

RESOLUTION NO. 005-2017

A RESOLUTION AMENDING ORDINANCE NO. 2013-003 (AN ORDINANCE ADOPTING A PERSONNEL HANDBOOK AND ORGANIZATIONAL CHART FOR THE TOWN OF CRESTONE, CO)

WHEREAS, the Town of Crestone adopted Ordinance No. 2013-003 (An Ordinance Adopting a Personnel Handbook and Organizational Chart for the Town of Crestone, CO in February, 2013; and

WHEREAS, over the course of years and changes in administrative employees, the Organizational Chart, and Personnel Policy adopted by Ordinance No. 2013-003, is in need of amendment; and

WHEREAS, Ordinance 2013-003 provided that the Personnel Handbook could be amended by Resolution of the Town Board of Trustees; and

WHEREAS, the town clerk has proposed the attached Organization Chart and Personnel Policy to the Town Board of Trustees for approval.

NOW THEREFORE, be it hereby resolved by the Town Board of Trustees of the Town of Crestone that the amended Organizational Chart, dated March 21, 2017, and amended Personnel Policy dated April 3, 2017, attached hereto and incorporated herein, be adopted by the Town of Crestone, CO.

DONE and SIGNED this 10th day of April, 2017.

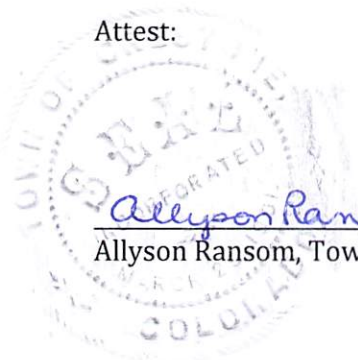


Kairina Danforth, Mayor

Attest:



Allyson Ransom, Town Clerk



TOWN OF CRESTONE Personnel Handbook

The following policies and procedures are hereby adopted by the Town of Crestone Board of Trustees, and they will be in effect until such time as they are repealed.

Approved Date: ^{April 2017} June 10, 2013 Mayor: Kairina Danforth

This policy is not a contract, only an overview of various Town of Crestone policies and procedures and employee benefits to assist the employee, staff and board conducting business in and for the Town of Crestone. The policies and procedures are not intended to be contractual commitments of the Town and will not be construed as such by any employee.

The Board of Trustees of the Town of Crestone has the right to change, supplement or revoke the policies and procedures at any time without notice. No policy or procedure is intended as a guarantee of continuity of benefits or rights. An employee may be provided all or some of the benefits described in this policy. No permanent employment for any term is intended or should be implied from any statements contained in this policy.

Employment "At-Will" Except for Appointed Officers of the Town (Judge, Attorney, Code Officer/Law Enforcement Officer, Treasurer and Clerk). The Town of Crestone is an "at-will" employer. Any non-appointed employee may be terminated with or without cause, a statement of reasons or hearing. Any employee may resign at any time for any reason. Nothing in these policies and procedures is intended to modify the Town's at-will employment policy.

It is the desire of the Board of Trustees to provide a safe, enjoyable and rewarding work environment for its employees in order to receive high quality work from its employees. The Board of Trustees' desire is to provide adequate work tools and compensation which provides employees affordable and satisfying lifestyles, motivation for successful work performance and motivation for long-term employment.

1. GENERAL PROVISIONS:	4
1.1 Introduction	4
2. ORGANIZATIONAL STRUCTURE & AUTHORITY	4
2.1 Appointing Authority	4
2.2 Town Clerk	4
2.3 Equal Employment Opportunity	5
3. SELECTION PROCEDURES	6
3.1 Appointed Authority - Responsibility	6
3.2 Vacancies- Announcement	6
3.3 Application	7
3.4 Nepotism	7
3.5 Interviews and Examinations	7
3.6 Offers of Employment	8
4. ORIENTATION, TRAINING & EVALUATION	8
4.1 Training Period	8
4.2 Orientation	8
4.3 Training	9
4.4 Evaluation	9
5. SAFETY	9
5.1 Safety Coordinator	9
5.2 Employee Safety	10
5.3 Employment Related Accidents, Injuries and/or Illnesses	10
6. LEAVE TIME	10
6.1 Holidays and Personal Leave	10
6.2 Voting	11
6.3 Jury Duty/Court Time	11
7. COMPENSATION & BENEFITS	11
7.1 General	11
7.2 Mileage Reimbursement -	12
7.3 Training Reimbursement	12
8. EMPLOYEE CONDUCT	12
8.1 General Rules of Conduct	13
8.2 Supplemental Rules	13
8.3 Use of Town Property	13
8.4 Conflict of Interest	13
9. ELECTRONIC COMMUNICATIONS	14
9.1 Purpose	14
9.2 Policy	14
9.3 Authorized Use	14
9.4 Privacy	15
9.5 Restricted Access	15
9.6 Proper Use of Resources	15
9.7 Protecting Information and Shared Resources	15
9.8 Civility	16
9.9 Applicable Laws	16
10. HARASSMENT	16

10.1	Policy	16
10.2	Harassment Described	17
11.	SEXUAL HARASSMENT	17
11.1	Introduction	17
11.2	Sexual Harassment Described	17
11.3	Procedures to Address Sexual Harassment.....	18
12.	WORKPLACE VIOLENCE	18
12.1	Policy	18
12.2	Workplace Violence Described.....	18
12.3	Procedure	18
13.	DRUGS AND ALCOHOL	19
13.1	Policy The following policy is adopted pursuant to the Drug-Free Workplace Act of 1988. 41 U.S.C. § 702.....	19
13.2	Drug and Alcohol Testing - Applicability	19
13.3	Town Policy.....	20
13.4	Definition of Policy Violations	20
13.5	Rehabilitation Agreement.....	20
13.6	Testing - General.....	20
13.7	Reasonable Suspicion Testing	21
13.8	Post-Accident Testing.....	22
13.9	Other Testing Circumstances.....	23
13.10	Results of Drug or Alcohol Use	23
13.11	Refusal to Submit to Testing.....	24
13.12	Testing Procedure	24
14.	DISCIPLINE.....	25
14.1	Policy	25
14.2	Disciplinary Action	25
14.3	Disciplinary Rules.....	26
15.	GRIEVANCE PROCEDURE	27
15.1	Policy	27
16.	SEPARATION FROM EMPLOYMENT	29
16.1	Resignation.....	29
16.2	Reduction of Force.....	30
16.3	Termination	30
17.	PERSONNEL RECORDS.....	30
17.1	Maintenance.....	30
17.2	Security.....	30
18.	GLOSSARY OF TERMS	31
	ACKNOWLEDGMENT OF RECEIPT.....	31

1. GENERAL PROVISIONS:

1.1 Introduction

The policies and procedures in this Handbook are not intended to supersede Federal or State law or Town of Crestone Ordinances; if any conflict exists between these policies and procedures and the afore mentioned laws, the laws will prevail. Any matter not specifically covered by this Handbook may be administered by the Appointed Authority of the Board of Trustees in a manner not inconsistent with this Handbook.

