



TOWN OF ELIZABETH

PATRICK G. DAVIDSON, TOWN ADMINISTRATOR

TO: Honorable Mayor, Mayor Pro Tem, and Board of Trustees
FROM: Patrick Davidson, Town Administrator
DATED: February 20, 2025
SUBJECT: Proposed Revisions to the Employee Handbook

BACKGROUND

The last complete re-write of the Town's Employee Handbook occurred in 2022 with newest version becoming effective on January 1, 2023. Section 1-A-2 of the Handbook authorizes the Town Administrator to promulgate administrative regulations to implement the policies established in the Handbook. Additionally, in 2024, the Board of Trustees authorized and approved several administrative regulations that were beyond the scope of the Administrator's policy setting authority. The proposed revisions to the Employee Handbook for 2025 reiterate those regulations and otherwise update the Handbook for the upcoming year. The Board will note that the revisions are undertaken by Ordinance due to the fact that prior Handbooks were likewise approved by Ordinance.

ANALYSIS

All previously approved revisions to the Handbook, as well as those previously authorized by administrative regulations, are set forth below and identified in **red** within the draft document.

Page 8: Amends the meal tipping policy to allow for tips of up to 18% to meet current standards.

Page 9: Includes Section 2-C-19 "Establishment of Take-Home Vehicles for Certain Positions" as authorized by the Board of Trustees on February 27, 2024.

Page 20: Amends employee benefits to reference Paid Time Off (PTO) and to remove prior references to "Vacation Leave" and "Sick Leave".

Page 21: Includes Section 4-A-9 "Special Conditions for Hiring Within the Police Department" as authorized by the Board of Trustees on February 27, 2024.

Page 23: Amends compensatory time references to remove "Vacation Leave" and "Sick Leave".

Page 23: Clarifies prior language regarding overtime compensation.

Page 23: Clarifies prior language regarding regularly scheduled work that falls upon an otherwise recognized holiday. Also, the revision is designed to clarify the distinction between "Call Out" Work on a holiday with Holiday Pay.

Page 25: Includes Section 4-B-10 “Stipend for Qualifying Childcare Services” as authorized by the Board of Trustees on February 27, 2024.

Page 26: Provides discretion to the Department Heads to require or allow employees to work other schedules based on specific assignments. [For example, allowing park staff to work earlier in the morning in the summer to avoid excessive afternoon heat.]

Page 28: Specifically recites the “Nepotism Clause” found in the Elizabeth Municipal Code at 2-3-70 for better reference.

Page 31: Includes Section 4-D-4 “Educational Opportunities Related to Hiring Within the Police Department” to maintain consistency with included Section 4-A-9, as authorized by the Board of Trustees on February 27, 2024.

Page 32: Modifies the prior language of Section 6-A-1 to remove any accrual of “Sick Leave” as part of the overall conversion to Paid Time Off (PTO) within the organization.

Page 49: Amends the terms regarding “final pay” to remove references to “Vacation Pay”.

STAFF RECOMMENDATION

Staff recommend approval of the updated Town of Elizabeth Employee Handbook as set forth herein, with an effective date of May 1, 2025

BUDGET CONSIDERATIONS

N/A

ATTACHMENTS

Draft 2025 Town of Elizabeth Employee Handbook (Redlined)
Ordinance Approving Employee Handbook

INTRODUCTION

Section One - General Information

1-A-1 Preface

THIS EMPLOYEE HANDBOOK (HEREINAFTER REFERRED TO AS “HANDBOOK”) IS NOT AND DOES NOT CREATE AN EXPRESSED OR IMPLIED CONTRACT OF EMPLOYMENT BETWEEN THE TOWN OF ELIZABETH AND ITS EMPLOYEES. THE BOARD OF TRUSTEES OF THE TOWN OF ELIZABETH (HEREINAFTER REFERRED TO AS THE “BOARD OF TRUSTEES”) RETAINS THE *SOLE* RIGHT TO MODIFY, SUSPEND, INTERPRET OR CANCEL IN WHOLE OR IN PART THE PROVISIONS OF THIS HANDBOOK. ALL EMPLOYMENT WITH THE TOWN OF ELIZABETH IS “AT-WILL” AND OF AN INDEFINITE DURATION. THE TOWN OR AN EMPLOYEE MAY TERMINATE EMPLOYMENT AT ANY TIME, WITH OR WITHOUT CAUSE, AND WITH OR WITHOUT ADVANCE NOTICE. NOTHING IN THIS HANDBOOK, OR IN ANY OTHER TOWN DOCUMENT, CAN CHANGE OR SUPERSEDE THIS “AT WILL” STATUS. THE TOWN WILL ENDEAVOR TO NOTIFY EMPLOYEES OF THE TOWN OF ELIZABETH OF PROPOSED CHANGES TO THIS HANDBOOK IN ADVANCE OF THEIR ADOPTION, BUT NO SUCH NOTIFICATION SHALL BE REQUIRED IN ORDER FOR SUCH CHANGES TO TAKE PLACE.

1-A-2 Functions and Objectives of the Employee Handbook

The personnel and employment practices of the Town of Elizabeth are based on modern personnel practices requiring that all personnel actions, including but not limited to, recruitment, hiring/promotions, training, transfer, upgrading, retention, and other personnel practices will be administered fairly and without regard to race, creed, color, religious convictions, gender, age, national origin or ancestry, disability, marital or military status, sexual orientation, gender identity, gender expression, genetic information, or any other classification protected under applicable law.

This Handbook is subject to change at any time, including changes to benefits provided and to personnel practices. All such changes may apply to current as well as future employees. To the extent that there are any conflicts between the Handbook and Departmental Policies, the Handbook will prevail. In addition, the Town Administrator is authorized to promulgate administrative regulations to implement the policies set forth in this Handbook, so long as such policies are consistent with the language of the Handbook.

Exclusions: The policies and procedures set forth in this Handbook do not apply to the employment, benefits, salaries, and other compensation of the Town Administrator, elected officials, independent contractors, contractual employees, or the Municipal Judge, unless specifically stated herein or made applicable by specific contractual provision.

1-A-3 Legality of Content

As of the date of issue, this revised Handbook becomes effective and shall supersede prior personnel regulations. Should any section, item, clause, or phrase contained in this Handbook be determined to be illegal or otherwise invalid or in conflict with an ordinance or law, such findings shall not affect the validity of the remaining portions of the Handbook.

1-A-4 Adoption, Amendment or Revision of the Employee Handbook

All policies and procedures set forth in this Handbook shall be subject to adoption, amendment, modification, revision, termination, or elimination by formal action of the Board of Trustees. Proposed amendments to this Handbook shall be prepared by the Town Administrator and reviewed for legality by the Town Attorney and/or appropriate legal counsel, prior to formal action by the Board of Trustees.

1-A-5 Open Records Statement

Nothing in this Handbook shall be construed to authorize the withholding of public records and documents that by law are required to be disclosed upon proper request, made in complete conformity with applicable law, including, but not limited to, the Colorado Open Records Act, Article 72 of Title 24, Colorado Revised Statutes 1973, as amended, or to authorize the disclosure of records or documents that by law are privileged or otherwise exempt from disclosure requirements.

Organizational Structure & Expectations

Section Two - Organizational Structure

2-A-1 Form of Government

The Town of Elizabeth is a statutory municipal corporation organized pursuant to Title 31 of the Colorado Revised Statutes. The Town operates under the Town Administrator form of government, as set forth in C.R.S. 31-4-304. The Board of Trustees appoints a Town Administrator to serve as the Chief Administrative Officer for the Town.

2-A-2 Organizational Chart

Included is the current organizational chart for the Town. As reporting requirements and positions change within the Town, the organizational chart will be updated to reflect those changes.

2-A-3 Duties of the Town Administrator

The Board of Trustees is the legislative and policy-making body of the Town of Elizabeth and appoints a Town Administrator who is responsible for the general administration of Town services and programs. The Administrator's conditions of employment are set by separate contracts and as such the Administrator is not subject to this Handbook. The Administrator is responsible to the Board of Trustees for the proper administration of all affairs of the Town placed in his/her charge and he/she shall have the power to appoint and remove all officers and employees in the administrative service of the Town, except the Town Attorney and Municipal Judge.

Pursuant to Sec. 2-3-40 of the Elizabeth Municipal Code, the Town Administrator's duties include the following: to be responsible to the Board of Trustees for the efficient administration of all departments of the Town government; to supervise the enforcement of all laws and ordinances; to recommend an annual budget to the Board of Trustees, to administer the budget as finally adopted and to keep the Board of Trustees fully advised at all times of the financial condition of the Town; to recommend to the Board of Trustees for adoption such measures as he or she may deem necessary; and to perform such other duties as may be prescribed by ordinance, resolution or by direction of the Board of Trustees.

The Town Administrator has the authority to hire, appoint, or remove employees at his discretion, for the best interests of the Town. All decisions of the Administrator in any such case shall be final.

Position Classification Plan

2-B-1 Policy

The Town will maintain a written job description for all paid employee positions. A job description shall contain at least the following elements: title, classification, summary of job duties, qualifications, pay grade, supervisor, compliance with the Colorado Equal Pay Act, and exempt/nonexempt status for purposes of the FLSA and ADA qualifications, as applicable.

Expectations

2-C-1 Conflicts of Interest

The Town expects the primary interest of employees to be the public we serve. A conflict of interest occurs when the interests of an employee, or another outside party, actually or potentially affects, or creates the perception of affecting, the Town in a negative way.

Employees may have outside business interests and outside employment so long as these do not interfere with job performance. Employees, other than sworn members of the police department, may not earn a profit from outside employment or business interests which directly results from an affiliation with the Town of Elizabeth without prior written approval of the Town Administrator and proper notification with respect to conflicts and potential conflicts in accordance with State Statute and other applicable laws, regulations, and policies, if any. Applicable law and/or department policy may further limit police officers outside employment and business activities.

The Town should not be impacted by an individual employee's personal beliefs, values, and commitments unless they are:

- Prevent the employee from fulfilling his or her job responsibilities.
- Involve an attempt by the employee to use the Town's time and/or facilities to further such beliefs, values, and commitments; or
- Involve an employee's continued attempt to convince others in the workplace, who may or may not be fellow employees, to adopt his or her beliefs, values, or commitments after he or she has been asked to stop.
- Involve other conduct causing actual disruption to the workplace or Town operations.

Employees may not use privileged or confidential information gained because of their employment for personal gain or benefit, or to benefit relatives, friends, or acquaintances.

If an employee or employee's family has any interest (including, but not limited to, serving as partner, stockholder, manager, officer or employee), in any business that sells products or services to the Town or if an employee has access to Town information that may be used for private gain, the employee must

advise the Department Head and, where appropriate, the Town Administrator of such interest in writing. The Department Head and, where appropriate, the Town Administrator will determine whether a conflict of interest exists and will then advise the employee and the employee's supervisor and provide a copy of the determination letter in the employee's personnel files. If such a conflict is found to exist, the employee may be given the option of terminating either employment with the Town or interest in the business. Failure to comply with these provisions may result in immediate dismissal.

2-C-1A Social media policy

At the Town of Elizabeth, we understand that social media can be a fun and rewarding way to share your life and opinions with family, friends, and co-workers around the world. However, the use of social media also presents risks and carries certain responsibilities with it. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media.

Guidelines

In the rapidly expanding world of electronic communication, *social media*, includes all means of communicating or posting information or content of any sort on the Internet, including your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether associated or affiliated with Employer, as well as any other form of electronic communication.

The same principles and guidelines found in this Handbook's policies apply to your activities online. Employees are solely responsible for what they post online. Before creating online content, consider the risks and rewards that are involved. Social media posts and comments that adversely affect your job performance, the performance of fellow employees or otherwise adversely affects members, customers, suppliers, or people who work on behalf of the Town may result in disciplinary action up to and including termination.

Be respectful.

Always be fair and courteous to fellow employees, customers, members, suppliers, or people who work on behalf of the Town of Elizabeth. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your supervisor or co-workers than by posting complaints to a social media outlet.

Be honest and accurate.

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives everything; therefore, even deleted postings can be searched.

Post only appropriate and respectful content.

- Maintain the confidentiality of Town records that are private or confidential information. Do not post internal reports, policies, procedures, or other internal business-related confidential communications that you possess only because of your association with the Town of Elizabeth.
- Do not create a link from your blog, website, or other social networking site to a Town website.
- Express only your individual opinions. Never represent yourself as a spokesperson for the Town. If the Town is a subject of the content you are creating, be clear and open about the fact that you

are an employee and make it clear that your views do not represent those of the Town, fellow employees, elected officials, customers, suppliers, or people working on behalf of the Town.

Using social media at work

Refrain from using social media while on work time or on equipment we provide unless it is work-related as authorized by your manager or consistent with this Handbook. Do not use your Town of Elizabeth email address to register on social networks, blogs or other online tools utilized for personal use.

Prohibition of Retaliation

The Town prohibits taking negative action against any employee for reporting a deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a deviation from this policy, or for cooperating in an investigation, will be subject to disciplinary action, up to and including termination.

2-C-2 Gifts, Favors & Honoraria

Amendment forty-one is a citizen initiative which was adopted by Colorado voters during the 2006 general election. Amendment forty-one places' restrictions on gifts, broadly defined, given to Colorado public officials, government employees, and their immediate family members. Such people are prohibited from receiving gifts with value exceeding fifty (\$50.00) dollars.

- Acceptance of Honoraria – Amounts for this type of scholarship may exceed \$50.00 if certain conditions are met. Contact your supervisor or Department Head for details.
- Acceptance of prizes, lottery winnings and items at silent auctions may be accepted if the competition was fair and open to everyone similarly situated.

Employees should contact their supervisor or Department if they have any questions concerning the potential receipt of gifts as a Town employee.

2-C-3 Speaking to the Media - Public Relations

The Town Administrator may designate a Public Information Officer (PIO) who will respond to media requests for information and interviews. The PIO is authorized to make public statements about operations and issues concerning the Town. Additionally, the Chief of Police is authorized to respond to media requests for information and give interviews pertaining to the operations of the Police Department. All requests for interviews should be coordinated, as necessary, with the Town Administrator or the PIO.

Media contacts

Employees should not speak to the media on the Town's behalf. All media inquiries should be directed to the Town's Administrator, PIO, or Department Head. In accordance with the Colorado Open Records Act, requests for records, reports, or written information should be directed to the Town Clerk's Office, Police Department, or Municipal Court, depending on the nature of the request.

2-C-4 Open Records Requests

Request for Records forms are available in the Town Clerk's Office, at the Police Department and at the Municipal Court. Except as required by law, no information about individuals will be released to state,

federal or other agencies that enable the identification of any person by name, address, Social Security number or other coding procedures. If records are to be inspected by an outside agency, the individual who inspects the records must be specifically authorized to do so by the Town Administrator. The taking of notes, copying of records, or removal of records is specifically prohibited regardless of any release provided. Employees will not discuss any individual's record with unauthorized individuals, whether on or off-duty. (See Section 1-A-9, Open Records Statement)

2-C-5 Tobacco Use

In the interests of employee and public health, the use of tobacco products is prohibited on Town owned or leased property, vehicles, parks, and other equipment. "Tobacco" includes cigarettes, cigars, pipes, vaping pens, electronic cigarettes, snuff, chewing tobacco or any other product intended to provide nicotine.

2-C-6 Employee Appearance

Town of Elizabeth staff members are expected to present a clean and professional image to visitors, customers, and the public. Acceptable personal appearance is an ongoing requirement of employment with the Town. Supervisors should communicate any department-specific workplace attire and grooming guidelines to staff members during new-hire orientation and evaluation periods. Any questions about the department's guidelines for attire should be discussed with the immediate supervisor.

The Town recognizes the importance of individually held religious beliefs to people within its workforce. The Town will reasonably accommodate a staff member's religious beliefs in terms of workplace attire unless the accommodation creates an undue hardship in the Town or other employees. Accommodation of religious beliefs in terms of attire may be difficult considering safety issues for staff members. Those requesting workplace attire accommodation based on religious beliefs should be referred to the Town Administrator.

2-C-7 Telephone Usage

The primary purpose of all desk phones and Town-issued cell phones is for employees to conduct Town business. Personal long-distance phone calls from a land line are not allowed. Personal phone calls during working hours distract employees from their duties and may be disruptive to coworkers. Employees should limit the placement or receiving of personal calls during working hours. Any charges billed to the Town with respect to an employee's making or receiving of personal long-distance calls shall be promptly reimbursed by the employee.

