period). If the employee does not have enough accumulated sick and/or vacation leave, they may apply to the Town Manager for use of sick pool hours.

The employee will continue on the Town's health, vision and dental policies during the 180 day elimination period. Vacation and sick leave will not accrue during this time period.

3.20 FAMILY AND MEDICAL LEAVE

I. POLICY

In 1993, Congress enacted the Family and Medical Leave Act (FMLA). While the FMLA applies to public employers, the public employer must employ at least 50 employees in order for the employee to be eligible for FMLA leave. Since the Town does not currently employ at least 50 employees, no Town employee is eligible for FMLA leave.

3.30 INJURY LEAVE

I. POLICY

In the event an employee is absent from work as a result of a job-incurred injury or illness, such absence shall be considered to be Injury Leave provided the employee has visited a designated physician who has recommended, in writing, that time off be taken as a result of the work-related injury.

II. REPORTING AN INJURY

An employee must immediately report to his/her supervisor any injury or illness from a cause arising out of and in the course of his/her employment, regardless of severity. If the severity of the injury prevents the employee from reporting, the employee's co-worker with knowledge of the injury, if any, is to inform the employee's supervisor.

Within 24 hours of the injury or illness, the injured employee must submit the completed "Employee Report of Accident" form concerning the injury or illness to the Human Resources Manager. Supervisors must report serious injuries and fatalities immediately. Minor injuries not requiring medical attention should be submitted on the "Employee Report of Accident" form. The department head or appropriate employee supervisor must submit within 48 hours of the occurrence of the injury or illness, a "Supervisor's Accident Investigation Report" to the Human Resources Manager.

III. MEDICAL TREATMENT FOR ON-THE-JOB INJURIES

For non-emergency injuries or illnesses requiring medical attention, employees shall obtain medical attention through the Town of Crested Butte's designated health providers. Emergency illnesses and injuries, which require more immediate medical attention, shall be treated using medical facilities according to trauma triage protocols in effect for local emergency services. The Town 's designated physicians or clinic should treat minor injuries or illnesses for which appointments can be scheduled. Medical treatments beyond the Town's designated providers may be subject to the rules of the Town's Workers Compensation Insurance carrier. Employees who receive medical attention through any unauthorized providers may be personally responsible for any resulting medical expenses.

IV. COMPENSATION AND BENEFITS WHILE ON INJURY LEAVE

Provided the injury is deemed work-related by the workers' compensation claims adjuster, a regular full-time employee on Injury Leave (workers' compensation leave) shall receive their full regular compensation (unless there has been a 50% reduction for violations of safety rules or use of drugs or alcohol per state law) for up to 90 calendar days. Upon receipt of compensation from workers' compensation, the Town is entitled to sufficient monies collected as reimbursement for payments made by the Town which are subsequently compensated for by worker's compensation. If the injury leave is longer than 90 days, the employee may used accrued sick leave to supplement the workers' compensation pay for up to 100% of regular pay. If the injury leave is expected to last longer than 180 calendar days, the employee may be eligible for Long-Term Disability payments. The employee should arrange with the Human Resources Manager to fill out the forms necessary to apply for this benefit.

Part-time and seasonal employees will continue to receive regular pay during the time that benefits from worker's compensation are pending. Once the injury is deemed work-related by the worker's compensation claims adjuster, the employee is entitled to compensation benefits paid directly by the Town's workers' compensation carrier. The Town is entitled to monies collected as reimbursement for payments made by the Town which are subsequently compensated for by worker's compensation.

Unless the employee is working on a modified duty assignment, Vacation and Sick Leave accruals shall not continue to accrue during periods of Injury Leave in excess of two weeks.

No employee shall engage in employment, either with the Town or any other employer, while on injury leave, without the written consent of the employee's supervisor, department head, Human Resources Manager and the Town Manager and with the concurrence of the employee's physician. Violation of this provision shall be cause for dismissal.

In the event that it is determined after Injury Leave has been taken that the injury or illness is not compensable, any payments made by the Town will be charged against the employee's accrued Sick Leave and Vacation Leave, in that order.

Any employee who is injured on the job as a result of actions by an outside party and is able to recover damages from the outside party must report said recovery to his supervisor and the Human Resources Manager.

V. MODIFIED DUTY ASSIGNMENTS

The Town may attempt to place employees injured on the job in modified duty assignments. Said assignments may be outside the employee's department or division. Modified duty assignments must conform to any restriction imposed by the Town 's designated worker's compensation medical providers. The Town shall be under no obligation to provide modified duty when no modified duty positions exist within the employee's restrictions. Employees on modified duty assignments shall be paid at their regular rate of pay for all hours worked. Employees who refuse to accept modified duty assignments may be subject to disciplinary action.

VI. RETURN FROM INJURY LEAVE

In the event an employee who has returned to duty from Injury Leave is subsequently absent from work as a result of the same injury or illness, such absence shall be considered to be part of the initial Injury Leave. With this exception, Injury Leave benefits shall apply to each period of absence due to injury or illness.

Injury Leave is available for a maximum of 12 months from the date of initial absence due to the work related injury or illness. If at any time during the 12 month period, the Town 's designated health care provider determines that an employee will be unable to return to full duty, with or without accommodation , as a result of their injury or illness, the employee will be separated from employment.

3.40 LEAVE AND ABSENCE - OTHER

I. LEAVE WITHOUT PAY

An employee who has need to be absent from work for any reason and who is not eligible for leave with pay, may request to be placed on leave without pay. Leave without pay for a period not to exceed 8 working hours may be granted by the employee's department head. Leave without pay in excess of 8 working hours shall require the approval of the employee's department head and the Human Resources Manager or the Town Manager. In the event that leave without pay in excess of 10 days is granted to an employee for any reason, the Town shall not continue to pay for insurance or other benefits previously paid for by the Town. When granted leave expires, the employee must report for work or request leave extension in the same manner as the original leave. Failure to do so will place the employee in "unauthorized absence" status and the employee shall be dismissed. Except for extended military duty, a leave without pay absence and extension thereof cannot exceed 6 months.

An employee on leave without pay shall receive no compensation or benefits and shall accumulate no Vacation or Sick Leave while on such leave.

II. MILITARY LEAVE

An employee who is a member of the National Guard or any other component of the military forces of the State of Colorado or of the United States who is called into training or active service, ordered or authorized by proper authority, shall be entitled to a temporary leave of absence with pay for a period not to exceed 15 days in any calendar year. For the first 15 days of military leave of absence, the Town will pay the difference between the employee's military pay and the regular Town pay, where the latter is greater. An employee may receive the regular salary and military pay by utilizing accrued vacation for military leave. In the event said leave exceeds 15 days in any calendar year, the employee shall be entitled to a temporary leave of absence without pay. In any case, said employee shall not be subject to any loss of seniority, status, or other benefits all in accordance with provisions of 28-3-601, C.R.S. and/or applicable federal law. Such leave must be approved by the appropriate department head, as well as the Human Resources Manager.

III. JURY DUTY

An employee who is duly summoned to any court for the purpose of performing jury service shall receive his/her regular compensation for any regularly scheduled working hours spent in the actual performance of such service. Employees performing jury service shall be required to remit to the Town any monies, excluding mileage or cost reimbursement, received for such service, provided that such monies do not exceed their normal wage.

IV. WORK BREAKS AND LUNCH PERIODS

An employee may be allowed 1 work break of up to fifteen minutes during the first half of his/her normal work shift and 1 work break of up to fifteen minutes during the second half of his/her normal work shift.

Work breaks shall be scheduled by supervisory personnel at such time and location as the supervisor may direct and in consideration of the work load demands of the department. Work breaks are not cumulative. Work breaks which are not taken or allowed to be taken shall be forfeited.

Lunch periods, without pay, shall be scheduled by the appropriate supervisor according to the needs of each department.

4.00 RECRUITMENT AND SELECTION

I. POLICY

The Town of Crested Butte offers equal employment opportunity for employment and advancement to all qualified applicants and employees. The Human Resources Manager shall monitor recruitment and selection activities. The Town Manager shall possess final authority to implement and enforce this policy.

II. VACANCY ANNOUNCEMENTS

Announcements for job vacancies will be posted by the Human Resources Manager for a minimum of 5 days at designated locations throughout the Town . The Human Resources Manager or Town Manager will recruit applicants using a variety of sources, depending upon the requirements of the position.

III. APPLICATION PROCEDURES

All applicants shall complete an Application for Employment form. A resume and letter of interest may be substituted for the initial application. Falsification of information on the application and/or refusal to supply requested information will eliminate an applicant from consideration. Applications will be accepted only for vacant positions.

IV. EVALUATION AND SELECTION

Applicants who appear to be best qualified for a position based on relevant job history, education and training, test performance and other job related criteria shall be further evaluated by participating in any one or a combination of assessments to determine suitability for employment including, but not limited to, oral interviews, written and performance tests, physical or psychological exams, and reference and background checks including drivers license checks.

4.10 CONDITIONS OF EMPLOYMENT

I. ATTENDANCE

All employees must report promptly for work in accordance with assigned shift and break schedules. Regardless of what position an employee holds, punctuality and regular attendance are essential to the effective operation of the Town.

II. PHYSICAL/MENTAL CAPACITY TO PERFORM DUTIES

A supervisor, department head, the Human Resources Manager, or the Town Manager may request any employee to take a physical examination, including a drug and/or alcohol test, or psychological examination at any time when, in his/her judgment, such an examination may be necessary to determine the employee's fitness to perform duties for the Town. All such examinations shall be performed by licensed personnel selected by the Town, as designated by the Human Resources Manager, and shall be arranged and paid for by the Town.

III. OUTSIDE EMPLOYMENT

With the approval of his/her supervisor and department head, an employee may engage in outside employment provided such employment does not present a conflict of interest or interfere with normal working hours, overtime requirements or the efficient performance of duties with the Town .