The purpose of this Handbook is to inform the employees of the Town's policies and procedures. This Handbook is presented to all employees of the Town of Crestone and applies to all categories of employees, except where the language specifically limits application to a certain category or categories. The Handbook is not all-inclusive, but addresses those topics most likely to be of concern to employees in the course of day-to-day operations.

2. ORGANIZATIONAL STRUCTURE & AUTHORITY

2.1 Appointing Authority

As prescribed by Colorado State Statutes, the legislative, corporate authority and policy making function of the Town of Crestone is vested in the Board of Trustees, which consists of one (1) mayor and six (6) trustees. One trustee will be appointed mayor pro- tem and will act as mayor in his or her absence.

The Board of Trustees operates according to the rules set forth in the Town Ordinances and Colorado State Statutes. The Board of Trustees has the responsibility over all municipal affairs, including personnel. For the purposes of this handbook, the Board of Trustees holds primary responsibility and control of establishing the organizational structure and making necessary appointments to the offices or positions, including the adoption of personnel policies and procedures.

The number and type of employee positions are ultimately determined by the Board of Trustees, although the duty of administering matters pertaining to employees of the Town is assigned to the Town Clerk.

2.2. Town Clerk

The Town of Crestone Board of Trustees has designated the Town Clerk as the Appointed Authority. Except as otherwise provided in Town Ordinances or other applicable laws the Town Clerk shall have and retain all rights to administer matters pertaining to employees of the Town including, but not limited to the right to:

2.2.01 Hire, promote, demote, discipline, discharge, classify, reclassify, transfer, retire, assign, lay off and recall employees;

2.2.02 Evaluate each employee's skills, abilities, efficiencies and general job performance;

2.2.03 Determine the starting and quitting times, and number of hours to be worked;

2.2.04 Revise, combine or establish jobs and classifications;

2.2.05 Introduce new, improved or modified services, methods, techniques and equipment and otherwise generally manage the operation of and direct the work force;

2.2.06 Establish selection criteria for employment with the Town;

2.2.07 Prepare and routinely review and revise position descriptions;

2.2.8 Prepare an annual pay plan utilizing wage studies (Wage and Benefit Summary) for the Board of Trustees' consideration for Budget;

2.2.9 Advertise vacancies in available media, including but not limited to publication in at least one newspaper of general circulation in the Town;

2.2.10 Seek a large pool of qualified candidates for employment for available positions, keeping vacancies in each position open for an appropriate time;

2.2.11 Promote from the existing employee pool when applicable and appropriate;

2.2.12 Provide orientation for all new employees and continued position training during the term of employment; require a current file for each employee be maintained and provide records, forms and procedures appropriate to facilitate personnel administration;

2.3 Equal Employment Opportunity

2.3.01 The Town of Crestone is an Equal Employment Opportunity employer. The Town does not discriminate against applicants or employees on the basis of race, age, gender, color, religion, national origin, disability, veteran or marital status, sexual orientation, gender expression, genetic information, or any other status protected by applicable state or local law. The Town prohibits retaliation against any employee for filing a complaint under this policy or for assisting in a complaint investigation.

2.3.02 Persons with disabilities who are otherwise qualified to perform the essential functions of the position of Town employment will be considered with reasonable accommodations as provided in the Americans with Disabilities Act, including:

Modifications or adjustments to a job application process to enable a qualified applicant with a disability to be considered for the position

Modifications or adjustments to the work environment or to the manner under

which the position is customarily performed that enable a qualified individual with a disability to perform the essential functions of the position

Modification or adjustments that enable an employee with a disability to enjoy equal benefits and privileges of employment

2.3.03 The Town Clerk shall serve as the Equal Employment Opportunity Officer to carry out the Town's equal opportunity efforts and shall advise and assist Town personnel in implementation and compliance with this policy. The officer shall examine existing internal policies and procedures which may serve as barriers to implementing this policy and recommend changes when needed. The Equal Employment Opportunity Officer shall utilize the resources available to assure equal employment opportunities to all applicants and employees.

3. SELECTION PROCEDURES

3.1 Appointed Authority - Responsibility

3.1.01 The Town Clerk shall be responsible for the administration of employee selection in accordance with the rights and duties of that position. The Town Clerk shall ensure that no person is hired or promoted in to any position of employment until that position and the compensation for that position has been provided for in the Town pay plan.

3.2 Vacancies- Announcement

3.2.01 The Town Board will determine when a vacancy exists, whether the vacancy shall be filled and set an appropriate time frame to fill the vacancy.

3.2.02 When a vacancy is determined, the position will be announced, posted at the designated posting places, published in at least one publication in a newspaper of general circulation in the Town, and by such additional methods as deemed appropriate. All vacancy announcements shall include a statement that the Town is an equal opportunity employer.

3.2.03 The Town Board may consider filling a position by an internal competitive examination or by direct appointment. The examination would be open to current employees of the Town who meet the minimum qualification for the position. Any current employee selected to fill such a position shall be subject to an introductory training period.

3.2.04 The Town may establish an eligible employee pool for positions. Candidates placed in an eligible employee pool would remain on that list for not more than one year.

3.2.05 If a position filled from the existing employee pool by promotion creates a vacant position that position would be announced following the same procedure as above.

3.3 Application

3.3.01 All persons wishing to apply for employment with the Town must complete and submit a Town job application by the designated deadline set forth in the job announcement. A resume may be attached to the application but will not be accepted as a substitute for an application.

3.3.02 The Town Board may choose to have the Town Clerk screen applicants prior to interviews or competitive examinations. Based on the opinion of the screener, applications may be disqualified when any of the following exist:

- A. The application does not meet the minimum qualifications set forth in the job description
- B. The application indicates an unsatisfactory employment record or that the applicant has given false information evidenced by the results of reference checks
- C. The applicant fails to respond to contacts or messages left

3.4 Nepotism

3.4.01 As a small community the Town of Crestone frequently has a small applicant pool. Where nepotism is an issue, the Town Board shall review each situation on an individual basis utilizing the following criteria. A relative is defined as a sibling, child or parent, and the definition of spouse includes a 'significant other', whether they reside with the employee or not.

3.4.02 No spouse or relative may have direct authority to appoint, supervise, discipline or dismiss a spouse or relative.

3.4.03 No spouse or relative may audit, verify, receive, or dispense monies entrusted to a spouse or relative.

3.4.04 No spouse or relative may have access to a spouse or relative's employer confidential information, including payroll and personal records.

3.4.05 No person may become an employee of the Town who is an elected or appointed Town Trustee unless approved by The Town Board for special circumstances.

3.5 Interviews and Examinations

3.5.01 The Town Clerk shall establish procedures appropriate to ensure the integrity of the interview and examination of any applicant.

3.5.02 The Town Clerk will notify all applicants who have not been disqualified by reasons described in Section 3 of this Chapter to set a time and place for an interview and/or the appropriate examination.

3.5.03 For positions that require a formal examination, the Town Clerk shall conduct such examination which may consist of written tests, practical demonstrations, oral boards or any combination thereof as determined necessary to evaluate the applicants fairly and objectively. Any question during an interview or testing shall be limited to those that pertain to the position.

3.6 Offers of Employment

3.6.01 Following an interview or competitive testing and rating of the candidates the Town Clerk shall make an offer of the position in writing to the highest rated candidate.