The employee has sole responsibility for a Town-issued cell phone. Care should be taken to avoid equipment theft and damage. In the case of negligence, the employee may be responsible for replacement costs. Texting on a cell phone for any purpose while driving a vehicle is prohibited. If you must receive or read or send a text message, pull the vehicle you are driving over to the nearest, safe place.

2-C-8 Emergency Delayed Opening or Closure of Town Facilities –Non-exempt employee pay

The purpose of this policy is to provide for a consistent and uniform approach when delaying or closing Town facilities due to a severe weather event or other emergencies. This policy covers all full-time and

regular part-time employees. It is the policy of the Town of Elizabeth to make every effort to maintain regularly scheduled work hours. Town services will continue in normal operations unless specifically delayed or closed by the Town Administrator or his/her designee. At times, a severe weather event or other emergency can disrupt Town operations. To minimize travel during a severe weather event or for other emergencies, the Town may delay opening or may close Town facilities and operations. If the Town Administrator closes or delays town facilities or operations, employees will be paid for their regularly scheduled hours during the period of closure as if those hours were worked, not to exceed the regularly scheduled hours for their entire shift.

If there has been no delay or closure approved by the Town Administrator, employees are encouraged always to use their best judgment and not to attempt to come to work if they are uncomfortable traveling in inclement conditions. If the weather conditions impede an employee from attendance or require an employee to depart the premises early from their regularly scheduled shift, but Town facilities/services have not been delayed or closed, employees are permitted to take accumulated leave, or an alternate work schedule as permitted at the sole discretion of the Department Head. In all instances, employees are required to request approval from their direct supervisor before altering their schedule due to weather conditions.

This policy does not apply to sworn police department personnel who are required to work based on assignment by the Chief of Police.

Notification to Town Employees: Once the Town Administrator has made the decision to delay or close operations, the Town Administrator or designee will send an e-mail to all Town employees to notify them. Department Heads will utilize phone trees and other departmental established methods to communicate with all employees. Employees should always call their direct supervisor if they have a question about whether Town facilities are open or closed.

Employees on any pre-approved leave or otherwise not scheduled to work during the affected period are eligible for payment under this policy. For example, if an employee is out on a pre-approved vacation or PTO during the declared closing, the pre-approved vacation or PTO hours will not be deducted from their accrued time.

2-C-9 Travel

From time to time, employees may be required to travel on official business. Employees must receive written approval for travel from the Department Head prior to incurring any expense for said travel.

Allowable meal and mileage reimbursement rates for approved out-of-town travel are as follows:

- Meals will be reimbursed at the current per diem rate as determined by the current rate paid by the State of Colorado.
- Mileage – The Town will reimburse mileage when private vehicle use is authorized by Department Head at the rate which is set from time-to-time by the Internal Revenue Service.

Upon completion of travel, a Reimbursement Request must be filed to obtain reimbursement for approved travel expenses. The Reimbursement Request shall contain a statement as to the purpose of the trip as well as receipts for all expenses included in the request. Lodging, meals, and other reimbursable

travel expenses shall only be reimbursed for the period necessary for the traveler to accomplish the Town's business. If lodging, meals, or transportation expenses are included in conference fees, registration fees or are otherwise furnished at no additional cost to the traveler, no reimbursement shall be made for these items unless upon prior approval of the Town Administrator. All reimbursement requests must be submitted no more than ten (10) business days from the return of travel.

Employees authorized to travel shall be reimbursed with the actual cost of reasonable accommodation. Employees may be required to use approved or designated lodging facilities to assist in controlling travel costs. Employees authorized to travel shall be reimbursed for the cost of meals, including tax and a not-to-exceed 18% tip on the meal before tax, and other incidental expenses. Travel expenses are reimbursed up to the current IRS rate.

The following travel expenses shall not be reimbursed:

- Alcoholic beverages purchased by the traveler.
- Entertainment expenses paid by the traveler, unless approved by the Town Administrator in advance.
- Travel insurance expenses paid by the traveler.
- The cost of traffic fines and traffic tickets.

The Town shall not reimburse the cost of an employee's spouse or other person(s) accompanying the employee on a business trip. A spouse may share a room or otherwise accompany the employee on authorized travel, but it shall not increase the cost of the employee's travel, nor shall it be reimbursed in any way.

Out of state travel may be permitted for business-related training and/or required meetings. Out-of-state travel will be subject to prior approval by the Town Administrator.

2-C-10 Open Door Policy

The Town offers an "open door" policy. All employee input is considered confidential, to the extent permitted by law, and can be presented without fear of personal recrimination to the employee or his/her position. All employees are encouraged to provide input and suggestions concerning the overall operation and programs of the Town, following the proper channels of communication. Employees should initially bring their comments to their immediate supervisor. In some cases where appropriate, employees may first approach their Department Head or, in appropriate instances, the Town Administrator.

2-C-11 Code of Ethics

Employees of the Town of Elizabeth:

- Will not discriminate against or refuse services to anyone based on race, creed, color, religious convictions, gender, age, national origin or ancestry, disability, marital or military status, sexual orientation, gender identity, gender expression, genetic information, or any other classification protected under applicable law.

- Will not use professional relationships to further personal interests.
- Will evidence a genuine interest in all people served and dedicate themselves to always helping them.
- Will respect the privacy of the people served and hold in confidence all information obtained in the course of service and when storing and disposing of customer records. Such information and records shall be subject to disclosure only in accordance with applicable law.
- Will, upon termination, or resignation maintain employer/employee confidentiality and will hold as confidential any proprietary information obtained concerning the Town.
- Will respect the rights and views of co-workers, and treat them with fairness, courtesy, and good faith.
- Will maintain the trust of the public and co-workers by extending respect and cooperation to all.
- Will make every effort to avoid relationships that could impair professional judgment.
- Will not engage in or condone any form of harassment or discrimination.
- Will not use public service to bestow any preferential benefit on anyone related to a public official or employee by family, business, or social relationship.
- Will not advise on problems outside the bounds of competence.
- When replacing a co-worker, or being replaced, they will act with consideration for the interest, character and reputation of all parties involved as a professional.
- Will report to any co-worker who has violated these or other ethical standards.
- Will continually assess personal strengths, limitations, biases, and effectiveness and strive to become and remain proficient in the performance of duties.
- Will act with professional integrity.
- Will seek assistance for any problem that impairs performance; and
- understands that violation of this code of ethics may result in disciplinary or corrective action, up to and including termination.

2-C-12 Drug-Free Workplace

The Town has adopted a Drug and Alcohol Policy which is included in this handbook and establishes guidelines for maintaining a Drug-Free Workplace as defined in the Federal Drug-Free Workplace Act.

It is against Town policy for an employee to use, possess, or be under the influence of any alcoholic beverage, drug, or controlled substance (as defined by C.R.S. § 18-18-102(5) and 21 USC §812 and, in the event of a conflict, the more restrictive shall apply) while on the job, while driving a Town vehicle, or while driving a personal vehicle on Town business.

For the purposes of this policy, "on the job" includes all periods of time when an employee is compensated. An employee is considered under the influence when the ability to perform his/her job is impaired, or the ability to function effectively in the workplace is impaired in the opinion of the Town, or the ability to perform the job and function safely as to himself/herself, fellow workers, or the public is impaired.

Employees who are suspected of being under the influence of alcohol, drugs, or a controlled substance, may be compelled by the Town to take a blood test, hair sample, urine test, breath test, or any combination of the four (4). An employee who refuses to take the ordered test will be subject to disciplinary action up to and including termination. An employee found to be under the apparent influence of alcohol, drugs, or a controlled substance while on the job will be subject to disciplinary action up to and including termination. An employee who tests positive for alcohol, drugs, or controlled substances, because of an ordered test, including a random test, is "under the influence" for purposes of this policy.

If an employee needs to take prescribed drugs under a physician's direction that may affect that employee's ability to perform his/her job in a safe and productive manner, the Town requires for the employee's safety and that of others, that the employee's supervisor be informed that he/she is taking such drugs and their effect on his/her work. Failure to inform the supervisor may subject the employee to disciplinary action up to and including termination. A "prescribed drug" under this Section does not include the medical use of marijuana pursuant to written documentation provided by a physician to a patient, as these terms are defined by Colo. Const. Art. XVIII, Section 14, nor does it apply to any personal use of marijuana pursuant to Colo. Const. Art. XVIII, Section 16.

In addition, it is against Town policy for any employee, regardless of position, to use, possess, or be under the influence of *any* illegal drug or controlled substance – including marijuana - on or off duty. The purpose of this restriction is to comply with Federal Law, which still criminalizes marijuana and its derivatives.

2-C-13 Government and Political Activity

The Town of Elizabeth encourages employees to take an active interest in government and to participate in political affairs. All employees have the right to express their opinions on political issues and candidates, and are also encouraged to exercise these rights; provided, however, that such employee activity is subject to the following conditions:

- Non-partisan position of the Town - No action will be allowed by any person that infringes upon the right of any employee to decide which candidates or positions to support. The Town will not endorse or contribute to any political candidate or party.
- Individual actions - No employee is allowed to give the impression that any political action or position represents the Town. All political activities are to be done as the actions of individuals, on their own time, and away from Town facilities.

- No employee is allowed directly or indirectly to coerce, attempt to coerce, command, or advise any other employee to pay, lend or contribute anything of value to a party, committee, organization, agency, or person for any political purpose.

Employees who wish to seek elective office shall inform their supervisors and the Town Administrator. Subject to the requirements of law, the Town grants leave employees who are seeking elective office, for the purposes of campaigning for and fulfilling the responsibilities of the office, if elected. Employees who are granted leave under this policy must use paid time off or compensatory time.

2-C-14 Teleworking

The Town of Elizabeth supports the limited use of teleworking in those instances where work at home, on a full-time or part-time basis, is an acceptable alternative to the usual Town worksite. The Town Administrator has the discretionary authority to approve the use of teleworking. In determining a job's suitability for teleworking, the Town Administrator will take into consideration the following factors:

- Nature and scope of the employee's primary job assignment.
- Impact on customer service.
- Expense to the Town for setting up a workstation.
- Employee's past performance; and
- Benefits to the Town, such as employee retention, increased productivity, ADA accommodation and limited availability of office space.

Should the Town Administrator approve the use of teleworking, additional requirements may apply per the items below. The employee may be required to enter into a teleworking agreement. At a minimum, the agreement will cover the following:

- Nature and scope of the work to be performed.
- Time reporting requirements
- Overtime reporting requirements.
- Equipment to be provided by the Town or by the employee.
- Reimbursable expenses.
- Information security requirements.
- Insurance requirements and liability coverage; and
- Workers' Compensation coverage and accident reporting requirements.

This policy does not apply to those situations where an employee, with the immediate supervisor's permission, may occasionally work at home to complete a report or special project. Teleworking is not to be used as a regular substitute for child or elder care. Other care arrangements must be available during working hours if there are young children or elderly individuals in the home.

2-C-15 Courtesy

Employees of the Town of Elizabeth are always expected to be courteous and polite. Courtesy, or lack thereof, is most noticeable at public counters, reception desks, and in telephone contacts. Courtesy in outside jobs, where public contacts may be more casual, is just as important. Courtesy in handling public contact means more than being polite to those who are polite to you. Since our Town services are for all citizens of Elizabeth, courtesy is due to them regardless of the type of complaint or demand made.

Although much responsibility for courtesy is placed upon a public employee, employees are not required to take harassment, threats, or excessive abuse from anyone. If an employee receives any threats, is harassed, or abused in any way, physically or verbally, the employee should leave the area immediately and report, in detail, the situation to a supervisor or Department Head so that he/she is aware of the circumstances and can follow up with the appropriate action with the proper officials. Should the employee, in his/her own evaluation of the situation, feel that contacting 911 is necessary, he/she is encouraged to do so.

2-C-16 Whistleblower Policy

The Town of Elizabeth encourages all employees to provide input and suggestions concerning the overall operation and programs of the Town as well as to report actions that they believe violate a law or regulation or to constitute fraudulent accounting or other unethical practices. This policy is intended to provide an opportunity for employees to report such actions should they ever suspect or witness any actual occurrence of illegal, unethical, or inappropriate behaviors or practices without fear of retribution or retaliation.

Employees should report as soon as possible, but not longer than fourteen (14) days after the event, the suspected or actual event to his /her immediate supervisor. If the employee is uncomfortable or otherwise reluctant to make the report to his/her supervisor, then the employee shall report the event to the next highest level of management. In the event the Town Administrator is involved, the report should be made to the mayor. An employee may choose to report any concerns anonymously.

The employee shall receive no retaliation or retribution because of a report provided in "good faith." "Good faith" for purposes of this policy 2-C-16 means that the employee has a reasonably held belief that the report is true and has not been made either for personal gain or for any ulterior motive or with malice to damage another employee, Town official or the Town of Elizabeth. An employee who makes a report in other than good faith shall be subject to corrective action, up to and including termination, to protect the reputation of the organization, members of the governing body and staff. Anyone who retaliates against an employee who reported an event in good faith will be subject to corrective action, up to and including termination.

The supervisor, Department Head, or Mayor (in instances involving the Town Administrator) who receives a report of illegal, unethical, or inappropriate behaviors or practices must promptly act to investigate and/or resolve the issue. If the investigation of a report, that was done in good faith and investigated by

internal personnel, is not to the employee's satisfaction, then he/she has the right to report the event to the appropriate legal or investigative agency.

The identity of the employee, if known, shall remain confidential to those persons directly involved in applying this policy, unless the issue requires investigation by law enforcement in which case members of the organization are subject to subpoena.

2-C-17 Town Property

Employees who use or have Town property in their possession are expected to treat it with the same care as they would their own property. All tools and equipment are to be returned in good condition, ordinary wear and tears excepted. Replacement or repair of property that is lost, damaged, or destroyed due to the employee's willful act or carelessness will be considered a legal obligation and indebtedness of the employee and will be replaced or repaired at the employee's expense.

Whether or not performed on the Town's premises, the work which employees perform and are paid for by the Town is the property of the Town of Elizabeth. This includes inventions, works of authorship, improvements, designs, developments, and discoveries that relate in any manner to the present or prospective activities of the Town.

Any Town property issued to employees, such as keys, equipment, tools, manuals, handbooks, records, or uniforms, must be returned at the time of termination or resignation or whenever requested by a supervisor. Employees are responsible for paying for any lost or damaged items. As a condition of employment with the Town, all employees agree that the value of any property issued to and not returned by an employee will be considered a legal obligation and indebtedness of that employee and may be deducted from such employee's final paycheck.

2-C-18 Operation of Town or Private Vehicles

Employees who do not have a valid Colorado driver's license or who are not insured against liability, as required by state law, are not authorized to drive any vehicle while performing work duties for the Town. An employee's driving record must be acceptable to the Town and if applicable, the Town's insurance carrier, or the employee will not be authorized to drive in the course of employment. A Motor Vehicle Record (MVR) for prospective and current employees whose job duties require them to routinely operate a Town vehicle will be obtained and reviewed in accordance with the Town's current operating procedures.

If an employee's duties include driving, then any change in the employee's driver's license status, driving record or insurance coverage must be reported in writing by the employee to his/her Department Head by the next business day.

Employees shall always observe safe and lawful driving practices. Seat belts must be worn while traveling in a Town-owned vehicle or personal vehicle on Town business. It is the employee-driver's responsibility to ensure that all passengers buckle up before beginning to operate the vehicle.

Property damage to vehicles that occurs while an employee is driving the vehicle or is in control of the vehicle is the employee's responsibility. The Town has no obligation to pay for damage to an employee's vehicle that occurs while the vehicle is on the Town's premises or while it is being used for job-related

purposes unless the damage is caused by the Town's negligence and is not due to any negligence by the employee.

2-C-19 Establishment of Take-Home Vehicles for Certain Positions

The Town Administrator, in consultation with a Department Head, may authorize a take-home vehicle to those employees who have management or supervisory duties and those who are expected to respond to operational emergencies from the employee's residence during off-duty hours. These vehicles are provided for use while commuting between a residence and a work location, in addition to using them for business purposes during the normal workweek. Typically, these employees occupy positions where it is impractical to go to an alternative location to obtain a Town vehicle, particularly in the event of an emergency.

Only Town employees are allowed to drive a Town-owned vehicle unless in the event of an emergency. Vehicle operators shall always drive in a safe and courteous manner and in compliance with all traffic laws. All vehicle operators shall have a valid driver's license; shall always utilize seat belts; shall not consume or be under the influence of alcoholic beverages or controlled substances; and shall refrain from smoking in the vehicle.

