
EMPLOYEE HANDBOOK

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IMPORTANT NOTICE

This handbook is issued to give the employee an overview of the employment policies and benefits of the Town of Lyons. This handbook is a summary of the important organizational information, but is not intended to be all-inclusive. This handbook supersedes all previous editions.

The policies and procedures contained in this handbook are not a contract for employment, either express or implied, and should not be considered a promise of employment. The contents in the handbook are a summary of the guidelines for employees.

The Town reserves the right to modify, revoke, rescind, suspend, terminate, interpret, or change any or all of the policies listed, at any time, with or without notice.

No handbook can anticipate every circumstance or question. The need may arise for the Town to change the policies described in the handbook. The Town reserves the right to interpret or change them without prior notice. After reading the handbook, if an employee has questions, the employee should speak with their supervisor or the Town Administrator. The Town reviews its policies and procedures on an as needed basis.

Employment at the Town of Lyons is at-will. Any employee may be terminated with or without notice and without explanation, just as any employee may resign at any time for any reason. Nothing in the handbook is intended to modify the employment at-will policy.

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I. INTRODUCTION

This Town of Lyons Employee Handbook is designed to acquaint the employee with the organization and provide the employee with information about working for the Town. The handbook is neither all-inclusive nor exhaustive, but instead is intended to provide the employee with a summary of some of the Town's guidelines. This edition replaces all previously issued editions.

A. Board of Trustee

The Board of Trustees may exercise its authority to manage the Town through its Town Administrator.

B. Town Administrator

Responsibility for the day-to-day operation of the Town is vested in the Town Administrator. The Administrator retains the right to operate the Town consistent with his/her legal authority, including, but not limited to, the right to direct the work of employees; hire, promote, demote, classify, evaluate, and retain employees in positions with the Town; demote, suspend, discharge, or otherwise discipline employees; transfer, assign and schedule employees; lay off employees; determine and implement the methods, equipment, facilities, personnel, and other means by which Town operations are to be conducted; take steps he or she deems necessary to maintain the efficiency and safety of operations; determine the budget of the Town; determine the level of any activity or service provided by the Town; and determine planning or staffing levels.

II. GENERAL PROVISIONS

A. Equal Employment Opportunity (EEO)

The Town is dedicated to the principles of equal employment opportunity in any term, condition or privilege of employment. We do not discriminate against applicants or employees on the basis of age, race, sex, color, religion, national origin, disability, military status, sexual orientation, marital status, creed, ancestry, gender identity, gender expression or any other status protected by federal, state or local law. This prohibition includes unlawful harassment or discrimination based on any of these protected classes. Unlawful harassment includes verbal or physical conduct, which has the purpose or effect of substantially interfering with an individual's work performance or creating a severe, intimidating, hostile or offensive work environment. This policy applies to all employees.

The Town prohibits retaliation against any employee for filing a complaint under this policy or for assisting in a complaint investigation. If an employee believes there has been a violation of our EEO or retaliation standard, there is a policy regarding the complaint procedure.

B. Harassment

The Town strives to maintain a work environment free of unlawful harassment, including sexual harassment. Harassment is defined as unwarranted and/or unwanted verbal or nonverbal conduct which is severe or pervasive enough so as to alter the conditions of an individual's employment and create an abusive working environment.

All employees are expected to conduct themselves in a professional and business-like manner at all times. Inappropriate conduct that could lead to a claim of harassment is expressly prohibited by this policy. Such conduct includes, but is not limited to, implicit or explicit communications whether in:

- Written form, such as cartoons, posters, calendars, notes, letters, e-mail, text messages or photographs;
- Verbal form, such as comments, jokes, innuendoes, bullying, language of a sexual nature, gossiping or questions about another's sex life, or any other offensive requests; or
- Physical gestures or other nonverbal behavior, such as unwelcome touching, grabbing, massaging, or brushing up against another's body.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other inappropriate verbal or physical conduct of a sexual nature, when:

- Submission to such conduct is made explicitly or implicitly a term or condition of employment;
- Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or,
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

C. Anti-Violence

The Town strives to maintain a work environment free from intimidation, threats, or violent acts. This includes, but is not limited to, intimidation, threatening behavior, physical abuse, vandalism, arson, sabotage, or any other act, which, in management's opinion, is inappropriate in the workplace. In addition, bizarre or offensive comments regarding violent events and/or behavior are not tolerated. Employees should

immediately and directly contact emergency services if they believe there is an imminent threat to the safety and health of themselves or others.

D. Anti-Retaliation

Retaliation against employees for reporting or threatening to report harassment or discrimination or assisting the Town in the investigation of any complaint is strictly prohibited. Retaliation can include, but is not limited to, such acts as refusing to recommend an employee for a benefit for which he or she qualifies, spreading rumors about the employee, encouraging hostility from co-workers, and escalating the harassment. Any employee engaging in retaliation may be subject to disciplinary action.

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 occur as a result of making such a notification.

Report the incident in writing immediately to the next level of supervision, the Town Clerk, or the Town Administrator. Upon receipt of a complaint, the Town will promptly notify a third party to undertake an investigation. To the extent possible, complaints and investigations will be handled in a confidential manner.

E. EEO/Harassment/Discrimination/ Violence/Retaliation Complaint Procedure

Any unwelcome behavior to which an employee considers to be unlawful harassment, sexual or otherwise, or which an employee believes constitutes discrimination, must be reported to the employee's supervisor immediately. If the unwelcome behavior that the employee considers to be harassment or discrimination involves the employee's supervisor, the employee shall report his or her concern immediately to the next level supervisor in the employee's chain of command. If the employee is uncomfortable reporting harassment or discrimination to any supervisor in his or her chain of command, the employee may report the harassment or discrimination directly to the Town Administrator or to the Town Clerk. If the harassment or discrimination involves the Town Administrator, the employee may report the harassment or discrimination to any Board member. An employee will not be subject to any retaliatory action as a result of reporting conduct that the employee in good faith considers to be harassment or discrimination.

Once a complaint of harassment or discrimination has been reported, the Town Clerk will promptly retain a third party to investigate. The complaining party, the accused, and any witnesses may be interviewed separately to establish the facts of the situation. An

employee shall not be subject to retaliatory action as a result of cooperating with, or participating in, any investigation.

Information reported concerning an employee's claim of harassment or discrimination will be treated as confidential, to the extent possible. However, information associated with a claim may need to be disclosed during the investigatory process, efforts in taking effective remedial action or as needed to protect the Town and its employees. The purpose of the investigation is to ensure that all involved are treated as fairly as possible during the investigation.

After the facts have been determined, both the employee who brought the complaint and the individual accused of harassment or discrimination will be advised, as soon as possible, of the results of the investigation. Appropriate action will be taken based upon the results of the investigation.

F. Search and Inspection

The Town reserves the right to conduct searches and inspections of any Town-owned property without notice. This may include offices, computers and e-mail, cell phones furnished by the Town or reimbursed for by the Town, files, desks, lockers and vehicles. Such property may also be searched in an effort to retrieve or to discover evidence of work-related misconduct if there is reason to suspect such evidence exists. Any employee who refuses to submit to a search may be subject to disciplinary action.

G. The Americans with Disabilities Act and Religious Accommodation

The Town will make reasonable accommodation for qualified individuals with known disabilities and employees whose work requirements interfere with a religious belief unless doing so would result in an undue hardship to the Town or cause a direct threat to health and safety.

The Town will make every effort to comply with the Americans with Disabilities Act with respect to all employment actions. Should an applicant or employee feel that they need reasonable accommodation in their position or in their application for employment or that they have been subject to disability or religious related discrimination, they should contact the Town Clerk immediately. No qualified individual will be discriminated against in any aspect of employment or continued employment.

H. Pregnancy Accommodation

Employees have the right to be free from discriminatory or unfair employment practices because of pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth.

Employees who are otherwise qualified for a position may request a reasonable accommodation related to pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth. If an employee requests an accommodation, the Town will engage in a timely, good-faith, and interactive process with the employee to determine whether there is an effective, reasonable accommodation that will enable the employee to perform the essential functions of her position. A reasonable accommodation will be provided unless it imposes an undue hardship on the Town's business operations.

The Town may require that an employee provide a note from her health care provider detailing the medical advisability of the reasonable accommodation. Employees who have questions about this policy or who wish to request a reasonable accommodation under this policy should contact their supervisor or the Town Clerk.

The Town will not deny employment opportunities or retaliate against an employee because of an employee's request for a reasonable accommodation related to pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth. An employee will not be required to take leave or accept an accommodation that is unnecessary for the employee to perform the essential functions of the job.

I. Immigration Law

The Town complies with the Immigration Reform and Control Act by employing only U.S. citizens and non-citizens who are authorized to work in the United States. All employees are asked on their first day of work to provide original documents verifying the right to work in the United States and to sign a verification form required by federal law (Form I-9). If you cannot verify your right to work in the United States within three (3) days of hire, the Town is required by law to terminate your employment.