3.6.02 Failure to accept the written offer of the position within seven days of the offer date will be deemed a refusal of the employment offer and the position will be offered to the next highest rated candidate.

4. ORIENTATION, TRAINING & EVALUATION

4.1 Training Period

4.1.01 Each new employee or any employee appointed to fill a vacant regular full-time or part-time position shall be subject to a training period, which may extend up to 6 months. The period will begin with job orientation and continue with training necessary for the employee to be familiar and comfortable with the duties and responsibilities of the position.

4.1.02 At the completion of the six month training period an employee will be evaluated by the Town Clerk. Based on the evaluation, the employee may be recommended to become a regular full-time or part-time employee, the training period may be extended an additional three months or the employee may be released from employment.

4.2 Orientation

4.2.01 The Town Clerk shall provide orientation to each new employee or any employee appointed to fill a vacant regular full-time or part-time position. This orientation shall include the basic information concerning the Town pay plan, employee benefits, promotion opportunities and training programs.

4.2.02 At the orientation, each employee will be provided a Personnel Handbook, asked to review the information provided and return the Acknowledgment of Receipt to the Appointed Authority.

4.2.03 The Town Clerk shall be responsible to assure that the job orientation provided to a new employee in a position outlines the goals, objectives, job policies and procedures related to that position.

4.3 Training

4.3.01 The Town Board shall attempt to hire employees with education, aptitude and experience background that compliments the job position.

4.3.02 The Town Board shall provide job specific training to employees that will promote efficiency, economy and safety of operation for the Town.

4.3.03 Upon the successful completion of the training period employees may be eligible to request continued education. The Town will support and sponsor training to the extent that the education is directly related to the employees position. Required training shall be scheduled during regular working hours whenever possible. All training shall be pre-approved by the Town Board.

4.4 Evaluation

4.4.01 It is an integral part of the Town Clerk's responsibility to evaluate employees to be aware of strengths, weaknesses and accomplishments. The evaluation process provides employees and supervisors the opportunity to discuss the employee's progress on the job.

4.4.02 Employees new to a position and in a training period shall be evaluated after the first 90 days and again at the end of six months. All regular full-time and part-time employees will have a performance evaluation annually, which will be completed by August 31st of each year.

4.4.03 The Town Clerk shall provide forms to be used for employee evaluations. These forms shall be completed in detail to depict accurately the employee's job performance. In the course of the evaluation the Town Clerk and employee shall review the written job evaluation, discuss performance levels and note any needed changes. The completed evaluation form shall be signed by the employee and returned to the Town Clerk.

4.4.04 The Town Clerk and other appointed positions shall be evaluated by the Board of Trustees.

5. SAFETY

5.1 Safety Coordinator

5.1.01 The Town Clerk shall designate a Safety Coordinator to facilitate communications regarding CIRSA (Colorado Intergovernmental Risk Share Association) policy, requirements and rule changes.

5.1.02 The Safety Coordinator may submit proposed safety rule changes to the Town Clerk for review and consideration for inclusion in the Safety Manual or Attachments.

5.2 Employee Safety

5.2.01 The Town of Crestone strives to provide a safe work environment for all employees. Employees are encouraged to think about safety for themselves and those they work with. A Safety Manual with any Attachments that may apply to the specific job description will be provided to each employee. Any and all revisions to the Safety Manual or Attachments will be distributed to all employees upon adoption.

5.2.02 Each employee is responsible for utilizing the policies and procedures set forth in the Safety Manual and pertinent attachments. Disobeying a safety rule may result in disciplinary action up to and including discharge.

5.3 Employment Related Accidents, Injuries and/or Illnesses.

5.3.01 Town of Crestone employees are covered for employment-related injury or illness by the Colorado Workers' Compensation Act. Under the Act, an employee may receive certain benefits pertaining to an employment related injury or illness. Under the Act, a work-related injury or illness must be reported within four (4) working days. The workers compensation provider is Pinnacol Assurance.

5.3.02 Any employment related accident involving any injury or property damage whatsoever must be reported within 24 hours to the Town Clerk by each employee involved in or witnessing the accident. A First Report of Accident or Injury must be completed by each employee involved in or witnessing the incident. Failure to report any accident involving injury or property damage may result in disciplinary action up to and including discharge.

5.3.03 The Regional Occupational Medicine Program in Alamosa and 1st Street Family Health in Salida are the Town 's designated providers of medical care for employment related injury or illness.

5.3.04 To the extent practicable, the employee will be reinstated to the employee's position upon return from leave for an employment related injury or illness. To facilitate a return to work of an employee, modified duty may be available where the operations of the Town permit without risk to the Town or the employee.

5.3.05 The Town will comply with the Americans with Disabilities Act (ADA) with regard to reasonable accommodations for an employee whose employment related injury or illness results in a disability to which the ADA applies.

6. LEAVE TIME

6.1 Holidays and Personal Leave

6.1.01 The following days are deemed holidays, on which days Town Hall will be officially closed:

New Year's Day	January 1
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
The Day following Thanksgiving Day	The Friday following Thanksgiving
Christmas Eve (1/2 Day)	December 24
Christmas Day	December 25

The above highlighted days are part-time paid holidays (five hours per day) per regular Town employee. During the January meeting each year, the Board of Trustees will review the holiday schedule, and reschedule any regular meetings that fall on a holiday.

6.1.02 Employees who have worked for the Town for a minimum of 12 months are eligible for paid personal leave time. Employees working a minimum of 20 hours per week are eligible for 8 pro-rated days leave per year. Employees working 15 to 19 hours per week are eligible for 4 pro-rated days leave per year. Request for personal leave time should be submitted to the Town Clerk in writing least five (5) days in advance of leave, whenever possible. Personal leave time must be used by year-end, and does not carry over into the new year.

6.2 Voting

6.2.01 An employee whose work schedule effectively prevents voting before or after work hours shall be permitted paid leave not exceeding two hours for the purpose of voting.

6.3 Jury Duty/Court Time

6.3.01 An employee who is summoned for jury duty or subpoenaed in connection with their employment during a regularly scheduled work time will be compensated as and to the extent required by C.R.S. § 13-71-126.

6.3.02 All regularly employed personnel called for jury duty shall be paid regular wages, but not to exceed fifty dollars per day, for the first three days of juror service or any part thereof. Regular employment shall include part-time, temporary, and casual employment if the employment hours can be determined by a schedule, custom, or practice established during the three-month period preceeding the juror's term of service.

6.3.03 All employees receiving a subpoena or jury summons must provide a copy of such document with a request for leave time. As a condition of the receipt of such pay, any stipend paid to the employee for jury service or as a witness fee must be paid to the Town or an equivalent amount deducted from the employee's pay.

7. COMPENSATION & BENEFITS

7.1 General

7.1.01 Employees shall be paid semi-monthly on the second business day following the fifteenth and the last day of the month.

7.1.02 The work week is declared to be a seven consecutive day period beginning at 12:01 a.m. on each Sunday and ending at midnight on each Saturday.

7.1.03 The work week for regular full-time Town employees shall be forty hours except in cases where the employee is in an exempt position for the purposes of the Fair Labor Standards Act and the duties of the employee require work exceeding the forty hour period.