IV. NEPOTISM

Immediate family members shall not be hired into the same department. The employment of persons who establish immediate family relationships after employment shall be prohibited if such employment will result in one immediate family member exercising supervision over the other or otherwise having the ability to influence the terms or conditions of the other's employment.

Town employment is strictly prohibited for immediate family members of employees in non-classified positions and in the position of Human Resources Manager.

For the purpose of this policy, "immediate family" shall be defined as the following relatives of the employee or the employee's spouse: spouse, parent, child, or sibling including the spouse of any such relatives; and the following relatives of the employee: aunt, uncle, nephew, niece, first cousin, grandparent or grandchild including the spouse of any such relatives.

In the case of Town employees who become immediate family members after employment and whose relationship would violate the policy as set forth herein, the employees shall determine which of them will seek employment elsewhere in the Town or, as necessary, outside the organization. Said decision shall be conveyed in writing to the appropriate department head and Human Resources Manager no later than 30 days from the date the relationship was legally established. Said employees will be given a reasonable period of time, not to exceed 90 days from the date the relationship is legally established, to make the necessary change. If the change is not made within 90 days, the Town reserves the right to transfer, demote or dismiss the affected employee(s) to resolve the nepotism violation.

This policy shall cover the immediate family relationships of all employees of the Town of Crested Butte whether they are part-time or full-time.

Any employee whose current or prospective immediate family relationship violates this policy shall promptly report it to his/her department head and to the Human Resources Division.

This policy is not intended to alter the employment terms of any current full-time or part-time employee whose employment violates the above provision but did not violate the policy in force at the time of employment or at the time the immediate family relationship took place. In the case of a part-time employees who is separated from employment at the end of a season, said employee shall be allowed to reapply for employment, providing re-application is made for the next season and is in the same capacity the employee worked prior to separation. Department managers shall assure that supervisory and work assignments of said employees minimize the appearance of and opportunity for conflicts of interest or impropriety. Department managers and the Human Resources Manager shall assure that these "grandfathered" exceptions gradually cease as attrition occurs.

The nepotism policy may be waived by the Town Manager when the lack of other qualified candidates necessitates the employment of immediate family members.

V. IMMIGRATION LAW

In compliance with the Immigration Reform and Control Act of 1986, all employees hired on or after June 1, 1987 must complete and sign the I-9 Verification Form designated by the Immigration and Naturalization Service to certify that they are eligible for employment in the United States. In compliance with State of Colorado HB 1017, all employees hired after January 1, 2007 must provide required documents of 8 U.S.C. Sec 132a (I-9 documents) and such documents will be copied and maintained in the employee's Personnel File. The employer must file with the Colorado Department of Labor an Affirmation Statement on the documents and employee's eligilbility to work.

New employees must present documentation to the Human Resources department within 3 days of their date of hire to verify their identity and employment eligibility. If unable to provide the required document or documents within 3 days, employees must produce a receipt showing that they have applied for the document(s). Employees must produce the document(s) within 21 days of the date of hire. Employees unable to produce required document(s) within these deadlines shall be dismissed.

4.20 APPOINTMENTS

I. APPOINTMENT SEQUENCE

Appointments and promotions shall be made through re-employment, reinstatement, voluntary demotion, transfer, promotion or original appointment, at the discretion of the appropriate department head, with review by the Human Resources Manager and approval of the Town Manager.

II. RE-EMPLOYMENT

An employee re-employed within 90 days of their separation date shall, upon re-employment, be considered to have continuous service for the purpose of salary range status and employee benefits. Re-employment after 90 days of their separation date may be given credit for years of service at the discretion of the appropriate department head with approval of the Human Resource Manager and Town Manager.

Re-employment shall be at the discretion of the appropriate department head, with review by the Human Resources Manager and approval of the Town Manager.

III. REINSTATEMENT

A. NON-VETERANS

An employee whose position was abolished and who was reassigned to a vacant position within his/her department, or to any vacant Town position in an equivalent or lower job class, may be reinstated to his/her former job class when positions in the former job class (within their former department) becomes vacant. Reinstatement shall be at the discretion of the appropriate department head, with review by the Human Resources Manager and approval of the Town Manager.

B. VETERANS

An employee who volunteers for or is called into extended active duty with regular military service and who is eligible for re-employment or reinstatement under the Uniformed Services Employment and Reemployment Rights Act of 1994 shall be eligible for re-employment to his/her previously held position, provided the military leave of absence was 90 days or less. After military leaves of absence of 91 days or longer, the employee will be restored to their former position or to a position of like seniority, status, and pay. Employees serving between 31 days and 181 days must request re-employment no later than 14 days following completion of service. Employees serving over 180 days must request re-employment no later than 90 days following completion of service. Time limits to request re-employment may be extended for up to two years if an employee is hospitalized or convalescing from an injury related to military duty.

IV. VOLUNTARY DEMOTION

An employee may request a voluntary demotion for any reason. No employee shall receive a voluntary demotion to a position for which he/she does not possess the requisite qualifications. In order to receive a voluntary demotion to a job class with minimum standards of employment substantially different from that of employees own job class, an employee shall be required to demonstrate his/her eligibility for employment by competitive process. Voluntary demotions shall require the approval of the gaining department head, review by the Human Resources Manager and approval of the Town Manager.

V. TRANSFER

An employee may request a transfer from his/her current position and department to another position and department without requalifying by competitive process, providing that both positions are assigned the same salary schedule and that both positions have the same minimum standards of employment. Transfers shall not be accomplished unless there is an existing vacant position in which an employee can be placed. No person shall be transferred to a position for which he/she does not possess the requisite qualifications. In order to be transferred to a job class with minimum standards of employment substantially different from those of an employee's own job qualifications, the employee shall be required to demonstrate his/her eligibility for employment by competitive process.

A transfer shall require the approval of the gaining supervisor and department head, review by the Human Resources Manager and approval of the Town Manager.

VI. PROMOTION

Vacancies in positions above the entry level may be filled by promotion at the discretion of the appropriate department head, with review by the Human Resources Manager and approval of the Town Manager. Applicants for promotion shall be evaluated on the basis of qualifications, performance, and examination results, if any, to determine whether a promotion is warranted. Employees promoted to a higher job class shall be placed at or above their current rate of pay, not to exceed the proficient rate of the new job class.

4.30 INTRODUCTORY PERIOD

I. POLICY

The introductory period is an integral part of the selection procedure allowing the appointing authority to train, observe, and evaluate an employee's work in order to determine fitness for regular status in the position.

The following appointments are subject to an introductory period.

A. Initial employment
B. Promotion
C. Demotion
D. Transfer
E. Reinstatement
F. Re-employment

II. DURATION

The length of the introductory period shall be determined by classification. The regular period of introduction shall be up to 6 months for general classification jobs and 12 months for public safety classification jobs.

III. REVIEW & EVALUATION

The work and conduct of an introductory employee shall be subject to frequent review and evaluation by the appropriate supervisor to determine whether job standards and expectations are being met and to otherwise assess the employee's suitability for continued employment. There shall be a minimum of 1 written evaluation within the first 6 months.

IV. COMPLETION OF INTRODUCTORY PERIOD

The introductory period is not complete until the supervisor recommends one of the following:

A. The employee be given regular status.

B. The employee's introductory period be extended for up to 6 months.

C. The employee be dismissed.

D. The employee be demoted or returned to a former position in which he/she has regular status.

An introductory employee shall become a regular employee only with approval of the appropriate department head, review by the Human Resources Manager and approval of the Town Manager.

None of the foregoing actions shall be subject to review or appeal by the employee, except dismissals when reasonable evidence supports that discrimination has occurred as defined in Policy 1.100 of this manual.

4.40 SEPARATIONS

I. RESIGNATION

Any employee who desires to resign from Town employment shall notify his/her immediate supervisor or department head at least 2 weeks in advance. The department head may agree to permit a shorter period of notice. Failure to comply with the 2 week notice requirement will be noted in the employee's personnel file and may result in the employee forfeiting reinstatement privileges. Normally, the last day worked by the employee shall be considered the date of separation, and the employee shall be compensated for accrued and unused Vacation Leave balances in accordance with the policies governing same.

II. LAYOFF

At the Town's sole discretion, the work force may be reduced. Examples of events that may prompt a reduction force include, but are not limited to, lack of funds, lack of work or change in Town operations.

The selection of employees to be laid off shall be based on the following criteria:

1. Employees who have had recent unsatisfactory performance appraisals.

2. Length of service in the affected job class within the affected division and department.

A regular employee identified for layoff may be entitled to replace another employee in a lower position if the employee identified for layoff:

1. Attained regular status in the lower position;

2. Had a length of service in the lower position which exceeds that of incumbents;

3. Left the position in good standing;

4. Still meets the minimum requirements of the position;

5. Is capable of performing the job.

Determination as to whether the above criteria are met shall be made by the Town at the sole and absolute discretion of the department head, Human Resources Manager and Town Manager.

An employee whose position has been abolished may be reassigned by his/her department head to a vacant position within his/her department in an equivalent or lower job class for which he/she meets the minimum requirements.

Whenever an employee whose position has been abolished cannot be reassigned to a vacant position within his/her department, he/she may be reassigned by the Town Manager to any vacant position in an equivalent or lower job class for which he/she meets the minimum requirements in any other department.

Whenever an employee whose position has been abolished is not reassigned to any vacant position, he/she shall be placed on the re-employment list for his/her job class.

Persons on the re-employment list may be re-employed when positions in their former job class (within the department from which they were laid off) become vacant. Re-employment shall be in inverse order of layoff.

In the event an employee rejects an offer of re-employment or otherwise fails to accept the offered employment within 2 weeks, the offer will be deemed denied and that employee's rights with the Town shall in all respects be separated at that time.