III. CLASSIFICATIONS OF EMPLOYMENT

For purposes of salary administration, eligibility to overtime payments and employee benefits, the Town classifies its employees as follows:

A. Full-time

A full-time employee is one who works a minimum of thirty-six (36) hours per week on a regular basis. Such employees may be "exempt" or "non-exempt". Full-time employees are currently eligible to share in Town benefits.

B. Part-time

A part-time employee is one who works less than thirty-six (36) hours per week on a regular basis. Such employees may be "exempt" or "non-exempt" as defined below. Part-time employees who work between twenty (20) and thirty-six (36) hours per week are currently eligible to share in certain employment benefits provided by the Town and can accrue pro-rated PTO and holiday pay based on hours worked. Part-time employees who work less than twenty (20) hours per week on a regular basis currently accrue PTO and holiday pay on a pro-rated basis but are otherwise not eligible to share in employment benefits provided by the Town, except as required by law.

C. Temporary

Temporary employees are employees who work either full or part-time. Such employees are engaged by the Town for a specific period of time (such as summer) or for a specific project or assignment. Such employees may be "exempt" or "non-exempt" as defined below. Temporary employees are not eligible to share in the employment benefits provided by the Town unless it is expressly stated in a written statement issued by an authorized representative of the Town or except as required by law.

D. Volunteer

A volunteer is someone who is performing services for the Town in an unpaid position. Volunteers serve at the discretion of the Town and are subject to following all applicable rules and policies included in this handbook and of the Town.

IV. PAY PLAN

A. Overtime Compensation

The Town may require employees to work overtime. Employees who are non-exempt from the Fair Labor Standards Act shall be compensated for hours worked in excess of

forty (40) hours during the workweek. All overtime worked must be approved in advance by an authorized representative of the Town.

Regular, non-exempt employees who work more than forty (40) hours in a workweek will be compensated in compensatory leave, in lieu of overtime pay, at the rate of one and one-half (1.5) hours for each overtime hour worked. It is understood that in agreeing to work for the Town, employees agree to accept compensatory time as compensation for overtime worked when deemed appropriate by the Town.

Seasonal employees who work more than forty (40) hours in a work week will be paid one and one-half (1.5) times their regular rate of pay for hours worked over forty (40) in accordance with the Fair Labor Standards Act.

Regular, non-exempt employees are not permitted to accumulate more than eighty (80) hours of compensatory time. Any employee may be directed to use accrued, but unused, compensatory time where he or she has accumulated the maximum permissible number of hours.

Upon termination of employment, employees shall be compensated for any unused compensatory time at their current rate of pay.

B. Pay Periods

Employees are paid every other Friday. Timecards are due by Monday each week and will reflect the work from Monday at 12:01am to Sunday at midnight. If the regular payday falls on a holiday, employees will be paid on the last day that the Town office is open for business prior to the regular payday.

C. Salary for Exempt Employees

All exempt employees are paid on a salary basis that is not subject to changes based on variations in the number of hours worked.

D. Adjustments to Pay

The Town conducts periodic pay plan review and analysis. Adjustments are made to the pay plan and to classifications of individual positions based on this analysis.

By completing a market analysis, we ensure that the Town's pay schedule is competitive within the labor market. The market consists of neighboring and/or similar sized

communities. An adjustment to the Town's pay schedule and any associated pay increases will be determined by this analysis.

The Town also determines pay based on merit. Merit plans are an example of pay for performance.

E. Performance Appraisals

Performance appraisals for all employees consist of a written evaluation using a review form, and an appraisal meeting involving the supervisor who completes the appraisal and the employee whose performance is being reviewed. Employees shall be evaluated on, at least, an annual basis.

F. Payroll Deductions

As required by law, the Town must make certain deductions from employee paychecks, including those for Federal and State taxes, as well as retirement contributions and garnishments, if applicable. Other voluntary deductions can only be made at the employee's specific request and with their agreement. Payroll deductions may also be made from an employee's paycheck pursuant to a separate written agreement with the Town for the replacement cost of lost, destroyed, or unreturned Town property or as otherwise provided in this handbook.

If an employee believes an improper deduction has been made to their salary, he/she should immediately report this information to the Town Clerk. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, he / she will be reimbursed promptly.

G. Direct Deposit

The Town requires employees enroll in direct deposit for payroll, which means that employees' pay will be deposited directly into their accounts at a participating banking institution each payday.

V. WORK POLICIES

A. Hours of Work

Full-time employees of the Town shall work a minimum forty (40) hours per week. Normal business hours for Town Hall shall be 8:00 a.m. to 4:30 p.m. Monday through Friday. Public Works and Parks employees shall report to work at 7:30 a.m. and shall normally work until 4:00 p.m. with one-half hour for lunch. However, those employees assigned to shifts outside the normal business hours of the Town shall work those hours designated for their shifts and/or positions. Supervisors may alter the normal working hours with the Town Administrator's approval. Daily and weekly work schedules may change from time to time at the sole discretion of the Town to meet the Town's business needs. Changes in work schedules may be announced in advance.

B. Break Times

In addition to scheduled one-half hour lunch breaks, employees may take two (2) 10-minute breaks each workday if feasible. Lunch breaks, shall be taken, when possible, between 11:30 a.m. and 1:30 p.m. Once assigned, lunch periods and break time shall remain constant unless changed by an employee's supervisor. Supervisors may require minor variations in lunch periods from day to day based on individual work requirements.

C. Dress Code

An employee's personal appearance is a reflection of the Town's character. Appearance, personal hygiene and attire are important to the Town to instill confidence and professionalism with the residents and community. Within reason, employees of the Town are allowed to use their own discretion with respect to their work attire, however, torn clothing and shirts with inappropriate verbiage or pictures are not appropriate attire.

All work attire should be neat and appropriate to the employee's job duties. If, in management's opinion, an employee reports for work improperly dressed or groomed, the employee will be instructed to return home to change clothes or take other appropriate corrective action.

Town-logoed clothing will be furnished to certain Town employees. Such clothing must be neat, clean, in good condition, and must be worn while performing duties for the Town.

It is the intent of this policy to comply with applicable state, local and federal laws prohibiting discrimination on the basis of color, race, religion, sex (including pregnancy, sexual orientation, gender identity and gender expression), national origin, ancestry, creed, disability, age, genetic information and any other status protected under such laws.

D. Attendance and Reporting Hours

All employees shall report to work at their prescribed time. Non-exempt employees must use a computer program or phone application to document their hours worked, including clocking in and out for meal breaks. Any employee who fails to report for work at their prescribed time without first notifying his or her supervisor of his or her expected late arrival or absence may be subject to disciplinary action. Any employee reporting late for work or reporting absent shall explain the reason for the tardiness or absence to his or her supervisor. The duties of most employees require them to be present at specific locations. Working at home may be permitted only with the prior approval of the Town Administrator.

E. Tobacco Use/Smoking/Vaping

The Town provides a tobacco-free and smoke-free work environment for its employees. Smoking, vaping, and the use of chewing tobacco are prohibited inside all areas of the Company property, including buildings and vehicles, and within 15' of any building entrance. Tobacco use includes the use of electronic nicotine delivery systems – known as e-cigarettes, e-cigars, e-hookahs and e-pipes. This restriction applies to all employees and visitors, including during non-business hours.

F. On-Call and Recall Pay

Some Town operations must be able to be responsive twenty-four (24) hours per day and certain employees may be assigned “on-call” duty during a specific period of time outside their normal working hours. While on-call, the employee shall be accessible by telephone or other satisfactory method and shall be able to report to work promptly.

Employees will be paid a flat amount per week to be available for on call. No paid time off can be requested while on call. When a non-exempt employee is summoned back to work after their normal off-duty time, the employee shall be paid for all hours worked. Travel from the employee’s location to work will not be reimbursed through mileage reimbursement.

G. Town Closure

All Town facilities are considered open for business regardless of weather conditions, fire damage, natural disaster, or other unusual circumstances unless officially designated as CLOSED by the Town Administrator or designee.

When facilities are open, the decision to report to work when unusual conditions prevail shall normally reside with the employee except in the case of designated essential personnel who shall be expected to report as instructed or scheduled by their departments. Essential personnel are designated by the supervisor.

The employee is responsible for contacting the supervisor or designated departmental representative if the employee is unable to report to work.

When facilities are closed by the Town Administrator or designee, the following provisions will apply:

- Essential personnel - As designated by their respective departments shall be expected to report to work as directed or scheduled.
- Non-essential personnel - Will NOT report to work unless specifically requested to do so by their supervisor with approval. Remote work is expected for all non-essential personnel when a there is a town closure. If you do not choose to work from home, paid time off may be requested.

H. Modified Duty

An employee who is unable to perform the full range of duties of their position may have their duties temporarily modified so that they are productive while recuperating from their illness or injury. This section applies to employees who are receiving workers' compensation benefits and employees recuperating from personal illnesses or injuries. A medical return-to-work release detailing restrictions, if any, will be required for employees of the Town who have been off work for more than three (3) consecutive scheduled workdays due to personal injury or illness. Modified duty assignments are at the discretion of the supervisor and may not always be available.