7.1.04 Hourly nonexempt employees under the Fair Labor Standards Act shall be paid for overtime worked at a rate of one and one-half times the employee's regular hourly rate of pay for each hour of work in excess of forty hours in a workweek. No overtime shall be worked or compensated unless approved by the Town Clerk in advance.

7.1.05 The Town does not offer insurance or retirement benefits at this time.

7.1.06 Except for personal leave days and seven paid holidays (thirty-live hours per year maximum) as approved by the Appointing Authority, the Town does not provide any paid benefits.

7.1.07 Town employees are subject to withholdings for Social Security, Medicare, State Employment and Worker's Compensation.

7.2 Mileage Reimbursement -

7.2.01 An employee who is required to use a personal vehicle on Town business shall be reimbursed at the existing rate established by the Internal Revenue Service.

7.2.02 An employee using a personal vehicle on Town business must be specifically authorized by the Town Clerk in advance. No reimbursement shall be allowed without a written mileage report submitted upon return from an extended out of town trip or at regular intervals for in-town trips.

7.2.03 Employees shall not be reimbursed for any travel time or expense between their residence and place of employment.

7.3 Training Reimbursement

7.3.0 Any employee who pays tuition, class fees, meals or lodging while attending a pre-approved training or workshop shall be reimbursed for these expenses upon submittal of a detailed expense report accompanied by all appropriate documentation and receipts.

8. EMPLOYEE CONDUCT

8.1 General Rules of Conduct

8.1.01 All employees are expected to act in the best interest of the town and the members of the public served by the Town. It is an employee's responsibility to observe all rules, policies, operating procedures and directives of the Town.

8.1.02 Employees shall strive to communicate and conduct all business in a friendly and professional manner.

8.1.03 Employees are expected to behave with courtesy and respect toward other employees and members of the general public.

8.1.04 Employees shall work in a manner that does not obstruct or hinder other employees from completing their assigned duties.

8.1.05 Employees shall consult with their supervisor if there is uncertainty or problems associated with their work or specific assigned tasks.

8.1.06 Employees shall work in a safe manner at all times to ensure their safety and the safety of their fellow workers and the public.

8.1.07 Specific rules of conduct adopted by the Town or in these policies may vary between departments and are not meant to be all inclusive, but rather to address some common and serious problems.

8.2 Supplemental Rules

8.2.01 Each department may have unique circumstances that may require supplemental rules of conduct. Such rules may be established as policies and procedures, safety manuals and departmental regulations and adopted by the Town of Crestone Board of Trustees and enforced by the Town Clerk.

8.3 Use of Town Property

8.3.01 Town property is to be used for official Town business ONLY in an appropriate manner and in accordance with all applicable rules, operating procedures and directives. No employee shall remove Town property or the property of any other employee from the Town premises or the Town work sites without proper authorization. Any employee who misappropriates Town property or the property of any other employee, or who abuses, misuses, damages or destroys Town property, shall be subject to disciplinary action, up to and including discharge.

8.4 Conflict of Interest

8.4.01 A Town employee shall not place their personal or business interests above the best interests of the Towns' constituents.

8.4.02 A Town employee shall not engage in a substantial financial transaction for

private business purposes with another employee whom they supervise.

8.4.03 A Town employee shall not take any official action directly and substantially affecting their economic benefit, a business or other undertaking in which there is a substantial financial interest or business arrangement.

8.4.04 A Town employee shall not disclose or use confidential information acquired in the course of the official duties to further personal financial interests.

8.4.05 A Town employee shall not accept a gift of substantial value or a substantial economic benefit in an amount of \$_____ which might tend to improperly influence an employee in the discharge of their duties and responsibilities, or which could be construed as a reward for action taken in the course of their official duties.

9. ELECTRONIC COMMUNICATIONS

9.1 Purpose

9.1.01 To establish rules governing the use of the internet and other electronic communication devices by employees of the Town of Crestone. The risks associated with exposure to cyber dangers know no geographic or governmental boundaries. Threats such as identity theft, worms and viruses, loss of sensitive information and other malicious activity are part of the ever-evolving cyber security threat landscape that we all face. We must be diligent about understanding the risks and taking appropriate steps to mitigate them. Government has a responsibility to its citizens and business partners, both public and private, to safeguard the information with which it is entrusted.

9.2 Policy

9.2.01 Compliance with this policy is mandatory for all officers, employees and contractors of this organization. This policy applies to all Town of Crestone information computer systems and data that are used for official Town business regardless of its location as well as the voice and data services of a Town issued cellular phone.

9.3 Authorized Use

9.3.01 A user must not use others passwords, user ids, or accounts, or attempt to capture or guess others passwords. Users are also restricted from using Town equipment for personal use without authorization from the Town Clerk. Users must not hide their identity for malicious purposes or assume the identity of another user.

9.3.02 The browsing or “surfing” of internet sites for personal entertainment is prohibited. Viewing inappropriate subject matter, i.e. pornographic images, movies, sounds, images or movies which depict any violence, or acts of violence, will be grounds for immediate disciplinary action to the user.

9.3.03 Users will not visit non-business related web sites.

9.3.04 Employees or town volunteers conducting town business on personal computers, notebooks, iPhones, iPads or any personal electronic device shall not leave town documents on such electronic devices in any place where they might be viewed by the public or unauthorized persons. Such employees and volunteers will take proper steps to secure town business from unauthorized access on personal computers. No town employee shall utilize his or her town title for the purpose of personal e-mails or other than for authorized town business. This paragraph is intended to protect the town and the user from misrepresentation, risk of hacking and/or leaks of confidential information.

9.4 Privacy

9.4.01 A user's files may be subject to access by authorized employees of the Town of Crestone during the course of official business. Accordingly, users should have no expectation of privacy and their activities may be monitored.

9.5 Restricted Access

9.5.01 A user must not attempt to access restricted files or portions of operating systems, security systems, or administrative systems to which they have not been given authorization. Accordingly, users must not access without authorization: electronic mail, data, or programs, or information protected under state and federal laws. Users must not release another person's restricted information.

9.6 Proper Use of Resources

9.6.01 A user should recognize that computing resources are limited and user's activities may have an impact on the entire system. The user must not:

- A. Misuse email- Spread email widely (chain letters) and without good purpose (spamming) or flood an individual, group, or system with numerous or large email messages (bombing), or
- B. Use streaming audio, video or real time application such as: stock ticker, weather monitoring or internet radio.

9.7 Protecting Information and Shared Resources

9.7.01 A user of the Town of Crestone computer systems will:

- A. Follow established procedures for protecting files, including managing passwords, using encryption technology, and storing back-up copies of files.
- B. Protect the physical and electronic integrity of equipment, networks, software and accounts on any equipment that is used for Town business in any location.

- C. Not visit non-business related websites.
- D. Not open email or text messages from unknown senders or email that seems suspicious.
- E. Not knowingly introduce worms or viruses or other malicious code into the system nor disable protective measures, i.e. antivirus, spyware, or firewalls.
- F. Not install unauthorized software.
- G. Not send restricted or confidential data over the internet or your locally managed network, unless appropriately encrypted.
- H. Not connect unauthorized equipment or media which would include but is not limited to, laptops, thumb drives, removable drives, wireless access points, PDAS, and MP3 Players.