Employees assigned a take-home vehicle are authorized to drive such vehicles to and from work. Employees shall not use these vehicles during non-work hours for personal use (e.g., weekends or holidays). The take-home vehicle can be used to transport a family member to incidental stops (i.e., driving a child to school, or a companion to an after-hours, work-related function.)

In keeping with the "commuting benefit" under the Internal Revenue Service (IRS), the Town has identified a take-home vehicle as a non-cash fringe benefit of \$3.00 per day for each day a take-home vehicle is used. This amount is based upon federal tax regulations. As such, any employee with a take-home vehicle shall have this amount included as taxable income on employee wage and tax statements.

NONDISCRIMINATION

Section Three - Equal Employment Opportunity

3-A-1 Equal Employment Opportunity Statement

The Town of Elizabeth believes that equal opportunity for all employees is important for the continuing success of the organization. In accordance with state and federal law, the Town will not discriminate against an employee or applicant for employment with regard to race, creed, color, religious convictions, gender, age, national origin or ancestry, disability, marital or military status, gender identity, gender expression, genetic information, or any other classification protected under applicable law or non-job related factors in hiring, promoting, demoting, training, benefits, layoffs, terminations, recommendations or rates of pay or other forms of compensation. Opportunity is provided to all employees based on qualifications and job requirements.

Non-Discrimination

3-B-1 Non-Discrimination Statement

The Town of Elizabeth believes in equal employment opportunities for all individuals without regard to race, creed, color, religious convictions, gender, age, national origin or ancestry, disability, marital or military status, gender identity, gender expression, genetic information, or any other classification protected under applicable law. This policy extends to all terms, conditions, and privileges of employment as well as the use of all Town facilities and participation in all Town-sponsored activities.

Harassment, retaliation, coercion, interference, or intimidation of any employee due to that employee's race, creed, color, religious convictions, gender, age, national origin or ancestry, disability, marital or military status, gender identity, gender expression, genetic information, or any other classification protected under applicable law is strictly forbidden, and any employee who experiences such activity should report it immediately to his/her supervisor or the Town Administrator, as the employee may chose. If such activity involves the Town Administrator, the employee may raise the issue with the Mayor or Town Attorney.

When any such activity is reported, an appropriate inquiry or other investigation will be made and, when necessary and appropriate, if the perpetrator is a Town employee, corrective action may be undertaken consistently with other policies stated in this Handbook and the requirements of applicable law. Such an investigation or inquiry shall remain confidential, to the extent possible.

Americans With Disabilities Act Compliance

3-C-1 Policy

The Town of Elizabeth welcomes applications from people with disabilities and does not discriminate against them in any way. The Town complies with the Americans with Disabilities Act (ADA) of 1990 by:

- Considering all applicants with disabilities for employment using the same criteria as are used for the employment of people without disabilities.
- Considering employees with disabilities for promotion using the same criteria that are used for the promotion of employees without disabilities.
- Making scheduling and other adjustments to accommodate employees with disabilities.
- Educating employees to the fact that individuals with disabilities may be employed by the Town and should not be discriminated against.
- Posting notices explaining the provisions of ADA and employee rights under the law; and
- Taking steps to make its facilities barrier-free and accessible according to appropriate federal and state statutes.

Sexual and Workplace Harassment

3-D-1 Policy

It is the policy of the Town of Elizabeth to maintain a work environment that is free of violence, physical and verbal harassment, or intimidation from other employees, vendors, contractors, or members of the public.

The Town of Elizabeth will not tolerate sexual harassment of its employees. This means that the following behaviors are grounds for corrective action, up to and including termination, and/or possible criminal charges:

- Unwelcome sexual advances.
- Requests for sexual acts or favors.
- Insulting or degrading sexual remarks or conduct directed against another employee.
- Threats, demands, or suggestions that an employee's work is contingent upon toleration of or acquiescence to sexual advances.
- Retaliation against employees for complaining about such behavior; and
- Any other unwelcome statements or other verbal or physical conduct based on sex or of a sexual nature that are sufficiently severe or pervasive as to unreasonably interfere with an individual's work performance, or create an intimidating, hostile, or offensive working environment.

Harassment on the basis of protected classifications, other than sexual harassment, including slurs and other verbal or physical conduct relating to an individual's race, creed, color, religious convictions, gender identity, age, national origin or ancestry, disability, marital or military status, gender identity, gender expression, genetic information, or any other classification protected under applicable law which has the purpose or effect of creating an intimidating, hostile or offensive working environment, or has the purpose or effect of unreasonably interfering with an individual's work performance, or otherwise adversely affects an individual's employment opportunities is not acceptable and may subject the perpetrator to corrective action, up to and including termination, and/or possible criminal charges.

Any person who has a complaint of sexual harassment on the above grounds against a superior, co-worker, vendor, or person we serve should bring the problem to the attention of the Town. Complaints may be raised with any of the following people as the employee chooses:

- Employee Supervisor or Department Head.
- Town Administrator; or
- Town Attorney (if the complaint involves the Town Administrator).

The Town prohibits retaliation against anyone for having raised such a complaint in good faith or while cooperating with an investigation of a complaint. Complaints will be investigated and managed as confidentially as possible in the manner described below.

Complaints of sexual harassment will be investigated as promptly as possible. The allegations of the complaint and the identity of the people involved shall remain as confidential as possible to enable the Town to conduct a full and impartial investigation, remedy violations, monitor compliance, and administer this policy.

The investigation will include, but will not be limited to, discussion with the parties involved and witnesses. A report shall be forwarded to the Town Administrator with recommendations concerning remedial action, if necessary. The Town Administrator will review the recommendation, determine the corrective action, if any, and notify all parties of his/her decision and implement that decision. The decision of the Town Administrator shall be considered final.

If the alleged harassment involves the Town Administrator, the investigation shall be conducted by an outside investigator in coordination with the Town Attorney. Any report shall be forwarded to the Town Board of Trustees, which shall determine the appropriate corrective action, as necessary.

3-D-2 Anti-Violence - Prohibited Actions

To ensure a safe, violation-free workplace, the following are prohibited:

- Verbal intimidation, threatening or hostile behavior or physical assaults.
- Vandalism, arson, or sabotage; and
- Horseplay that may be considered physical violence or physical abuse.

“Verbal intimidation, threatening or hostile behavior” references a type of behavior that is aggressive and intended (or interpreted to have been intended) to hurt another person, physically or mentally. This type of prohibited behavior is threatening, humiliating, intimidating or sabotage that interferes with work, or a combination thereof. This prohibited behavior is behavior in the workplace that a reasonable person would find hostile, offensive, and not obviously related to employment.

Verbal or written reprimands related to an employee’s work or work product are not prohibited actions and do not rise to the level of aggression contemplated by this section. However, reprimands or criticism that are delivered with yelling and screaming is prohibited.

3-D-3 Procedures and Responsibilities

When any employee observes, or is exposed at work to any act of violence, threat of violence or other conduct described in Section 3-D-2, the following procedures apply:

- Call 911 immediately.
- Notify their supervisor, Department Head, or Town Administrator to implement security procedures.
- The supervisor, where the violence has occurred, will immediately place the offending employee or employees on administrative leave and cause an immediate investigation of the

situation to be initiated, and will take appropriate disciplinary action at the conclusion of the investigation, if necessary; and

- Non-employees who engage in threats, intimidation, hostile action, or physical assaults will be removed by a certified police officer. The Town may file a criminal complaint and request denial of access to Town property as a condition of bond or probation. The Town may inform the non-employee by certified mail or service of process that access to the Town property where the act occurred is denied.

No employee will be subject to corrective action for disclosure of information to a supervisor, Department Head, the Town Administrator, or Town Attorney (in the case of allegations against the Town Administrator) where the employee made the disclosure in good faith.

Immigration Reform and Control Act of 1986

3-E-1 Policy

The Immigration Reform and Control Act of 1986 requires that the Town of Elizabeth ensure that employees are authorized for employment in the United States. Therefore, only individuals lawfully authorized for employment in the U.S. will be employed. In connection with the Immigration Reform and Control Act of 1986, and Colorado Statute, the Town must collect certain information on INS Form I-9 and review certain documentation concerning the employment authorization of individuals hired after November 6, 1986. This information and documentation will be used only for compliance with the Immigration Reform and Control Act of 1986 and not for any unlawful purpose. If your employment authorization changes or terminates after the start date of your employment, please inform the Town Clerk's Office immediately.

EMPLOYMENT CONDITIONS & PROVISIONS

Section Four - Hiring Procedure

4-A-1 Hiring

The objective of the hiring effort will be to hire the most qualified applicant available, as determined by the Department Head and Town Administrator. Promotions must also adhere to this procedure. The following summarizes the major elements of the Town's hiring practices, and its adherence to the Colorado "Equal Pay for Equal Work Act." (C.R.S. §8-4-101 et seq.)

All open positions that the Town is seeking to fill shall be posted on the Town's website and emailed to all current Town staff. The job postings may additionally be shared on applicable job boards and distributed through other means of recruitment. The posting period for which the position is open must be no less than five (5) business days to provide a reasonable effort for candidates to apply. Candidates for the position(s) shall not be pre-selected or offered the position prior to this process occurring.

Each job posting must include the official position description, compensation, and benefits. Candidates will be solicited, screened, and selected according to a recruitment plan facilitated by the Department Head and approved by the Town Administrator.

All individuals seeking employment for an open position shall complete and sign a standard Town application form. Resumes and any other supporting documents may also be required for certain positions. Any falsification or willful omission of information on the official application form or resume will be considered grounds for elimination from further consideration for employment, or, if employed at the time of discovery, for dismissal.

Applicants will be screened to determine who should become candidates for an interview. Job candidates may be interviewed by more than one person, including the position's supervisor. References and criminal history will be checked on all candidates to whom conditional job offers may be made prior to offers being made. Driving records, credit report, etc., may also be checked upon authorization of the candidate.

4-A-2 Conditional Offer Letter

When the Town of Elizabeth has decided on the best candidate for the open position, the Town Administrator, or his/her designee, will send that candidate a conditional offer letter which states the specific position, name of the organization, starting date, beginning pay or salary, the offer of employment, and any conditions of the offer of employment. The prospective employee must sign and return the letter to the Town of Elizabeth either accepting or declining the position. Failure to return a letter accepting the position within the time stated shall be considered a rejection of the offer.

4-A-3 Medical Examinations

Subject to the requirements of applicable law, the conditional offer letter will instruct the prospective employee of certain conditions of employment. Those conditions may include satisfactory results of a drug screening and/or a medical examination by medical personnel of the Town's choice. Costs associated with a medical examination and/or drug screen test required of an employee or applicant of the Town shall be paid by the Town.

4-A-4 Department Specific Hiring Procedures

Certain Town departments may have specific needs for testing and screening candidates such as, but not limited to, fingerprinting and extensive background investigations. Candidates will be alerted to such requirements during the hiring process.

4-A-5 Licenses & Certifications

Employees whose jobs require professional license, or certification must present documentation of their license or certification prior to employment. The Town of Elizabeth reserves the right not to pay the cost of employee's obtaining their license or certification, however, the Town will pay to maintain each license and/or certificate in a status that is required for Town employment. The Town may require by separate agreement that an employee remain employed by the Town for a minimum of two (2) years from the completion of said training. Failure to comply with this provision will require the employee to refund the Town's payment or result in a deduction of the amount from the employee's final paycheck.

Copies of the license or certification, plus copies of all renewal or changes, must be provided by the employee for inclusion in their personnel file. Employees must notify their supervisor before the next scheduled workday of any changes in the status of their license or certification.

4-A-6 Trial Period

Whenever the term "trial period" is used in this Handbook, it shall mean up to the first six (6) months of employment for a newly hired, non-police employee. All sworn Police Department personnel are subject to a twelve (12) month trial period. An employee's trial period may be extended up to six (6) months if, in the opinion of the employee's supervisor, the Department Head, and the Town Administrator, the initial trial period was not sufficient to ensure the capability of the employee to serve in their position.

Employees whose service is satisfactory during the trial period may become regular full-time or part-time employees, subject to the availability of funds, the continued existence of the position, and continued satisfactory work performance in the position.

An employee may be terminated with or without cause at any time during and after the trial period.

At least two (2) weeks prior to the time when a trial period is scheduled to end, the employee will be given a non-compensation-related performance evaluation. The employees' immediate supervisor and Department Head will review based on the trial employee's strengths and weaknesses. The evaluation will determine whether: a) the employee should be classified as regular full-time or part-time, (b) the employee should continue as a trial employee for a period not to exceed an additional six (6) months, or (c) the employee should be dismissed. Successive evaluations will be given annually in accordance with Section 6-A-1.

During the trial period, the employee is eligible for employee benefits such as Paid Time Off (PTO). However, PTO leave will be earned credit and applied to the employees leave after a period of six (6) months of service. If the employee separates employment at any time during the trial period, then credited benefits will be deemed not to have been earned and no compensation with respect to such unearned benefits will be due to the employee upon termination.

A current employee, who is promoted/transferred to another job, is subject to these policies; provided, however, that employees already receiving benefits when placed on trial status will retain those benefits if promoted.

4-A-7 Orientation

New employees will undergo an orientation to acquaint them with the Town's policies and procedures, their jobs, and their internal and external working relationships. The orientation will consist of three (3) parts:

- **Payroll & Benefits** – All new employees will be oriented on payroll, benefits, the preparation of their timesheet and fill out all employment-related forms. All regular full-time and part-time employees will receive a copy of the Employee Handbook at this time.
- **Orientation to the Organization** – This part of the orientation will focus on compensation and benefits and the expectations of the Town regarding its employees. During this part of the orientation, the employee will be asked to sign a document acknowledging receipt of the Handbook and his/her understanding of the material in it.

- **Orientation to the Job** - The new employee's immediate supervisor, as designated by the Town Administrator, will orient the employee to the job and the internal and external working relationships. The purpose of this part of the orientation is to give employees a level of success to aim for, to assist them in succeeding and to give feedback to them on performance.

4-A-8 At-Will Statement

ALL EMPLOYEES UNDERSTAND THAT ANY EMPLOYMENT WITH THE TOWN OF ELIZABETH IS AT-WILL AND OF AN INDEFINITE DURATION, AND THAT EITHER THE TOWN OR THE EMPLOYEE MAY TERMINATE EMPLOYMENT AT ANY TIME, WITH OR WITHOUT CAUSE AND WITH OR WITHOUT ADVANCE NOTICE. NO AGREEMENT TO THE CONTRARY WILL BE RECOGNIZED UNLESS SUCH AN AGREEMENT IS IN WRITING AND SIGNED BY THE TOWN ADMINISTRATOR OR IS APPROVED BY AND SIGNED ON BEHALF OF THE BOARD OF TRUSTEES. THIS HANDBOOK DOES NOT AND IS NOT INTENDED TO CREATE AN EXPRESS OR IMPLIED CONTRACT OF EMPLOYMENT BETWEEN THE TOWN AND ANY EMPLOYEE. NOTHING IN THIS HANDBOOK, OR IN ANY OTHER TOWN DOCUMENT, CAN CHANGE OR SUPERCEDE THIS "AT-WILL" STATEMENT.

Section 4-A-9 Special Conditions for Hiring Within the Police Department

The Chief of Police, or their designee, may enter into an agreement with any prospective employee of the Elizabeth Police Department wherein the Town will pay the costs associated with a prospective employee receiving P.O.S.T. certification. The Chief of Police, or their designee, shall retain sole authority to determine whether a prospective employee is eligible for this opportunity, and shall enter into an *Elizabeth Police Department Training Agreement* to reflect the terms and conditions of any such agreement.

Pay & Salary

4-B-1 Salary Ranges and Pay Grades

Pay grades have been established for each position with the Town of Elizabeth. Any modifications to the pay grades must be approved by the Board of Trustees. Changes to existing pay grades are determined by the Town Administrator with the prior approval of the Board of Trustees. Regardless of any statement made herein, salary increases or shifts in pay grades depend on the Town's ability to meet its budget.

Pay grades take into consideration the following: diversity and complexity of duties, level or responsibility and independent judgment, location of the position within the organization, education, experience, and other qualifications, prevailing salaries in similar municipalities and local salary patterns, and other applicable legal requirements.

Employees' work performance is evaluated annually, and may result in an adjustment to compensation, based on the employees' work, current compensation, and the Town's financial condition. All salary increases are based on merit and performance as indicated in the final written evaluation. An employee's length of service does not justify a salary increase.

