TOWN OF CRESTONE
Personnel Handbook

Updated and Adopted October 11, 2021

The following policies and procedures are now adopted by the Town of Crestone Board of Trustees, and they will be in effect until such time as they are repealed. Any code adopted previous to October 11, 2021, is repealed and rescinded.

This policy is not a contract, only an overview of Town of Crestone personnel policies, 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 implied from any statements contained in this policy.

Employment-At-Will: Except for Appointed Officers of the Town (Judge, Attorney, Clerk, Treasurer, and Administrator), 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. A person may be an Appointed Officer of the Town and an employee. In that case, employment-at-will applies to their employment status as specified in their employee job description. 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.

The Board of Trustees wants to provide a safe, enjoyable, and rewarding work environment for its employees and receive high-quality work. The Board of Trustees desires to provide adequate work tools and compensation at the level that allows its employees affordable and satisfying lifestyles, motivation for successful work performance, and long-term employment.

Personnel Handbook
TABLE OF CONTENTS

1. GENERAL PROVISIONS
   - 1.1 Introduction 5
   - 1.2 Definitions 5

2. ORGANIZATIONAL STRUCTURE & AUTHORITY
   - 2.1 Appointing Authority 7
   - 2.2 Appointed Authority 7
   - 2.3 Equal Employment Opportunity 7
   - 2.4 Organizational Structure 8

3. SELECTION PROCEDURES
   - 3.1 Appointed Authority - Responsibility 8
   - 3.2 Vacancies - Announcement 8
   - 3.3 Application 9
   - 3.4 Nepotism 9
   - 3.5 Interviews and Examinations 9
   - 3.6 Offers of Employment 10

4. ORIENTATION, TRAINING, AND EVALUATION
   - 4.1 Training Period 10
   - 4.2 Orientation 11
   - 4.3 Training 11
   - 4.4 Evaluation 11

5. SAFETY
   - 5.1 Safety Coordinator 12
   - 5.2 Employee Safety 12
   - 5.3 Employment Related Accidents, Injuries and/or Illness 12

6. LEAVE TIME
   - 6.1 Holidays and Sick Leave 13
   - 6.2 Voting 15
   - 6.3 Jury Duty / Court Time 15

7. COMPENSATION & BENEFITS
   - 7.1 General 15
   - 7.2 Mileage Reimbursement 16
   - 7.3 Training Reimbursement 16

8. EMPLOYEE CONDUCT
   - 8.1 General Rules of Conduct 16

8.2 Supplemental Rules 18
8.3 Use of Town Property 18
8.4 Conflict of Interest 18

9. ELECTRONIC COMMUNICATIONS
9.1 Purpose 19
9.2 Policy 19
9.3 Authorized Use 19
9.4 Privacy 20
9.5 Restricted Access 20
9.6 Proper Use of Resources 20
9.7 Protecting Information and Shared Resources 20
9.8 Applicable Laws 21

10. HARASSMENT, BULLYING, AND WORKPLACE VIOLENCE
10.1 Policy 21
10.2 Harassment Described 21
10.3 Sexual Harrassment Described 22
10.4 Bullying Described 22
10.5 Workplace Violence Described 23
10.6 Procedures to Harrassment and Bullying 23
10.7 Procedures to Work Place Violence 23

11. DRUGS & ALCOHOL
11.1 Policy 24
11.2 Drug & Alcohol Testing - Applicability 24
11.3 Town Policy 25
11.4 Definition of Policy Violations 25
11.5 Rehabilitation Agreement 25
11.6 Testing - General 26
11.7 Reasonable Suspicion Testing 26
11.8 Post-Accident Testing 27
11.9 Other Testing Circumstances 28
11.10 Results of Drug or Alcohol Use 29
11.11 Refusal to Submit to Testing 29
11.12 Testing Procedure 30

12. DISCIPLINE
14.1 Policy 30
14.2 Disciplinary Action 31
14.3 Disciplinary Rules 31

13. GRIEVANCE PROCEDURE
15.1 Policy 33

14. SEPARATION FROM EMPLOYMENT
16.1 Resignation 35
16.2 Reduction of Force 36
16.3 Termination 36

15. PERSONNEL RECORDS
17.1 Maintenance 36
17.2 Security 36

Acknowledgment of Receipt of Town of Crestone Personnel Handbook 37

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 laws mentioned above, the laws will prevail. Any matter not explicitly covered by this Handbook may be administered by the Appointed Authority of the Board of Trustees in a manner not inconsistent with this Handbook.