9.8 Civility

9.8.01 Users must not harass other users using computer resources, or make repeated unwelcome contacts with other users. Any electronic communication that is annoying, abusive, profane, threatening, defamatory or offensive is prohibited. Any inappropriate reference to race, color, age, gender, sexual orientation, religions, national origin or disability is prohibited. Users must not display material that is inappropriate in an office environment.

9.9 Applicable Laws

9.9.01 Users must obey local, state, and federal laws including laws on copyright and other intellectual property laws.

9.9.02 Users should be aware that any and all E-mail or text messages sent or received by the user are subject to the "Colorado Open Record Law" (C.R.S. 24-72-201 et. seq.), and may be subpoenaed or viewed.

10. HARASSMENT

10.1 Policy

10.1.01 Every employee of the Town of Crestone has the right to work in an environment free from harassment. Harassment of any employee on the basis of his or her race, religion, color, national origin, age, sex, sexual orientation, marital status, or the presence of any physical, mental or sensory disability is a serious violation of the Town's policy and will not be tolerated. The definitions of harassment shall be governed by applicable federal and state laws, which may change from time to time.

10.2 Harassment Described

10.2.01 Harassment can take many forms and can include slurs, comments, jokes, innuendoes, unwelcome compliments, pictures, cartoons, pranks or other verbal or physical conduct which:

- A. Has the purpose or effect of creating an intimidating, hostile or offensive working environment
- B. Has the purpose or effect of unreasonably interfering with an individual's work performance
- C. Otherwise unreasonably affects an individual's employment opportunities

11. SEXUAL HARASSMENT

11.1 Introduction

11.1.01 It is the policy of the Town that all employees are entitled to work in an environment free of sexual harassment. Sexual harassment will not be tolerated. All claims of sexual harassment will be promptly and thoroughly investigated. Appropriate and effective corrective action will be taken when it is determined to be a warranted claim.

11.2 Sexual Harassment Described

11.2.01 Unwelcome sexually-related conduct, including sexual advances, requests for sexual favors or other physical, verbal or written conduct of a sexual nature constitutes sexual harassment when:

- A. Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- B. Submission to or rejection of the conduct by an individual is used as the basis for employment decisions affecting that individual; or
- C. The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile or offensive work environment.

11.2.02 Conduct that may constitute sexual harassment includes, but is not limited to: pinching, grabbing, fondling, propositioning, making either explicit or implied job threats or promises in return for submission to sexual favors; making sexually oriented comments on appearance or physical features; telling sexually oriented stories or jokes and display or circulation of sexually oriented written materials, e-mails, pictures, text messages or photographs.

11.3 Procedures to Address Sexual Harassment

11.3.01 Any employee who believes they are being subjected to sexual harassment should inform the person responsible for the conduct that such conduct is unwelcome and plainly request that it stop immediately.

11.3.02 The employee shall report the sexual harassment by notifying the Town Clerk or the Mayor as the employee's comfort level permits. This notification may be in the form chosen by the employee; the employee is urged to put the notification in writing.

11.3.03 No employee shall be subjected to reprisal or retaliation for reporting any incident of sexual harassment. The employee should report immediately any reprisals, retaliations or harassment which occurs as a result of making a report.

11.3.04 All claims and reports will be investigated promptly to determine the warrant of such claim or report. To the extent possible complaints, claims, reports and investigations will be handled in a confidential manner. The complaining employee will be notified of the result of the investigation.

11.3.05 If an investigation determines that any employee's conduct constitutes sexual harassment, the employee shall be subject to disciplinary action up to and including termination.

12. WORKPLACE VIOLENCE

12.1 Policy

12.1.0 The Town has a zero tolerance policy with regard to workplace violence. Employees are entitled to a work environment free from harassment and violence.

12.2 Workplace Violence Described

12.2.01 Workplace violence may be either physical or verbal or both. Actions such as harassment, intimidation, stalking, threats of violence or physical violence against the Town or an employee could be considered workplace violence.

12.3 Procedure

12.3.01 Any employee who experiences any of the foregoing, whether from a member of the public, a co-worker, a supervisor, or other person should report the same promptly to the Clerk or the Mayor, as the employee chooses. The notification may be in the form chosen by the employee; the employee is urged to put the notification in writing.

12.3.02 No employee shall be subjected to reprisal or retaliation for making such a notification; the employee should report immediately any incidents of reprisal, retaliation or harassment which may occur as a result of making such notification.

12.3.03 Upon notification, an investigation will be undertaken promptly. Disciplinary and/or corrective action will be taken when determined to be warranted pursuant to the investigation. The complaining employee will be notified of the results of the investigation.

12.3.04 To the extent possible, complaints and investigations will be handled in a confidential manner.

12.3.05 If it is determined that any employee's conduct violates the Town's workplace violence policy, the employee shall be subject to corrective and/or disciplinary action. That action may include verbal or written reprimand, suspension or discharge as justified based on the findings of the investigation.

13. DRUGS AND ALCOHOL

13.1 Policy The following policy is adopted pursuant to the Drug-Free Workplace Act of 1988. 41 U.S.C. § 702

13.1.01 The Town is a drug-free workplace as required by the Drug-Free Workplace Act. It is both the Town's and each employee's responsibility to maintain such an environment and while at work not to be under the influence of drugs.

13.1.02 The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, and marijuana, is prohibited in the workplace. An employee's violation of this prohibition or any other drug abuse violation may result in disciplinary action up to and including discharge.

13.1.03 The Town will provide such educational information to employees on the dangers of drug abuse in the workplace as the Town Board determines appropriate.

13.1.04 The Town does not have a formal Employee Assistance Program; however, the use of other available resources is encouraged for any employee desiring drug counseling or rehabilitation.

13.1.05 As required by the Drug-Free Workplace Act, each employee engaged in the performance of any federal grant, as a condition of employment, must

A. Abide by the terms of this policy

B. Notify the Town in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction. Upon notification of any such conviction, the Town Clerk will take action in compliance with the Drug-Free Workplace Act and Regulations.

13.2 Drug and Alcohol Testing - Applicability

13.2.01 Some provisions of this policy apply only to Town employees whose job descriptions require a commercial driver's license. The term "CDL employee" refers

to these employees.

13.2.02 Except where a provision is limited in its application to a "CDL employee", this policy applies to all Town employees. Random drug testing may apply to any employees and public works personnel operating the water treatment plant or operating heavy equipment.

13.3 Town Policy

13.3.01 The illegal use of controlled substances and on-the-job impairment by alcohol, or marijuana, regardless of the source, is prohibited.

13.3.02 The illegal purchase, transfer or possession of a controlled substance is prohibited.

13.3.03 Exceeding the recommended dosage for over-the-counter drugs or the dosage prescribed by a medical doctor for prescription drugs is prohibited.

13.3.04 Any employee who uses illegal drugs GI'-R*I tests positive for illegal drugs or marijuana, consumes alcohol during the work day or is impaired by alcohol on the job will be subject to disciplinary action, which may include discharge for the first offense.