4-B-2 Pay Periods

The Town of Elizabeth employs a bi-weekly pay plan. The pay begins at 12:00 AM on Sunday and ends fourteen (14) days later, at 12:00 AM on Sunday. Each department shall post schedules listing pay days and the cut-off for the submittal of timesheets.

Timecards or electronic records are provided to the Department Heads at the end of each pay period and submitted to payroll no later than the subsequent Tuesday. Paychecks/Direct Deposit statements are distributed on Friday following the end of a pay period. There shall be **no** advancement of pay prior to the scheduled pay day.

The Town makes every effort to ensure its employees are paid correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to the Town's attention, the Town will promptly make any correction that is necessary. Please review your pay stub when you receive it to make sure it is correct and, if you believe a mistake has occurred, or if you have a question, please contact HR or your supervisor as soon as possible.

4-B-3 Payroll Deductions

Deductions from each employee's pay include the mandatory and voluntary deductions described below:

- Mandatory deductions include the employee's share of Medicare, social security or FPPA, state and federal taxes, Police Pension for full-time police department employees. An employee's paycheck may also be made subject to a wage assignment or garnishment for child support, spousal maintenance, money judgments, or the like, pursuant to valid orders of courts of competent jurisdiction. All mandatory deductions are made without written authorization of the employee and in accordance with the requirements of applicable law; and
- Voluntary deductions will be made only with the written authorization of the employee for reasons or purposes previously authorized by the Board of Trustees. Voluntary deductions may include sums designated for retirement plans or health and life insurance not paid for by the Town. The deadlines for changes in voluntary deductions are determined by the specific policies of the plan. All voluntary deductions are made after receiving written authorization from the employee.

An itemized statement of all deductions from the employees' wages shall be provided to each employee.

4-B-4 Compensatory Time

All nonexempt employees, except those as defined in Section 4-C-2, shall be granted compensatory time off for work in lieu of overtime wage payments for all hours worked more than the following:

- Forty (40) hours in one workweek.
- Twelve (12) hours in one workday; and
- Twelve (12) consecutive hours, regardless of whether the work period overlaps into a second day.

Compensatory time shall be granted at the rate of one and one-half (1-1/2) hours for each hour worked in excess as described above. Paid holidays (unworked), paid time off (PTO), or paid injury leave shall not be considered a day worked and shall not be counted for the purpose of computing compensatory time benefits. Compensatory days off from work that are counted against earned compensatory time are not considered working days for the purpose of computing compensatory benefits.

An employee accrued comp-time shall not exceed forty (40) hours. If an employee is at the maximum for accrued comp-time, the employee will be paid for any overtime that is earned more than the maximum amount allowed for comp-time. If accrued comp-time has not been taken by December 31, the balance of accrued comp-time will be paid to the employee. Compensatory time is not transferable from one employee to another. It is the Department Head's, or their designee's, responsibility to inform and properly document any compensatory time worked. Upon termination or resignation, employees shall be monetarily reimbursed for all accrued compensatory time at that employee's current rate of pay. In the event an employee accepts a new position with the Town, any accrued compensatory time shall be paid prior to accepting the new position.

4-B-5 Overtime

No overtime shall be worked or compensated unless prior approval is obtained. The Town prefers to offer compensatory time rather than overtime pay under most circumstances. Any request for pay for overtime hours must be approved, in advance, by the employee's supervisor or Department Head. Non-exempt employees under the Fair Labor Standards Act will be compensated for overtime work at a rate of one and one-half times the employees' regular hourly pay for each hour of work, more than the following:

- Forty (40) hours in one workweek.
- Twelve (12) hours in one workday; and
- Twelve (12) consecutive hours, regardless of whether the work period overlaps into a second day.

Workdays are days when an employee physically works for the town. Paid holidays (unworked), PTO, or paid injury leave shall not be considered a day worked for the purpose of computing compensatory time benefits.

Note: Section 7(k) of the Fair Labor Standards Act [29 U.S.C. 207 (k)] allows an employer to consider law enforcement overtime for those hours worked more than 42.75 hours per week or 85.5 hours bi-weekly. The Town of Elizabeth has chosen to set the threshold for law enforcement overtime at 40 hours per week or 80 hours bi-weekly.

4-B-6 Holiday Premium Pay – [Clarification from Previous Handbook Edition**]

Regular Work Schedule Falls Upon a Holiday. Nonexempt employees who work forty (40) hours per week and/or whose regular work schedule falls on a "legal holiday" listed in Section 6-A-3 Holiday Leave shall be paid up to eight (8) hours at the regular rate of pay and time-and-one-half (1 ½) for hours in excess of eight (8) hours of work.

Emergency “Call Out” Work on a Holiday. Nonexempt employees who are “called out” or specifically requested to work on a holiday due to an emergency, other than during regularly scheduled work hours, shall be compensated at time-and-one half (1 ½) the regular rate for the actual hours worked, regardless of whether the employee works more than forty (40) hours for one week.

**An Employee is not eligible for both “Holiday Pay” and “Called Out Holiday Pay” for the same work performed. The purpose of Section 4-B-6 is to provide holiday pay for employees who are required to work during recognized holidays established in Section 6-A-3 of the Employee Handbook.

- Holiday pay may be recognized for those employees who are specifically scheduled to work on a holiday as part of their regularly scheduled 40-hour work week. [By way of example, and not of exclusion, a member of the Elizabeth Police Department who is required to work on Christmas Day as part of their regularly scheduled duties.]
- Holiday pay may also be recognized for those employees who are “called out” to respond to an emergency and specifically requested to work on a holiday which was not ordinarily scheduled during the 40-hour work week. Under these circumstances the employee’s attendance at work during a Holiday was not anticipated or scheduled. [By way of example, and not of exclusion, a member of Public Works required to address an emergency issue with a utility, or for purposes of snow removal.]

Employees Required to Work on an Observed Holiday:

Full-time, nonexempt personnel who are scheduled to work on an observed holiday will be paid at their regular rate of pay for actual hours worked, plus they will receive eight (8) hours’ holiday pay at their regular rate of pay. Employees are not eligible to take the holiday at a future date.

4-B-7 Merit Increases

Merit pay increases shall not be granted automatically but will be based on work performance, which is satisfactory or better. The performance of an employee shall be evaluated not less often than annually by the employee’s supervisor or Department Head, as well as completing a self-evaluation prior to the employee being considered for each merit pay increase. The percentage available for merit pay increases will be determined by the Town Administrator and approved by the Board of Trustees with the annual adoption of the budget.

4-B-8 Cost-of-Living Adjustment (COLA)

Cost of living adjustments (COLA) may be made at the discretion of the Board of Trustees, based upon the recommendation of the Town Administrator. Such adjustments depend on the overall financial status of the Town and are neither automatic nor granted on any regular basis. COLA adjustments may be made to employees as a lump sum payment, or as an increase to hourly or exempt pay.

4-B-9 Differential Pay for Temporary Assignment

For the Town to continue necessary operations, it is sometimes necessary for an employee to temporarily assume the duties of a position of a higher classification in addition to regular duties. This may result from

emergency situations such as sickness, injury, resignations or scheduled short-term absences, and other leaves.

This does not mean that temporary assignments must automatically be assigned upon all supervisory employee absences. When it is necessary to appoint an employee on a temporary acting basis, the Town Administrator will make the assignment in writing and notify the appropriate parties. Any such temporary assignments may be terminated at any time.

Employees who are temporarily assigned to a higher-grade position for a minimum of twenty (20) days, or otherwise fulfills a duty that is customarily assigned to a position of a higher grade, may be awarded differential pay for the duration of the assignment, with an increase of no more than 5% depending on the circumstances.

Section 4-B-10 Stipend for Qualifying Childcare Services

Every full-time (40 hour) employee, whether exempt or nonexempt, shall be paid the sum of two hundred fifty dollars (\$250.00) per month, per child, for which an employee requires childcare services. This payment shall be tendered to the eligible employee as part of the regular bi-weekly payment schedule subject to the following requirements, restrictions, and qualifications:

- Payment under this Section is eligible to any employee who has care, custody, or control of a minor child for at least 50% of the calendar year.
- Payment under this Section may be eligible for caregivers, such as stepparents, grandparents, and related individuals who have guardianship, conservatorship, or are otherwise legally responsible for a child for which they seek the stipend.
- Payment under this Section is not permitted for purposes of payment to family members, relatives, friends, and others who are not specifically in the daycare or childcare business. [For example, this program is not available to offset or provide compensation to a grandparent watching a minor child who does not own or maintain a licensed facility.]
- Payment under this Section is available for any minor child from birth to thirteen (13) years of age, and with the consent of the Administrator and the employee's Department Head, may be expanded to the age of eighteen (18) under special circumstances.

The employee seeking compensation for childcare shall be required to provide the name, address, telephone number, and related information from the daycare and/or childcare provider. In addition, the Town may request copies of any invoices, bills, or payments to any daycare and/or childcare provider as may be necessary for the purposes of the Town's internal bookkeeping, accounting, and audits.

Any amount paid under this Administrative Regulation may have personal income tax implications, and any employee seeking to make use of the program should determine the implications of making use of the program within their personal income tax situation.

Conditions of Employment

4-C-1 Employment Status

Staff categories, as established by the Town of Elizabeth, are as follows:

A Full Time Employee is an employee appointed to a position on a regular, continuous full-time basis of forty (40) or more hours per week. Regular full-time employees are eligible for employee benefits.

A Part Time Employee is an employee appointed to a position on a regular, continuous part-time basis of less than (40) hours per week. Regular part-time employees, working more than thirty-two (32) hours per week, are eligible for employee benefits on a pro-rated basis based on the number of hours worked per week.

A Temporary Employee is an employee appointed for a special project, seasonal, or other position of a temporary or transitory nature. The duration of employment shall not exceed one hundred eighty (180) calendar days or the completion of a particular job or project. Temporary employees are not eligible for benefits.

An Emergency Appointment may be made by the Town Administrator without regard to the rules governing all other appointments in the event of an emergency which the Town Administrator reasonably believes may result in the loss of life, loss of public property, danger or serious inconvenience to the public, or any circumstances which endanger the public health, safety, or welfare. The duration of the emergency appointment shall not exceed the end of the budget year in which the appointment is made or the end of the emergency, as determined by the Town Administrator.

A Trial Employee is any exempt or non-exempt employee who has worked at the Town for less than six (6) months or twelve months (12) in the case of sworn law enforcement personnel.

4-C-2 Exempt & Non-exempt Employees

Employee classifications are determined by the Fair Labor Standards Act (FLSA). Employees fall under one of two classifications: "exempt" or "non-exempt." Each job description states how the Town considers the position. Under the FLSA, "exempt" employees are not subject to overtime compensation for work performed, while "non-exempt" positions are subject to overtime compensation. Both the Town and the employee are expected to promptly resolve any dispute over an employee's classification for FLSA purposes.

4-C-3 Work Schedules

Work schedules are established to meet the needs of the Town and its residents. Schedules may be adjusted from time to time, but the Town will take reasonable steps to refrain from making schedule adjustments that may cause hardship for an employee. For non-exempt employees, the standard workweek shall be forty (40) hours. The Town's workweek is declared to be a seven (7) consecutive day period commencing at 12:00 AM on Sunday and ending at 12:00 AM the following Sunday. The normal standard working hours should be eight (8) hours a day, five (5) days a week, or where department rules permit, ten (10) hours a day, four (4) days a week. **The Department Head may require or allow employees to work on other schedules based on the nature of their assignments.**

Employees, finding they are unable to report to work on time or unable to report for a full day, must inform their supervisor at least one (1) hour prior to the beginning of their regular work schedule. Good and sufficient reasons must be provided for any tardiness or absence.

4-C-4 Personnel Records

The Town of Elizabeth will maintain an individual personnel file for each employee of the Town in the Clerk's Office. The contents of these files will be kept confidential except as disclosure may be required under State or Federal law. Access will be granted to the employee's immediate supervisor, Department Head and Town Administrator as may be required in the normal course of business.

Employee personnel files will contain at least the following items:

- Application and/or résumé.
- Letter of appointment and acceptance.
- Signed job description (job descriptions for current and any previous Town positions will remain in the file for duration of employee's employment with the Town).
- Copies of transcripts, diplomas, certificates, and licenses.
- Ongoing performance ratings.
- Any memoranda or documents relating to performance which are of current relevance.
- Memoranda concerning unusual job changes or transfers.
- Letters of commendation or other indications of exceptional performance.
- Warning letters and records of all corrective actions.
- Training records, including grades and notations of those who have completed or are presently taking in-house training programs.
- Leave of absence information; and
- Documentation required by state or private regulatory agencies.

Access to personnel files is limited. Employees and their legal representatives have the right to examine the contents of their own personnel file. Any employee wishing to examine his/her personnel file must complete a letter requesting to examine said file. The Town will respond to this request within three (3) working days from the receipt of the request.

Employees examining their personnel files must do so under the supervision of authorized personnel. Under no circumstances are employees to remove records or documents from their files. Photocopies may be made of any of the contents of an individual's personnel file upon that individual's written request

for a nominal charge. Records requests for the contents of a personnel file will be managed through the Town Clerk's Office and subject to the provision and restrictions of the Open Records Act (C.R.S. § 24-72-200.1, *et seq.*). Copies are subject to applicable charges. Protected health information, medical information and the employee's I-9 form (see Section 3-G-1) will be stored separately from the Personnel file and shall remain confidential.

4-C-5 Releasing Job References

All requests for information about a current, retired, or terminated employee shall be made to the Town Administrator. The Administrator may only disclose the dates of employment, final title or position, job location and eligibility for rehiring.

4-C-6 Nepotism

The Town of Elizabeth Municipal Code, Sec. 2-3-70, addresses nepotism as it relates to employees. The Code states as follows:

(a) Purpose. Relatives working together in an organization may cause serious conflicts and problems within that organization, such as claims of partiality in treatment and favoritism. Personal conflicts from outside the work environment may also be carried into day-to-day working relationships. The policy set forth in this Section is intended to prevent such conflicts and problems among elected and appointed Town officials and members of Town boards and commissions.

(b) Applicability. This Section shall apply to all elected and appointed Town officials, Town employees and any elected or appointed member of any Town board or commission. By way of example, but not limitation, this includes members of the Board of Trustees, the Tree Board, the Planning Commission, and the Historic Advisory Board.

(c) Definition. For purposes of this Section, *relative* includes: spouses and former spouses; parents; children; brothers and sisters; brothers- and sisters-in-law; fathers- and mothers-in-law; step-parents, step-brothers and step-sisters; step-children; foster parents; grandparents and grandchildren; aunts and uncles; nieces and nephews; and individuals who are not legally related to but who reside with an employee, elected or appointed Town official or member of any Town board or commission.

(d) Policy.

(1) A relative of any elected or appointed Town official, Town employee or any member of a Town board or commission is not eligible for employment with the Town.

(2) A relative of any elected or appointed Town official or any member of a Town board or commission is not eligible to become an appointed Town official.

(3) In the event a Town employee's relative is elected or appointed to the Board of Trustees or any other Town board or commission, the employee shall be terminated from Town employment during the term of office of the relative. Once the term of office

for the relative has ended, the employee may re-apply for Town employment as vacancies occur.

(4) In the event a Town employee or appointed official is elected or appointed to the Board of Trustees or any other Town board or commission, the employee shall be terminated from Town employment during the term of his or her office. Once the term of office has ended, the employee may re-apply for Town employment as vacancies occur.

(Ord. 05-17 §1)

4-C-7 Demotions

An employee may be demoted to a lower position if: (1) that employee's present position is to be abolished; (2) there is a lack of work for the position; (3) moneys are not budgeted, appropriated, or otherwise made available to fund the position; (4) the employee voluntarily requests the demotion; or (5) when it is evident that the employee does not possess the necessary qualifications to render satisfactory service. Demotions and transfers are not available as a matter of right and are solely at the discretion of the Town Administrator.

4-C-8 Meal Periods & Breaks

All employees shall be entitled to an uninterrupted and duty-free meal period of 30 minutes' duration when the employees' shift exceeds five (5) consecutive hours. These meal periods will constitute uncompensated time. When the nature of a position or other circumstances make an uninterrupted meal period impractical, the employee shall be permitted to consume an on-duty meal while performing duties. Employees shall be permitted to fully consume a meal of choice on the job and be fully compensated for the on-duty meal period without any loss of time or compensation. All employees are authorized a compensated, fifteen (15) minute rest period for every four (4) consecutive hours of work. All employee schedules, including meal and break periods, must be approved by the employee's supervisor.