This Handbook aims to inform the employees of the Town's policies and procedures. This Handbook is presented to all employees of the Town of Crestone upon their hire. It applies to all categories of employees, except where the language specifically limits application to a specific 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.

1.2 Definitions

Unless the context indicates otherwise, the following definitions and terms apply whenever these words and phrases are used in the Handbook:

ADA or American with Disabilities Act means the Americans with Disabilities Act, 42 USC 12101 et. seq., as from time to time amended

Appointed authority means the Town Administrator

CDL means a commercial driver's license

CIRSA is Colorado Intergovernmental Risk Sharing Agency, the Town of Crestone Liability Insurance carrier

Exempt Employee: Employees exempt from the FLSA typically must be paid a salary above a certain level and work in an administrative, professional, executive, or IT role.

FLSA or Fair Labor Standards Act means the Fair Labor Standards Act, 29 USC 201 *et seq*. as from time to time amended

Full-time regular employee means an employee hired to work a 32 to 40-hour workweek regularly

Non-Exempt Employee: Non-exempt employees are usually paid an hourly wage or earn a salary less than a minimum amount determined by the Department of Labor

Part-time regular employee means an employee hired to work fewer than 32 hours per week regularly

Relative is defined as a sibling, child, parent, or spouse.

Spouse includes a 'significant other' whether they reside with the employee or not

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

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

On-call employee means an employee that works as needed and authorized by their supervisor.

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, consisting of one Mayor and six trustees. One trustee will be appointed mayor pro-tem and will act as Mayor in the Mayor's 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 for 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.

2.2 Appointed Authority

The Board of Trustees ultimately determines the number and type of employee positions. The duty of administering matters pertaining to employees of the Town is assigned to the Town Administrator.

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 based on 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 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:

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

ii. Modifications or adjustments to the work environment or the manner under which the position is customarily performed enable a qualified individual with a disability to perform the position's essential functions.

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

2.3.03 The Town Administrator shall serve as the Equal Employment Opportunity Officer to carry out the Town's equal opportunity efforts and advise and assist Town personnel in implementing and complying 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.

2.4 Organization Structure

The current Town organizational chart approved by resolution of the Board of Trustees is included under Appendix B.

3. SELECTION PROCEDURES

3.1 Appointed Authority - Responsibility

3.1.01 The Town Administrator shall be responsible for the administration of employee selection. The Town Administrator shall ensure that no person is hired or promoted into any employment position until that position and the compensation for that position has been approved by the Board of Trustees. Approval of compensation includes Board of Trustee budget allocations, a performance hourly range plan, or an individual approval for an existing employee raise or new employee hire and compensation.

3.2 Vacancies - Announcement

3.2.01 The Town Administrator 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 Administrator may consider filling a position internally. If an internal appointment is appropriate, the position would be open to current employees of the Town who meet the minimum qualifications as specified in its job description. Any current employee selected to fill such a position shall be subject to an introductory training period.

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 Administrator may choose to screen applications before 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, has been deemed unsuitable for Town employment due to information gained from a previous job interview or previous engagement with the Town, 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

a) As a small community, the Town of Crestone frequently has a small applicant pool. Where nepotism is an issue, the Town Administrator shall review each situation individually using the following criteria.

b) No relative may have direct authority to appoint, supervise, discipline or dismiss a relative.

c) No relative may audit, verify, receive, or dispense monies entrusted to a relative.

d) No relative may have access to a relative's employer confidential information, including payroll and personal records.

e) No person may become an employee of the Town who is an elected or appointed Town Trustee.

3.5 Interviews and Examinations

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

3.5.02 The Town Administrator 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 Administrator shall conduct such assessment, 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 Administrator may select one or more top-qualified candidates for a second interview.

3.6.02 If the Town Administrator determines some qualified candidates can perform the duties of that position, an offer of the job may be made in writing to the most suitable candidate. The Administrator may also elect to seek additional qualified applicants to fill the position's duties or leave the position unfilled.

3.6.03 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. The job may be offered to the next most suitable 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 the training necessary for the employee to be familiar and comfortable with the duties and responsibilities of the position.

4.1.02 After the six-month training period, an employee will be evaluated by the Town Administrator. Based on the evaluation, the employee may be accepted to become a regular full-time or part-time employee; or the training period may be extended an additional three months, or the employee may be released from employment and cannot grieve the termination

4.1.03 Should the employee show performance deficits or other failures to follow town policies during the training period that indicate additional training will not result in adequate job performance, the employee may be terminated at any time during the training period and cannot grieve the termination.

4.2 Orientation

4.2.01 The Town Clerk or designee 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 employee's job description; Town policies, employee benefits, promotion opportunities, and training programs.