The Town reserves the right to change the rate of pay for an employee in a modified duty capacity depending on the nature of the modified duty assignment.

A return-to-work release will be required for employees of the Town under the following circumstances:

- The employee has been off work for more than three (3) consecutive scheduled workdays; or
- The employee's absence is due to a serious medical condition.

VI. LEAVE

Extended leave periods taken under this policy may run concurrently with other leave policies and will not necessarily entitle the employee to increase the total amount of leave to which an employee is entitled during a (12) twelve-month period.

A. Paid Time Off (PTO)

Paid Time Off (“PTO”) for employees is a single pool of paid hours that may be used at the employee’s discretion for personal days, medical absences, unexpected emergencies, or any other reason an employee may need. PTO may also be used for any of the following reasons in accordance with the Healthy Families and Workplaces Act (C.R.S. §§ 8-13.3-401 et seq.)(“HFWA”):

- An employee has a mental health or physical illness, injury, or health condition that prevents the employee from working, including the need to obtain a diagnosis, treatment or medical care for such condition.
- An employee needs to obtain preventative medical care.
- An employee has been the victim of domestic abuse, sexual assault, or harassment leading to health, relocation, legal or other service’s needs.
- An employee needs to care for a family member to whom any of the above-listed circumstances apply.
- In a public health emergency, a public official has closed the employee’s workplace or the school or childcare facility of an employee’s child.

Employees are expected to maintain an appropriate PTO balance for use in unexpected emergencies. The PTO accrual offered by the Town exceeds the paid leave requirements of the HFWA.

1. Usage

All absences not covered under another plan must be charged to PTO. Employees may use only time accrued and cannot have a negative PTO balance at any time.

2. Accrual of PTO

PTO hours begin to accrue upon initial employment with the Town and continue accruing during paid leaves.

The accruals are based on hours worked and paid leave taken. Employees will not accrue PTO during times of unpaid absence. Accrual rates adjust on the

employee's anniversary date. PTO accrual for part-time employees is prorated and calculated based on the numbers of hours worked.

The chart below lists accrual rates for full-time regular employees.

Years of Employment	Hours Accrued per Month	Hours Accrued per Year	Maximum Accrual
Years 0 - 5	10	120	240
Years 6-10	12	144	240
Years 11-15	14	168	240
Years 16+	16	192	240

3. Use of PTO

Paid time off must be arranged so that normal operations are disrupted as little as possible. To take time off, employees must make the request, in writing, at least forty-eight (48) hours in advance for approval from their supervisor. If PTO extends to more than three (3) days of requested leave, employees must request time off with at least two (2) weeks' advance notice. Requests will be assessed based on a number of factors, including business needs and staffing requirements. Supervisors may use an employee's seniority as a criterion in scheduling PTO use. Any employee who is ill and cannot perform his or her duties shall notify his or her supervisor with as much advance notice as possible.

4. Accrual Limits

The maximum PTO that an employee can accrue is shown in the chart above. Once an employee reaches the applicable maximum, the employee ceases accruing any additional PTO. If the employee later uses enough PTO to fall below the maximum, the employee starts accruing PTO again from that date forward until reaching the maximum.

Employees may carry over to the following calendar year their accrued paid time off up to a maximum of their annual accrual during the immediately preceding year, provided that no employee may carry over more than 240 hours of paid time off into the next year. Upon separation of employment, employees shall be paid at their current regular rate for up to eighty (80) hours of accrued, but unused, paid time off.

5. PTO Donations

Employees of the Town accrue PTO that usually provides adequate income during extended absences from work. However, an employee experiencing a catastrophic incident may find their leave banks depleted. Employees wishing to assist another employee with a voluntarily donation from their PTO bank may do so as long as the recipient of the donation has exhausted their entire Town accrued leave time and if the recipient is experiencing catastrophic circumstances as determined by the Town Administrator.

- The employee may not receive more than two hundred and forty (240) hours accumulated leave from donors for any one illness or injury, or military leave of absence. Further, an employee may not receive more than two hundred and forty (240) hours accumulated leave from donors in any calendar year;
- Donated leave will always be donated in hours regardless of the donor's or the recipient's rate of pay;
- Any donated time that is not needed will be returned to donor; and
- In the event the recipient becomes unable to return to their position and submits their resignation of employment, all donated leave in their shared bank will be discontinued.

B. Holidays

All full-time employees actively at work, or on an approved paid leave of absence, the day before the observed holiday receive eight (8) hours of holiday leave on the date of observance.

Holidays falling during periods of PTO leave shall not be counted as PTO time used. Holidays falling on Saturday are normally observed on the preceding Friday. Holidays falling on Sunday are normally observed on the following Monday. For pay purposes, each holiday is the date of observance published. The Town observes the following fixed holidays:

- New Year's Day (January 1)
- Martin Luther King Day (third Monday in January)
- Presidents' Day (third Monday in February)
- Memorial Day (last Monday in May)
- Juneteenth (June 19)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Thanksgiving Day and the day after (fourth Thursday and Friday in November)
- Christmas Eve Day (December 24)
- Christmas Day (December 25)

Holiday leave is not considered as hours worked for overtime purposes. Holidays cannot be used as an employment end date.

C. Voting Time

The Town believes that voting is an important responsibility that we all assume as citizens. Under most circumstances, it is possible for an employee to vote either before or after work or as an absentee. If it is necessary, however, to arrive late or leave work early in order to vote in any election, arrangements should be made with a supervisor no later than the regularly scheduled workday prior to the Election Day. The Town will grant time off to vote in accordance with Federal and State law.

D. Bereavement Leave

Any employee who suffers a death in his or her immediate family will be allowed three (3) days leave at full pay. If additional time is needed, time taken will be charged to paid time off or compensatory time, with the approval of the Town Administrator. Temporary and seasonal employees may be given time off without pay. For purposes of this guideline, an employee's "immediate family" includes his or her spouse, children, parents, grandparents, grandchildren or siblings, and the parents, siblings or children of the employee's spouse. The Town Administrator may also grant this leave under similar emergency circumstances in special cases.

E. Workers' Compensation Leave

To provide for payment of an employee's medical expenses and to facilitate partial salary payments in the event of a work-related injury, illness, or exposure, employees are covered by Workers' Compensation insurance. The amount of the benefits payable, and the duration of the payments, is determined by the Colorado Workers' Compensation statute. The Town carries insurance to cover the cost of a work-related injury, illness, or exposure. Benefits help pay for an employee's medical treatment and may include part of income the employee may lose while recovering. Detailed information will be given to the employee if he/she is injured on-the-job or suffers an occupational illness.

1. First Report of Injury

Any work-related injury, illness or exposure must be reported immediately to the employee's supervisor. This requirement includes even those injuries that do not require medical treatment. The employee and his or her supervisor or designee must complete the form entitled "First Report of Injury." The completed form must be sent to the Town Clerk through normal channels, within twenty-four (24) hours of the injury, onset of illness, or exposure. Strict compliance with these reporting procedures ensures that the Town can assist the employee in obtaining appropriate medical treatment. Failure to report promptly any accident involving injury or property damage will not be tolerated.

2. Required Medical Treatment

If medical treatment is required, the employee should notify his or her supervisor, who will make arrangements for the employee's transport to either the Town's designated medical care provider, or, if the situation warrants, to the emergency room of the closest appropriate facility.

Medical treatment may be obtained only from the Town's designated medical care providers. When the designated medical care provider is not available, the nearest medical facility may be used. In the case of a life or limb threatening emergency, or if an employee is outside the area on Town business, the employee should go to the nearest emergency medical facility for treatment. Notwithstanding the previous situations, if the employee fails to obtain treatment from a designated physician, the employee may be responsible for the cost of the medical treatment that is obtained.

The employee should advise the treating physician that he or she will be making a workers' compensation claim so that the appropriate forms can be completed. The employee will be provided with a copy of the attending physician's form that will include the physician's diagnosis, and a return-to-work release listing any work restrictions or time off requirements.

Indemnity payments, if applicable, will continue until it is determined by the insurance carrier that the employee has reached Maximum Medical Improvement (MMI) and/or a settlement is reached.

F. Jury Duty and Witness Leave

The Town recognizes and encourages employees to perform their civic duty. Employees receive regular pay for the first three (3) days of jury duty if they were scheduled to work and they provide confirmation of juror service.

Beginning the fourth (4th) day and thereafter, employees, as jurors, are paid \$50 per day by the State of Colorado for state, district, or county court jury duty. For jury duty in excess of three (3) days, employees receive the difference between jury duty pay and their regular pay up to a maximum of ten (10) days (80 hours). Jury duty beyond this time is without pay from the Town.

Employees excused for jury duty shall return to work immediately when dismissed from jury duty or when the jury is not in session during the employee's usual work hours.

An employee who is subpoenaed as a witness in a non-Town matter may take unpaid time off to testify or use accrued personal time for regularly scheduled time missed from work. A copy of the subpoena must be attached to the employee's request for leave. If an employee is subpoenaed as a witness in an official capacity as a Town employee, the approved preparation, court and travel time is computed and compensated as hours worked.