IV. DISMISSAL

A department head may dismiss an employee in accordance with the provisions outlined in Policy 7.100 of this manual.

4.50 PERSONNEL INFORMATION AND REFERENCES

I. RELEASE OF PERSONNEL INFORMATION

Access to personnel file information is granted to the employee and appropriate supervisors and department heads, unless otherwise authorized by the employee or required by law. The Human Resources Office will respond to all verification of employment requests and will release the employee name, position held, dates of employment and verification of salary. The release of additional personnel files or other employment information (i.e., reference checks for potential employers, creditors, etc.) shall occur only as required by law.

II. EMPLOYMENT REFERENCES

Should departments wish to exceed the above guidelines, any further release of information (other than name, position held, dates of employment and verification of salary), shall be authorized by the employee or former employee. Said authorization shall include a waiver of liability releasing the Town and its agents from any damages resulting from providing the information so requested.

All written responses including letters of recommendation should be forwarded to the Human Resources Manager for review prior to issuing such responses to the employee or requesting party. All writings will be copied for inclusion in the employee's personnel file. Departments are encouraged to strictly control verbal and written statements concerning employees and are cautioned against responding with or volunteering information which might be perceived as defamatory.

5.00 TRAINING AND DEVELOPMENT

I. POLICY

The Town of Crested Butte regards the training of its employees as vital; training contributes to the successful accomplishment of many objectives. Through in-service training programs and outside educational opportunities, training is intended to increase the efficiency, knowledge, skills and abilities of employees.

II. REQUIRED TRAINING

Required training courses, which are those initiated and mandated by the employee's supervisor or department head, and which are required for the performance of an employee's job duties, shall be arranged as much as possible during regularly scheduled working hours. When the employee represents the Town at the request of his/her department head at any seminar which is for the general good of the department, all expenses incident to the training shall be borne by the Town. Training expenses are also totally reimbursable to the employee to maintain or improve skills required for the position he/she holds. Disbursement of funds for these purposes will coincide with the then current budget and financial policies of the Town of Crested Butte. A "Travel Expense" form must be completed and approved by the department head and/or Town Manager for reimbursement of expenses for traveling to the training. Advances may be made for travel expenses with approval of department head and/or Town Manager.

III. EDUCATIONAL REIMBURSEMENT

Employees are encouraged to pursue formal educational opportunities to enhance their career development with the Town. To that end, the Town may, under the following circumstances, reimburse regular employees for all or a portion of approved tuition expense. Final determination of job-related training eligibility shall rest with the Town Manager.

If prior approval has been granted, job-related courses which are successfully completed will be reimbursed at 70% of the costs of the tuition, fees and books for the course. Costs of non-job-related courses will not be reimbursed. If educational coursework is required as an expressed condition of employment, it will be fully reimbursed by the Town.

Prior to enrolling in a course program where reimbursement will be requested, the employee must submit to the appropriate department head or Town Manager a written explanation of the course and how it relates to and will improve job performance.

Upon recommendation of the department head and approval of the Town Manager, one-half of the cost of tuition, registration and books may be advanced to the employee. Upon satisfactory completion of the course, the balance of the eligible amount will be reimburse to the employee. The student shall provide the Town with grades and/or certificates of completion of all courses upon completion. Should the employee fail to successfully complete the course work, as defined below, the employee will reimburse the Town the amount advanced within 30 days.

Reimbursement for course work required for an advanced degree is restricted to supervisory and management personnel subject to this policy. Reimbursement requested by non-supervisory or management employees may be considered on an exception basis by the Town Manager. Reimbursement for course work associated with degrees above the Master's level also requires Town Manager approval. Reimbursement for

graduate level coursework or above may be considered a taxable benefit and may increase taxable income.

For the purpose of this policy, "successful completion" means completing an undergraduate course with a "C" grade or better, and a graduate course with a "B" grade or better. "Career development" refers to those careers available within the employee's current department. The job-relatedness of a particular course shall be determined by the employee's department head. The final determination of job-relatedness shall rest with the Town Manager.

Should an employee who has received tuition reimbursement voluntarily separate employment with the Town for any reason other than death, injury, or disability, within 6 months of completion of the course or training program, the employee shall be liable and responsible for returning 100% of the reimbursement received for educational assistance. If they voluntarity separate employment within 12 months of completion of the course or training program, the employee shall be liable and responsible for returning to the Town 70% of the reimbursement received for educational assistance. Monies due may be subtracted from the employee's paycheck(s).

No reimbursement shall be required if the employee is involuntarily dismissed from employment with the Town unless the dismissal is for violation of personnel policies or job performance related.

Voluntary course work will be pursued on the employee's own time. When an employee chooses course work which is not available during non-working hours, the employee may use accrued leave time or request leave without pay, if approved by the department head. Approval of course work taken during working hours is at the sole discretion of the appropriate supervisor and department head.

Participation in the educational reimbursement program is not an employee right or entitlement. Participation is discretionary on the part of the employee's department head and is subject to all of the foregoing conditions, budget constraints, and the department head's sole judgment. Employees wishing to participate in the tuition reimbursement program must place their request to participate in the program with their department head by September 1st of each year for budgetary reasons.

The Human Resources Manager shall provide oversight of the educational reimbursement program to ensure Town-wide consistency in the manner in which it is administered.

IV. CERTIFICATION

Employees hired as marshals must receive Peace Officer Certification pursuant to the rules and regulations established by the Peace Officers Standards & Training (POST) prior to taking the Oath of Office and becoming a sworn officer.

Any newly hired marshal shall be designated as a marshal recruit. Marshal recruits shall complete the POST certification process by:

A) Completing training at a POST approved Training Academy, or;

B) For officers with certifications from another state, successfully completing a POST approved "Mini-Skills" Academy and passing a written examination established and administered by POST.

5.1 PERFORMANCE EVALUATION

I. PURPOSE

The purpose of a performance evaluation is to ascertain the employee's progress in service to the Town, work out any problems or misunderstandings, and to make commendations, and recommendations for pay increases.

II. PERIODS OF EVALUATION

At leaset once a year a progress conference will be held between each employee and his/her immediate supervisor.

III. EVALUATION CRITERION

Employees will be evaluated on many different criteria including, but not limited to, the following:

(a) Quantity of work
(b) Quality of work
(c) Reporting habits
(d) Following directions
(e) Ability to cope with work situations
(f) Personnel relations

The employee and his/her department head shall review the evalualtion form during an evaluation meeting. Each shall sign the employee evaluation form. A copy of each evaluation form shall be forwarded to the Human Resources Manager and will then become a permanent entry in the employee's personnel file.

Any employee who receives an unsatisfactory evaluation will be re-evaluated at the end of three months. Continued performance below the standards acceptable for employment shall be cause for demotion or dismissal at the end of the re-evaluation period.

6.00 ETHICAL CONDUCT

I. POLICY

Town employees are prohibited from engaging in any conduct which could reflect unfavorably on the Town or the employee's service. Employees must avoid any action which might result in, or create the impression of, using public office for private gain, giving unauthorized preferential treatment to any person, or losing impartiality in conducting Town business. It is the Town 's policy that all employees conduct themselves ethically and avoid all misconduct and the appearance of misconduct.

II. PROHIBITED CONDUCT

A. GIFTS

Town employees shall not solicit or accept a present or future gift, gratuity, favor, entertainment, loan, or any item of value, whether or not monetary, from any person who has or is seeking to obtain business with the Town, or from any person within or outside Town employment whose interest may be affected by the employee's performance or nonperformance of official duties. No employee shall be involved in favoritism, coercion, unfair advantage, conflict of interest, or collusion.

B. CONFIDENTIAL INFORMATION

The use or disclosure of any confidential information acquired by Town employees, in the course of performing their duties for personal gain or to benefit family, friends or acquaintances is prohibited. If an employee has an outside interest which could be affected by any Town plan or activity, the situation must be reported in writing to his/her supervisor or department head immediately. Each employee is charged with the duty of insuring that only information which would be available to the general public is released.

C. POLITICAL ACTIVITY

(1) Federal and State Elections and Campaiging

Employees may, on their own time, and away from any Town facility, except for meetings called by others, participate in all federal, state and county partisan campaigns and openly express their views and support for candidates. Employees shall refrain from any political activities which create the appearance that candidates are endorsed by the Town, or which interfere with the performance of the employee's normal duties.

(2) Political Candidacy

A Town employee shall not continue as an employee after becoming a candidate for any public elective office, excluding local boards of special districts.

(3) Campaigning

No Town employee shall participate or take an active part in any municipal campaign for elective office. Town employees are specifically prohibited from distributing political badges, pamphlets or hand bills dealing with a municipal election campaign. No Town employee shall solicit campaign funds for any municipal political organization, party or candidate.

III. CODE OF ETHICS

As a Town of Crested Butte employee, I agree to subscribe to the following code of ethics:

To so conduct my public and private life as to be an example to my fellow employees and citizens;

To impart to my position those standards of quality and integrity that the conduct of the affairs of my position shall be above reproach and merit public confidence in our community;

To be ever mindful of my neutrality and impartiality, rendering equal service to all and to extend the same treatment I wish to receive myself;

To preserve that which is entrusted to me as if it were my own; and

To strive constantly to improve in the delivery of services to my fellow employees and citizens, fulfilling the responsibilities of my position.

6.10 SEXUAL HARASSMENT

I. POLICY

Sexual harassment is unlawful and unacceptable conduct which undermines the integrity of the employment relationship. Sexual harassment will not be tolerated whether such harassment is directed toward fellow employees or the public.

II. DEFINITION

Sexual harassment is defined as unwelcome and repeated sexual advances, a request for sexual favors or other verbal or physical conduct of a sexual nature when one or more of the following conditions are met:

1. Submission to such conduct is either explicitly or implicitly a term or condition of an individual's employment or,
2. Submission to or rejection of such conduct by an individual is used as the basis of employment decisions affecting such individuals; or,
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment or,
4. Such conduct is unwelcome.