4-C-9 On-call and Emergencies

Certain employees may be subject to being placed on-call. Each authorized employee shall be expected to work as scheduled by their supervisor. On-call employees are expected to be within responding distance of Town during the on-call period, or to arrange for another employee to act in his or her place. It is the responsibility of the employee who is placed on-call to assure that coverage is available.

Employees who may be subject to on-call will be scheduled to begin on-call starting at 7:00 am Monday morning until 7:00 am the following Monday morning. During that period, it will be the responsibility of the on-call employee to do such duties as are prescribed by their supervisor. These duties may include, but not be limited to, monitoring facilities or equipment checks.

Each non-exempt employee scheduled for on-call status shall receive the equivalent of one (1) hour regular rate of pay as compensation for each 24-hour shift. In the event of a callout, other than scheduled inspections and maintenance, the employee shall be compensated (pay or comp time) at one-and-one-half (1 ½) times the regular rate of pay for all hours worked.

Employees who are standing on-call must abide by all administrative guidelines pertaining to communications and response times as established and revised from time to time by their Department Head. On-call employees must be available during their on-call period and must respond within established response times. Employees who cannot be reached while standing on-call or who fail to respond within established response times will not be paid for on-call service and may be subject to discipline up to and including termination.

EMPLOYEE DEVELOPMENT

4-D-1 Professional Development

In-Service training is designed to provide employees with the skills, training, and experience necessary for their continued development. Training will be subject to the following conditions:

- Attendance at conferences, educational meetings, workshops, and institutes must have the approval of their Department Head or Town Administrator, as the case may be.
- Each employee may be permitted to attend training sessions as funds permit, including registration and reimbursement for lodging, meals, and travel.
- Training assistance shall be based on, but not limited to, job relatedness, available funds, employee performance, and training priorities; and
- Each employee who attends a training session is expected to submit a written or verbal report summarizing what was covered, the date, and who attended.

Training shall be included in the budget and evaluated on a yearly basis.

4-D-2 Professional Organizations

Town employees are encouraged to affiliate with appropriate professional societies and organizations. Employees, with approval of their supervisor, may attend conferences, meetings, etc., pertaining to their job classification and responsibilities, which are beneficial to both the employee and the Town. The Town will pay membership fees and dues in professional organizations and societies that relate to, are mandated by, or govern an employee's duties, responsibilities, or obligations in the performance of the employee's assigned job or description.

4-D-3 Tuition Reimbursement

The intent of this program is to aid employees who may wish to further their formal education as it relates to their present or future employment with the Town, including a logical relationship to a probable future assignment. Education funded under this program must be job related and offered by an accredited college, university, or trade school. The program is administered as follows:

Eligibility – Tuition reimbursement is available to all Regular, Full-Time employees who have completed their trial period.

Funding – Rates of reimbursement are contingent upon the availability of funds as may be approved through the budget process. Amounts allocated each year vary upon the approval of the Board of Trustees. Employees may choose to include fees that are directly associated with course enrollment as well as tuition in their assistance allotment only to the extent that they are not paid for from other sources, such as Veteran’s Administration benefits. Cost of books, transportation, and supplies are not reimbursable.

Scheduling – An employee is to pursue classes on his/her own time. However, the Town Administrator, on recommendation from the Department Head, may authorize an adjustment in the employees’ work schedule to accommodate a class schedule, thereby maintaining the employees’ full work week.

Procedure – The employee requesting assistance must submit a written request to the Department Head at least two (2) months prior to the start of the course. This request, along with the Department Head’s recommendation, is provided to the Town Administrator for a final decision prior to the start of the course. A proportional or pro-rata reimbursement may be provided if insufficient funds are available to pay 100% of the tuition costs.

The Town recognizes that there are many on-line options for continuing education, and that those costs may exceed in-state tuition at a Colorado state school. Any reimbursement will be the lesser amount of the cost for the on-line class(es) or the in-state tuition for a similar class or degree. Reimbursement will occur after evidence of successful completion (passing grade of C or better, or completion of pass/fail) of the class or approved coursework that includes a final grade.

An employee pursuing course work under this program shall agree to remain employed by the Town for a minimum of one (1) year from the completion of a course. Failure to comply with this provision will require the employee to refund the Town’s reimbursement for the course or result in a deduction of the amount from the employee’s final paycheck.

Section 4-D-4 Educational Opportunities Related to Hiring Within the Police Department

In addition to the professional development opportunities provided by the Town of Elizabeth, prospective employees of the Elizabeth Police Department may have the opportunity to have P.O.S.T. training and certification paid for by the Town of Elizabeth.

BENEFITS ADMINISTRATION

Section Five - Insurance

5-A-1 Health Insurance

Medical, dental and vision insurance is provided for each Regular Full-Time employee and their dependents, as determined by policy. The Town shall pay a portion of the insurance premiums as determined periodically by the Board of Trustees. Premium costs above the amount paid by the Town shall be borne by the employee through a payroll deduction. If an employee does not have a dependent at the time of enrollment in the plan, but later acquires a dependent, this person may become eligible to participate in the plan on the date that he or she becomes a dependent, subject to all applicable

requirements of the Town's Health Insurance Plan, including the need to furnish adequate notice and other required information concerning the dependent, and any required adjustment in premiums, if any.

All new employees shall be enrolled in the first month of employment in the health insurance plan and coverage will begin the first day of the month after the employees' eligibility. Participation in the Plan will begin as of the first day of the calendar month following completion of the completion of the completion of the waiting period provided all required election and enrollment forms are properly submitted to the Plan Administrator.

5-A-2 Life Insurance

In addition to health insurance coverage, the Town of Elizabeth provides life insurance for each regular full-time employee and their dependents. The Town shall pay the insurance premiums as determined annually by the Board of Trustees.

5-A-3 Workers' Compensation Insurance

Employees are protected under the state workers compensation law against loss of income due to injury or death that is work-related and occurs during work activities. The Town pays the entire cost of the Workers' Compensation insurance premium. Employees must report all job-related accidents, injuries, and illnesses to their immediate supervisor as soon as practical and no later than twenty-four (24) hours after the incident. Benefits, if any, available to employees will be determined in accordance with the Colorado Workers' Compensation Act. The Town's Workers' Compensation insurance carrier processes claim on behalf of the Town in accordance with applicable law.

5-A-4 Unemployment Insurance

The Town of Elizabeth is covered by the Employment Insurance Program, which is operated by the State of Colorado.

Section Six - Paid Time Off Leave

6-A-1 Medical "Sick" Leave.

As of January 1, 2023, "sick" leave ceased to be accumulated by employees. No employee hired after January 1, 2023, is to accrue medical "sick" leave. PTO leave shall instead be used for any such medical needs for oneself or others. There is no requirement to disclose that PTO time is being taken for medical reasons. Employees who have accumulated sick leave will be allowed to retain all accumulated sick leave for use solely for medical purposes including an employee's illness or injury, pregnancy, or the illness, injury or pregnancy of a spouse, partner, child, or other family member. Any unused sick leave is not paid out in the event of resignation or termination from the Town.

6-A-2 Paid Time Off (PTO) Leave

The Town believes that its employees are the key to what makes Elizabeth great. Although work makes up a large portion of an employee's life, we believe that a balance between work and non-work activities is essential to maintain quality performance and a positive work atmosphere. To support this philosophy,

the Town has designed a paid time off (PTO) plan that incorporates vacation, personal and sick leave into one program.

All full-time employees will accrue PTO hours according to the following schedule: For employees working at the Town of Elizabeth as of January 1, 2023, PTO hours will begin to accrue effective that date. For employees hired after January 1, 2023, PTO hours will accrue as of their date of hiring.

PTO Accruals Are as Follows:

Regular, Full-Time Employees

Years of Service	PTO Accrued per Pay Period	Annual Accrual	Maximum Accrual	Maximum Payout at Termination
Less than 1 Year	4.92 hours	127.92 hours	144 hours	0 hours*
1-4 years	6.77 hours	176.02 hours	192 hours	192 hours
5-9 years	7.69 hours	199.94 hours	240 hours	240 hours
10-14 years	8.62 hours	224.12 hours	288 hours	288 hours
15-19 years	9.54 hours	248.04 hours	336 hours	336 hours
20+ years	10.46 hours	271.96 hours	384 hours	384 hours

Regular, Part-Time Employees

Years of Service	PTO Accrued per Pay Period	Annual Accrual	Maximum Accrual	Maximum Payout at Termination
Less than 1 Year	2.46 hours	63.96 hours	72 hours	0 hours*
1-4 years	3.38 hours	88.01 hours	96 hours	96 hours
5-9 years	3.85 hours	99.97 hours	120 hours	120 hours
10-14 years	4.31 hours	112.06 hours	144 hours	144 hours
15-19 years	4.77 hours	124.02 hours	168 hours	168 hours
20+ years	5.23 hours	135.98 hours	192 hours	192 hours

Procedures

In addition to vacations, PTO is designed to provide time away from work for personal illness, family illness, family activities and extra holiday time. Employees may find they need time away from work prior to accruing the hours necessary. In such cases, an employee may build up a negative balance with the prior approval of his or her supervisor.

In general, all PTO must be preapproved by and prescheduled with the employee's supervisor and may be taken in hourly increments. Approval for all scheduled time away is subject to applicable workloads. In case of an emergency, however, employees shall be allowed to use up to forty-eight (48) hours of unscheduled PTO with less than 24 hours' notice and regardless of applicable workload.

The maximum number of hours that may be accrued and carried over from one calendar year to the next is set in the table above. If an employee is terminated from employment, or an employee resigns from the Town of Elizabeth, the employee shall be paid for all earned and unused PTO. Final paychecks for non-exempt employees will include deductions in the event a negative PTO balance was to occur upon termination.

PTO leave does not include paid FMLA as required by Colorado law. Leave that qualifies under this law shall be tracked and computed separately. Employees have a duty to let their supervisor or Department Head know if their use of PTO time is because of a condition that may qualify for leave under FMLA. Supervisors shall also inquire as to the need for FMLA when there is any reason to suggest that the employee's use of PTO is based on a condition that would qualify for the protection of FMLA.

In addition, PTO leave does not include paid FAMLI as otherwise required by Colorado law because the Town, as a local government, has determined to opt out of the FAMLI program.

Abuse of PTO leave:

An employee who abuses the PTO leave policy, or evidences a pattern of excessive or unexcused absences, shall be subject to disciplinary action, up to and including termination. Upon evidence that an employee is abusing the PTO leave policy or demonstrating a pattern of absences, their Department Head may require the employee to produce medical documentation for any absence.

6-A-3 Holiday Leave – Separate from PTO

There shall be twelve (12) paid holidays for regular full-time, regular part-time and trial period employees that coincide with existing official State holidays, as to the date of observance.

- New Year's Day (January 1st).
- Martin Luther King Day (3rd Monday in January).
- President's Day (3rd Monday in February).
- Memorial Day (last Monday in May).
- Independence Day (July 4th).
- Labor Day (1st Monday in September).
- Veteran's Day (November 11th).
- Thanksgiving Day.
- Friday after Thanksgiving Day.
- Christmas Eve.
- Christmas Day
- Floating holiday.

Whenever a holiday falls on Saturday or Sunday, the holiday will be observed as the calendar marked for Federal and/or State employees. When Christmas Day occurs on a Saturday, the preceding Thursday and Friday shall be observed as holidays. When Christmas Day occurs on Sunday, the two (2) days to be

observed as the holidays will be specified by the Town Administrator no later than November 1st of that same year.

6-B-4 Bereavement Leave

Up to five (5) compensated days, may be taken for a death in the immediate family of a regular full-time or regular part-time employee, including trial period employees. For purposes of this section “immediate family” includes spouse, significant other, children, parents, grandparents, grandchildren, aunts, uncles, nieces, nephews or siblings and the parents, aunts, siblings, or children of employee’s spouse or significant other.

6-B-5 Military Leave

If you are a member of the National Guard or Reserves, and are directed at participating in periodic field training, you will receive paid military leave for a maximum period of fifteen (15) calendar days per year. Such leave shall not affect your vacation or medical leave, or PTO accruals in any way. Employees who are indefinitely deployed in active service via the draft or the act components of the Navy, Army, Air Force and Marine Corps are entitled to military leave. The Uniformed Services Employment and Reemployment Rights Act (USERRA) is codified in Title 38, U.S. Code, Sections 4301-4333. The Town is bound by and follows the provisions of USERRA rules and procedures regarding military leave.

6-B-6 Voting

Any employee whose work schedule effectively prevents voting before or after work hours shall be permitted paid leave not exceeding two (2) hours for the purpose of voting. No such paid leave shall apply to any employee whose work schedule is such that there are three (3) or more hours between the opening and the closing of the polling site during which the employee is not required to be on the job.

6-B-7 Jury Duty & Subpoenaed Leave

The Town will pay the difference between jury pay received by the employee and the employee’s normal daily wage. To accomplish this, the employee will endorse the jury paycheck over to the Town and draw normal full pay. Failure to comply with this procedure will cause the absence to be charged against accrued vacation leave or accrued PTO.

When an employee serves as a witness in a compensated individual capacity, rather than in an official capacity, the employee will be charged PTO or leave without pay if no PTO has been accrued. The employee shall retain any compensation received for such services.

When an employee is subpoenaed or serves as a witness in a non-compensated individual capacity, rather than in an official capacity, the employee will be required to use PTO or compensatory time. In the event the employee does not have an accrued PTO or compensatory time, the employee will be given leave without pay for the time needed.

When an employee is subpoenaed and serves as a witness in an official capacity, the employee will be paid full normal wages, including compensatory time.

An employee who is the principal of his/her own litigation must take either PTO or leave without pay to appear in court. Any employee who receives a summons for jury duty or is subpoenaed as a witness must provide his/her supervisor with a copy of the jury notice or subpoena. An employee who is on jury duty or subpoenaed as a witness must report back to work during any period that his/her attendance is not required in the courtroom.

6-B-8 On-the-Job Injury Leave

Employees injured on the job shall immediately notify their supervisor and file or assist with the filing of all appropriate reports with the insurance carrier and Town administration within twenty-four (24) hours following the accident. Injured employees who do not require hospitalization, but need medical treatment, shall be referred to a doctor or medical provider designated by the Town in accordance with applicable law (hereinafter referred to as "designated medical provider").

The employee shall receive full salary and benefits for a period of forty-five (45) calendar days for an injury to the employee arising out of and in the course of employment for which the employee is eligible for temporary disability benefits under Workers' Compensation laws. Any monies disbursed by Workers' compensation while on this time will be reimbursed to the Town.

After the forty-fifth (45th) day of the employee's injury leave, the employee may then select to take available PTO time or receive Workers' Compensation benefits. The employees must inform their Department Head and the Town Clerk as to which benefit they will elect to receive while on injury leave. If the employee chooses to take available PTO, any monies disbursed by the Workers' Compensation carrier will be reimbursed to the Town. The employee may not receive both Town benefits and Workers' compensation for the same injury.

Health and life insurance benefits may continue for up to six (6) months, providing the employee pays his/her portion of the health insurance premiums. If the employee fails to pay their portion of their premiums, the employee will be offered COBRA before the six (6) month period has expired and the Town will no longer contribute to the employee's health insurance coverage. After the six (6) month period, the Town will discontinue health and life insurance benefits, and the employee may elect to take COBRA.

The welfare and full recovery of the employee is the priority after an on-the-job injury. The designated medical provider must advise the employee and the Town in writing if, and when, the employee may return to work. Reports will include any restrictions that may require less than full-time hours and/or modified duty. The Town and the employee both benefit when the employee can return to work. When possible, the Town provides modified duty work for an injured employee. The availability, nature, extent, and length of time for modified duty will be determined on a case-by-case basis by the Town. The employee will not be allowed to return to full duty until a representative of the designated medical provider has determined that the employee has reached maximum medical improvement and reports that finding to the Town in writing.

The injured employee's position will be reserved for up to six (6) months unless a decision, supported by competent medical opinion, is made by the employee, the Town's Workers' Compensation provider, or an authorized decision maker (such as an administrative law judge who has heard or otherwise received medical evidence and opinion in the employee's Workers' Compensation case) that the employee is unlikely to be able to return to work within six (6) months of the injury. The Town Administrator has discretion to reserve the position for longer than six (6) months, but no obligation to do so.

The Town has the right to fill the position after six (6) months. The position may be filled sooner only if it is determined that, in accordance with the foregoing paragraph, the injured employee is unlikely to be able to return to work within six (6) months from the date of the injury. The Town also may assign an injured employee to modified duty with the approval of the Workers' compensation provider and/or an appropriate release from the employee's physician.