G. Active-Duty Training

An employee who is a member of the National Guard or the Military Reserve Forces of the United States is allowed up to fifteen (15) days military training leave, without loss of pay or benefits, each calendar year. Employees on military leave may utilize all accrued PTO while on assignment with the military. Employees on military leave may secure additional PTO utilizing the Donation Leave Policy for use during their military assignment. If an employee is inducted into a branch of the U.S. Armed Forces for an extended period, upon returning to the Town after separation from military service, the employee may be re-employed in accordance with the provisions of the Law. The Town complies fully with the Uniformed Services Employment and Reemployment Rights Act (USERRA).

H. Leave of Absence without Pay

In special circumstances, a personal, non-medical leave of absence without pay may be granted, subject to the approval of the Town Administrator. During the employee's absence, the Town may elect to fill the position with temporary personnel.

In order to be eligible for leave without pay, the employee must first use all accrued paid leaves. The employee must submit a written request with the dates that the employee expects to be on leave without pay.

Leave without pay will not be granted for more than three (3) months. If the leave without pay exceeds thirty (30) calendar days, the employee will be responsible for their portion of group insurance premiums beginning on the 31st day. Leave without pay does not guarantee the same position will be available upon the employee's return.

Accrual of PTO will cease while on leave without pay. Holidays, bereavement pay, or employer's jury duty pay will not be paid during the leave without pay period.

I. Administrative Leave

At the request of the Town Administrator, an employee may be removed from the workplace and placed on administrative leave. Administrative leave is granted in order to conduct an investigation or other inquiry into allegations or charges of wrongdoing or violation of any law, rule or policy or where necessary for the safety and welfare of any employee or the efficient operation of the department. Administrative leave may also be granted at the discretion of the Town Administrator and leave under this policy may be with or without pay. Circumstances will be evaluated for pay and if the circumstance seriously undermines the integrity of the Town and its operations, the employee may utilize accrued PTO when placed on leave if available.

J. Medical Leave of Absence

A medical leave of absence may be granted for absences arising from the employee's illness, injury, or pregnancy. For a medical leave to be granted, the following conditions must be met:

- The employee notifies the immediate supervisor as soon as possible of the need for medical leave;
- After three days, the employee submits to the supervisor a written statement from the attending medical provider outlining the reason for leave and the estimated time needed. The Town may require the employee to obtain an opinion for a medical provider selected by the Town; and
- All available paid time off hours (PTO and Compensatory Time) are used at the beginning of the leave of absence;

- The immediate supervisor and HR Department must approve the leave before the leave is taken.

Medical leaves, and any extension of leaves, will generally be limited to no longer than twelve (12) weeks. An employee ready to return to work from leave must present a medical provider's statement indicating ability to return to work. If an employee is unable to return to work at the end of the medical leave, the employee may be entitled to additional accommodations under the American with Disabilities Act or other law. The employee must supply sufficient information from their medical provider indicating that the employee has a covered disability and when the employee will be able to return to work with or without reasonable accommodation. Any accommodation provided must not result in undue hardship to the Town or cause a direct threat to health and safety.

The Town may reinstate the employee ready to return from a medical leave of absence when, in the opinion of the Town, it is practical to do so or as a reasonable accommodation under the ADA.

The Town currently continues medical and life insurance benefits for an employee on leave for a maximum of twelve (12) weeks as long as the employee continues to pay the employee's portion of the premium. Accrual of PTO, holidays, funeral pay, or employer's jury duty pay will not be granted if the leave is without pay.

Part-time employees are not eligible for leave under these guidelines except as required by law.

VII. EMPLOYEE CONDUCT

A. Public Contact

Employees will treat all members of the public with courtesy and respect regardless of how difficult the circumstances. The Town strives to make every effort to be receptive to citizen comments and concerns and to provide any reasonable amount of information or explanation upon request. All employees are deemed to be "ambassadors" of the Town and should conduct themselves accordingly. When dealing with any complaints, employees should remember that the matter is important to the citizen, and it deserves a prompt and courteous response.

B. Outside Employment

Employees may engage in outside employment provided it is not a conflict of interest, in no way interferes with the employee's work for the Town, and it does not represent a conflict with applicable laws related to pay and work schedules. Employees must notify the Town Clerk of any outside employment that may be a conflict of interest. Employees must be able to work as scheduled by the Town and be available for overtime, with or without notice. Any employee employed in a second job or engaged in a position of self-employment will not conduct any activity relating to that position during Town work hours nor will they use Town supplies or equipment to conduct such business. Violation of the provision of this policy may be subject to disciplinary action.

The Town Administrator reserves the right to restrict outside employment for any employee.

C. Solicitation

No solicitation of any kind or distribution of literature for any purpose shall be permitted on Town property, unless approved by the Town Administrator or designee. No employee of the Town shall engage in any solicitations or otherwise distribute literature of any kind while at work, unless approved by the Town Administrator or the Town Clerk. No employees shall be compelled to contribute any money to any political party, club, union or association.

D. Political Activity

Employees are encouraged to participate in the electoral process and support the political candidates of their choice. Employees are free to engage in political activity associated with Town, county, state and federal campaigns, but must do so on their own time, with their own resources, off of Town premises and without giving the impression that the Town is endorsing their activity. The Town's operations and deliberations are impartial, and every effort is made to eliminate improper influence.

While on work time, an employee may not publicly support any candidate for office, circulate any petitions for such office, distribute campaign literature or display campaign paraphernalia. Employees are also to refrain from efforts to convert others to a political cause during work hours.

Employees who choose to run for political office must do so on their own time and the Town's premises cannot be used for political campaigning. If an employee seeks to become a candidate for an elected Town office, the employee must submit a request for a leave of absence commencing on the date of the filing and ending on the day following

the election. If elected, the employee is deemed to have voluntarily resigned their employment with the Town as of the day he or she is sworn in.

E. Computer & Information Technology Usage

This policy outlines the rules and responsibilities for users of the Town computers, software, cell phones (including smart phones) and information technology. The Town owns the information technology resources that it provides or reimburses to Town employees and other users who have a responsibility to use these resources ethically and for professional purposes. Computer usage may be monitored at any time and all files, documents, and correspondences may be subject to the Colorado Open Records Act.

This policy is designed to:

- Reinforce that existing Town resolutions, standards and policies regarding professional conduct also apply to usage of the Town's computers and information technology;
- Ensure that Town employees use information technology resources in an efficient and effective manner; and
- Protect Town data and computer systems from misuse.

Users shall:

- Use technology resources to assist them in performing their assigned jobs; use of the Town's computer, messaging, and internet resources is intended for Town business only.
- Comply with all general personnel policies governing employee behavior while using computers and computer systems (as applicable).
- Only use approved and properly licensed software.
- Ensure that equipment, systems and data are stored securely.
- Utilize computers, computer systems and cell phones to further work goals.
- Avoid practices which are wasteful of storage or processing capacity.
- Understand that any information created or stored on a Town computer or device is Town property and may be reviewed by Town personnel; there is no expectation of privacy.
- Refrain from excessive use of Town equipment for non-business-related purposes.

Users shall not:

- Connect personal devices (cell phones, laptops, etc.) to the Town network.
- Destroy, erase, delete, or conceal files or other data, or otherwise make files or data unavailable or inaccessible.

- Download or install copies of software on devices provided by the Town, including shareware.
- Introduce data into the system that does not serve a legitimate business purpose.
- Use Town computers, cell phones or systems in any way that is: illegal, disruptive, threatening, harassing, demeaning, obscene, profane or otherwise offensive.

The Town maintains confidential records. Privacy must be fully protected when records with potentially identifiable information are accessed for Town purposes. Software and access rights intended to protect confidentiality must not be modified in any way by unauthorized staff.

Users shall:

- Use passwords, which are regularly changed, to properly protect data and system integrity.
- Only access or change systems and data as authorized.
- Use caution when opening attachments or email from unknown senders.
- Only acquire, use, alter or dispose of data with proper authorization.

Users shall not:

- Use another individual's user ID nor disclose their confidential access to non- Town personnel.
- Violate the confidentiality of data or systems, including using software programs from third parties for the anything other than business purposes.
- Use software or hardware that jeopardizes the security or integrity of the network or Town data.
- Retain messages or files that do not have a business purpose (as defined by the appropriate record retention schedule).
- Store information in a manner that creates a burden to a computer or the network.

Any employee engaging in improper use of computer and information technology will be subject to disciplinary action.

F. Electronic Mail Communication

Electronic Mail (“e-mail”) is used as part of the everyday business of the Town. All e-mail correspondence must comply with standards and policies regarding professional conduct. All electronic files associated with e-mail communication will be kept and maintained by the Town within its computer facilities in accordance with the Town’s

record retention policy. Regardless of how long an email must be retained, employees should sort, file and/or delete emails, as appropriate, in an on-going weekly basis. Email should not be used as a filing system. Emails with enduring long-term administrative, policy, legal, fiscal, or historical value should be saved to the network drive or printed and added to the appropriate file.