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

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

4.3 Training

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

4.3.02 The Town Administrator shall provide job-specific training to employees that will promote efficiency, economy, and safety of operation for the Town and ensure that the employee will protect the community's health, safety, and welfare.

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 employee's position, and there is funding to pay for the training. Required training shall be scheduled during regular working hours whenever possible. All training shall be pre-approved in writing by the Town Administrator.

4.4 Evaluation

4.4.01 The Town Administrator will ensure that each employee is evaluated to discuss strengths, weaknesses, and accomplishments. The Town Administrator may delegate this responsibility to the direct supervisor of the employee. The evaluation process allows employees and supervisors to review 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, completed by their employment anniversary date of each year.

4.4.03 The Town Administrator shall provide forms to be used for employee evaluations. These forms shall be completed in detail to depict the employee's job performance accurately. In the assessment, the Town Administrator or the Administrator's supervisor designee and the 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 Administrator.

4.4.04 The Town Administrator shall be evaluated by the Board of Trustees according to the Administrator's employment agreement and, in no case, less than once per year on the Administrator's anniversary date.

5. SAFETY

5.1 Safety Coordinator

5.1.01 The Town Administrator shall designate a Safety Coordinator to keep the staff and Board informed of CIRSA (Colorado Intergovernmental Risk Share Association) policies, requirements, and rule changes.

5.1.02 The Safety Coordinator may submit proposed safety rule changes to the Town Administrator 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 others. A Safety Manual with attachments that may apply to the specific job description will be provided to each employee. Any revisions to the Safety Manual or attachments will be distributed to all employees upon adoption.

5.2.02 Each employee is responsible for adhering to 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.

5.2.03 All distracted driving at any time is hazardous and is considered a primary offense by state law. This includes driving town-owned vehicles as addressed in the Town of Crestone Distracted Driving Policy.

5.3 Employment Related Accidents, Injuries, and 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. See Appendix A for current Town providers.

5.3.02 Any employment-related accident involving any injury or property damage whatsoever must be reported immediately to the Town Administrator or Town Clerk by each employee involved in or witnessing the accident. Each employee involved in or witnessing the incident must complete a First Report of Accident or Injury form. Failure to report any accident involving injury or property damage may result in disciplinary action up to and including discharge.

5.3.03 See Appendix A for current Town 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 accommodate an employee's return to work who is not yet fit for the duties of their current position, modified duty may be available where the needs of the Town permit.

5.3.05 The Town will comply with the Americans with Disabilities Act (ADA) with 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 Sick 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
Martin Luther King, Jr. Day	Third Monday in January
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
Day following Thanksgiving Day	Friday following Thanksgiving
Christmas Eve	December 24
Christmas Day	December 25

The above holidays will be paid days for regular Town employees who work a consistent schedule according to the number of hours they usually work on a typical comparable day.

6.1.02 (This section will go into effect January 1, 2022) Vacation leave time shall be accrued as follows:

Full-time employees: .43 days per pay period
Part-time employees: .25 days per pay period

a) Employees may not claim vacation hours until they have completed six month's employment or their training period, whichever is longest.

b) Vacation hours claimed must be consistent within the scheduled hours worked by the employee on any given day. In no case will any employee be paid for vacation hours for time increments they would not typically work.

c) Employees may not accrue more than the total number of vacation hours as follows:

Full-time employees: 160 hours
Part-time employees: 80 hours

Employees are encouraged to take vacations every year.

d) Upon termination of employment, the employee will be paid for any unused vacation time up to the maximum accrual (see c)

6.1.03 (*This section will go into effect January 1, 2022*) Sick leave time shall be accrued as follows:

Full-time employees: .43 days per pay period
Part-time employees: .25 days per pay period

a) Sick leave hours claimed must be consistent within the scheduled hours worked by the employee on any given day. In no case will any employee be paid for sick leave for time increments they would not typically work.

b) Sick leave can be taken to address the employee's health needs, a spouse, child, or other family member living in the household for up to three days. Employees who are personally sick for more than three days must submit documentation from a doctor documenting illness.

c) Upon termination of employment, the employee will not be paid for any accrued sick leave.

Regarding the Family and Medical Leave Act (FMLA), since the Town does not employ 50 employees, it is exempt from the Act provisions. No Town employee is eligible for FMLA provisions.

6.2 Voting

6.2.01 On an officially sanctioned Federal, State, or County voting day, an employee whose work schedule effectively prevents voting before or after work hours shall be permitted paid leave not exceeding two hours for voting.