13.4 Definition of Policy Violations

13.4.01 Evidence that an employee manifested any of the characteristics commonly associated with alcohol consumption while on the job shall constitute prima facie evidence that the employee consumed alcohol during the work day.

13.4.02 Any employee who is tested as having 0.04 or more grams of alcohol per 100 milliliters of urine, per 100 milliliters of blood or per 210 liters of breath, will be deemed impaired by alcohol.

13.4.03 Any employee testing positive for an illegal drug will be deemed to have illegally used drugs.

13.5 Rehabilitation Agreement

13.5.01 An employee may enter into a drug or alcohol rehabilitation agreement with the Town if, prior to referral for a drug or alcohol test under any of the circumstances outlined in the Policy, the employee advises the Town Clerk that the employee has a drug or alcohol problem and requests a rehabilitation agreement.

13.6 Testing - General

13.6.01 The Town will have tests of breath or urine conducted to determine the presence of illegal drugs, marijuana or alcohol under the following circumstances:

A. When reasonable suspicion exists to believe that an employee is

impaired by alcohol or drugs while on the job or is using illegal drugs, as described in Subsection 7 of this Section.

- B. After certain motor vehicle accidents as described in Subsection 8 of this Section.
- C. For applicants for "CDL employee" positions, pre-employment testing (for drugs only) as described in Subsection 9 of this Section
- D. In conjunction with medical examinations required for CDL drivers as described in Subsection 9 of this Section.
- E. For "CDL employees" under a program of random testing as described in Subsection 9 of this section.

13.7 Reasonable Suspicion Testing

13.7.01 If reasonable suspicion exists to believe that an employee, while on the job, is impaired by alcohol, illegal drugs or marijuana, a supervisor in the employee's chain of command or the Town Board may require the employee to submit immediately to testing.

13.7.02 Reasonable suspicion may be based on other facts and circumstances which may include the following;

- A. Witnessing by at least one employee (two, if feasible) of the employee's unusual demeanor, appearance or conduct, or irrational behavior (e.g. slurred speech, lack of balance, excessive aggressiveness, docility or drowsiness); difficulty in performing or inability to perform normal job function; smell of alcohol or illegal drugs;
- B. Suspected possession of or use of alcohol, illegal drugs or marijuana on the job; or
- C. A determination by the Town Clerk, based on a review of surrounding facts and circumstances, that an employee might be at fault in an on-the-job accident or injury, or an operating accident involving Town Equipment, property or personnel. In making such a determination, the Town Clerk should consider such factors as recommendations from the employee's immediate supervisor; injury to an employee or others; damage to property; concern for the safety of the employee or others; and pertinent behavioral factors.

13.7.03 Alcohol test under Subsection 6 should be performed as soon as possible after the determination of reasonable suspicion.

- A. If an alcohol test is not performed within 2 hours of the determination of reasonable suspicion, the person who made the determination must document the reasons for the failure.

- C. If an alcohol test is not performed within 8 hours of the determination of reasonable suspicion:
 - 1. No further efforts to test will be made based on that determination, and the person who made the determination must document the reasons for the failure, and
 - 2. If the employee is a "CDL employee", the employee may not drive a commercial vehicle or otherwise perform any safety-sensitive function until he or she has been off work for at least 24 hours, or has undergone an alcohol test with a result below a concentration of .02 grams of alcohol per 210 liter of breath.

13.8 Post-Accident Testing

13.8.01 For purposes of this Subsection 8, the term "motor vehicle accident" includes an occurrence during the course of performing Town job duties which involves either a Town vehicle or the employee's personal vehicle and results in:

- A. A fatality or bodily injury to anyone
- B. Damage to a vehicle or any other property, or
- C. A citation for a moving traffic violation arising from the accident

13.8.02 If an employee's actions either contributed to a motor vehicle accident or cannot be discounted as a contributing factor to a motor vehicle accident, as determined by a supervisor in the employee's chain of command or the Town Clerk, the employee shall provide, as soon as possible after the motor vehicle accident, breath and urine samples to be tested for drugs and alcohol at a testing site designated by the Town.

13.8.03 Unless unable to do so because of serious injury, the employee must immediately contact the Town Clerk to report the accident. If the Town Clerk determines that the employee shall be tested under this Subsection 8, transportation will be arranged to take the employee to the designated testing site.

13.8.04 If the employee is seriously injured and cannot provide a sufficient breath or urine sample, the employee shall provide the necessary authorization to permit the Town to obtain hospital reports and other documents that would indicate the concentrations, if any, of alcohol or drugs in the employee's system.

13.8.05 Alcohol tests under this Subsection 8 should be performed as soon as possible after an accident.

- A. If an alcohol test is not performed within 2 hours of the accident, the Appointed Authority must document the reasons for the failure.

- B. If an alcohol test is not performed within 8 hours of the determination of reasonable suspicion, no further efforts to test will be made based on that determination and the person who made the determination must document the reasons for the failure.

13.8.06 An employee subject to testing under this Subsection 8 shall not use alcohol for either 8 hours following the motor vehicle accident or until the employee undergoes a post-accident alcohol test, whichever comes first.

13.9 Other Testing Circumstances

13.9.01 Applicants for "CDL employee" positions shall be subject to pre-employment drug testing.

13.9.02 "CDL employees" shall be subject to biennial drug and alcohol testing in conjunction with the medical examinations required for a commercial driver's license.

13.9.03 "CDL employees" and public works personnel operating heavy equipment or working in the water treatment plant shall be subject to random drug and alcohol testing.

- A. 25 percent of all "CDL employees" will be randomly tested for alcohol each year
- B. 50 percent of all "CDL employees" will be randomly tested for drugs each year

13.9.04 "CDL employees" will be subject to follow-up tests for drugs and/or alcohol.

13.10 Results of Drug or Alcohol Use

13.10.01 Any employee found to be impaired by alcohol or marijuana, using illegal drugs or testing positive for illegal drugs on the job shall be terminated if:

- A. Driving is a required function of the employee's position as determined by the employee's job description.
- B. The employee was operating a Town vehicle or equipment or the employee's personal vehicle on Town business, when the employee was impaired or using illegal drugs; or
- C. Other substantial safety concerns of the Town are at stake

13.10.02 A "CDL employee" having a breath alcohol test which shows an alcohol concentration of .02 grams per 210 liters of breath or greater must take available personal leave, or if personal leave is exhausted, leave without pay for one working day after taking the test. The employee may return to work after being off the job for one working day, but must first take a breath alcohol test

which shows a concentration of less than .02 grams per 210 liters of breath.

13.10.03 A "CDL employee" may not work within 4 hours of consuming alcohol obtained from any source. If a "CDL employee" has consumed alcohol within 4 hours of reporting to work, the employee must take available personal leave, or if personal leave is exhausted, leave without pay until no alcohol has been used within 4 hours of the beginning of the employee's next work shift.

13.10.04 The taking of leave under Paragraphs (.02) or (.03) of this Subsection 10 may be considered an abuse of leave.

13.10.05 Any employee found to have consumed alcohol during a work day or to be impaired by alcohol on the job, using illegal drugs or testing positive for illegal drugs, under circumstances other than those described in Paragraphs (.01) (.02) or (.03) of this Subsection 10, shall be subject to disciplinary action up to and including dismissal.