The Colorado Open Records Act (“CORA”) applies to all e-mail communication kept or maintained by the Town. As such, each email communication document may be subject to inspection and copying, as provided in CORA. Therefore, e-mails unrelated to Town business should be avoided.

G. Media Relations

Dissemination of accurate information is a priority. The Town Mayor or Town Administrator will serve as the liaison for media inquiries. All news releases must be approved by the Town Administrator prior to being released. When contacted by representatives of the media, employees must contact the Town Administrator immediately and should not speak directly to the media.

H. Reporting Convictions

Any employee who is convicted or pleads no contest under any criminal drug statute regarding a violation occurring on the job or in the workplace shall notify the Town of the conviction or plea within five days. A conviction includes a finding of guilty, a plea of nolo contendere, and/or the imposition of a sentence by any judicial body responsible for determining violations of federal or state criminal drug statutes. Failure to so notify the Town may result in termination of employment.

VIII. AT-WILL EMPLOYMENT AND DISCIPLINE

A. At-Will

Colorado is an employment-at-will state and the Town is an at-will employer. The Town expects all employees to perform their job duties to the highest degree of professional and business standards at all times. Action taken by management with respect to one individual case does not establish a precedent in another circumstance. The Town does not intend to create any expectation that an employee will be assured of a specific form of corrective action or discipline, such as, a verbal or written warning, counseling,

performance plan or imposing an administrative leave with or without pay. It is the Town's discretion to impose any corrective action or discipline it may deem appropriate.

B. Reasons for Disciplinary Action

When performance or other behavior falls short of Town standards and/or expectations, management may take appropriate action to correct or resolve the situation. Disciplinary action can range from an informal discussion with the employee about the matter to immediate termination.

The Town Administrator, supervisor, or the Town Clerk may recommend and administer a means of corrective action or discipline that is consistent with the type and severity of the cause for the action. The action taken may affect an employee's current pay, status or terms of employment as follows:

Corrective Action

- Verbal Counseling - Supervisory personnel may verbally counsel employee regarding their work or performance.
- Written Reprimand - A written document issued by a supervisor indicating the specific reason for the reprimand, the steps and measures that must be taken to correct the conduct and performance issue.
- Performance Improvement Plan (PIP) - A plan that identifies performance standards and provides key measures with attainable goals allowing an employee to meet identified expectations.

Disciplinary Action

- Demotion - Placing of an employee in a position having lesser duties, responsibilities and pay.
- Suspension - An involuntary removal from the work site for a specified period of time with or without pay.
- Termination - Separation from employment with the Town.

C. Problem Resolution

Employees who disagree or are dissatisfied with a Town practice should promptly discuss the matter with their immediate supervisor, when appropriate. Normally, this discussion should be held within three (3) to five (5) days of the incident, or in a timely manner. Discussions held in a timely manner will enhance the Town's ability to resolve concerns while it's fresh in everyone's mind. The majority of misunderstandings can be resolved at this level.

If the solution offered is not satisfactory, or if it is inappropriate to go to the immediate supervisor, then employees are encouraged to follow the process described below.

With the exception of matters pertaining to disciplinary action, performance evaluation and/or failure to grant a step or salary increase, an employee may file a complaint using the process below.

D. Complaint Process

Eligible employees may submit a complaint, in response to a disciplinary action, according to the following process:

1. An eligible employee may submit a written complaint to the next level of supervision within seven (7) calendar days of the notice of the immediate supervisor. The supervisor at this level and the employee shall attempt to resolve the matter. The supervisor shall notify the employee in writing of the supervisor's decision within seven (7) calendar days of receipt of the complaint.
2. If the complaint is not settled at this level to the satisfaction of the employee, and the employee wishes to pursue the matter, the employee shall continue consistent with the procedure outlined, above, to present the complaint to successive levels of supervision, up to and including the Town Administrator. The decision of the Town Administrator shall be final in the complaint process.
3. In the event that an employee's complaint does not involve the employee's respective supervisors, the written complaint, upon concurrence of the Town Administrator, shall be submitted directly to the supervisor of the employee's department, who shall notify the employee of the decision within seven (7) calendar days of receipt of the complaint. However, such complaint, in order to be considered by the supervisor, shall be submitted to the supervisor within fourteen (14) calendar days of the occurrence of the aggrieved action. The decision of the supervisor may be appealed directly to the Town Administrator, whose decision shall be final.
4. The Town Administrator may be requested to be involved at any stage of the complaint process by either the employee or the supervisor.

Effect of Failure to Follow Process

If the employee fails to proceed to successive levels of supervision within the time period specified, the employee shall be conclusively deemed to have waived and abandoned the complaint. If any supervisor fails to render a decision within the time period specified, the employee shall appeal to the next level of supervision within the time limits provided.

The time limits specified in this complaint process may be extended by mutual written consent between the employee and the supervisory level concerned.

Separation from Employment

If any eligible employee separates from employment with the Town for any reason, any complaint previously filed by the employee which is in process at the time of separation shall be terminated, with the exception of any pay-related or benefit-related complaint.

IX. SEPARATIONS

A. Resignation

In order to leave Town service in good standing, a written resignation stating the reason for leaving and the last day of work should be given to the supervisor. Employees are encouraged to give as much notice as possible to ensure that Town services are not interrupted.

B. Retirement

Employees may retire at any time without prior notice to the Town. However, the Town requests that employees who intend to retire from the Town: (1) notify their immediate supervisor or the Town Clerk at least four (4) weeks prior to the anticipated retirement date; (2) arrange for meetings with their immediate supervisor and the employee's replacement, if applicable, to assist with the orderly transfer of the functions and duties of the retiring employee to another and (3) return all Town property to his or her supervisor.

C. Layoff

Employees who are laid off may be eligible for rehire. At the time of lay off, employees shall be paid for accrued but unused compensatory time and accrued but unused paid time off, in accordance with that policy. Laid off employees may be eligible to continue coverage under the Town's group health and dental insurance programs at their own expense as provided by state and federal law.

D. Death of Employee

Upon the death of an employee, all accrued salary and PTO will be paid at their current rate of pay directly to the beneficiary designated on the employee's Town paid life insurance designation forms. Proceeds from eligible benefit plans will also be paid as designated on the employee's beneficiary forms.

E. Medical, Dental and Vision Insurance

Upon separation, the employee's medical, dental and vision insurance is terminated at the end of the month of separation. The employee may have the option of continuing medical, dental and vision insurance coverage at the employee's expense in accordance with the federal COBRA legislation provisions.

F. Life Insurance

The employee's life insurance through the Town is terminated at the end of the month of the date of separation.

G. Deferred Compensation

Upon separation, the employee is eligible to withdraw both the employee and Town's contribution as defined in the Plan Documents.

H. Final Paycheck

When an interruption in the employer-employee relationship, by volition of the employer occurs, the final wages for the employee will be due and payable immediately. When an employee requests to terminate the employer-employee relationship, the final check will be processed in the next normal pay period. Final paychecks will be direct deposited unless the employee makes other arrangements.

An employee leaving Town employment is responsible for notifying the Town Clerk of any change in address so that subsequent documents can be appropriately forwarded.

X. EMPLOYEE HEALTH AND SAFETY

A. Safety

It is the policy of the Town that the safety of its employees and the public is of the utmost importance. The prevention of accidents and injuries takes precedence over expedience. In the conduct of our business, every attempt should be made to prevent accidents from occurring. The Town requires that its employees work safely and comply with all applicable safety standards.

Employees are encouraged to bring to the attention of their immediate supervisor any unsafe conditions or practices. If possible, the supervisor will immediately correct the identified unsafe condition or practice. Supervisors should communicate these conditions and practices to the safety coordinator, who will determine the appropriate course of action.

Employer Goals:

- Provide a safe workplace
- Provide safety and health education and training
- Review and update workplace safety rules
- Keep accurate and complete records

Employee Expectations:

- Report all unsafe conditions
- Immediately report all work-related injuries
- Wear required personal protective equipment
- Abide by the Town's policies and safety rules

B. Driving

Employees must have sufficient knowledge about vehicle handling, portrayed through a safe driving record, so as to protect employees, volunteers, and the public from an unsafe driver. No vehicle, while on Company business, shall be operated by an improperly licensed driver or by a driver with an unacceptable driving record as defined within this policy.

Employees shall not consume any intoxicating substances prior to or during the operation of company vehicles or personal vehicles while conducting company business. All personal vehicles used for business functions are to be driven in compliance with all state, county, city, and office laws, ordinances, rules and/or regulations concerning the operation of motor vehicles, including not text messaging while driving.

Employees are expected to follow posted speed limits, practice defensive driving, wear seat belts, follow the Town's cellular phone and obey all traffic laws and avoid other types of distracting activity.