6.3 Jury Duty/Court Time

6.3.01 An employee summoned for jury duty or subpoenaed in connection with their employment during a regularly scheduled work time will be compensated to the extent required by CRRS § -71-126.

6.3.02 All full and part-time employees called for jury duty shall be paid regular wages for hours they would have typically worked for up to the first three days of juror service.

6.3.03 All employees receiving a subpoena or jury summons must provide a copy of such a document requesting leave time. As a condition of the receipt of such payment, 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 workweek is seven days beginning at 12:01 a.m. each Sunday and ending at midnight each Saturday.

7.1.03 Hourly non-exempt 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 over forty hours in a workweek. No overtime shall be worked or compensated unless approved by the Town Administrator in advance. Should overtime be necessary due to an emergency, the Administrator shall be contacted and advised immediately.

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

7.1.05 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 *or an elected official* who must use a personal vehicle on Town business shall be reimbursed at the current rate established by the Internal Revenue Service.

7.2.02 An employee using a private vehicle for Town business must be authorized explicitly by the Town Administrator. The Board of Trustees must approve an elected official using a private vehicle on pre-approved town business 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.

7.3 Training Reimbursement

7.3.01 Any employee *or elected official* 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. The employee is expected to select meals and lodging that are moderately priced for the area where the training is held. Meals consist of food and non-alcoholic beverages.

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. Town employees are required to treat the Board of Trustees, fellow employees, customers, vendors, and visitors with respect, dignity, honesty, fairness, and integrity while on duty, on the Town's premises, and while representing 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 communicate and conduct all business in a friendly and professional manner.

8.1.03 Employees are expected to provide residents, taxpayers, staff, elected officials, and volunteers with responsive, consistent, and effective public services;

8.1.04 Employees must be present at work as required and to be absent from the workplace only with proper authorization; to respect the privileges of sick leave, vacation time, and other compensated time;

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

8.1.06 Employees will respect the privacy of individuals and use confidential information only for the purposes for which it was intended;

8.1.07 Employees may use Town property properly and only when authorized.

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

8.1.09 Employees shall work safely at all times to ensure their safety and the safety of their fellow workers and the public.

8.1.10 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 severe problems.

8.1.11 Violations of the Town's Code of Conduct policy include but are not limited to the following:

a) Harsh language, rudeness, insubordination, or any form of disrespectful conduct toward residents, members of the public, elected officials, or other employees;
b) Tardiness or excessive absenteeism; failure to notify their supervisor promptly if unable to work as scheduled; reporting to work improperly prepared to perform duties;
c) Being under the influence of alcohol or controlled substances at work;
d) Failure to perform duties satisfactorily;
e) Fighting or disorderly conduct or physically aggressive behaviors and gestures that would place a reasonable person in fear;
f) Bullying or harassing behaviors such as emails and gestures that a reasonable person would find intimidating, humiliating, offensive;
g) Carrying firearms or other deadly weapons while at work on Town premises;
h) Failure to comply with health and safety regulations;
i) Falsely reporting illness or injury;
j) Failure to report an injury, accident, or unsafe conditions immediately to a supervisor;
k) Making a false report related to employment, including during an investigation;
l) Damaging the Town's reputation and the public's trust through unbecoming conduct, including criminal convictions, during work or non-work hours;
m) Engaging in business other than their regular duties during working hours;
n) Use of Town's physical properties, record information or position for private advantage or personal gain;
o) Asking or requiring another individual to act unethically or violate the Town's Code of Conduct Policy or the law;

p) Giving preferential treatment to any citizen;
q) Using one's official position to harass or intimidate any person or entity;
r) Making work-related decisions contrary to Town policy
s) Disparaging or misrepresenting the Town or any Town employee or official;
t) Forgery, alteration, or falsification of any document;
u) Theft or attempted theft of Town property or funds;
v) Misappropriation of funds or negligent handling of public funds;
w) Incurring a liability or expense in the name of the Town without prior authorization;
x) Abuse, misuse, destruction, careless use of Town equipment, facilities, supplies, or records;
y) Failure to report the defective condition of Town equipment or property;
z) Unauthorized use of Town equipment, facilities, supplies, record, or funds;
aa) Failure to protect the security of confidential Town information;
bb) Failure to release information as required by Public Records Law;
cc) Failure to comply with Town policies, federal, state, and local laws and regulations during work hours

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 Administrator.

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 Town's best interests.

8.4.02 A Town employee shall not engage in a substantial financial transaction with another employee they supervise for personal business purposes.

8.4.03 A Town employee shall not take any official action directly and substantially affecting their economic benefit, a business, or another undertaking with a substantial financial interest or business arrangement.