Rights and obligations of both the Town and the employee under the Americans with Disabilities Act are identified in Section 5-B-13 in this Handbook and will be considered in appropriate cases.

The Town reserves the right to designate forms that shall be used with respect to any matter covered in this Section 5-B-9.

Notwithstanding the foregoing, if an employee's compensation under the Workers' Compensation Act is reduced by fifty percent (50%) for any reason identified in C.R.S. §8-42-112 (including the employee's willful failure to use safety devices provided by the Town, the employee's willful failure to obey the Town's reasonable safety rules and/or the employee's willful misleading of the Town regarding the employee's physical ability to perform the job), or if such employee's non-medical benefits are reduced by fifty percent (50%) for any reason identified under C.R.S. §8-42-112.5 (due to the presence in the employee's system, during working hours, of alcohol or of non-medically prescribed controlled substances) **ALL COMPENSATION AND BENEFITS OTHERWISE PAYABLE UNDER THIS SECTION 5-B-9 SHALL BE FORFEITED BY THE EMPLOYEE.** In such an event, the employee's sole compensation with respect to employment, while the employee is unable to work, will be compensation under the Workers' Compensation Act. The Town and the employee will arrange for covering other payments or deductions associated with payroll, such as the employee's share of health insurance premium payment.

6-B-9 Federal Family Medical Leave Act

Who the Policy Covers –

Any public agency, including the Town of Elizabeth, is a covered employer under the Federal Family Medical Leave Act (FMLA). However, an employee is only eligible for FMLA leave if the agency employees at least fifty (50) employees. Currently, the Town does not meet this requirement. As such, there is a discrepancy. To remove all concerns, and to protect both the Town of Elizabeth, and its employees, the Town has determined that it will apply to the FMLA as the Town has at least fifty (50) employees working within a 75-mile radius of the Town. However, to be eligible for FMLA leave, an employee must also:

- Have been employed by the Town of Elizabeth for at least 12 months (need not be continuous).
- Have worked at least 1,250 hours during the previous 12-month period (unless absent on military leave).

If these remaining conditions are not met, the Town employee is still not eligible for FMLA leave. Under this policy, the Town provides eligible employees with up to twelve (12) workweeks of unpaid, job-protected leave in a 12-month period for certain family and medical reasons.

Reasons for Leave –

Eligible employees can take FMLA leave for any of the following reasons:

- Because of the birth of an employee's child.
- Because of the placement of a child with the employee for adoption or foster care.
- To care for the employee's own serious health condition, including health conditions related to pregnancy, childbirth, and related medical conditions; or
- To care for the serious health condition of the employee's child, spouse, or parent.
- To address qualifying needs related to an immediate family member being on active duty or having been notified of an impending call or order to active duty in the Armed Forces, National Guard or Reserves.

Leave Is Unpaid but Employee Must Use Accrued Leave Time When Available -

Although FMLA leave is unpaid, during any FMLA leave, wherever permitted by law, employees must first use any pre-January 1, 2023, accumulated sick leave, compensation time, or PTO in conjunction with unpaid FMLA leave. Employees are required to meet employer standards for the accrued leave they wish to use during FMLA leave. The use of paid time off during an FMLA leave of absence shall not extend the length of an employee's FMLA leave.

During FMLA leave, the employee will not accrue paid time off, unless otherwise specified by any applicable policy. FMLA leave does not constitute a break in service for purposes of longevity, seniority, or any employee benefit plan.

FMLA Benefits -

During FMLA leave, the Town of Elizabeth will maintain health benefits under the same conditions as if the employee had continued working.

Notice of Leave -

If the need for FMLA leave is foreseeable, the employee must give the Town at least thirty (30) days' prior written notice. Where the need for FMLA leave is not foreseeable, the employee is expected to notify the Town as soon as practicable. When an employee becomes aware of a need for FMLA leave less than thirty (30) days in advance, it should be practicable for the employee to provide notice of the need for leave either the same day or the next business day.

The employee must comply with the usual and customary notice provisions for leave, except the notice timing need not be longer than thirty (30) days unless related to qualifying exigency leave. So, for example, if employees must call their supervisor about any other absence, they can be required to do so for an FMLA-based absence. All employees requesting a leave extension should do so in writing, if possible, two (2) weeks prior to the end of their scheduled leave. Failure to comply with these notice requirements will

be grounds for, and may result in, deferral or denial of the requested leave until the employee complies with these requirements.

Eligibility Notice/Rights and Responsibilities -

Within five (5) business days of a request for leave, the Town will provide employees who request FMLA leave with a notice of their eligibility for the leave or a reason they are not eligible. At the same time, employees will be provided with a statement of their Rights and Responsibilities, which is part of the Eligibility Notice. The Medical Certification Form will also be given to the employee at this time. The Eligibility Notice/Rights and Responsibilities Notice are available from the Department Head or Town Administrator.

Medical Certification Is Required –

Employees who request FMLA leave because of their own or a family member's serious health condition must submit a Medical Certification Form (or its equivalent) completed by the health care provider to support the leave request. This form is available from the Department Head or Town Administrator. The Medical Certification Form should be returned to the Town within fifteen (15) calendar days after it is requested, or as soon as possible under the circumstances.

If the Medical Certification Form returned to the Town is not satisfactory, an employee will be told of the deficiencies in writing and given seven (7) calendar days to complete the Form. If the medical information is inadequate, the Department Head or Town Administrator may contact the employee's health provider directly to authenticate or clarify information on the certification without the employee's consent. Also, the Department Head or Town Administrator may contact the employee's health provider, after receiving the employee's permission, to get more complete information regarding the nature of the ailment, the duration of the leave, the need for intermittent leave, etc. A Medical Information Release Form is available from the Department Head or Town Administrator. Failure to submit a complete and sufficient Medical Certification will be grounds for and may result in deferral or denial of the employee's requested FMLA leave.

The Town can request a second or third opinion regarding the employee's condition and treatment (at the Town's expense). Employees are required to cooperate and assist in obtaining an additional medical opinion.

All employees requesting an extension of any FMLA leave must provide a new Medical Certification (or its equivalent) of the need for continued leave.

Designation Notice -

Within five (5) business days (absent extenuating circumstances) of having enough information to determine whether the requested leave is FMLA-eligible, the Town will provide a Designation Notice, informing the employee whether leave is designated FMLA leave and the amount of leave that will be designated, if known. This designation may be retroactive.

Employees absent on medical leave will be required to provide medical certification of their fitness to return to work. To achieve that result, employees will be provided with the essential functions of their job or a job description with that information as part of the Designation Notice. Employees failing to

provide fitness-for-duty certification based on these essential job functions cannot resume work until such a certification is provided. A Fitness for Duty Certification Form is available from the Clerk or Town Administrator.

In the sole discretion of the Town, any leave that qualifies as FMLA leave may be designated as FMLA leave, regardless of whether the employee meets all obligations. For example, the Town may designate a leave as FMLA leave without requiring a completed Medical Certification Form or a consultation with a health care provider.

Duration of Family and Medical Leave –

Eligible employees will be entitled to a cumulative total of twelve (12) workweeks of FMLA leave within a 12-month leave period. To determine eligibility, the 12-month period is measured backwards from the date an employee's requested FMLA leave begins. The FMLA leave year will begin on the first day that the employee takes FMLA leave and ends twelve (12) months thereafter.

In certain cases, leave may be taken on an intermittent basis, or the employee may work a reduced schedule. Intermittent leave must be certified by a health care provider as necessary and should be scheduled to avoid disruption to the Town as far as is reasonable.

Re-certification -

An employee may be asked to re-certify a serious health condition every six (6) months or every thirty (30) days (if the employee is absent during that period) for chronic/long-term illness that extends beyond the anticipated timeframe or pregnancy. A recertification may be requested in less than thirty (30) days if:

- The employee asks for extension of leave.
- Circumstances have changed; or
- The Town has doubts about the employee's FMLA status (e.g., Mon./Fri. absences).

Employees will be required to have **annual** medical certifications for their own serious health conditions lasting more than one year, including chronic/lifelong ailments.

Return to Work -

Employees returning to work from FMLA leave will return to the same or an equivalent position as held prior to the leave unless the position has ceased to exist because of business necessity. If the employee does not return to his or her original position or an equivalent position as soon as he or she is able, the Town will consider the employee to have voluntarily resigned. Certain "key employees" may not be eligible to be reinstated to the same or an equivalent position at the conclusion of their FMLA leave. The Town will notify such employees of their "key employee" status and the conditions under which they may be denied reinstatement, if applicable.

Colorado Paid Medical Leave Act

The Town of Elizabeth, as a Colorado municipality has the option to “opt out” of the Colorado Paid Medical Leave Act and has chosen to exercise that option. As such, the Town of Elizabeth does not offer benefits under the Colorado Paid Medical Leave Act. Further, the Town of Elizabeth has “opted out” of the Paid Family and Medical Leave Insurance Act (FAMLI). Should an employee seek to personally “opt in” to FAMLI, they should consult with their supervisor so that arrangements for payroll withholding may be initiated.

6-B-10 Americans with Disabilities Act (ADA) Policy

If an employee is a “qualified individual with a disability” as defined in Title I of the Americans with Disabilities Act (“ADA”), and the employee notifies the Town of this circumstance, the Town will examine the feasibility of any accommodations with respect to the employee’s position that are suggested by the employee to determine whether they are reasonable, and, if reasonable, whether they will enable the employee to retain his/her position without imposing an undue hardship on the Town. If any one or more suggested accommodation is reasonable, the Town will offer to make or provide at least one such reasonable accommodation.

If an employee is a “qualified individual with a disability” who can no longer perform the essential functions of his/her former position, regardless of the level of accommodation offered, the Town will determine whether there is another vacant position within the Town to which the employee may be reassigned if he/she desires to remain with the Town and is capable of performing the essential duties of the vacant position with or without reasonable accommodation. If those conditions are met, the Town will offer the position to the employee.

This provision shall not require the Town to create a position which does not then exist, nor shall it require the Town to terminate, reassign or remove another employee from any position. If more than one vacant position within the Town is capable of being offered, the Town, in its sole discretion, may choose which position will be offered. Compensation with respect to any such vacant position shall be determined by reference to the job description and not be referenced to the employee’s former position.

Section Seven - Other Benefits

7-A-1 Retirement

The Town offers two (2) retirement programs: one for sworn law enforcement agencies and one for all other employees:

- The Police Department participates in FPPA, and FPPA member and employer contributions are as established and subject to adjustment per Colorado law. Currently, Town Police Officers are considered Mandatory Members and are required to contribute 12% of their gross earnings into the FPPA. The Town is required to contribute an additional 9%, on the employees’ behalf, to the FPPA. These contribution amounts are set to increase approximately 0.5% per year through calendar 2030. In addition, Police Officers may contribute to the Town’s 457 Deferred Compensation Program. In such an event, the Town will match up to 3% of the Police Officer’s gross salary into the Program. The Town makes no contributions to Social Security Insurance on behalf of sworn Police Officers.

- All other employees (non-sworn) have the option to participate in the Town's 457 Deferred Compensation Program through Mission Square. The Town will match up to 5% of the employee's gross salary. Contributions made to the Town's 457 Program are limited by Federal Law and may increase annually. Employees should monitor these changes in contribution limits for their own retirement planning. Further, the Town makes standard contributions to Social Security Insurance on behalf of all other employees.

7-A-2 Uniform Allowance

Eligible employees of the Police Department will be entitled to a uniform allowance as is from time-to-time determined by the Board of Trustees. Departments with field crews shall be provided with clothing allowance. The Town will replace any clothing or equipment it has furnished for authorized Town purposes that has been damaged or lost in the line of duty unless the damage or loss is due to the negligence of the employee. The Town will replace any clothing or equipment that has been furnished by an employee for an authorized Town purpose that has been damaged or lost in the line of duty, provided advance written permission to use same was given by the Department Head or the Town Administrator. Such a replacement should be with quality commensurate with the quality of the item to be replaced. If the Town is incurring an expense to provide uniforms for an employee, he/she will be expected to wear it regularly. Uniforms and other equipment checked out to an employee shall be returned to the Town upon termination. If such items are not returned, the final paycheck will be withheld, or the full replacement value of the unreturned items will be deducted from the net pay otherwise owed to the former employee.

7-A -3 Modified Duty/Temporary Work Assignment Policy (non-work related)

In the event an employee is unable to perform his/her regular assigned duties for more than five (5) consecutive working days, the employee is eligible to return to work in a modified capacity after the appropriate release by their attending physician. The written release for modified duty shall describe the employee's physical restrictions as well as the duration of the restriction. The Town Administrator will manage these cases, in consultation with the appropriate Department Head. If it is determined that there is no work for an employee to perform under a modified duty assignment, the employee will be required to take accrued leave until such time as work becomes available or the employee receives an appropriate release to return to full duty status. A modified duty assignment shall not grant any continuing right to occupy a position as modified. Prior to returning to full duty status, a written release by the employee's attending physician must be submitted to the Town Administrator.

7-A-4 Cell Phone Stipend

To conduct business in a timely and safe manner, it may be necessary for employees to make use of wireless communication devices, such as cellular telephones. An employee may be issued a Town cell phone to conduct Town business. The purpose of these procedures is to establish consistent and clear rules for the issuance and/or use of Town or personal mobile communication devices including cellular telephones, for Town business, and payment of costs related thereto.

Employees whose job duties include the frequent need for a cell phone (or other wireless communication device) may receive extra compensation in the form of a monthly cell phone stipend, to cover business-related costs. An employee is eligible for a wireless communication device stipend if at least one of the following criteria is met:

- The job function of the employee requires considerable time outside of the employee’s assigned office or work area and it is important to the Town that the employee is accessible during those times.
- The job function of the employee requires the employee to be accessible outside of scheduled or normal working hours where time sensitive decisions/notifications are required.
- The job function of the employee requires the employee to have wireless data and internet access; and/or
- The employee is designated as a “first responder” to emergencies.

The Department Head will recommend eligibility based upon the above criteria and approved by the Town Administrator. Cell phone stipend amounts are reviewed and approved by Resolution by the Board of Trustees.

APPRAISALS, DISCIPLINE, TERMINATION

Section Eight - Performance

8-A-1 Performance Appraisals

All Employees shall receive, at least annually, a performance appraisal which will objectively assess their performance and accomplishments relative to his/her job description. Self-evaluations will be included for employees to complete. It is the supervisor’s responsibility to ensure that performance appraisals are completed annually by the employee’s anniversary date.

Individualized forms will be used to record all formal performance appraisals, and all individuals supervising the employees being evaluated will contribute to the review. These records will be used to help determine salary reviews, advancements, layoffs, and other personnel actions which are based on merit.

All employees will be given the opportunity to review and make copies of his or her performance reviews. Employees are encouraged to include written comments on the review, if appropriate. Employees who disagree with appraisals are encouraged to discuss areas of disagreement with his/her supervisor or Department Head. Employees must sign and date his/her appraisal after all comments have been noted. Performance appraisals will become a permanent part of the employee's personnel file and subject to inspection in accordance with the Open Records Act (C.R.S. 24-72-201).

Corrective Action

8-B-1 Philosophy

When an employee needs guidance, the Town may take corrective action. Corrective actions may include but are not restricted to (1) oral coaching or warning; (2) written warning; (3) written reprimand (4) disciplinary probation and/or performance improvement plan; (5) suspension; and (6) termination. The

Town make take any corrective action it deems appropriate in any circumstance and this policy does not require progressive discipline. Further, this policy does not constitute an employment contract. Nothing in this Corrective Action policy changes the at-will status of any employee nor does it create any additional rights, remedies by law or expectations of continued employment.

While progressive discipline is not required, the Town attempts to use a progressive system of corrective action to ensure employee compliance standards, ethics, and conduct. Therefore, except in cases of willful, flagrant violations, or cases of violence, sexual harassment, or discrimination, a supervisor will not resort to formal corrective measures until informal attempts to correct the problem have failed. If a supervisor finds it necessary to use formal corrective measures, it is intended that the corrective action be administered fairly.

8-B-2 Grounds for Corrective Action - Conduct

Employee misconduct will be grounds for corrective action. Grounds for corrective action relating to conduct include, but are not limited to:

- Offensive conduct or language towards the public or co-workers.
- Refusal to seek treatment or resolution of personal problems which affect work performance.
- Using Town equipment for personal use.
- Failure to implement correct safety measures.; and
- Violating policies in the Employee Handbook.