Sexual harassment may include but is not limited to the following**:** any sexual flirtation, advance or proposition; persistent sexual or romantic advances despite an individual's rejection of the advances; verbal abuse of a sexual nature; any sexually explicit or degrading comment about another individual or his/her appearance**;** non-verbal sexually oriented body language such as obscene gestures and leering**;** the display or transmission of any sexually suggestive picture or object; or any other physical or verbal conduct which is offensive or abusive.

III. RESPONSIBILITY

An employee who feels victimized by sexual harassment shall inform the individual engaging in harassing behavior that such behavior is unwelcome and shall report each instance of alleged misconduct to the appropriate supervisor, department head or Human Resources Manager. An investigation will be conducted and any employee found to have sexually harassed any person shall be subject to discipline, up to and including dismissal. All inquiries, complaints, and investigations are treated confidentially. Information is revealed strictly on a need-to-know basis. The outcome of the investigation and the resulting discipline, if any, shall be reported to the complainant and the employee accused. Any employee who is guilty of reprisal against another for filing a sexual harassment complaint shall be subject to discipline, up to and including dismissal.

Supervisors and department heads shall take a preventative stance with regard to sexual harassment and shall take timely action when they know or should know of such acts.

6.20 OTHER HARASSMENT OR INTIMIDATION

I. POLICY

No Town employee shall harass or intimidate any other person because of the other person's race, color, creed, national origin, sexual orientation, ancestry, disability, religion or age.

II. DEFINITION

Such harassment or intimidation includes any joke, remark or comment about which another individual's race, color, creed, national origin, sexual orientation, ancestry, disability, religion or age is the subject, or any other physical or verbal conduct which is offensive or abusive and would serve to degrade another on the basis of the foregoing.

III. RESPONSIBILITY

An employee who feels victimized by harassment shall inform the individual engaging in harassing behavior that such behavior is unwelcome and shall report each instance of alleged misconduct to the appropriate supervisor, department head or Human Resources Manager. An investigation will be conducted and any employee found to have harassed any person shall be subject to discipline, up to and including dismissal. The outcome of the investigation and the resulting discipline, if any, shall be reported to the complainant and the employee accused. Any employee who is guilty of reprisal against another for filing a harassment complaint shall be subject to discipline, up to and including dismissal.

Supervisors and department heads shall take a preventative stance with regard to harassment and shall take timely action when they know or should know of such acts.

6.30 WORKPLACE VIOLENCE

I. POLICY

The Town is committed to a safe, healthy, productive workplace for all employees. As such, it is the Town 's policy to maintain a work environment that is free from intimidation, harassment, threats, and hostile or violent acts of any kind. The Town will not tolerate threatening, intimidating, or hostile behavior; verbal or physical abuse, weapons possession or use while on duty or on Town property by any employee who is not a sworn officer or otherwise authorized by the employee's department head to possess such weapons, vandalism, arson, or any other act against person or property which management believes is inappropriate in the workplace.

II. DEFINITION

Violence is defined as the infliction of any bodily injury or harmful physical contact or the destruction or abuse of property. Examples of violent acts include, but are not limited to, intimidating, threatening or hostile behaviors, physical abuse including intentional bodily injury and homicide, damage or destruction of Town property, unlawful use or unauthorized carrying of weapons and other acts which are inappropriate in the workplace. Occurances of violence may come from various sources; employees, personal acquaintances or the general public.

A threat is defined as a declaration of an intention or determination to inflict violence at a Town workplace or to a Town employee. Threats may be direct, conditional, or veiled. Threats of violence may come from various sources: Town employees, personal acquaintances or the general public.

III. RESPONSIBILITY

Employees who feel they have been subjected to, have observed, or have knowledge of any violation of this policy have a responsibility to report immediately the behavior or incident to their supervisor, Human Resources, or Town Manager as soon as possible. Employees are empowered to report threats to the Marshals Department or other applicable law enforcement agency if they believe a serious or imminent dangerous situation or violation of law exists.

6.40 DRUG FREE WORKPLACE

I. POLICY

Employees are expected and required to report to work mentally and physically fit to perform their jobs. It is the Town's intention and obligation to provide and reasonably ensure the maintenance of a healthy and secure work environment, free from alcohol, drugs, illegal/controlled substances and other intoxicants. All employees are subject to Reasonable Suspicion testing and post-accident testing as described below.

The Town recognizes drug and alcohol abuse as a health, safety and security problem. Drug and alcohol use can impair thinking and reasoning and may lead to behaviors that bring the user into severe conflict in and with their work environment. Alcohol and drug use can affect coordination and perception, making the user more prone to accidents and loss of effective and efficient performance. Over time, it causes serious medical problems and users are at risk of becoming clinically, psychologically and/or physically addicted. While the Town has no intention of unreasonably intruding into the off-duty lives of its employees, it is necessary to establish policies and procedures for dealing with use and/or misuse of alcohol, drugs and illegal/controlled substances, thereby preventing potentially serious consequences to the public and the Town's employees. Employees needing assistance in handling such problems are encouraged to use the Town's Employee Assistance Program (EAP) and health insurance plans, as appropriate. Successful efforts to obtain help for a drug and/or alcohol problem will not jeopardize employment.

Consistent with and as modified by other federal law, the Town supports and endorses the Drug Free Workplace Act of 1988 and strives to make the law applicable to all employees in the workplace. The Drug Free Workplace Act of 1988 requires that all entities receiving Federal funding establish policies for a drug free workplace. In order to minimize the impacts of the misuse of drugs and alcohol and to attempt to implement the principles of federal law, the Town of Crested Butte adopts and implements this Drug Free Workplace policy. If there is a conflict between this policy and federal law, the more stringent rule may be applied if it is in the best interest of the Town. The Town reserves the right to grant exceptions from this policy if the same is determined to be in the best interest of the Town. Interpretations of and/or the applicability of this policy are made solely by the Human Resources Manager, department heads and/or Town Manager in consultation with the Town Attorney, as such duties are more fully articulated by the Personnel Policy Manual and/or the Town Manager.

II. DEFINITIONS

For the purposes of this policy, the following words or phrases shall have the meanings set forth.

A. Accident - 1) Any accident or incident involving a Town-owned vehicle or motorized equipment where the employee is issued a citation charging the employee with a moving violation. 2) Any accident or incident where any person involved sustains Serious Injury or death from a vehicle, motorized equipment or from any other cause. 3) Any accident or incident where property damage of $10,000.00 or more is estimated to have occurred. A responding supervisor and/or police officer's reasonable estimate of damage shall be deemed conclusive notwithstanding actual damages being different**.** See also, Post-accident Testing.

B. Alcohol - The intoxicating agent in beverage alcohol, ethyl alcohol or other alcohol including methyl and isopropyl alcohol.

C. Alcohol Use - The use or consumption of any beverage, mixture or preparation, including medication containing Alcohol. Alcohol is a "substance" for purposes of this policy's reference to substance abuse.

D. Controlled Substances - Includes cocaine, marijuana, opiates, amphetamines and phencyclidine and any other substance determined by the United States or the State of Colorado to be illegal to possess or consume. Generally, Controlled Substance(s) as used in this policy refers to an illegal drug or substance as defined in Title 18 of the Colorado Revised Statutes.

E. Drug - Any substance recognized as a drug in the official U.S. pharmacopoeia and national formulary or official homeopathic pharmacopoeia of the United States and/or any supplement to either of them; any substance intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease or other conditions in persons or animals; any substance other than a device or food intended to affect the structure or any function of the body of persons or other animals; or any substance intended for use as a component of any article specified in this paragraph. A drug is a "substance" for purposes of this policy's reference to substance abuse.

F. Post-accident Test - An alcohol, drug and/or controlled substance(s) test administered to an employee following an Accident. This policy applies equally to the operation of motorized Town equipment and vehicles and any and all other causes and instrumentality. This policy applies notwithstanding that the Model Traffic Code and/or the Colorado Revised Statues may separately define "equipment" and "vehicle."

H. Pre-employment Test - An alcohol, drug and/or controlled substance(s) test administered to an applicant for Town employment.

I. Reasonable Suspicion Test - An alcohol, drug and/or controlled substance(s) test administered to an Employee as a result of a supervisor's or department head's reasonable belief that the employee has violated the drug, alcohol and/or controlled substance(s) prohibitions of this policy. A reasonable suspicion determination shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or smell of the employee, as observed by a supervisor or reported by another employee to the supervisor. The observations may include indications of the chronic and/or withdrawal effects of drug(s), alcohol and/or controlled substances and/or any of the following; documented unsatisfactory work performance and/or on-the-job behavior with no reasonable explanation, evidence of the manufacture, distribution, dispensing, possession and/or the use of drug(s), alcohol and/or controlled substance(s); occurrence of an accident that may have been caused by human error, fights or other physical assaults, flagrant disregard or violation of established safety, security or other work rules.

J. Refusal to Submit to a Test - An employee shall be deemed to have refused to submit to a test if the employee fails to provide adequate urine for testing without a valid medical explanation, obstructs or interferes with testing, fails to be readily available for post-accident testing or fails to report to and undergo testing at any testing site as required.

K. Return to Duty Test - Before an employee returns to work after a violation of either the alcohol and/or drug policy, the employee may be tested for alcohol and/or drug(s).

Such test results must indicate no alcohol in the employee's system and be negative for drug(s) before the employee may return to work.

L. Serious Injury -Bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of loss or impairment of the function of any part or organ of the body or breaks, fractures or burns of the second or third degree.

III. RESPONSIBILITY

Where drug, alcohol and/or controlled substance possession or use by an employee is suspected, the employee's immediate supervisor, department head or Town Manager shall be immediately notified.