8.4.04 A Town employee shall not disclose or use confidential information acquired during 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 as defined by current state statute that might tend to influence an employee to discharge their duties and responsibilities improperly, 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 internet and other electronic communication devices by the Town of Crestone employees.

The risks associated with exposure to cyber dangers know no geographic or governmental boundaries. Threats such as identity theft, worms, viruses, loss of sensitive information, and other malicious activity are part of the ever-evolving cyber security threat landscape. Elected and Appointed Officials and employees must be diligent about understanding the risks and taking appropriate steps to mitigate them. The government has a responsibility to its citizens and business partners, both public and private, to protect the information entrusted to it.

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 used for official Town business regardless of its location and a Town-issued cellular phone's voice and data services.

9.3 Authorized Use

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

9.3.02 The browsing of internet sites for personal entertainment is prohibited. Viewing inappropriate subject matter, i.e., pornographic images, movies, sounds,

images, or movies that depict any violence, or acts of violence, will be grounds for immediate disciplinary action to the user up to and including termination.

9.4 Privacy

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

9.5 Restricted Access

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 authorized. 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.

9.7 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 backup copies of files.

B. Protect the physical and electronic integrity of equipment, networks, software, and accounts on any equipment used for Town business in any location.

C. Not visit non-business-related websites.

D. Not open email or text messages from 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. Unless appropriately encrypted, not send restricted or confidential data over the internet or the locally managed network.

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 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 email or text messages sent or received by the user are subject to the Colorado Open Record Law" (CRS 24-72-201 et. seq.), and may be subpoenaed or viewed.

10. HARASSMENT, WORKPLACE VIOLENCE, AND BULLYING

10.1 Policy

Every employee of the Town of Crestone has the right to work in an environment free from harassment. Harassment and bullying of any employee based on their 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.

The Town's policy is 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.

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

10.2 Harassment Described

General 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

10.3 Sexual Harassment Described

10.3.01 Unwelcome sexually-related conduct, including sexual advances, requests for sexual favors, or other physical, verbal, or written conduct of a sexual nature constitute 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.

10.3.02 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, including emails, pictures, text messages or photographs.

10.4 Bullying Described

Workplace bullying is the repeated, health-endangering mistreatment of a person at work by a co-worker, supervisor/manager, or customer. The mistreatment may involve repeated acts of:

a) Shouting, yelling, screaming, or swearing,

b) Insults, put-downs, name-calling, or belittling,

c) Public humiliation, criticism, or "dressing down."

d) Cruel or offensive pranks, jokes; or

e) Physical behavior, such as pushing, blocking, tripping.

f) More subtle but sustained behaviors or acts of omission may also constitute bullying if sufficiently serious:

g) "Bad-mouthing" behind someone's back,

h) "Undermining" or "sabotaging" behaviors,

i) Spreading malicious and unfounded rumors,

j) "Silent treatment," "freezing out" or excluding, or withholding of information, or

k) Arbitrary, inconsistent, or constantly changing treatment, discipline, or directives.

10.5 Workplace Violence Described

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.

10.6 Procedures to Address Harassment and Bullying

10.6.01 Any employee who believes they are being subjected to any type of harassment or bullying should inform the person responsible for the conduct that such conduct is unwelcome and request that it stop immediately.

10.6.02 The employee shall report the harassment by notifying the Town Administrator 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.

10.6.03 No employee shall be subjected to reprisal or retaliation for reporting any incident of harassment. The employee should immediately report any reprisals, retaliation, or harassment that occurs due to making a report.

10.6.04 All claims and reports will be investigated promptly to determine the warrant of such claim or assertion. To the extent possible, complaints, claims, reports, and investigations will be handled confidentially. The reporting employee will be notified of the result of the investigation.

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

10.7 Procedure to Address Work Place Violence

10.7.01 Any employee who believes they have experienced or may know of the intent to commit workplace violence, whether from a member of the public, a co-worker, a supervisor, or other people, should report the same promptly to the Town Administrator 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.

10.7.02 No employee shall be subjected to reprisal or retaliation for making such a report; the employee should immediately report any incidents of reprisal, retaliation, or harassment that may occur as a result of reporting workplace violence or suspicion of intent to commit workplace violence.

10.7.03 Upon notification, an investigation will be undertaken promptly. Disciplinary or corrective action will be taken if warranted according to the investigation. The complaining employee will be notified of the results of the investigation.

10.7.04 To the extent possible, complaints and investigations will be handled confidentially.

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

11. DRUGS AND ALCOHOL

11.1 **Policy** The following policy is adopted pursuant to the Drug-Free Workplace Act of 1988. 41 USSC § 702

11.1.01 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.