Traffic Violations and Offenses

Reckless or unsafe driving, including texting while driving, will not be tolerated. Employees involved in accidents while conducting business shall adhere to the following procedures:

1. Remain at the scene of the accident until the accident is investigated by the appropriate law enforcement agency. If a situation arises where police coverage is not available, the employee should attempt to contact the Town Administrator. If such contact fails, the employee should comply with all other steps listed below as far as is possible.
2. Obtain the names, addresses, telephone numbers, insurance companies, and vehicle license numbers from the drivers of other vehicles, and the names, addresses, and telephone numbers of any passengers or persons witnessing the accident. The employee should provide the same reciprocal information to other persons involved.
3. Report the accident to the Town Administrator or the Town Clerk prior to leaving the scene or, if necessary, as soon as possible after leaving the scene, especially accidents involving injury, in which any medical treatment is needed, to any person present.

Any employee convicted of driving under the influence of any intoxication substance while on Town business or in a Town vehicle may be subject to termination, any employee convicted of driving under the influence of an intoxicating substance shall not operate a vehicle on the Town's behalf until the individual is in possession of a valid license and meets all requirements of a Court disposition. Employee must notify the Town Administrator of the outcome of any Court proceedings, including providing proof of resolution and a valid Colorado license.

C. Cellular Phones

The Town is committed to promoting driving safety by encouraging the safe use of cellular telephones. While the Town recognizes that there often is a business need to use cellular phones, safety must be the first priority. It is the employee's responsibility to be familiar with and follow not only this policy but also the.

If an employee needs to make a phone call while driving, the individual should find a proper parking space first. Stopping on the side of the road is not acceptable; a parking lot is preferable. Exercise extreme caution while using wireless electronic devices to prevent distracted driving. Texting while driving is against State law.

Department heads are assigned cell phones by the Town and are to abide by all policies when conducting business on those cell phones. Personal business may not be conducted using Town-issued property.

XI. INSURANCE BENEFITS

Regular, full-time employees and part-time employees who work a minimum of thirty-six (36) hours per week may be eligible to receive group insurance benefits as established by the Town Board of Trustees. Employees are eligible for coverage the first day of the month following 30 days of employment. The terms and conditions of all group insurance plans offered by the Town are subject to change from time to time at the discretion of the Board of Trustees. Town insurance plans may require employee contributions as a condition of participation. Required contributions must be made through payroll deductions.

A. Health, Dental, and Vision Insurance

The Town offers health, dental, and vision insurance coverage for certain employees. Information is available from the Town Clerk concerning eligibility, available options, coverage dates and scope of coverage. Employees or their spouses may be eligible for continuation of coverage under the Town's plans upon separation from employment for reasons other than gross misconduct.

B. Life Insurance

The Town provides group life insurance for all eligible employees who work a regular schedule of at least thirty-six (36) hours per week, in an amount determined by the Board of Trustees. Specific information as to coverage and any available options is available from the Town Clerk.

C. Retirement Plan

The Town offers a retirement plan for certain employees. Information is available from the Town Clerk concerning eligibility, available options, coverage dates and scope of coverage. This plan includes salary deferral provisions that give eligible employees the opportunity to defer a portion of their compensation on a tax-advantaged basis by reducing their salary and having these amounts contributed to the plan on their behalf. For further information and detailed brochures describing the retirement plan, please refer to the Plan Summary. Employees are encouraged to familiarize themselves with and take advantage of this benefit.

XII. EMPLOYEE DRUG AND ALCOHOL TESTING

A. Purpose

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. As required by the Drug-Free Workplace Act, as a condition of employment, each employee must:

- Abide by the terms of this policy; and,
- Notify the Town in writing of his or her conviction, or pleading of guilty or no contest, for a violation of a criminal drug statute not later than five (5) calendar days after such conviction.

Upon notification of any such conviction or plea, the Town will take action in compliance with the Drug-Free Workplace Act and Regulations.

Colorado's marijuana laws, medical and otherwise, provide employers with the right to have and enforce their drug policies with respect to marijuana. Currently marijuana is a Schedule I controlled substance under the Controlled Substances Act of 1970. As such, any use of marijuana, medical or otherwise, is against Federal law.

Be advised that a positive drug test for marijuana constitutes a violation of the Town's drug and alcohol policy and may lead to an applicant not being employed or a current employee being subject to disciplinary action.

When an employee must take prescription or over the counter drugs, the employee must ask the medical professional or other authorized health care practitioner if the drug has any side effects which may impair the employee's ability to perform the employee's job duties safely or productively. If there is potential impairment of the employee's ability to work safely or productively, the employee must report this information to their supervisor. With input from the employee, the Town will determine if the employee should work in his/her regular job, be temporarily assigned to another job or placed off work. Any violation of this policy will result in disciplinary action.

Employees paid to be "on-call" shall not consume alcohol or illegal drugs during "on-call" hours. Whether off duty or "on-call," it is the employee's responsibility when called back to work to advise the supervisor of his/her fitness for duty. It is a violation of this policy for an employee to return to work in an apparently intoxicated condition or to fail to advise their supervisor of their impaired condition.

Under the Town's drug policy, any conduct involving illegal drugs or controlled substances, as defined by State or Federal law, can result in disciplinary measures.

B. Scope

This policy applies to all Town employees except where a provision is limited to employees required to possess a Commercial Driver's License (CDL) or employees performing a safety sensitive function.

C. Definition of Policy Violations

Alcohol: Any employee who is tested as having two one-hundredths (0.02) or more grams of alcohol per one hundred (100) milliliters of urine or per two hundred ten (210) liters of breath, will be deemed impaired by alcohol.

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

D. Voluntary Treatment

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 that the employee has a drug or alcohol problem and requests a rehabilitation agreement.

E. Refusal to Submit to Testing

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

- refusal to appear for testing,
- failure to remain at the testing site until the testing process is complete,
- failure to provide a urine specimen,
- in instances of observed or monitored collection, failure to allow observation or monitoring,
- refusal to sign the testing form,
- failure to provide adequate breath,
- failure to take a second test as directed,
- otherwise fail to cooperate in the testing process,
- perform any actions which prevent the completion of the test,
- a test result reported by the MRO as a verified adulterated or substituted test,
- inability to provide sufficient quantities of breath or urine to be tested without a valid medical explanation,
- failure to undergo a medical examination or evaluation when directed,
- tampering with, attempting to adulterate, adulteration or substitution of the specimen, or interference with the collection procedure,

- not reporting to the collection site in the time allotted; or
- leaving the scene of an accident without a valid reason before the tests have been conducted.

F. Results of Drug and Alcohol Use

Any employee found to be impaired by alcohol on-the-job, using illegal drugs or testing positive for illegal drugs may be subject to disciplinary action.

G. Reasons for Testing

1. Pre-employment

All persons seeking employment with the Town shall undergo post-offer, pre-employment drug testing. Applicants will be informed that as a condition of employment they must pass a drug-screening test. Applicants who refuse to submit to testing will not be hired.

2. Reasonable Suspicion

Reasonable suspicion means that the actions, appearance or conduct of an employee, while on-the-job, are indicative of the use and/or presence in the employee's body of a controlled substance or alcohol. Reasonable suspicion is based on specific, contemporaneous, articulable observations concerning the appearance behavior, speech or body odors of the employee.

If reasonable suspicion exists to believe that an employee, while on-the-job, is impaired by alcohol or illegal drugs the supervisor, the Town Clerk or the Town Administrator may require the employee to submit to testing. Reasonable suspicion may be based on the following or on other facts and circumstances:

- Witnessed by at least one (1) supervisor and corroborated by another supervisor or Administrator, if available, of the employee's unusual demeanor, appearance or conduct, or irrational behavior (e.g. slurred speech, lack of balance, excessive aggressiveness, docility, or drowsiness), smell of alcohol or illegal drugs;
- Suspected possession of or use of alcohol or illegal drugs on-the-job;
- Difficulty in performing or inability to perform normal job function.

The Town will arrange to transport the employee to the testing site and will arrange for the employee's transport home. An employee who is suspected of

drug or alcohol use shall not be allowed to return to work while awaiting the results of testing. If the employee holds a CDL license, the employee may not drive a commercial vehicle until results are received and confirmed negative.

3. Post-Accident

An employee must submit to drug and alcohol testing after an on-the-job accident. An accident for purposes of this policy is defined in which:

- A person dies or requires medical treatment;
- Property damage is estimated at greater than \$250; or
- The accident involves a motor vehicle accident.

The term “motor vehicle accident” includes an accident which involves either a Town vehicle or the employee’s personal vehicle during the course of performing Town job duties and results in:

- A fatality or bodily injury to anyone;
- A citation, tow away or injury related accident; or
- Property damage sustained while using a Town vehicle or personal vehicle for work business.

An employee must immediately contact a supervisor in the employee’s chain of command to report any accident or police citation. The Town will arrange to transport the employee to the testing site and will arrange for the employee’s transport home. The employee shall not be allowed to return to work while awaiting the results of testing.

4. Random Testing

Random testing applies to all employees who are required to hold a CDL in order to perform their job for the Town and may apply to employees performing a safety sensitive function. Employees will be subject to controlled substance testing and alcohol testing at any time on a random basis as a term and condition of employment. Upon being notified of selection, the employee must immediately proceed to the testing site.

Random testing will be spread reasonably throughout the year and will be unannounced to ensure that no employee receives advanced knowledge of the time of testing. All employees will have an equal chance of being selected each time a random selection is made.