13.11 Refusal to Submit to Testing

13.11.01 An employee who refuses to submit to drug and alcohol testing in compliance with this policy shall be deemed to have tested positive for marijuana, illegal drugs and/or to be impaired by alcohol on the job. Refusal to submit to testing includes any of the following.

- A. Refusal to take the test.
- B. Inability to provide within 4 hours sufficient breath or urine to be tested, without a valid medical explanation
- C. Tampering with or attempting to tamper with or adulterate the specimen or collection procedure.
- D. Failure to comply with the requirement of paragraph .06 of Subsection .8 of Section 13 that the employee shall not use alcohol for either 8 hours following a motor vehicle accident or until the employee undergoes a post-accident alcohol test, whichever comes first.
- E. Not reporting to the designated testing site at the scheduled time.
- F. Refusal to provide the necessary authorization for obtaining hospital reports and other documents as required under paragraph (.04) of Subsection 8 of Section 13.

13.12 Testing Procedure

13.12.01 The Appointed Authority making the determination of reasonable suspicion under Subsection 7 of Section 13 or ordering the post-accident test under Subsection 8 of Section 13, shall prepare a testing referral form, setting forth the basis for the finding of reasonable suspicion or post-accident testing, as

appropriate. The form shall be accompanied by other pertinent information, including names of witnesses of the circumstances or behavior that led to the referral. The supervisor shall make immediate arrangement to have the employee tested immediately and the drug and alcohol tests shall be performed as soon as possible.

13.12.02 Test results shall be held in confidence by the laboratories with whom the Town contracts and by the Town. Results shall only be disclosed to the employee tested, any personnel involved in supervisory or disciplinary capacities with regard to the employee or Town personnel participating in administrative or legal proceedings which concern in any manner the test results.

14. DISCIPLINE

14.1 Policy

14.1.01 Although the Town of Crestone is a "terminable-at-will" employer, certain employee infractions may be addressed by the Town Board disciplinary action to prevent employee termination and maintain a high level of employer guidance to create a professional, safe work environment.

14.1.02 Certain provisions of this Handbook state that disciplinary action may result from specified conduct. The inclusion of these provisions does not limit, and is not intended to limit in any way the imposition of disciplinary action for other types of conduct or for other reasons.

14.2 Disciplinary Action

14.2.01 The type of discipline to be imposed for an infraction shall be that which the Town, through the Town Board deems appropriate under the circumstances. The Town Board in their discretion, determine that any of the following disciplinary actions are appropriate and may determine the order of any such disciplinary actions.

14.2.02 Oral or written warning: The employee is orally counseled by the Town Clerk as to the unsatisfactory areas of work and methods of correction to improve the work situation. The written warning will be on a form provided by the Town. The content of any oral counseling will be documented and held in the Town's counseling file.

14.2.03 Written reprimand: The employee is issued a written reprimand on a form provided by the Town. This is a form which includes a statement of the problem and a notation to the effect that the problem was discussed with the employee. The Town Mayor must sign the form and the employee will be requested to sign the form recognizing that they have discussed the written reprimand with their supervisor. A copy of the reprimand is placed in the employee's personnel file and a copy is provided to the employee. The reprimand may place an employee back into the introductory period for a specified time not to exceed 90 days.

14.2.04 Suspension without pay: The employee is suspended without pay from employment for any number of days, depending on the seriousness of the problem. Suspension without pay will generally not exceed fifteen days.

14.2.05 Disciplinary demotion: The employee is placed into a position with a lower compensation rate for disciplinary reasons.

14.2.06 Termination: The employee (non-appointed only) is discharged from employment. Supervisors can recommend termination but the final decision rests with the Town Board.

14.3 Disciplinary Rules

14.3.01 In addition to any other conduct described in this Handbook, the following conduct may result in disciplinary action up to and including discharge. This list is not exhaustive and employees shall be subject to discipline under other appropriate circumstances.

- Inadequate job performance, incompetence or inefficiency;
- Insubordination;
- Conduct unbecoming an employee of the Town;
- Violation of any lawful rule, regulation, policy or order;
- Failure to obey a proper directive given by the supervisor;
- Taking a fee, gift or other valuable thing in the course of or in connection with work for personal use from any person, when such gift or valuable thing is given in the hope or expectation of receiving a favor or better treatment than that accorded other persons;
- Conviction of a plea of guilty to or failure to contest a crime which involves moral turpitude or which affects the employee's ability to perform a job function;
- Falsification of or material omission from an employment application, payroll record, time report or other Town document;
- Negligent or willful damage, destruction, waste or carelessness, negligence or misuse of Town or public property;
- Theft of Town property;
- Use of or attempting to use political influences in securing promotion, leave of absence, transfer, change of pay rate or character of work;

- Improper use of Town vehicles or equipment, including communications equipment;
- Violation of safety rules or practices;
- Unauthorized absence or unauthorized failure to report for work;
- Frequent or habitual tardiness;
- Leaving assigned work area without prior authorization;
- Possession of firearms or dangerous weapons on Town property, other than as required or permitted in the performance of official duties;
- Abuse of leave;
- Abuse of break periods;
- Release of confidential information except as required or authorized bylaw;
- Violation of the Town's drug and alcohol policy, sexual harassment policy, workplace violence or other written policy or procedure concerning employee conduct;
- Inducing or encouraging any employee of the Town to violate any Town ordinance, rule, regulation, policy, procedure or directive;
- Engaging in any unauthorized interruption of work;
- Failure of a nonexempt employee to obtain advance authorization for overtime work;
- Loss of or failure to attain any license, certification or other credential required for the performance of a job responsibility;
- Engaging in gossip or rumor mongering;
- Violation of any other applicable Town policy concerning employee conduct; or
- Any other activity which is not compatible with good public service. The foregoing list is not exhaustive; employees shall be subject to discipline under other appropriate circumstances.

15. GRIEVANCE PROCEDURE

15.1 Policy

15.1.01 It is the Town's policy that employees should have an opportunity to present their work-related complaints and to appeal management decisions through a

grievance procedure. The Town will attempt to resolve promptly all grievances that are appropriate for handling under this policy. The grievance procedure is the exclusive remedy for employees with appropriate grievances.

15.1.02 An appropriate grievance is defined as an employee's expressed dissatisfaction concerning a supervisor's interpretation or application of a work-related policy. Examples of matters which may be considered appropriate grievances under this policy include, but are not limited to, the following:

- A. A belief that Town policies, practices, rules, regulations or procedures have been misinterpreted or misapplied against the employee.
- B. Treatment considered unfair by an employee, such as coercion, reprisal, harassment, or intimidation.
- C. Alleged discrimination because of race, color, gender, age, religion, national origin, veteran status, marital status, disability, sexual orientation, gender expression, genetic information, or any other status protected by applicable state or local law.
- D. Unequal administration of employee benefits or of such items as scheduling, vacations, promotions, retirement, holidays, performance review, salary, or seniority.
- E. Waste, fraud and abuse actions conducted by other town employees.