11.1.02 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.

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

11.1.04 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.

11.1.05 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 their conviction for violating a criminal drug statute in the workplace no later than five calendar days after such conviction. Upon notification of any such conviction, the Town Administrator will take action in compliance with the Drug-Free Workplace Act and Regulations.

11.2 Drug and Alcohol Testing - Applicability

11.2.01 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.

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

11.3 Town Policy

11.3.01 The illegal use of controlled substances (also referred to as illegal drugs, marijuana, and on-the-job impairment by alcohol, regardless of the source of the alcohol, is prohibited.

11.3.02 The illegal purchase, transfer, or possession of a controlled substance and marijuana is prohibited.

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

11.3.04 Any employee who uses illegal drugs or marijuana, tests positive for illegal drugs or marijuana, consumes alcohol during the workday, or is impaired by alcohol on the job will be subject to disciplinary action, including discharge for the first offense.

11.4 Definition of Policy Violations

11.4.01 Evidence that an employee manifested any of the characteristics commonly associated with alcohol consumption while on the job shall constitute prima facia evidence that the employee consumed alcohol during the workday.

11.4.02 Any employee 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.

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

11.5 Rehabilitation Agreement

11.5.01 An employee may enter into a drug or alcohol rehabilitation agreement with the Town if, before referral for a drug or alcohol test under any of the

circumstances outlined in the policy, the employee advises the Town Administrator that the employee has a drug or alcohol problem and requests a rehabilitation agreement.

11.6 Testing - General

11.6.01 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.

11.7 Reasonable Suspicion Testing

11.7.01 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 Administrator may require the employee to submit immediately to testing.

11.7.02 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; the 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 Administrator, 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 Administrator should consider such factors as recommendations from the employee's immediate supervisor, injury to an employee or others, property damage; concern for the employee or others; and pertinent behavioral factors.

11.7.03 Alcohol test under Subsection 6 should be performed as soon as possible after determining 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.

b) If an alcohol test is not performed within 8 hours of the determination of reasonable suspicion:

i. 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

ii. If the employee is a CDL employee," the employee may not drive a commercial vehicle or otherwise perform any safety-sensitive function until they have 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 liters of breath.

11.8 Post-Accident Testing

11.8.01 For purposes of this Subsection 8, the term motor vehicle accident includes an occurrence during 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

11.8.02 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 Administrator, 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.

11.8.03 Unless unable to do so because of serious injury, the employee must immediately contact the Town Administrator to report the accident. If the Town Administrator determines that the employee shall be tested under Subsection 8, transportation will be arranged to take the employee to the designated testing site.
11.8.04 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 indicating the concentrations of alcohol or drugs in the employee's system.

11.8.05 Alcohol tests under 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. The person who made the determination must document the reasons for the failure.

11.8.06 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.

11.9 Other Testing Circumstances

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

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

11.9.03 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

11.9.04 CDL employees will be subject to follow-up tests for drugs and alcohol.

11.10 Results of Drug or Alcohol Use

11.10.01 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 an essential 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

11.10.02 A CDL employee having a breath alcohol test that shows an alcohol concentration of .02 grams per 210 liters of breath or greater must take available sick or vacation leave. If sick and vacation 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 that shows a concentration of fewer than .02 grams per 210 liters of breath.

11.10.03 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 consumed within 4 hours of the beginning of the employee's next work shift.

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

11.10.05 Any employee found to have consumed alcohol during a workday 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.

11.11 Refusal to Submit to Testing

11.11.01 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, 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 11 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 11.

11.12 Testing Procedure

11.12.01 The Appointed Authority determining reasonable suspicion under Subsection 7 of Section 11 or ordering the post-accident test under Subsection 8 of Section 11 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 arrange to have the employee tested immediately, and the drug and alcohol tests shall be performed as soon as possible.

11.12.02 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 concerning the employee, or Town personnel participating in administrative or legal proceedings which concern in any manner the test results.

12. DISCIPLINE

12.1 Policy

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

12.1.02 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 other reasons.

12.2 Disciplinary Action

12.2.01 The type of discipline to be imposed for an infraction shall be that which the Town, through the Town Administrator or the Administrator's supervisor designee, deems appropriate under the circumstances. The Town Administrator or designee may, in their discretion, determine that any of the following disciplinary actions are appropriate and may determine the order of any such disciplinary actions.

12.2.02 Oral or written warning: The employee is verbally counseled by the Town Administrator or supervisor designee about the unsatisfactory areas of work and correction methods 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 Administrator's counseling file.