An employee shall only be tested for alcohol while performing safety- sensitive functions, just before performing safety-sensitive functions, or just after

performing such functions. Safety sensitive functions include but are not limited to:

- All time at the Town or on any public property, waiting to be dispatched unless the employee has been relieved from duty by the Town;
- All time inspecting equipment as required by the law or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- All time spent at the driving controls of a commercial motor vehicle in operation;
- All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth;
- All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

H. Testing Procedures

1. Controlled Substances

Controlled substance screening shall be conducted in a laboratory certified by the Department of Health and Human Services (DHHS) and in accordance with the Procedures for Transportation Workplace Drug Testing Programs. All controlled substance screening includes split sampling which provides that a urine sample be split into two separate containers.

Precautions shall be taken to ensure that the specimen is not adulterated or diluted during the collection procedure and that the information on the sample matches the information on the custody and control form.

Dilute test results will be treated as follows:

- Dilute positives are treated as a verified positive test;
- Dilute negatives with the creatinine concentration equal to or greater than 2 mg/dL but less than or equal to 5 mg/dL will be retested under direct observation. A second dilute negative result will be treated as a negative test result;
- Dilute negatives with the creatinine concentration greater than 5 mg /dL will be retested. A second dilute negative result will be treated as a negative test result unless the Medical Review Officer (MRO) directs the Town to retest under direct observation.

The substance screen will test for the following drugs – marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP) and ecstasy.

The Town shall employ a Medical Review Officer (MRO) who will receive the laboratory results of the testing procedure. The MRO shall be a licensed physician and have knowledge of substance abuse disorders and appropriate medical training to evaluate positive test results, medical history, and any other relevant biomedical information. The MRO shall review all medical records made available by the tested individual when a confirmed positive test could have resulted from legally prescribed medication.

If the results of the initial test are negative, the testing laboratory will report the results to the MRO retained by the Town. The MRO or the testing laboratory reports the negative results to the Town. In this instance, no additional tests on the specimen will be done. Any positive initial test will be confirmed by a gas chromatography / mass spectrometry (GC / MS) test. Only specimens that are confirmed positive on the second (confirmatory) test are reported positive to the MRO for review and analysis. In the case of positive test result, the MRO will contact the employee personally.

The MRO shall also review all specimens which are found to be adulterated or substituted specimens. In the instances of an adulterated or substituted specimen, the MRO will provide the employee an opportunity to present a legitimate medical explanation. If no legitimate medical explanation is provided, the MRO will report the verified adulterated or substituted specimen to the Town. The Town will consider the verified adulterated or substituted specimen as a refusal to test and immediately remove the employee from performing safety sensitive functions, if applicable. The employee may then be subject to disciplinary action.

The MRO will be the sole custodian of the individual test results. The MRO will advise the Town only of whether the test results were negative or positive.

After receiving notification of a verified positive test, an adulterated or substituted specimen, the employee may request that the split sample be analyzed. Such a request must be made within seventy-two (72) hours of notification of the verified positive test. If such request is made, the sample will be tested at another DHHS certified laboratory, at the employee's expense. Upon written request within seven (7) days of a verified positive test, the employee may obtain copies of any records pertaining to his or her controlled substance tests.

2. Alcohol Testing

Alcohol testing shall be conducted by a Breath Alcohol Technician (BAT) using an Evidential Breath Testing Device (EBT). The employee will provide a breath sample. If the employee's alcohol concentration is greater than .02, a second confirmation test will be performed.

I. Test Results

Test results shall be held in confidence and shall only be disclosed to the employee tested and any personnel involved in supervisory or disciplinary capacities with regard to the employee. Employees who test positive for drugs or alcohol are in violation of this policy and may be subject to disciplinary action.

The following applies to all employees who are required to hold a CDL in order to perform their job for the Town and may apply to employees performing a safety sensitive function:

If an employee tests positive for a controlled substance or has an alcohol concentration of .02 or greater, the employee will be removed from safety-sensitive functions.

To be eligible to return to work after testing at an alcohol concentration of .02 to .039, the employee must be off duty for at least 24 hours. Pursuant to the Town policy, employees testing between 0.02 and 0.039 may be subjected to disciplinary action.

To be eligible to return to work after a positive controlled substance test or test indicating an alcohol concentration of .04 or greater, the employee must be evaluated by a Substance Abuse Professional (SAP). The employee will be supplied a list of SAP's and treatment will be at the employee's expense. If the SAP determines that additional treatment is necessary, the employee must complete such treatment. In addition, the employee will be subject to follow-up testing.

The above consequences are minimum requirements as set by the Department of Transportation (D.O.T.). Compliance with the above does not guarantee an employee will be returned to work following a violation of this policy. Employees may be subject to disciplinary action, regardless of eligibility to return to work under the D.O.T regulations.

Before an employee returns to work requiring the performance of a safety-sensitive function after violating the alcohol or controlled substance provisions outlined by the D.O.T, the employee shall undergo a return-to-duty test with a result indicating a verified negative result.

XIII. MISCELLANEOUS PROVISIONS

A. Nepotism

The Town has a nepotism policy that prohibits direct supervision by another relative. A relative may not be in a position that audits, verifies, receives or is entrusted with money received or handled by another relative. No employee may work in a department that

handles confidential matters involving a relative of that employee, including central payroll and personnel records.

A “relative” in this context is defined as the employee's spouse, domestic partner or fiancée, child, aunt or uncle, stepchild or grandchild, parent, grandparent, sibling, half-brother or half-sister, or any of those relationships arising through adoption or marriage, or any other member of the employee’s immediate household.

No person shall be hired, promoted, demoted or transferred to a position which would result in them being supervised by an individual with whom they are involved with in a dating relationship. A “dating” relationship is defined as a relationship that may be reasonably expected to lead or has led to the formation of a consensual romantic or sexual relationship.

This policy applies to all employees regardless of gender or sexual orientation of individuals involved. Failure to follow this policy may result in disciplinary action.

B. Town Property

Town employees must not use or permit the use of Town owned or leased property or facilities, vehicles, equipment, materials or Town personnel or Town contractors for personal use. The appropriate supervisor may approve use of equipment by employees to improve occupational skills. Systems, procedures, reports, equipment and information developed by, or on behalf of, the Town, whether by its employees or by other persons are the sole property of the Town and must not be given or loaned to or shared with any other person, company or organization without the written permission of the supervisor.

Town equipment is provided to employees for them to efficiently complete their job. While accidents can happen and Town equipment may become damaged, this can result in unnecessary costs to replace the equipment, as well as employee downtime while waiting on the replacement equipment. Employees are to use extreme care with all Town equipment to avoid damage to Town property. If there is a clear indication that Town equipment was damaged as a result of an employee’s negligence or inappropriate use or actions, the employee will be reprimanded.

Items that are for individual employee’s use, such as an I.D. card, uniforms, cell phones, pagers, keys and similar items, must be returned upon the employee's separation or disciplinary suspension. Employees are responsible for the proper care and use of all Town property used or in their possession.

C. Personnel Records

Certain individual personnel records are closed for inspection to the public according to Colorado Revised Statute Section 24-72-101, et seq. The employee, the employee's supervisor, the Town Administrator or designee, legal counsel for the Town and the Town Clerk have access to individual employees' personnel files. No personnel files, or portion thereof, will be removed from human resources without the specific authorization of the Town Administrator.

Requests for employee information are often made by various organizations or individuals for information about past and present employees. All requests for information about employees are to be directed to the Town Clerk, who will not release any information, except as required by State law, without the written authorization of the employee. It is assumed that employment verifications have been authorized by the employee in the cases of application for credit or employment, thus information regarding date of hire and/or separation and salary levels, as appropriate, may be released. Numerically based performance- rating sheets are released only as required by State law. Additional, specific information relating to Town employment will be released only with written authorization by the employee.

D. Bulletin Boards

The Town maintains bulletin boards throughout its facilities. These boards are one of the places where notices may be posted. Special notices and other information from the Town are posted and it is to the employee's advantage to consult these boards regularly.

E. Gift Ban

No individual public employee shall directly accept or be the beneficiary of a gift or thing of value given to such person's spouse or dependent child, shall solicit, accept or receive any gift or other thing of value having either a fair market value or aggregate actual cost greater than fifty dollars (\$50) in any calendar year.

F. Personal Business

Personal phone calls, emails, electronic communications, texts are discouraged during working hours. Personal business should be conducted either before or after work or during breaks. More than infrequent conducting of personal business during working hours may result in discipline.

G. Driver's License

If required, Town employees must hold a valid Colorado driver's license, or Commercial Driver's License (CDL) and a record of such will be maintained in each personnel file. Affected employees must report any changes to the status of their driver's license immediately to their supervisor.

It is the responsibility of any Town employee who operates a Town vehicle, or a personal vehicle used to conduct Town business to provide an annual records release waiver to allow the Town to verify his or her driver's license status, and to maintain auto liability coverage as required by law. Failure to follow this policy may result in disciplinary action.