Disciplinary action resulting from substance abuse may be deferred if the employee elects and receives intervention through an approved treatment program. Treatment, if any, shall be recommended by the appropriate supervisor, approved by the appropriate department head, and reviewed and approved by the Town Manager. Such employee shall not be allowed to return to work until certified to do so by an appropriate representative of the treatment program. Certification may include, but is not limited to, return-to-duty testing, follow-up testing and other testing and/or treatment. Employees participating in a treatment program shall do so at their own expense. Accrued sick leave, accrued vacation and leave without pay may be authorized by the appropriate department head for this purpose.

Employees on physician-prescribed medication shall notify their supervisor prior to starting work if there is likelihood that such medication could affect job performance and safety.

IV. PROHIBITED CONDUCT

The use, consumption, possession, transaction or sale of alcohol, drug(s) and/or controlled substance(s) by any employee while working or assigned to work on Town property, while operating Town equipment or vehicles or while performing Town duties is prohibited, unless such use is necessary to job performance as determined by the employee's physician in consultation with the Town Manager.

Being under the influence of alcohol, drug(s) and/or controlled substance(s) or having the odor of an alcohol beverage or controlled substance on one's person while on duty is prohibited. Employees shall be subject to disciplinary action, up to and including dismissal in accordance with the procedures in Section 7.10, including a post-disciplinary meeting.

Designated Marshal Department personnel are exempt from the foregoing where possession or use of alcohol, drug(s) and/or controlled substance(s) is with expressed permission of a superior officer and is in the performance of an official function.

The following conduct is specifically prohibited:

A. Reporting for or remaining on duty while having an odor of alcohol on one's person or any alcohol in an employee's system.

Employees are prohibited from possessing or using alcohol while on duty. Employees are prohibited from having used or consumed alcohol within 4 (four) hours of reporting for duty. Employees are cautioned that refraining from alcohol

for 4 (four) hours before reporting for duty may not result in a negative test. Alcohol levels are affected by the amount of alcohol consumed, physical characteristics of the employee and the employee's rate of metabolizing alcohol, which has been consumed.

Employees are prohibited from using alcohol during the hours that they are on-call. Employees are cautioned that prescription drugs and over-the-counter medications, which contain alcohol, may result in the employee having a positive test result.

B. An Employee is prohibited from being on duty or operating a Town vehicle while the employee possesses alcohol, unless the alcohol is being transported on Town business.

C. An employee required to take a Post-accident Test is prohibited from using alcohol within 8 hours after an accident or until the employee takes a Post-accident Test as required by this policy, whichever happens first.

D. An employee is prohibited from refusing to submit to a random test, Post-accident Test, Reasonable Suspicion Test, Return-to-duty or follow-up alcohol test, or any other test permitted or mandated by this policy.

V. TESTING

A supervisor or department head may, in her/his sole and absolute discretion, require employees and applicants to submit to drug, alcohol and/or controlled substance testing in certain instances set forth in this policy. The Town Manager shall be responsible for administering the testing policy and program.

A. APPLICANTS

Prospective employees who are required to have a CDL shall be required to undergo drug, controlled substance and/or alcohol testing. Additionally, individual departments may establish departmental policy which requires pre-employment drug, controlled substance and/or alcohol testing of applicants. All offers of employment are contingent upon a satisfactory result of testing. Applicants who refuse to submit to testing shall not be considered for employment. Any applicant who tests positive for controlled substance(s) shall be denied employment with the Town. The Town shall pay for the cost of the testing.

B. CURRENT EMPLOYEES

1. Reasonable Suspicion

Any employee reasonably suspected of being impaired, even to the slightest degree, by alcohol, controlled substance(s) and/or drug(s) while on duty may be required to submit to testing. Reasonable Suspicion includes those objective observations of appearance, behavior, speech or body odors which lead a supervisor or other Town employee to believe that the employee is using or abusing alcohol, controlled substance(s) and/or drug(s). The person who makes the observations shall not be the same person who administers testing. If a Reasonable Suspicion Test is required, the Town will provide the employee transportation to and from the testing site, unless other appropriate arrangements, satisfactory to the employee's supervisor, are made. In no event shall the employee be authorized to drive to the testing site.

2. Post accident and/or injury

Employees may be subject to Drug, Controlled Substance(s) and/or Alcohol testing following an Accident. Injuries excluded from this policy include occupational illnesses and repetitive motion injuries.

An employee must remain available for testing after any accident or the employee will be considered as having refused to be tested. This does not mean that the employee cannot leave the scene of an accident to obtain emergency medical or other assistance or that medical attention for an injured employee be delayed.

3. Positive Results

Any employee testing where the outcome is positive for Alcohol, Drug(s) and/or Controlled Substance(s) shall be verified through a confirmatory testing method. The result of the confirmatory test shall be considered final. Test results arising out of or under this policy shall be handled to reasonably ensure privacy, minimize intrusion, establish proper chain of custody and confidentiality. Any information gained shall be communicated on a strict "need to know" basis. The Town can not and does not guarantee the performance of its contractors.

C. RANDOM TESTING

1. Selection

The selection of CDL Employees for Drug and Alcohol testing other than Reasonable Suspicion, Post-accident, Return-to-duty and follow-up testing shall be at random and in compliance with state law. Under this process, each CDL Employee has an equal chance of being tested every time a selection is made. There are no limits to the number of times an employee may be randomly selected for testing. Employees will only be tested while on duty.

The Human Resources Manager will be notified by the testing agency of the names of the CDL Employees who have been selected for testing. The Human Resources Manager will advise the selected employee's supervisor that the employee has been selected. The selected employee will be removed from duty and tested as soon as possible upon notification.

The testing facility shall be required to collect samples in such a manner so as to ensure a high degree of security for the sample and to ensure the sample is free from contamination.

Positive test results will be reported to the Human Resources Manager.

2. Test Cost

The Town will pay the costs of specimen collection and testing for Drug(s), Alcohol and/or Controlled Substance(s) testing. Second sample testing (other than confirmatory testing) of a positive result shall be at the employee's sole and absolute expense. Second sample testing must be performed by a NIDA certified lab.

3. Refusal

Refusal by any Employee to submit to testing under the circumstances outlined above is considered a violation of this policy and shall result in disciplinary action up to and including dismissal.

VI. DISCIPLINE AND REHABILITATION

A. ALCOHOL VIOLATIONS

1. Use of Alcohol before reporting for or while on duty shall not be tolerated. Should Alcohol testing, random or otherwise, show that Alcohol is in the employee's system, the employee shall be disciplined as follows:

   First Violation: After the first violation of this policy due to the use of alcohol, as determined by testing, the subject employee shall, at the Town 's discretion, either be subject to discipline as set forth in the Personnel Manual and/or the employee shall be removed from and will not be allowed to perform his/her job duties until:

   a. The employee undergoes evaluation and, where necessary, rehabilitation;

   b. A substance abuse professional determines that the employee has successfully complied with required rehabilitation;

   c. The employee takes a return-to-work test with a verified negative test result.

   Second Violation: Upon the second violation of this policy, the employee may be dismissed in accordance with the procedures in Section 7.10, including a post-disciplinary meeting.

2. If the employee is charged with and convicted of Driving Under the Influence of Alcohol/Driving While Ability Impaired, Vehicular Assault, or Vehicular Homicide as defined by Colorado state law,(or corollary statues of any state) the employee shall be subject to discipline according to the Personnel Manual. If the offense(s) occurred while on duty, the employee may be dismissed. If the offense(s) occurred while off duty, employee discipline may include, but not be limited to, Suspension from his/her job until:

   a. The employee undergoes an evaluation by a substance abuse professional and, where necessary, undergoes rehabilitation; and

   b. A substance abuse professional determines that the employee has successfully complied with all required rehabilitation.

3. If the employee is employed in a position, as determined by the Human Resources Manager and the department head, which routinely has conspicuous public contact and/or conspicuous public exposure as part of his/her regular work duties or is an employee charged with enforcing the laws of the Town , then the employee may be dismissed in accordance with the procedures in Section 7.10, including a

post-disciplinary meeting, for any offense stated in paragraph 2 above, whether the offense occurred on or off duty.

B. CONTROLLED SUBSTANCE

Use of Controlled Substance(s) before reporting for or while on duty, shall not be tolerated. Should testing, random or otherwise, show the existence of Controlled Substance(s) in the employee's system, the employee shall be dismissed in accordance with the procedures in Section 7.10, including a post-disciplinary meeting.

C. LEGAL DRUGS

Any employee, who has taken, used or ingested Drug(s) for a medical condition which Drug(s) has(have) a likelihood of substantially affecting the employee's performance while on the job, has the responsibility to tell his/her supervisor about the Drug(s)/effect(s) of the Drug(s) so that accommodation(s) may be made. This paragraph is not intended to require employees who have used over-the-counter decongestants, antihistamines or other Drug(s) which could cause drowsiness or have other side effects to report this to his/her supervisor, unless the employee's job performance will be substantially affected.

Use of physician prescribed Drug(s) according to the prescription/directions, given by the employee's physician/pharmacist will not, in and of itself, subject the employee to discipline.

Use of physician prescribed Drug(s), where the employee has not used the Drug(s) according to the employee's physician's/pharmacist's directions, may subject the employee to discipline. in accordance with the procedures in Section 7.10, including a post-disciplinary meeting.

a. The employee has the responsibility to demonstrate that the legal Drug(s) has (have) not been abused.

b. If the employee is not using the prescribed Drug(s) according to the directions of the physician/pharmacist, the employee shall be suspended from work until:

    1. The employee undergoes an evaluation by a substance abuse professional and, where necessary and determined by the substance abuse professional, undergoes rehabilitation; and

    2. A substance abuse professional determines that the employee has successfully complied with all required rehabilitation.

c. If, after the employee returns to work, the employee is found to be using a prescribed Drug(s) in an illegal manner for a second time, the employee shall be dismissed in accordance with the procedures in Section 7.10, including a post-disciplinary meeting.