12.2.03 Written reprimand: The employee is issued a written reprimand on a form provided by the Town. This form includes a statement of the problem and a notation to the effect that the problem was discussed with the employee. The Town Administrator 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 training period for a specified time not to exceed 90 days.

12.2.04 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 two workweeks.

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

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

12.3 Disciplinary Rules

12.3.01 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.

a) Inadequate job performance, incompetence, or inefficiency;

b) Insubordination;

c) Conduct unbecoming an employee of the Town;

d) Violation of any lawful rule, regulation, policy, or order;

e) Failure to obey a proper directive given by the supervisor;

f) Taking a fee, gift, or other valuable things 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;

g) 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;

h) Falsification of or material omission from an employment application, payroll record, time report, or other Town documents;

i) Negligent or wilful damage, destruction, waste or carelessness, negligence or misuse of Town or public property;

j) Theft of Town property;

k) Use of or attempting to use political influences in securing promotion, leave of absence, transfer, change of pay rate or character of work;

l) Improper use of Town vehicles or equipment, including communications equipment;

m) Violation of safety rules or practices;

n) Unauthorized absence or unauthorized failure to report for work;

o) Frequent or habitual tardiness;

p) Leaving assigned work area without prior authorization;

q) Possession of firearms or dangerous weapons on Town property, other than as required or permitted in the performance of official duties;

r) Abuse of leave;

s) Abuse of break periods;

t) Release of confidential information except as required or authorized by law;

u) Violation of the Town's drug and alcohol policy, sexual harassment policy, workplace violence, or other written policy or procedure concerning employee conduct;

v) Inducing or encouraging any employee of the Town to violate any Town ordinance, rule, regulation, policy, procedure, or directive;

w) Engaging in any unauthorized interruption of work;

x) Failure of a non-exempt employee to obtain advance authorization for overtime work;

y) Loss of or failure to attain any license, certification, or other credential required for the performance of a job responsibility;

z) Engaging in gossip or rumor-mongering;

aa) Violation of any other applicable Town policy concerning employee conduct; or

bb) Any other activity which is not compatible with good public service.

The preceding list is not exhaustive; employees shall be subject to discipline under other appropriate circumstances.

13. GRIEVANCE PROCEDURE

13.1 Policy

13.1.01 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 grievances.

13.1.02 A 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 such items as scheduling, vacations, promotions, holidays, performance review, or salary.

e) Other town employees conducted waste, fraud, and abuse actions.

13.1.03 The grievance procedure has a maximum of three steps, but grievances may be resolved at any stage 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 of the action to be grieved, the employee must bring a written grievance to the attention of their immediate supervisor. The supervisor shall investigate the grievance, attempt to resolve it, and give a written decision to the employee within a reasonable amount of time, 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 their supervisor, a written appeal of the supervisor's decision may be forwarded to the Town Administrator. If the Town Administrator is the immediate supervisor, it is permissible to proceed directly to step three. The Town Administrator 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 Administrator 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 hearing officer appointed by the Town Board of Trustees who is knowledgeable and experienced in the applicable laws of the State of Colorado and human resources best practices to hear the grievance and make a ruling. The appeal must be made in writing within five working days and provide all documentation associated with the unsatisfactory decision. The

hearing officer 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 Administrator for personnel file purposes. If the grievance is made against the Town Administrator, the report shall be given to the Town Attorney for presentation to the Board of Trustees.

13.1.04 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 appropriate use if an employee raises grievances in bad faith or solely for delay or harassment or repeatedly raises baseless grievances. Improper use of the grievance process may be a basis for disciplinary action.

13.1.05 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 Administrator will provide training and support to supervisors dealing with employee grievances.

13.1.06 Information concerning an employee grievance shall be held in confidence by all participants. The employee exercising the grievance procedure, employees called as witnesses, supervisors who investigate a grievance are to discuss it only with those who need to know or who are needed to supply necessary background information or advice.

13.1 07 Work time shall not be expended by the employee in preparing a grievance.

14. SEPARATION FROM EMPLOYMENT

14.1 Resignation

14.1.01 Resignation is a voluntary act of separation from employment initiated by the employee. The employee shall give the Town Administrator at least ten working days prior notice of resignation. The Town Administrator 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.

14.1.02 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 successive day. The Town Administrator shall provide

written notice to the employee that the resignation has been accepted and that the position has been declared vacant.

14.2 Reduction of Force

14.2.01 When warranted by changes in Town operations or by fiscal circumstances, the Board of Trustees may impose a reduction in force in one or more departments. The Town Administrator shall then notify the affected employee or employees at least ten working days before such reductions.