H. Training and Professional Certifications

The Town supports education and training programs which improve the skills, qualifications, and performance of Town employees. The Town will pay the fees and costs of education and training programs that are specifically required by the Town. In addition, the Town may, in its discretion, approve payment of all or a portion of the fees and costs of education or training programs requested by employees. The Town's approval of payment for one segment, portion, or course that is a component of an education or training program does not obligate the Town to pay for any additional segment, portion, or course.

Educational leave is available, at the Town's discretion, to assist employees in developing professional and technical skills related to employment with the Town. Such leave may be granted to attend professional or technical conferences, training seminars, schools, or programs. Educational leave must be approved in advance by the Town Administrator. Requests for educational leave must be made in writing and must clearly state the dates and purpose of the leave requested.

Many positions require specific certifications or licenses. Employees in such a position must comply with any such requirement. A record of such will be maintained in each personnel file. Employees must report any changes to the status of these certifications immediately to their supervisor. Loss of the proper certifications may result in termination.

I. Whistleblower Protection Policy

The Town is committed to maintaining ethical and legally compliant work practices and believes that employees should never suffer retaliation from their supervisors or hiring authorities for communicating information about illegal activities, unethical practices

or other forms of official misconduct experienced or witnessed by employees in the scope of their employment.

Employees who believe that such conduct such as, but not limited to, theft, fraud, or other illegal acts while on-the-job should report those concerns immediately. Similarly, no employee should be required to commit an illegal act or engage in an unsafe work practice. Employees should report these types of directives immediately.

XIV. DEFINITIONS

Anniversary Date: This date may be the date of hire or the date of last promotion or transfer, if applicable and used to schedule performance reviews.

Hiring Authority: A supervisor or higher-level position that has the authority to make original appointments or recommend such appointments.

Board: The Board of Trustees.

COBRA: The Consolidated Omnibus Budget Reconciliation Act of 1985 provides people the right to buy continuing health insurance after termination through their former employers.

Compensatory Time: Alternative methods of compensation for time worked in excess of the scheduled work period (may be a day or a week), pursuant to the Fair Labor Standards Act (FLSA).

Corrective Action: The counseling or reprimand of an employee for the purpose of communicating areas that require improvement in the employee's conduct or performance. Corrective action may be a step of disciplinary action, which may or may not result in termination.

Date of Hire: The date an employee begins work at the Town and upon which all benefits are based.

Demotion: The movement of an employee from a position in one class to a position in another class, having a lower maximum salary rate than the original class, or the movement of an employee to a lower salary in the same class.

Supervisor: An individual who is regularly responsible for directing and managing the overall operations, and having the authority to recommend transfer, suspension, lay off, promotion, or discharge; assign, reward or recommend discipline within the department. These positions serve at the will of the Town Administrator.

Disciplinary Action: Documented verbal warning, written reprimand, suspension, demotion, dismissal, or any other documented action taken in a disciplinary manner involving an employee.

Employee: A person in a paid position with the Town who is present for services or work performed on a non-contractual basis, or who is on a leave of absence without pay that has been approved by the supervisor. This definition includes all full-time, part-time, and temporary employees. This definition excludes elected municipal officials, independent contractors, all volunteer personnel and retirees from the Town.

Employees-Exempt: An employee who is exempt from the overtime provisions of the Fair Labor Standards Act (FLSA). An exempt employee is not eligible for overtime compensation.

Employees-Nonexempt: An employee who is “not exempt” from the provisions, specified by the Fair Labor Standards Act (FLSA). A non-exempt employee is eligible for overtime compensation.

Employee Part-Time: An employee who has been hired to a part-time authorized classified position of the Town, who is authorized to work less than forty (40) hours as assigned on a regular basis during the designated work week.

Employee Full-time: An employee who has been hired to a full-time authorized classified position of the Town, who is authorized to work at least forty (40) hours as assigned on a regular basis during the designated work week.

Employee-Temporary: An employee who has received employment for a period of time not to exceed one year, who is not serving in a temporary position with benefits.

Evaluation Period: A working test period following an original hiring, a promotion, a lateral transfer or a demotion during which an employee is required to demonstrate the ability to sustain satisfactory performance throughout the employee’s employment with the Town.

Examination: A written, oral, physical, or skill test, or a combination of these tests specifically used to assist in evaluating an applicant's qualifications for a particular position.

Fair Labor Standards Act (FLSA): Federal law that governs work hours and compensation for overtime work.

Fringe Benefit: Any form of compensation in addition to the base salary as adopted by the Board of Trustees. Paid time off, health and life insurance, savings plans, educational reimbursement, and other benefits are considered as fringe benefits. Fringe benefits are subject to change, with or without notice.

Holiday: The period between 12:01 A.M. and the following midnight of the date on which a holiday designated by this policy falls.

Essential Employee: An essential employee is an employee who is in a critical position necessary to the uninterrupted operation of the Town as defined by the Town Administrator or supervisor.

Lateral Transfer: The movement of an employee from one position to another position of the same class having an identical pay range, involving the performance of similar duties, and requiring essentially the same level of qualifications.

Layoff: The separation of an employee from municipal service, which has been made necessary by lack of work or funds. This term includes those separations initially expected to be temporary as well as those resulting from the elimination of a position.

On-Call Duty: A requirement to remain readily accessible through telephone or pager communications and be available to report to work if the need arises.

Overtime: Work other than the normally scheduled work time that is scheduled by the supervisor or other management person. Overtime may be scheduled with or without notice and is mandatory unless, excused in writing in advance by the supervisor.

Overtime Pay: Monetary compensation for non-exempt employees for hours worked beyond the forty (40) hours in a workweek as designated by the Fair Labor Standards Act (FLSA). Commissioned police officers may work under a different work week.

Paid Time Off (PTO): PTO is paid time off for all absences for personal business and employee or dependent illness.

Position: A group of current duties and responsibilities requiring the full-time, temporary, or part-time services of one employee.

Position Description: The written description of a class, including the title, a statement of the nature of the work, examples of duties and responsibilities, the requirements, and the essential functions that are necessary for the satisfactory performance of the duties of the class.

Position Title: The title that is assigned to any particular class and used for reference to that class.

Promotion: The movement of an employee from a position of one class to a position of another higher class having greater or increased responsibilities and pay.

Promotional Examination: An examination for positions in a particular class for which admission is limited to employees who meet the qualifications set forth in the position specifications.

Recall Pay: Monetary compensation for non-exempt employees who work irregular or occasional overtime on a day when no work is scheduled or at a time which requires the employee to return to the place of employment from an off-duty status.

Reclassification: The official determination by the Town Administrator or designee that a position is assigned to a class different from the one to which it was previously assigned.

Relative: The employee's spouse, domestic partner or fiancée, child, stepchild or grandchild, parent, grandparent, sibling, half-brother or half-sister, or any of those relationships arising through adoption or marriage, or any other member of the employee's immediate household.

Safety-Sensitive Position: A position designated by the Town as one that has functions that are sensitive or critical in nature. These positions are subject to pre-employment drug testing and/or more rigorous selection criteria.

Scheduled Workday: The hours that are specified by the Town Administrator or supervisor, which an employee receives the employee's base salary.

Scheduled Work Period: The workdays specified by the Town Administrator or the supervisor as the days on which an employee will work for the employee's base salary.

Separation: The voluntary or involuntary severance of an employee's employment with the Town.

Substance Abuse Professional (SAP): A person who evaluates employees who have violated a DOT drug and alcohol program regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

Supervisor: Any individual having authority in the interest of the Town to evaluate other employees, or having responsibility to direct them, or to adjust their grievances, or effectively having the authority to recommend such action, if the exercise of such authority is not merely routine or clerical in nature, but requires the use of independent judgment.

Suspension: The temporary separation of an employee from performing their regularly assigned duties with or without pay for disciplinary reasons or pending the outcome of an investigation involving the employee.

Work Period: The work period for full-time non-exempt employees is forty (40) hours in a seven (7) day period except for sworn police officers, which is eighty (80) hours in a fourteen (14) day period.

XV. EMPLOYEE ACKNOWLEDGEMENT

The Town of Lyons' Employee Handbook is designed to acquaint the employee with the organization and provide the employee with information about working for the Town. The handbook is neither all-inclusive, nor exhaustive, but instead is intended to provide employees with a summary of the Town's guidelines. This edition replaces all previously issued editions.

I, the undersigned, hereby acknowledge and state that I have been provided with a copy of and have read and understand the town of Lyons's policies within this handbook.

I understand that the Board of Trustees has the right to change the guidelines and benefits of the town at any time without notice.

I understand and accept that my employment with the company is at-will. I understand the language used in this handbook and any verbal statements of management are not intended to constitute a contract of employment, either express or implied, nor are they a guarantee of employment for a specific duration. I have the right to resign at any time with or without cause, just as the company may terminate my employment at any time with or without cause or notice, subject to applicable laws.

By signing this acknowledgment, I confirm that I have read, understand, and will comply with all requirements of the Handbook and the written and oral instructions of supervisors.

PRINTED NAME

DATE ____/____/____

SIGNATURE