15.1.03 The grievance procedure has a maximum of three steps, but grievances may be resolved at any step in the process. Grievances are to be fully processed until the employee is satisfied, does not file a timely appeal, exhausts the appeal process, or a final decision is rendered. Any employees who feel they have an appropriate grievance shall proceed as follows:

- A. Step One- Within five working days the employee must bring a written grievance to the attention of his or her immediate supervisor. The supervisor shall investigate the grievance, attempt to resolve it, and give a written decision to the employee within a timely manner, but not to exceed three working days. An employee will be notified if the investigation will require additional time beyond three days. The supervisor shall prepare a written and dated summary of the grievance and proposed resolution for personnel file purposes.
- B. Step Two - If the grievance is not resolved between the employee and his/her supervisor, a written appeal of the supervisor's decision may be forwarded to the Town Board. If the Town Clerk is the immediate supervisor, then it is permissible to proceed directly to step three. The Town Board shall investigate the grievance, attempt to resolve it, and give a written decision to the employee within a timely manner, but not to exceed five working days. An employee will be notified if the investigation will require additional time beyond five days. The Town

Clerk shall prepare a written and dated summary of the grievance and proposed resolution for personnel file purposes.

- C. Step Three - If the employee is not fully satisfied, then the appeal shall be presented to a Personnel Review Committee appointed by the Town Board of Trustees consisting of (1) a member of the Town Board of Trustees, (2) a member of either the Town Planning Commission or Board of Adjustments, (3) a town citizen who is knowledgeable about the town government. Two of said committee shall constitute a quorum for any meeting considering such appeal. The appeal must be made in writing, within five working days, and must provide all documentation associated with the unsatisfactory decision. The Committee, which shall have access to all available records concerning the issues of the appeal, will take the necessary steps to investigate the grievance; will make reasonable effort to meet with the person filing the appeal, and shall then issue a written, final, and binding decision within five days. An employee will be notified if the investigation will require additional time beyond five days. A copy of the written decision shall be provided to the Town Clerk for personnel file purposes.

15.1.04 Implementation of the grievance procedure by an employee does not limit the right of the Town to proceed with any disciplinary action. Employees are not to be penalized for proper use of the grievance procedure. However, it is not considered proper use if an employee raises grievances in bad faith or solely for the purposes of delay or harassment, or repeatedly raises baseless grievances. Improper use of the grievance process may be a basis for disciplinary action.

15.1.05 Final decisions on grievances shall not be precedent-setting or binding on future grievances unless they are officially stated as Town policy. When appropriate, the decisions will be retroactive to the date of the employee's original grievance. The Town Board will provide training and support to supervisors in dealing with employee grievances.

15.1.06 Information concerning an employee grievance shall be held in confidence by all participants. The employee exercising the grievance procedure, supervisors, department heads and members of the Personnel Review Committee who investigate a grievance are to discuss it only with those individuals who have a need to know or who are needed to supply necessary background information or advice.

15.1.07 Work time shall not be expended by the employee in preparing a grievance.

16. SEPARATION FROM EMPLOYMENT

16.1 Resignation

16.1.01 Resignation is a voluntary act of separation from employment initiated by the employee. The employee shall give the Town Board at least ten working days' prior notice of resignation. The Town Clerk will determine the actual last day of employment which will not exceed the dates in the employee's letter of notice and

may be effective the day the notice is received from the employee.

16.1.02 An employee who, without authorization, fails to report for work for two consecutive working days shall be considered to have resigned voluntarily as of the end of the second consecutive day. The Tow Board shall then provide written notice to the employee that the resignation has been accepted and that the position has been declared vacant.

16.2 Reduction of Force

16.2.01 When warranted by changes in Town operations or by fiscal circumstances, the Town's pay plan may be amended to impose a reduction in force in one or more departments. The Town Board shall then notify the affected employee or employees at least ten working days in advance of such reductions.

16.2.02 Any reduction of the number of employees in any department shall be determined by the Board of Trustees

16.2.03 If an eligible employee list exists, pursuant to 3.2.04 of this Handbook, for a position in which a reduction in force has occurred, the name of each employee to who the reduction applies shall be placed on the eligible list for a period not to exceed one year.

16.3 Termination

16.3.01 Employment with the Town is terminable-at-will. Any non-appointed employee may be terminated with or without cause at the sole discretion of and upon notice from the Town Board. An employee in a regular full or part- time position, who has worked for the Town a minimum of 12 months, shall receive at least ten working days' notice of the discharge, or the employee's regular rate of pay for ten working days', and an employee iQ a temporary or seasonal position shall receive at least five working days' prior notice of the termination or the employee's regular rate of pay for five working days, where such terminations do not involve employee misconduct.

17. PERSONNEL RECORDS

17.1 Maintenance

17.1.01 The Town Clerk will keep and maintain each employee's official personnel record.

17.2 Security

17.2.01 Neither the Town nor any employee shall provide any information concerning an employee's employment status in response to a reference request, except the employee's beginning and ending date of Town employment and position held with the Town.

17.2.02 No documents shall be released from a personnel record, except as required by the Open Records Act, without a written request from the employee designating the documents to be released and the person or entity to which the release is to be made, and indemnifying and holding harmless the Town from any liability, claims and demands resulting from such release.

18. GLOSSARY OF TERMS

The following definitions and terms apply whenever these words and phrases are used in the Handbook, unless the context clearly indicates otherwise.

ADA or American with Disabilities Act means the Americans with Disabilities Act, 42 U.S.C 12101 et. seq., as from time to time amended Appointed Authority means the Town Clerk COL means a commercial driver's license CIRSA is Colorado Intergovernmental Risk Sharing Agency, the Town of Crestone Liability Insurance carrier

FLSA or Fair Labor Standards Act means the Fair Labor Standards Act, 29 U.S.C 201 et seq. as from time to time amended

Full-time regular salaried employee means an employee hired to work 40 hour work weeks on a regular basis

Part-time regular hourly employee means an employee hired to work fewer than 40 hours per week on a regular basis

Statutory Town: The Town of Crestone is defined as a Statutory Town by the laws of the State of Colorado

Temporary or seasonal hourly employee means an employee engaged in work full-time or part-time with the understanding that the employment will be terminated at the completion of a specific project or at a specified time

ACKNOWLEDGMENT OF RECEIPT OF THE TOWN OF CRESTONE PERSONNEL HANDBOOK

(To be completed by each Town employee and returned to the Town Clerk)

This acknowledges that I have received a copy of the Town of Crestone Personnel Handbook adopted June 10 2013. I understand that this handbook is only a guide to the ordinances, resolutions and other laws applicable to my employment and that this Handbook is neither an express or implied contract of employment; and that the Town remains free to make such changes in its personnel policies, including but not limited to any matters addressed in the Handbook without prior notice and in its sole discretion.

I understand that it is my responsibility to read and become familiar with the contents of this Handbook. I agree to abide by the above, as conditions of my employment, as well as all written policies, procedures, rules and regulations that are in effect or that may become effective during my

employment.

Print Name: _____

Signature: _____

Date: _____

TOWN OF CRESTONE ORGANIZATIONAL CHART

TOWN ELECTORATE