VII. APPEAL OF DISCIPLINE

Employees subject to disciplinary action may appeal the proposed discipline in accordance with Section 7.10 of the Personnel Manual.

VIII. DISCLOSURE

Upon written request, an employee is entitled to copies of the Town 's records pertaining to the employee's use of Drug(s), Alcohol and/or Controlled Substance(s), including records pertaining to his/her Drug, Alcohol and/or Controlled Substance tests.

All results of Alcohol, Drug(s) and/or Controlled Substance(s) testing conducted pursuant to this policy on Commercial Driver's Licensed employees shall be made available upon written request to the Secretary of Transportation or any state or local officials with regulatory authority over the Town .

Information related to a Post-accident Test result administered following an Accident, which is under investigation, by the National Transportation Safety Board (NTSB) shall be released to the NTSB upon written request.

The Town may disclose information pertaining to an employee that is required to be maintained under the Federal Highway Administration (FHWA) rules and regulations to the decision maker in a lawsuit, grievance or other proceeding initiated by or on behalf of the employee and including, but not limited to, a workers' compensation action, unemployment compensation or other proceeding relating to a benefit sought by the employee and arising from the results of Alcohol, Drug(s) and/or Controlled Substance(s) testing administered in accordance with the DOT/FHWA rules.

6.50 OPERATION OF MOTOR VEHICLES

I. TOWN VEHICLES

Use of Town vehicles is restricted for Town business use. Employees, or individuals with permission of Town, operating Town motor vehicles are responsible for the legal and safe operation of all Town motor vehicles. Anyone operating a Town motor vehicle must have a valid Colorado Drivers License. Any unsafe or unlawful driving is a potential liability to the Town and will not be tolerated. Driving while intoxicated or under the influence of a controlled substance constitutes grounds for immediate termination of your employment. Employees receiving traffic tickets or other citiations involving the operation of Town motor vehicles are responsible for the paying of all fines and other punishments resulting from such traffic tickets or citations. All individuals operating Town vehicles are required to use seat belts, if the vehicle is equipped with a seat belt. Use of Town vehicles for private gain is strictly prohibited and may be grounds for immediate termination.

Use of a Town vehicle for purposes of commuting to and from work must be authorized by the Town Manager.

II. PERSONAL USE OF TOWN VEHICLE

Private use of Town vehicles not in conjunction with Town business is not permitted. Violation of this policy is subject to disciplinary action.

III. ACCIDENTS

If an employee is involved in an accident, he/she must take the following actions:

1) Notifiy police, and an ambulance if one is required. Do not move vehicles.
2) If police are unable to respond, obtain the following information:
    a) Name and address of other driver and the other driver's insurance company and policy number.
    b) License plate number of other vehicle and description of vehicle and description of damage, names and address of other passengers or witnesses.
3) Notify department head and Town Offices. Employee should fill out the Accident Report Form and supervisor should fill out supervisors form. Both forms should be given to the department in charge of risk management/insurance claims for reporting to the insurance company.

IV. NEGLIGENCE

All employees are responsible for the proper operation of Town vehicles. The maintenance department is responsible for the proper maintenance of all Town vehicles. The repair of Town vehicles resulting from abuse or neglect may be charged back to the employee causing the repairs to be made.

V. DRIVING RECORD CHECK

All Town employees who will drive a Town vehicle will be required to undergo a Driver's License check with the State of Colorado annually to ensure that a valid state driver's license is in effect for each employee. An employee may opt out of driver's license check, however, doing so will cause them to not be eligible to drive a Town vehicle. An employee hired with an out of state license will be required to obtain a Colorado Driver's License within 30 day of employment. If, during the annual driver's license review, or at any time during the year, an employee is determined to not possess a valid driver's license, it may be grounds for dismissal, based on the nature of one's employment, and the nature and duration of the lack of a driver's license as determined by the Town Manager.

6.60 ACCESS AND USE OF ELECTRONIC MEDIA

I. POLICY

Use of Town equipment or facilities (Internet, E-mail, Fax and other electronic media) and information delivery/retrieval systems is restricted solely for Town business use.

Employees are prohibited from using Town access to any electronic media connections or systems for personal entertainment, personal benefit or gain or activities including those which are for profit and not for profit.

II. PRIVACY

Employees should have no expectation of privacy in either sending and receiving electronic messages and information on any electronic media. Employees using electronic media shall respect the privacy of other users and shall not intentionally seek information on, obtain copies of, or modify files, alter data or passwords belonging to other users, or present themselves as another user unless expressly authorized to do so by their supervisor. Electronic media are not to be considered secure or private. Any and all electronic mail messages, including those containing personal or privileged information, are records of the Town of Crested Butte. The Town reserves the right to access the files, messages, or communications sent, received, or stored on the Town 's computer systems and electronic media and to disclose contents of such to third parties as it is required by law.

III. PROHIBITED USAGE

Employees shall comply with copyright and licensing laws for materials, software and other media. No employer owned software shall be installed on any computer other than a Town -owned computer; home and private business uses are prohibited. No software which is not expressly licensed shall be installed on any employer computer. A violation of any of these conditions is a policy violation and is a violation of federal, state and/or local law.

Employees may not develop or use programs to harass other users, or infiltrate a computer or electronic mail or telephone system, or damage or alter software components of a computer or electronic mail or telephone system.

Transmitting or receiving any material in violation of any federal, state or local law, ordinance or regulation is prohibited. This policy prohibits unlawful or inappropriate communication including, but not limited to, offensive comments, jokes, slurs and disparaging remarks of a sexual, racial or ethnic nature and/or communications which are otherwise threatening or offensive to others, whether in the form of words or images.

No user of the Town 's e-mail system shall send a mass e-mail message to all or a substantial number of other system users without prior approval of the user's supervisor or department head.

IV. RESPONSIBILITY

Each department is responsible for monitoring and auditing software and programs on their respective computer systems. Employees who are aware of any violations of the electronic media policy shall also report said violations to their department head or Town Manager.

Violation of this policy may result in disciplinary action up to any including dismissal as well as criminal and/or civil penalties and actions.

6.70 USE OF ELECTRONIC MAIL

I. POLICY

The Town 's e-mail system is provided for and intended to be used only for the Town 's official public business. All computer files prepared with and/or stored on any Town computer and/or electronic equipment are the property of the Town regardless of their physical location or the form in which they are maintained. Employees are hereby notified that e-mail may be a "public record" subject to the disclosure requirements of the Colorado Open Records Act. The use of the e-mail system, including all computers, is subject to all legal requirements and policies of the Town . Policies of the Town may be changed at any time. All employees are responsible to use e-mail in accordance with applicable law and the Town 's policies in effect at the time of system usage.

II. E-MAIL USAGE

A. E-mail system users shall use e-mail for the Town 's official public business.

B. No user shall send a "mass" e-mail message to all or a substantial number of other system users without the prior approval of the user's department head or supervisor.

   1. A mass e-mail could be appropriate for announcing work-related events such as a luncheon, retirement, birthday, birth announcement or notice of bereavement.

   2. "Bulletin board" style messages such as "for sale" notices, jokes, personal business and articles or attachments which are not related to official Town business are not appropriate for mass e-mail.

C. System users using e-mail to convey information that is privileged, protected, confidential or otherwise subject to nondisclosure under any law, regulation or rule, shall include the words "CONFIDENTIAL" or "FOR YOUR EYES ONLY" in the salutation portion of the message prior to the text of the message.

   Confidential or privileged information includes communications to and from an attorney of the Town (e.g., the Town Attorney, the Assistant Town Attorney, the Staff Attorney), personnel information, criminal investigation files, or any other privileged information. Whether or not an e-mail is confidential can only be determined as a matter of law, based on the particular circumstances. Just because a message is labeled "CONFIDENTIAL" does not mean that it will be exempt from disclosure. If an employee is not sure if information is confidential or privileged, the employee should consult with his/her department head or the Town Attorney's Office before distributing information via e-mail.

III. ACCESS TO E-MAIL

A. The Town reserves the sole and exclusive right to access and disclose e-mail messages to and from the e-mail system and its users at any time and for any purpose whatsoever, in accordance with applicable law and policy.

B. Either the Town Manager or the Town Attorney may access or may authorize, in writing, a department head or the Information Services Manager to access the files and computer data of any user of the e-mail system that are contained in or produced on a Town computer, electronic equipment or program.

C. The Town has the sole and exclusive right to delete and/or retain any or all e-mail messages or files of a former user of the e-mail system.

D. If authorized in writing by the Town Manager or the Town Attorney, the Information Services Manager may access and/or inspect any and all users' e-mail files to correct service problems, ensure system security, perform searches of the contents of the e-mail boxes/folders or for any legitimate business reasons(s).

IV. RETENTION OF E-MAIL

A. E-mail files shall not be permanently retained. The Town retains e-mail only to the degree that allows current operation of the system.

B. E-mail is not and shall not be considered a permanent document or information storage medium. E-mail system users shall purge their e-mail in-box, out-box, wastebaskets and other e-mail folders on a regular basis, not to exceed 30 days, in order to avoid e-mail being improperly retained and/or causing operational delays or problems with the system. The Town may purge any e-mail that is older than 30 days. Notice will be given to employees prior to purging emails.

V. E-MAIL ETIQUETTE

A. E-mail should be regarded no differently than a written memorandum. For example, if something should not be written, neither should it be sent via e-mail.

B. Sending threatening, harassing, obscene, vulgar or profane material via e-mail is prohibited if there is not a legitimate business purpose for the communication. The Town reserves the right to determine whether or not a message or other information violates this standard or other established or imposed protocol.