8-B-3 Grounds for Corrective Action - Work Performance

Grounds for corrective action relating to work performance include, but are not limited to:

- Failure to follow orders from supervisor or Town Administrator (insubordination).
- Failure to perform assigned tasks.
- Abusing or being wasteful of materials, property, tools, or working time.
- Habitual absence or tardiness; and
- Refusal to report to work in an official emergency.

8-B-4 Reprimands

Verbal. An employee may be reprimanded verbally for any wrongful or improper act, conduct, or omission, whether the same is specifically listed as grounds for discipline in this Handbook. In utilizing verbal reprimands, the supervisor should warn the employee that failure to remedy the deficiency will

result in some formal corrective action. Unless a verbal reprimand is immediately required to correct a safety issue, all verbal reprimands should be completed in private.

The Department Head shall document verbal reprimands but will not be entered in the employee's official personnel file. The intent of the verbal reprimand is to be constructive in nature and should be applied in a positive manner so that the employee can take corrective action.

Written. For repeated minor infractions, or a more substantial infraction, the employee will be reprimanded in writing. Following a review by the Department Head or Town Administrator, a written reprimand will be prepared. The Department Head will meet with the employee and review the reprimand. The employee will be given the opportunity to comment in writing on the reprimand and will be asked to sign the reprimand, acknowledging receipt. Two (2) copies will be made of the reprimand for the following distribution:

- Original given to the employee.
- Copy given to the Town Administrator to be forwarded to the employee's personnel file; and
- Copy retained by supervisor/Department Head.

The reprimand should include identification of the date, violation, indication of necessary improvements, and information concerning further disciplinary action that could result from failure to show improvement.

8-B-5 Disciplinary Probation

An employee may be placed on disciplinary probation by a supervisor to allow the employee to show improvement on the problem(s) specified at the time of probation. The disciplinary probation period begins when the supervisor provides the employee with a written and signed document which:

- Identify the problems(s).
- Indicates the necessary improvement.
- Specifies length of probation period; and
- Informs the employee of further corrective action which could result from failure to show satisfactory improvement within the specified probation period.

8-B-6 Suspension

The Town Administrator may suspend an employee without pay for disciplinary reasons. An employee who is suspended will be given written notice of the reasons for the action, and a copy will be made as part of the employee's personnel record. The Town Administrator may suspend an employee with pay in the event of an industrial accident, or as provided by the Police Department Procedures Manual, or in other circumstances as determined appropriate by the Town Administrator.

Following a disciplinary suspension, the supervisor will meet with the suspended employee upon their return to work to discuss the improvements in job-related behaviors required as a condition of the employee's continued employment. This meeting will be documented and records of it submitted to the Town Administrator. Suspensions without pay more than five (5) working days shall be subject to the process below entitled "Appeal of Discipline."

An employee may be suspended immediately without pay by the Town Administrator pending an investigation of alleged misconduct by an employee if there is sustainable evidence to believe an employee has violated the Code of Conduct, Departmental Rules and Regulations, or any other law and the employee's presence poses a continuing danger to persons or is a threat to damage to property or may cause disruption of Town services or interferes with the operation of Town government. Such sustainable evidence shall be equivalent to the finding of probable cause in a criminal proceeding.

Following an immediate suspension without pay, the Town Administrator, in conjunction with the employee's Department Head and/or immediate supervisor shall prepare a detailed account of the circumstances which caused the suspension action. Within forty-eight (48) hours after the immediate suspension action without pay, the Town Administrator will transmit to the suspended employee a written notice of the expected duration of the suspension without pay or the intent to dismiss. The written notice must also advise the employee of his or her right to appeal the suspension without pay or dismissal (regular full-time and regular part-time employees only) and detail the reasons for the suspension without pay or proposed dismissal. A fair and objective investigation shall be conducted to determine whether a suspension without pay was appropriate, whether the suspension should be with or without pay, and whether the employee should be dismissed.

In the event of a suspension without pay, pending an investigation, if the investigation subsequently establishes no basis for the adverse action against the employee, then the employee shall be reimbursed for the loss of compensation. Suspension without pay does not affect the continuation of insurance programs. However, no vacation leave, PTO, holiday pay, or related benefits shall accrue or be paid to any employee for any period during which such employee is on suspension.

8-B-7 Termination

Dismissal occurs when other corrective action has failed to achieve improvement or when the employee commits a serious offense. Prior to dismissal, the Town Administrator should ensure that the employee has been properly counseled in writing concerning any deficiencies in performance, given sufficient time to correct these deficiencies, and informed that failure to correct them may result in termination. The Town Administrator must approve all dismissals.

Prior to the proposed dismissal from employment, the employee may be suspended with or without pay by the Town Administrator pending the outcome of an investigation. Before dismissal of an employee from employment, the Town Administrator shall meet with the employee and perform a pre-disciplinary interview. The pre-disciplinary interview serves three (3) purposes: (1) to allow an employee to hear the charges against him/her; (2) to allow the employee to hear the nature of the evidence; and (3) to provide the employee with an opportunity to present any mitigating factors.

After the pre-disciplinary interview, the Town Administrator shall render a decision in writing which shall be served personally or by certified first class mail to the last address furnished to the Town by the

employee. All decisions of the Town Administrator are final, and only subject to appeal by a third-party decision-maker as defined in this policy.

Some offenses may warrant immediate dismissal. These include, but are not limited to:

- Theft, which means the taking of the property of another with an intent to permanently deprive. Theft will be presumed whenever an employee takes, removes, or conceals the property of the Town or the property of a fellow employee that is located on Town property without prior authorization.
- Drugs/Alcohol – (a) possession, use, sale, purchase, or distribution on Town property of alcohol or any illegal controlled substances or illegally-possessioned prescription drugs; (b) reporting to work after having ingested alcohol or having taken by any means illegal drugs or illegally-possessioned drugs, in a condition that adversely affects the employee's ability to perform his/her regular duties safely and effectively, or which would imperil the safety of others.
- Knowingly filling out the time sheet of another employee or soliciting such conduct from another employee.
- Falsifying or altering Town records.
- Sabotaging or willfully damaging Town property, facilities, or equipment or the property of others.
- Walking off the job without supervisory permission.
- Insubordination involving, but not limited to, defaming, assaulting, or threatening to assault a supervisor, and refusing to conduct the order of a supervisor where personal safety is not a problem.
- Fighting or provoking a fight on Town property or on the property of others while on duty.
- Absence on a day on which the employee is scheduled to work, without notice to the Town.
- Sleeping on the job; and
- Working for another employer, while on duty for the Town or while on leave of absence, without prior written consent from the Town.

8-B-8 Demotion and Decrease in Pay

Upon the recommendation of the Department Head, the Town Administrator may demote an employee in pay and step with a decrease in salary and job responsibilities, as appropriate, for such time as is necessary to improve the employee's job performance or to allow the employee to acquire the necessary job qualifications. No demotion shall be made as a corrective action unless the employee to be demoted is eligible and qualified for the lower classification. No demotion shall be made if such demotion would cause another employee in the lower classification to be laid off because of such action.

A demoted employee is entitled to progress within the appropriate pay range like any other employee, based upon job performance. The provisions regarding trial periods will apply in the case of demotions.

Prior to the demotion, the employee shall be given written notice of the reasons for the proposed demotion and shall be given a reasonable opportunity to respond to the notice by meeting with the appropriate Department Head to answer the charges set forth in the notice. If the Town Administrator determines the demotion is proper, the appropriate form shall be completed and submitted to the Town Clerk for purposes of payroll adjustment and for inclusion in the employment file. Such a demotion that includes a decrease in pay shall be subject to the process below entitled "Appeal of Discipline."

8-B-9 Appeal of Discipline

Decisions whereby a regular full-time employee receives discipline of (1) a suspension without pay more than five (5) working days, (2) demotion with a decrease in pay; or (3) termination may be appealed as set forth in this Section. Such an appeal must be made in writing within seven (7) calendar days of the final decision of the Town Administrator. Such an appeal shall be made to the Town Administrator for a full evidentiary hearing, which shall be conducted by an impartial hearing officer. The evidentiary hearing shall be subject to the following general procedures in accordance with applicable law:

(1) The burden of proof shall be upon the Town by a preponderance of the evidence to demonstrate that the conduct in question was a violation of applicable policies, and that the discipline was appropriate under the circumstances.

(2) Both the Town and the employee shall have the right to present their case by oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

(3) Such hearing shall include the following components:

(a) Opening statements may be made or waived by the parties to proceed with proceedings.

(b) The Town shall present its case, including calling witnesses on its behalf, and the employee shall have the opportunity to cross-examine such witnesses.

(c) Following the closure of the Town's case, the employee may provide testimony and call witnesses on his or her behalf, and the Town shall have the opportunity to cross-examine such witnesses.

(d) At the discretion of the hearing officer, either party may call rebuttal witnesses.

(e) Both parties shall be entitled to a closing argument, and the Town's closing argument shall precede the employee's closing argument; and

(f) A written decision shall be made by the hearing officer within fourteen (14) calendar days of the closing of the hearing either affirming, modifying, or overturning the discipline previously imposed.

Termination of Employment

8-C-1 Reduction in Force

The Town intends to minimize the negative impact on current employees if a reduction in the workforce becomes necessary. However, from time to time, cutbacks or reductions may be unavoidable due to forces beyond the reasonable control of the Town. In some cases, a program may have to be reduced in

size or terminated entirely if funds for its operation are no longer available. If this type of cutback must occur, the Town will reduce staff progressively, using the following steps:

- Voluntary reductions in the workforce. This includes employees who take early retirement, leaves of absence, or reduction in hours.
- Attrition.
- Part-time positions may be terminated prior to full-time positions.
- An attempt will be made to transfer employees from terminated positions to other vacant positions within the Town if the employee can meet the qualifications of the position and has satisfactory performance evaluations, and
- In determining which regular, full-time employees are laid off, the Town Administrator may implement a system considering factors such as, but not limited to, the following: (1) special training, (2) performance evaluations, (3) job specialty and responsibilities, and (4) supervisor input.

The Town Administrator will provide notice to employees affected and inform them of the effective date of layoff. Within thirty (30) days following the layoff date, the employee will be paid for unused accrued vacation leave (for employees employed prior to January 1, 2023) and PTO, unless the employee has returned to work for the Town.

8-C-2 Resignation

Employees who voluntarily resign from their positions are asked to give at least two (2) weeks' notice in writing of their intent to resign. At the option of the Town, such employees may be given two (2) weeks' pay and may be required to discontinue work immediately, in lieu of working during the two-week notice period. Failure to comply with this procedure shall be entered into the personnel record of the employee and may be considered as grounds for denying future employment with the Town. No employee shall have the right to rescind a resignation notice once submitted.

8-C-3 Abandonment of Job

Unless otherwise required to be permitted under law, employees who miss work for one (1) day without notifying their supervisor, or have two consecutive days of unexcused absences, are considered to have resigned their jobs. This section does not apply for failure to comply with the notice requirement if the leave if such leave is protected by the Colorado Healthy Families and Workplaces Act (the "HFWA").

8-C-4 Final Pay

Employees who leave the service of the Town of Elizabeth for any reason shall receive all pay which may be due to them with the following qualifications:

- Regular full-time and regular part-time employees will be paid for all accrued and unused **PTO and compensatory time. Employees who leave before completing their trial period are not entitled to any accrued PTO leave.**

- The separation date for all employees is the last day of actual work or approved leave. Final payment received by an employee will not be construed to extend their employment with the Town beyond the separation date.
- The employee's failure to return vehicles, equipment, keys, uniforms, materials, or other items owned and/or issued by the Town may result in the delay of the final payment until all Town property has been returned. If these items are damaged or missing, their value may be deducted from the employee's final paycheck; and
- Employees will be advised of their rights under the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA). Subject to certain specific notice and election requirements, COBRA entitles employees and their dependents to elect to continue their coverage under the Town's health insurance plan, at their own expense, but at group rates, for certain periods (usually eighteen (18) months) after employment with the Town is terminated.

2025 Draft

ORDINANCE 25-05

**AN ORDINANCE APPROVING UPDATES TO THE TOWN OF ELIZABETH
EMPLOYEE HANDBOOK**

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF ELIZABETH, COLORADO, THAT:

Section 1. The Town of Elizabeth Employee Handbook, attached hereto as **Exhibit A** and incorporated herein by this reference, is hereby approved.

Section 2. All previous versions of the Town of Elizabeth Employee Handbook (or Personnel Manual) are hereby rescinded.

Section 3. Severability. If any section, paragraph clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or enforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 4. The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 5. This Ordinance shall become effective thirty (30) days after publication.

Read and approved at a meeting of the Board of Trustees of the Town of Elizabeth, Colorado, this _____ day of _____, 2025.

Passed by a vote of _____ for and _____ against and ordered published.

Angela Ternus Mayor

ATTEST

Michelle M. Oeser, Town Clerk

INTRODUCTION

Section One - General Information

1-A-1 Preface

THIS EMPLOYEE HANDBOOK (HEREINAFTER REFERRED TO AS “HANDBOOK”) IS NOT AND DOES NOT CREATE AN EXPRESSED OR IMPLIED CONTRACT OF EMPLOYMENT BETWEEN THE TOWN OF ELIZABETH AND ITS EMPLOYEES. THE BOARD OF TRUSTEES OF THE TOWN OF ELIZABETH (HEREINAFTER REFERRED TO AS THE “BOARD OF TRUSTEES”) RETAINS THE *SOLE* RIGHT TO MODIFY, SUSPEND, INTERPRET OR CANCEL IN WHOLE OR IN PART THE PROVISIONS OF THIS HANDBOOK. ALL EMPLOYMENT WITH THE TOWN OF ELIZABETH IS “AT-WILL” AND OF AN INDEFINITE DURATION. THE TOWN OR AN EMPLOYEE MAY TERMINATE EMPLOYMENT AT ANY TIME, WITH OR WITHOUT CAUSE, AND WITH OR WITHOUT ADVANCE NOTICE. NOTHING IN THIS HANDBOOK, OR IN ANY OTHER TOWN DOCUMENT, CAN CHANGE OR SUPERSEDE THIS “AT WILL” STATUS. THE TOWN WILL ENDEAVOR TO NOTIFY EMPLOYEES OF THE TOWN OF ELIZABETH OF PROPOSED CHANGES TO THIS HANDBOOK IN ADVANCE OF THEIR ADOPTION, BUT NO SUCH NOTIFICATION SHALL BE REQUIRED IN ORDER FOR SUCH CHANGES TO TAKE PLACE.

1-A-2 Functions and Objectives of the Employee Handbook

The personnel and employment practices of the Town of Elizabeth are based on modern personnel practices requiring that all personnel actions, including but not limited to, recruitment, hiring/promotions, training, transfer, upgrading, retention, and other personnel practices will be administered fairly and without regard to race, creed, color, religious convictions, gender, age, national origin or ancestry, disability, marital or military status, sexual orientation, gender identity, gender expression, genetic information, or any other classification protected under applicable law.

This Handbook is subject to change at any time, including changes to benefits provided and to personnel practices. All such changes may apply to current as well as future employees. To the extent that there are any conflicts between the Handbook and Departmental Policies, the Handbook will prevail. In addition, the Town Administrator is authorized to promulgate administrative regulations to implement the policies set forth in this Handbook, so long as such policies are consistent with the language of the Handbook.

Exclusions: The policies and procedures set forth in this Handbook do not apply to the employment, benefits, salaries, and other compensation of the Town Administrator, elected officials, independent contractors, contractual employees, or the Municipal Judge, unless specifically stated herein or made applicable by specific contractual provision.

1-A-3 Legality of Content

As of the date of issue, this revised Handbook becomes effective and shall supersede prior personnel regulations. Should any section, item, clause, or phrase contained in this Handbook be determined to be illegal or otherwise invalid or in conflict with an ordinance or law, such findings shall not affect the validity of the remaining portions of the Handbook.

1-A-4 Adoption, Amendment or Revision of the Employee Handbook

All policies and procedures set forth in this Handbook shall be subject to adoption, amendment, modification, revision, termination, or elimination by formal action of the Board of Trustees. Proposed amendments to this Handbook shall be prepared by the Town Administrator and reviewed for legality by the Town Attorney and/or appropriate legal counsel, prior to formal action by the Board of Trustees.

1-A-5 Open Records Statement

Nothing in this Handbook shall be construed to authorize the withholding of public records and documents that by law are required to be disclosed upon proper request, made in complete conformity with applicable law, including, but not limited to, the Colorado Open Records Act, Article 72 of Title 24, Colorado Revised Statutes 1973, as amended, or to authorize the disclosure of records or documents that by law are privileged or otherwise exempt from disclosure requirements.