14.3 Termination

14.3.01 Employment with the Town is terminable at will. Any non-appointed employee may be terminated with or without cause, at the Town Administrator's sole discretion and upon notice. 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 in 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.

15. PERSONNEL RECORDS

15.1 Maintenance

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

15.2 Security

15.2.01 Neither the Town Administrator 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.

15.2.02 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.

ACKNOWLEDGMENT OF RECEIPT
OF THE TOWN OF CRESTONE
PERSONNEL HANDBOOK

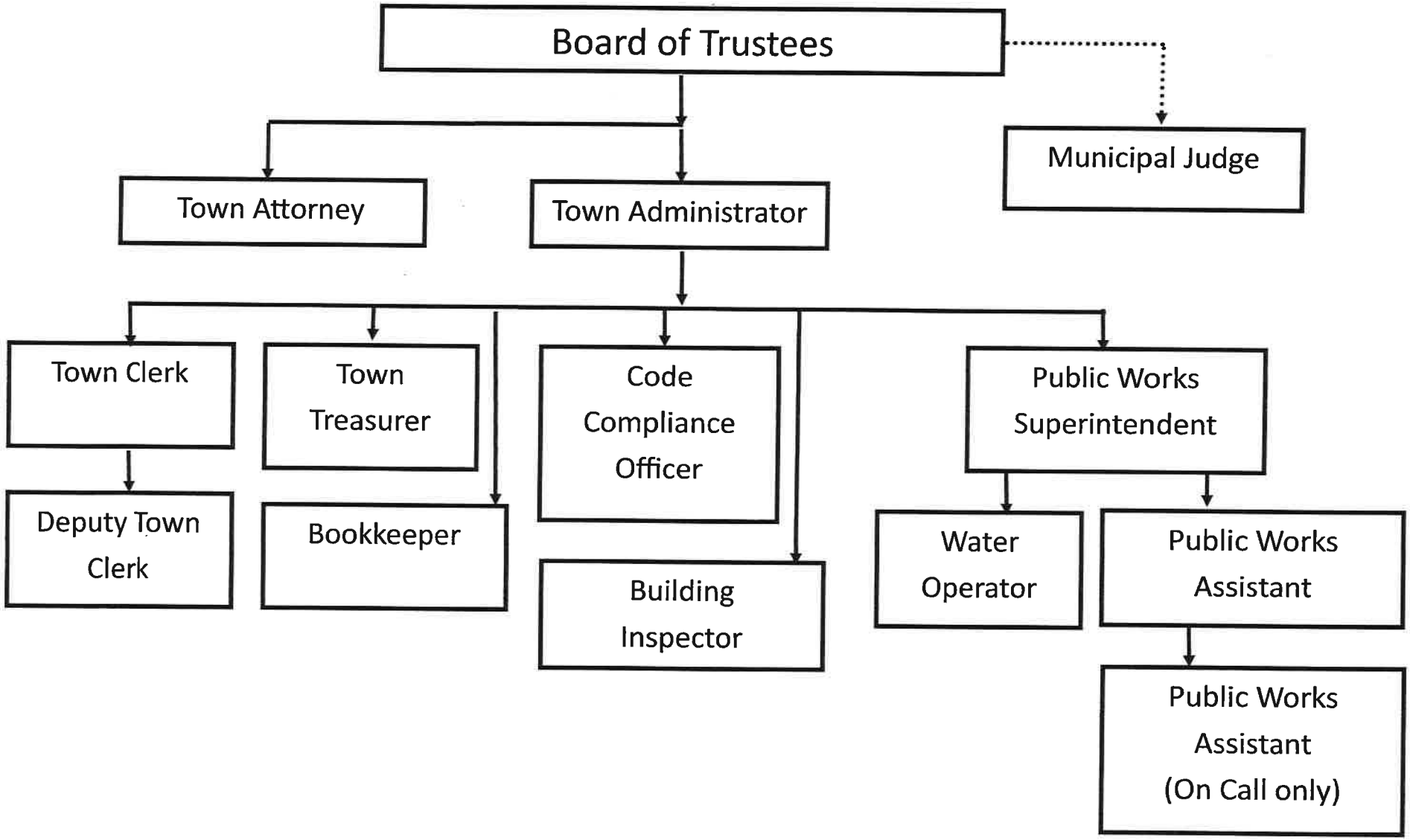
(To be completed by each Town employee and returned to the Town Clerk)

My signature below acknowledges that I have received a copy of the Town of Crestone Personnel Handbook adopted October 11, 2021. 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 and 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 Organization Chart 10/11/2021