C. If an employee receives an e-mail message that contains obscene, vulgar or profane material this is offensive to the recipient and if there is not a legitimate business purpose for the communication, then the recipient shall contact the sender either in writing or via e-mail and notify the sender that such communication is unwelcome.

VI. VIOLATIONS OF THE POLICY

A. Any person who violates any provision of this policy may be disciplined. A department head or supervisor may investigate complaints about e-mail system misuse or abuse. If misuse/abuse of the e-mail system or violation of this policy is proven, discipline may occur. In addition to other forms of discipline, access to e-mail may be limited or denied to a violator. Criminal or civil penalties may be imposed in addition to any personnel action take.

B. Failure to enforce part or all of this policy does not constitute a waiver or amendment of the policy.

6.80 SMOKE FREE WORKPLACE

The Town is designated a smoke free workplace. Smoking is prohibited in all municipally owned buildings and Town vehicles. Violations of this policy may be subject to disciplinary action.

6.90 USE OF TOWN PROPERTY

Use of Town tools and equipment for personal benefit or for other than Town business or purpose is strictly prohibited unless otherwise specified in this manual. Violations of this policy may be subject to disciplinary action.

7.00 COMPLAINT RESOLUTION

I. POLICY

The Town of Crested Butte establishes and promotes positive employee relations and sound personnel management. In most cases employees and supervisors are able to discuss and resolve work-related problems. This policy can be utilized in situations where an employee is uncomfortable discussing a problem with their supervisor or has been unable to obtain a satisfactory response to a problem. Employees will be assured freedom from reprisal for good faith utilization of these procedures.

It is the Town 's intent that attorneys or representatives not be required for the processing of complaints and hence, any meetings provided for in this policy shall be informally structured and the rules of evidence shall not apply.

II. DEFINITION

A complaint for the purpose of these rules is a claim by an employee alleging that a provision of these personnel rules has been improperly interpreted or applied with respect to that employee, or a claim that the employee has been unlawfully discriminated against or subjected to harassment as defined in section 1.100 of this manual.

Employees who believe they have been unfairly subjected to disciplinary action should request a pre-disciplinary meeting as described in the Discipline and Appeals procedures (7.100 section V).

III. STEPS TO COMPLAINT RESOLUTION

A. STEP 1-Discussion With Supervisor

Problems and complaints should be discussed on an informal basis with a supervisor in the employee's chain of command up to and including the employee's department head. Documenting the complaint in writing is recommended.

B. STEP 2 – Written Notification of Department Head

If the complaint is not resolved to the satisfaction of the employee within 5 working days following the meeting with his/her supervisor:

1. The employee shall notify, in writing, the appropriate department head within 10 working days following the meeting with his/her supervisor.

2. The department head will consider the complaint and may schedule a meeting for the purpose of discussing the complaint with the employee and the employee's representative, if any. If a meeting is to be held, the department head will schedule it in no more than 14 days from receipt of the complaint.

3. The department head shall deliver his/her response to the employee and/or the employee's representative within 5 working days after the meeting or, if there was no meeting, within 5 days after receiving the complaint and any supplementary documents from the supervisor and/or co-workers.

C. STEP 3 – Written Notification of Town Manager
If the complaint is not resolved to the satisfaction of the employee in Step 2:

1. The employee shall submit the complaint, in writing, together with any and all documents from Step 2, to the Town Manager within 5 working days after the department head's response.

2. The Town Manager or his/her designee will consider the complaint and if deemed desirable by the Town Manager or his/her designee, will schedule a meeting for the purpose of discussing said complaint with the employee and the employee's representative, if any. If a meeting is to be held, it will be scheduled in no more than 14 days from receipt of the complaint.

3. The Town Manager or his/her designee shall deliver a written response to the employee and/or the employee's designated representative within 10 working days after the meeting or if there was no meeting, within 10 days after the complaint was received by the Town Manager.

The decision of the Town Manager on all complaints shall be final.

IV. DOCUMENTATION REQUIRED

All complaints must be in writing and shall include the following:

A. A statement of the matter complained of;
B. The date on which the matter complained of occurred;
C. The section or provisions of the personnel rules or other applicable law, rule or regulation allegedly misapplied or misinterpreted;
D. The result sought;
E. The signature of the employee or employees who claim to be adversely affected by the matter being complained of and to whom the remedies shall apply;
F. The date the complaint is being filed with the department head or Town Manager (whichever applies).

V. EXCLUSIONS

The following matters shall not be subject to the complaint resolution process:

A. Any matter reserved solely to management or to the discretion of the Town by the terms of these rules, or provisions of the Town Code, Town Charter or state or federal law.

B. Any matter which would require a change of these rules or any other legislative or judicial enactment of the Town .

C. Any complaint that is not filed in accordance with the provisions of this chapter or does not meet the definition of a complaint as set forth elsewhere in this policy.

VI. LIMITATIONS

The time limits set forth for the processing of complaints shall be strictly adhered to. In the event a complaint is not appealed to the next step of the procedure in writing pursuant to the requirements of this policy and in accordance with the time limits specified, such complaint shall be declared closed and final as of the most recent decision of the Town . Extensions may be requested by either party; any extensions of time must be in writing. In the event a grievance response is not provided by the appropriate Town official within the time allowed, the complaint will be processed at the next step as if denied on the final day available for response at the lower level.

VII. EXCEPTIONS

Allegations of negative action taken by any employee against any participant in any complaint resolution procedure because of such participation shall be documented in writing and submitted to that individual's supervisor with a copy to the Human Resources Manager. Reprisal in any form may result in discipline up to and including dismissal.

Any employee who has reasonable basis to believe he has been unlawfully discriminated against or has been otherwise threatened or harassed may, at the discretion of the employee, begin at any step in the process. A copy of the complaint shall be filed with the Human Resources Manager. This variation in the complaint procedure is intended to insulate the employee from direct confrontation with the person or persons about whom the complaint is being filed and to recognize the sensitive nature of harassment, threat, and intimidation complaints.

7.10 DISCIPLINE

I. POLICY

The Town shall respond to and correct inappropriate employee behavior and/or deficient performance through imposition of corrective disciplinary procedures.

Regular employees are entitled to appeal any disciplinary action by requesting a pre-disciplinary meeting. Disciplinary action taken against introductory employees is not subject to review or appeal except when reasonable evidence supports that discrimination as defined in Policy 1.100 of the manual has occurred.

II. REASONS FOR DISCIPLINARY ACTION

Employees should be aware that certain conduct is unacceptable and may result in disciplinary action up to and including dismissal. Reasons for disciplinary action include, but are not limited to, the following:

A. Violation of a Town policy, rule, regulation, provision, Charter or Code of Conduct.

B. Unsatisfactory performance.

C. Mental or physical incapacity to perform essential duties with or without accommodation as determined by the Town 's designated physicians or other Town -authorized health professional.

D. Loss or suspension of a license, certification or related authorization required in or for the performance of the job.

E. Insubordination including, but not limited to, failure, neglect or refusal to follow either a verbal or written instruction given by a supervisor.

F. Indulging in offensive conduct or using offensive or abusive language in public while on duty or in uniform, while officially representing the Town , or while on Town premises or in Town vehicles.

G. Deliberate or careless conduct which results, or reasonably could result, in injury to the employee, a co-worker or the general public.

H. Unauthorized use of Town vehicles, equipment, radios and/or other Town property for other than official business.

I. Carelessness, neglect, waste or damage of Town property or of property belonging to any of its employees. In the event of damage to Town property, the employee may be required to make restitution to the Town in an amount or manner determined by the Town .

J. Violating any law in connection with one's employment.

K. Vending, soliciting, or collecting contributions on the employer's time or premises without proper authorization.

L. Using, or threatening, or attempting to use personal or political influence in an effort to secure special consideration or benefit as a Town employee.

M. Inducing or attempting to induce or allowing any employee in the service of the Town to commit an unlawful act or to act in violation of Town regulations, official policy, or departmental orders.

N. Conviction of, or a plea of guilty or nolo contendere to, a felony or misdemeanor when such conviction or plea is job-related or may adversely affect the Town of Crested Butte or its reputation.

O. Conduct during off-duty hours which causes unfavorable criticism from the general public and reflects adversely on the Town .

P. Falsification or material omission in the application for employment, or falsification of personnel records, time reports, or other Town records.

Q. Unauthorized failure of a supervisory employee to take the necessary or appropriate steps to discipline a subordinate employee when the conduct of the subordinate employee requires such action and when the supervisor knows or reasonably should have known of the action/failure to act.

R. Abuse of work hours, leave policies or attendance policies of the department or Town, including failure to work assigned overtime.

S. Failure of an employee to report facts or knowledge of violations of any Town charter, ordinance, rule, personnel policy or order by another employee of the Town .

T. Engaging in a strike, slowdown, or concerted stoppage or interruption of work of any kind.

U. Any other violation prescribed by this manual.

III. FORMS OF DISCIPLINARY ACTION

Recognizing that circumstances vary widely in similar situations, the Town retains the right to treat each lapse in performance, violation of policy or incident of misconduct on an individual basis without creating a binding precedent for other cases. No disciplinary action shall be invoked unless the employee is advised in writing of the reason for discipline

Disciplinary action may include any of the following either alone or in combination:

A. Counseling
A supervisor may counsel an employee to make the employee aware of a deficiency and to inform the employee of what shall take place to correct the deficiency. A written summary of the counseling shall be made for the supervisor's file.

B. Training
A supervisor may require an employee to attend a training program to correct a deficiency. Documentation of the required training will be placed in the employee's file.

C. Oral Warning/Reprimand

A supervisor may orally communicate to the employee the deficiency and indicate that failure to remedy the problem(s) will result in other or more severe disciplinary action. A written summary for the supervisor's file shall be made.

D. Written Warning/Reprimand

A supervisor may reprimand an employee in writing. The written reprimand shall identify the offense(s), the necessary corrective action(s) by the employee, and, if applicable, the time period in which the employee must accomplish the corrective action. A written reprimand shall be signed by the supervisor and the employee. A signed copy shall be delivered to the Human Resources Manager for inclusion in the employee's personnel file.

E. Administrative Leave

If, in the sole discretion of the Town , it is in the employee's and/or Town 's best interest that the employee be removed from the workplace, an employee may be placed on Administrative Leave. Administrative Leave may continue while the circumstances surrounding the employee's alleged action are under investigation and until he/she is authorized to return to duty or receives a Letter of Discipline. In the event the investigation results in a Letter of Discipline, any period of appeal may be with or without pay. In the event of a successful appeal to the Town Manager, any pay which would have accrued during the period of leave without pay may, at the discretion of the Town Manager, be paid to the employee.

F. Immediate Suspension

If the employee's continued presence on the job poses a potential or actual danger or otherwise is disruptive of Town services or interferes with the orderly operation of Town government, a supervisor or department head may immediately suspend an employee. A Notice of Discipline to the employee and the Human Resources Manager shall follow. A suspended employee may be barred from Town property at the discretion of a supervisor or department head. Immediate suspensions shall be without pay except for suspensions of exempt personnel of a duration of one day or less or unless otherwise authorized by the department head or Town Manager.

G. Suspension

The Town Manager and/or department head may suspend an employee from his/her position at any time for a disciplinary purpose with or without pay. Suspension without pay shall not exceed 30 calendar days in any one calendar year. Suspension with pay will not affect an employee's longevity ranking and shall not exceed 30 calendar days in any one calendar year. The Town Manager or designee shall meet with the employee and then give the employee written notice of the suspension and the reasons for the suspension not later than one day after it takes effect.

H. Demotion

A department head, with review by the Human Resources Manager and final approval by Town Manager, may demote or reduce the pay of an employee.

I. Dismissal

A department head, after review by the Human Resources Manager and final approval by Town Manager, may dismiss an employee, with or without cause, at any time.

IV. CRIMINAL CONDUCT

If an employee has committed or is believed to have committed a crime, the employee may be subject to any of the forms of disciplinary action as stated in Section 7.10.

V. NOTICE OF DISCIPLINE

When a supervisor and/or department head decides to impose disciplinary action which negatively affects an employee's pay, benefits, or employment, a Notice of Discipline shall be prepared. The Notice of Discipline will include:

1. A statement containing the reasons for and the proposed action.

2. A statement that the employee may reply in person or in writing to the department head stating any disagreement with the charges, evidence and/or proposed action.

3. Notice of the employee's right to request a pre-disciplinary meeting.

4. Notice of the employee's right to request copies of, or the opportunity to review, documentation supporting the proposed disciplinary action.

5. A specified time frame for the employee's response. The employee shall be advised that failure to respond to the Notice within the specified time frame will invoke the discipline by default and the employee will not be entitled to any further review or appeal.

The Notice must be signed by the department head and hand-delivered in a confidential manner to the employee or mailed to the employee's home address by certified mail. The employee may respond in writing, stating reasons why the proposed action should not be taken or may request a pre-disciplinary meeting. Deviations from this procedure, together with explanation of why deviation occurred, shall be documented in writing.

VI. PRE-DISCIPLINARY MEETING

Within five (5) working days of receipt of the employee's request for a pre-disciplinary meeting, the department head, or his/her designee, will meet with the employee. The purpose of the meeting shall be to give the employee an opportunity to offer any mitigating circumstances, argument and/or evidence as to why the proposed discipline should not be imposed. The formal Rules of Evidence used in court proceedings shall not apply to the Town 's disciplinary process. The pre-disciplinary meeting shall be tape recorded.

An employee requesting a pre-disciplinary meeting shall be deemed to have consented to meaningful participation and cooperation. The department head may ask questions, may require the employee to provide proof in a form established by the department head or may require the employee to provide non-testimonial evidence specifically and narrowly related to the offense(s). Any privilege the employee may have shall be deemed waived. Failure on the part of the employee to meaningfully participate and/or cooperate may result in disciplinary action.

VII. LETTER OF DISCIPLINE

After the specified time frame for the employee's response has expired, the employee's written response has been received, or no later than 7 days following the pre-disciplinary meeting, the department head, or his/her designee, will prepare a Letter of Discipline. The Letter of Discipline will serve as the final decision on the disciplinary matter. The Letter of Discipline will:

1. Cite the reasons for the action.

2. Implement, modify or cancel the proposed action.

3. State the effective date of the action.

4. Advise the employee of his right to appeal, if applicable.

The Letter of Discipline must be dated, for sworn officers it must recite Garrity vs NJ, signed by the department head, reviewed by the Human Resources Manager, and mailed to the employee's home address by certified mail or hand-delivered to the employee in a confidential manner.

VIII. POST-DISCIPLINARY MEETING

An employee, who wishes to appeal the decision set forth in the Letter of Discipline, has the right to a post-disciplinary meeting. The Town Manager, or his/her designee, shall preside over post-disciplinary meetings. The employee shall provide advance notice to the Town if they are bringing an attorney to the post-disciplinary meeting. If such notice is received, the Town Attorney shall also be present.

The employee forfeits the right to a post-disciplinary meeting if he/she fails to appear at the pre-disciplinary meeting after having received proper notice and without presenting any legitimate reason for non-appearance.

An employee requesting a post-disciplinary meeting shall be deemed to have consented to meaningful participation and cooperation. The Town Manager and/or the department head may ask questions, may require the employee to provide proof in a form established by the department head or may require the employee to provide non-testimonial evidence specifically and narrowly related to the offense(s). Any privilege the employee may have shall be deemed waived. Failure on the part of the employee to meaningfully participate and/or cooperate may result in disciplinary action. The employee bears the burden of persuasion and the burden of going forward with his/her case.

The employee may designate a representative to discuss the charges and/or evidence or otherwise represent the employee. The representative may confer with the employee during the meeting but may not engage in tactics which, in the opinion of the Town Manager, disrupt or unreasonably delay the meeting. Any representative shall be compensated by the employee.

The supervisor or department head recommending discipline may be present at the post-disciplinary meeting and may have representation from the Town's Attorney's Office and Human Resources department.

IX. FINAL DECISION

The Town Manager, or his/her designee, shall make a final decision no later than 7 days following the post-disciplinary meeting. The decision shall be in writing and shall be mailed to the employee's home address by certified mail or hand-delivered to the employee in a confidential manner. Disciplinary action shall be deemed to be imposed upon receipt of the written decision by the employee unless otherwise provided in the content of the notice.

X. PERFORMANCE AGREEMENTS

The employee's supervisor and department head or the Town Manager at either the pre- or post-disciplinary meeting may enter into a performance agreement with an employee in lieu of implementing pending disciplinary action. The agreement will detail terms of modified behavior and/or corrective action to be taken by the employee. The employee has the option of agreeing to or rejecting the terms of the agreement. The employee must successfully complete all terms of the agreement. Failure to complete the terms of the agreement will be cause for immediate imposition of the proposed disciplinary action. The agreement shall not have a term longer than 24 months.

XI. LIMITATIONS

The time limits set forth for the processing of appeals of disciplinary action shall be strictly adhered to. In the event a disciplinary action is not appealed in writing pursuant to the requirements of this policy and in accordance with the time limits specified, such appeal shall be declared closed and final as of the most recent decision of the Town . Either party may request extensions; any extensions of time must be in writing. In the event the appropriate Town official does not provide a response within the time allowed, the appeal will be processed at the next step as if denied on the final day available for response at the prior level.

APPENDIX A

HEALTH INSURANCE SYSTEM

HEALTH, DENTAL AND VISION INSURANCE

The Town provides health, dental and vision insurance to all full-time employees. Premiums for said insurance are paid in full for coverage of the employee. Premiums for the spouse and dependent children* will be paid as follows:

A: 25% after 2nd anniversary date
B: 50% after 3rd anniversary date
C: 75% after 4th anniversary date
D: 100% after 5th anniversary date

*For insurance purposes, a dependent child is a child up to age 25 who is a full-time student or is 100% dependent upon the employee for support and claimed as a dependent of the employee for federal income tax purposes

GROUP LIFE INSURANCE

The Town provides a $20,000 life insurance policy to all full-time employees. The premium for this insurance program is paid in its entirety by the Town.

LONG TERM DISABILITY INSURANCE

The Town provides a long-term disability insurance policy to all full-time employees. The policy has a 180 day elimination period and provides for benefits up to 60% of the employees wages at time of disability. The premium for this insurance program is paid in its entirety by the Town.

APPENDIX B

RETIREMENT SYSTEM

The Town provides a mandatory retirement system through Colorado County Officials and Employees Retirement Association "CCOERA" for all full-time and part-time employees. Every full-time and part-time employee is required to participate in the retirement plan according to the following scale:

A: On the date of their 1st anniversary up to the date of their 5th anniversary, employee pledges 6% of their wages into the plan

B: On the date of their 5th anniversary up to the date of their 8th anniversary, employee pledges 7% of their wages into the plan

C: On the date of their 8th anniversary up to the date of their 10th anniversary, employee pledges 8% of their wages into the plan

D: On the date of their 10th anniversary up to the date of their 15th anniversary, employee pledges 10% of their wages into the plan

E: On the date of their 15th anniversary, employee pledges 12% of their wages into the plan

The Town will match the percentage contribution the employee pledges. All percentage categories are mandatory. All contributions are on a pre-tax basis.

Additionally, employees' may elect to make voluntary contributions into a deferred compensation (457) plan. An employee may make contributions of up to 25% of wages (to a maximum amount set by the IRS). The Town does not match contributions into the deferred compensation plan. All contributions are on a pre-tax basis.