Organizational Structure & Expectations

Section Two - Organizational Structure

2-A-1 Form of Government

The Town of Elizabeth is a statutory municipal corporation organized pursuant to Title 31 of the Colorado Revised Statutes. The Town operates under the Town Administrator form of government, as set forth in C.R.S. 31-4-304. The Board of Trustees appoints a Town Administrator to serve as the Chief Administrative Officer for the Town.

2-A-2 Organizational Chart

Included is the current organizational chart for the Town. As reporting requirements and positions change within the Town, the organizational chart will be updated to reflect those changes.

2-A-3 Duties of the Town Administrator

The Board of Trustees is the legislative and policy-making body of the Town of Elizabeth and appoints a Town Administrator who is responsible for the general administration of Town services and programs. The Administrator's conditions of employment are set by separate contracts and as such the Administrator is not subject to this Handbook. The Administrator is responsible to the Board of Trustees for the proper administration of all affairs of the Town placed in his/her charge and he/she shall have the power to appoint and remove all officers and employees in the administrative service of the Town, except the Town Attorney and Municipal Judge.

Pursuant to Sec. 2-3-40 of the Elizabeth Municipal Code, the Town Administrator's duties include the following: to be responsible to the Board of Trustees for the efficient administration of all departments of the Town government; to supervise the enforcement of all laws and ordinances; to recommend an annual budget to the Board of Trustees, to administer the budget as finally adopted and to keep the Board of Trustees fully advised at all times of the financial condition of the Town; to recommend to the Board of Trustees for adoption such measures as he or she may deem necessary; and to perform such other duties as may be prescribed by ordinance, resolution or by direction of the Board of Trustees.

The Town Administrator has the authority to hire, appoint, or remove employees at his discretion, for the best interests of the Town. All decisions of the Administrator in any such case shall be final.

Position Classification Plan

2-B-1 Policy

The Town will maintain a written job description for all paid employee positions. A job description shall contain at least the following elements: title, classification, summary of job duties, qualifications, pay grade, supervisor, compliance with the Colorado Equal Pay Act, and exempt/nonexempt status for purposes of the FLSA and ADA qualifications, as applicable.

Expectations

2-C-1 Conflicts of Interest

The Town expects the primary interest of employees to be the public we serve. A conflict of interest occurs when the interests of an employee, or another outside party, actually or potentially affects, or creates the perception of affecting, the Town in a negative way.

Employees may have outside business interests and outside employment so long as these do not interfere with job performance. Employees, other than sworn members of the police department, may not earn a profit from outside employment or business interests which directly results from an affiliation with the Town of Elizabeth without prior written approval of the Town Administrator and proper notification with respect to conflicts and potential conflicts in accordance with State Statute and other applicable laws, regulations, and policies, if any. Applicable law and/or department policy may further limit police officers outside employment and business activities.

The Town should not be impacted by an individual employee's personal beliefs, values, and commitments unless they are:

- Prevent the employee from fulfilling his or her job responsibilities.
- Involve an attempt by the employee to use the Town's time and/or facilities to further such beliefs, values, and commitments; or
- Involve an employee's continued attempt to convince others in the workplace, who may or may not be fellow employees, to adopt his or her beliefs, values, or commitments after he or she has been asked to stop.
- Involve other conduct causing actual disruption to the workplace or Town operations.

Employees may not use privileged or confidential information gained because of their employment for personal gain or benefit, or to benefit relatives, friends, or acquaintances.

If an employee or employee's family has any interest (including, but not limited to, serving as partner, stockholder, manager, officer or employee), in any business that sells products or services to the Town or if an employee has access to Town information that may be used for private gain, the employee must

advise the Department Head and, where appropriate, the Town Administrator of such interest in writing. The Department Head and, where appropriate, the Town Administrator will determine whether a conflict of interest exists and will then advise the employee and the employee's supervisor and provide a copy of the determination letter in the employee's personnel files. If such a conflict is found to exist, the employee may be given the option of terminating either employment with the Town or interest in the business. Failure to comply with these provisions may result in immediate dismissal.

2-C-1A Social media policy

At the Town of Elizabeth, we understand that social media can be a fun and rewarding way to share your life and opinions with family, friends, and co-workers around the world. However, the use of social media also presents risks and carries certain responsibilities with it. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media.

Guidelines

In the rapidly expanding world of electronic communication, *social media*, includes all means of communicating or posting information or content of any sort on the Internet, including your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether associated or affiliated with Employer, as well as any other form of electronic communication.

The same principles and guidelines found in this Handbook's policies apply to your activities online. Employees are solely responsible for what they post online. Before creating online content, consider the risks and rewards that are involved. Social media posts and comments that adversely affect your job performance, the performance of fellow employees or otherwise adversely affects members, customers, suppliers, or people who work on behalf of the Town may result in disciplinary action up to and including termination.

Be respectful.

Always be fair and courteous to fellow employees, customers, members, suppliers, or people who work on behalf of the Town of Elizabeth. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your supervisor or co-workers than by posting complaints to a social media outlet.

Be honest and accurate.

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives everything; therefore, even deleted postings can be searched.

Post only appropriate and respectful content.

- Maintain the confidentiality of Town records that are private or confidential information. Do not post internal reports, policies, procedures, or other internal business-related confidential communications that you possess only because of your association with the Town of Elizabeth.
- Do not create a link from your blog, website, or other social networking site to a Town website.
- Express only your individual opinions. Never represent yourself as a spokesperson for the Town. If the Town is a subject of the content you are creating, be clear and open about the fact that you

are an employee and make it clear that your views do not represent those of the Town, fellow employees, elected officials, customers, suppliers, or people working on behalf of the Town.

Using social media at work

Refrain from using social media while on work time or on equipment we provide unless it is work-related as authorized by your manager or consistent with this Handbook. Do not use your Town of Elizabeth email address to register on social networks, blogs or other online tools utilized for personal use.

Prohibition of Retaliation

The Town prohibits taking negative action against any employee for reporting a deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a deviation from this policy, or for cooperating in an investigation, will be subject to disciplinary action, up to and including termination.

2-C-2 Gifts, Favors & Honoraria

Amendment forty-one is a citizen initiative which was adopted by Colorado voters during the 2006 general election. Amendment forty-one places' restrictions on gifts, broadly defined, given to Colorado public officials, government employees, and their immediate family members. Such people are prohibited from receiving gifts with value exceeding fifty (\$50.00) dollars.

- Acceptance of Honoraria – Amounts for this type of scholarship may exceed \$50.00 if certain conditions are met. Contact your supervisor or Department Head for details.
- Acceptance of prizes, lottery winnings and items at silent auctions may be accepted if the competition was fair and open to everyone similarly situated.

Employees should contact their supervisor or Department if they have any questions concerning the potential receipt of gifts as a Town employee.

2-C-3 Speaking to the Media - Public Relations

The Town Administrator may designate a Public Information Officer (PIO) who will respond to media requests for information and interviews. The PIO is authorized to make public statements about operations and issues concerning the Town. Additionally, the Chief of Police is authorized to respond to media requests for information and give interviews pertaining to the operations of the Police Department. All requests for interviews should be coordinated, as necessary, with the Town Administrator or the PIO.

Media contacts

Employees should not speak to the media on the Town's behalf. All media inquiries should be directed to the Town's Administrator, PIO, or Department Head. In accordance with the Colorado Open Records Act, requests for records, reports, or written information should be directed to the Town Clerk's Office, Police Department, or Municipal Court, depending on the nature of the request.

2-C-4 Open Records Requests

Request for Records forms are available in the Town Clerk's Office, at the Police Department and at the Municipal Court. Except as required by law, no information about individuals will be released to state,

federal or other agencies that enable the identification of any person by name, address, Social Security number or other coding procedures. If records are to be inspected by an outside agency, the individual who inspects the records must be specifically authorized to do so by the Town Administrator. The taking of notes, copying of records, or removal of records is specifically prohibited regardless of any release provided. Employees will not discuss any individual's record with unauthorized individuals, whether on or off-duty. (See Section 1-A-9, Open Records Statement)

2-C-5 Tobacco Use

In the interests of employee and public health, the use of tobacco products is prohibited on Town owned or leased property, vehicles, parks, and other equipment. "Tobacco" includes cigarettes, cigars, pipes, vaping pens, electronic cigarettes, snuff, chewing tobacco or any other product intended to provide nicotine.

2-C-6 Employee Appearance

Town of Elizabeth staff members are expected to present a clean and professional image to visitors, customers, and the public. Acceptable personal appearance is an ongoing requirement of employment with the Town. Supervisors should communicate any department-specific workplace attire and grooming guidelines to staff members during new-hire orientation and evaluation periods. Any questions about the department's guidelines for attire should be discussed with the immediate supervisor.

The Town recognizes the importance of individually held religious beliefs to people within its workforce. The Town will reasonably accommodate a staff member's religious beliefs in terms of workplace attire unless the accommodation creates an undue hardship in the Town or other employees. Accommodation of religious beliefs in terms of attire may be difficult considering safety issues for staff members. Those requesting workplace attire accommodation based on religious beliefs should be referred to the Town Administrator.

2-C-7 Telephone Usage

The primary purpose of all desk phones and Town-issued cell phones is for employees to conduct Town business. Personal long-distance phone calls from a land line are not allowed. Personal phone calls during working hours distract employees from their duties and may be disruptive to coworkers. Employees should limit the placement or receiving of personal calls during working hours. Any charges billed to the Town with respect to an employee's making or receiving of personal long-distance calls shall be promptly reimbursed by the employee.

The employee has sole responsibility for a Town-issued cell phone. Care should be taken to avoid equipment theft and damage. In the case of negligence, the employee may be responsible for replacement costs. Texting on a cell phone for any purpose while driving a vehicle is prohibited. If you must receive or read or send a text message, pull the vehicle you are driving over to the nearest, safe place.

2-C-8 Emergency Delayed Opening or Closure of Town Facilities –Non-exempt employee pay

The purpose of this policy is to provide for a consistent and uniform approach when delaying or closing Town facilities due to a severe weather event or other emergencies. This policy covers all full-time and

regular part-time employees. It is the policy of the Town of Elizabeth to make every effort to maintain regularly scheduled work hours. Town services will continue in normal operations unless specifically delayed or closed by the Town Administrator or his/her designee. At times, a severe weather event or other emergency can disrupt Town operations. To minimize travel during a severe weather event or for other emergencies, the Town may delay opening or may close Town facilities and operations. If the Town Administrator closes or delays town facilities or operations, employees will be paid for their regularly scheduled hours during the period of closure as if those hours were worked, not to exceed the regularly scheduled hours for their entire shift.

If there has been no delay or closure approved by the Town Administrator, employees are encouraged always to use their best judgment and not to attempt to come to work if they are uncomfortable traveling in inclement conditions. If the weather conditions impede an employee from attendance or require an employee to depart the premises early from their regularly scheduled shift, but Town facilities/services have not been delayed or closed, employees are permitted to take accumulated leave, or an alternate work schedule as permitted at the sole discretion of the Department Head. In all instances, employees are required to request approval from their direct supervisor before altering their schedule due to weather conditions.

This policy does not apply to sworn police department personnel who are required to work based on assignment by the Chief of Police.

Notification to Town Employees: Once the Town Administrator has made the decision to delay or close operations, the Town Administrator or designee will send an e-mail to all Town employees to notify them. Department Heads will utilize phone trees and other departmental established methods to communicate with all employees. Employees should always call their direct supervisor if they have a question about whether Town facilities are open or closed.

Employees on any pre-approved leave or otherwise not scheduled to work during the affected period are eligible for payment under this policy. For example, if an employee is out on a pre-approved vacation or PTO during the declared closing, the pre-approved vacation or PTO hours will not be deducted from their accrued time.

2-C-9 Travel

From time to time, employees may be required to travel on official business. Employees must receive written approval for travel from the Department Head prior to incurring any expense for said travel.

Allowable meal and mileage reimbursement rates for approved out-of-town travel are as follows:

- Meals will be reimbursed at the current per diem rate as determined by the current rate paid by the State of Colorado.
- Mileage – The Town will reimburse mileage when private vehicle use is authorized by Department Head at the rate which is set from time-to-time by the Internal Revenue Service.

Upon completion of travel, a Reimbursement Request must be filed to obtain reimbursement for approved travel expenses. The Reimbursement Request shall contain a statement as to the purpose of the trip as well as receipts for all expenses included in the request. Lodging, meals, and other reimbursable

travel expenses shall only be reimbursed for the period necessary for the traveler to accomplish the Town's business. If lodging, meals, or transportation expenses are included in conference fees, registration fees or are otherwise furnished at no additional cost to the traveler, no reimbursement shall be made for these items unless upon prior approval of the Town Administrator. All reimbursement requests must be submitted no more than ten (10) business days from the return of travel.

Employees authorized to travel shall be reimbursed with the actual cost of reasonable accommodation. Employees may be required to use approved or designated lodging facilities to assist in controlling travel costs. Employees authorized to travel shall be reimbursed for the cost of meals, including tax and a not-to-exceed 18% tip on the meal before tax, and other incidental expenses. Travel expenses are reimbursed up to the current IRS rate.

The following travel expenses shall not be reimbursed:

- Alcoholic beverages purchased by the traveler.
- Entertainment expenses paid by the traveler, unless approved by the Town Administrator in advance.
- Travel insurance expenses paid by the traveler.
- The cost of traffic fines and traffic tickets.

The Town shall not reimburse the cost of an employee's spouse or other person(s) accompanying the employee on a business trip. A spouse may share a room or otherwise accompany the employee on authorized travel, but it shall not increase the cost of the employee's travel, nor shall it be reimbursed in any way.

Out of state travel may be permitted for business-related training and/or required meetings. Out-of-state travel will be subject to prior approval by the Town Administrator.

2-C-10 Open Door Policy

The Town offers an "open door" policy. All employee input is considered confidential, to the extent permitted by law, and can be presented without fear of personal recrimination to the employee or his /her position. All employees are encouraged to provide input and suggestions concerning the overall operation and programs of the Town, following the proper channels of communication. Employees should initially bring their comments to their immediate supervisor. In some cases where appropriate, employees may first approach their Department Head or, in appropriate instances, the Town Administrator.

2-C-11 Code of Ethics

Employees of the Town of Elizabeth:

- Will not discriminate against or refuse services to anyone based on race, creed, color, religious convictions, gender, age, national origin or ancestry, disability, marital or military status, sexual orientation, gender identity, gender expression, genetic information, or any other classification protected under applicable law.

- Will not use professional relationships to further personal interests.
- Will evidence a genuine interest in all people served and dedicate themselves to always helping them.
- Will respect the privacy of the people served and hold in confidence all information obtained in the course of service and when storing and disposing of customer records. Such information and records shall be subject to disclosure only in accordance with applicable law.
- Will, upon termination, or resignation maintain employer/employee confidentiality and will hold as confidential any proprietary information obtained concerning the Town.
- Will respect the rights and views of co-workers, and treat them with fairness, courtesy, and good faith.
- Will maintain the trust of the public and co-workers by extending respect and cooperation to all.
- Will make every effort to avoid relationships that could impair professional judgment.
- Will not engage in or condone any form of harassment or discrimination.
- Will not use public service to bestow any preferential benefit on anyone related to a public official or employee by family, business, or social relationship.
- Will not advise on problems outside the bounds of competence.
- When replacing a co-worker, or being replaced, they will act with consideration for the interest, character and reputation of all parties involved as a professional.
- Will report to any co-worker who has violated these or other ethical standards.
- Will continually assess personal strengths, limitations, biases, and effectiveness and strive to become and remain proficient in the performance of duties.
- Will act with professional integrity.
- Will seek assistance for any problem that impairs performance; and
- understands that violation of this code of ethics may result in disciplinary or corrective action, up to and including termination.

2-C-12 Drug-Free Workplace

The Town has adopted a Drug and Alcohol Policy which is included in this handbook and establishes guidelines for maintaining a Drug-Free Workplace as defined in the Federal Drug-Free Workplace Act.

It is against Town policy for an employee to use, possess, or be under the influence of any alcoholic beverage, drug, or controlled substance (as defined by C.R.S. § 18-18-102(5) and 21 USC §812 and, in the event of a conflict, the more restrictive shall apply) while on the job, while driving a Town vehicle, or while driving a personal vehicle on Town business.

For the purposes of this policy, "on the job" includes all periods of time when an employee is compensated. An employee is considered under the influence when the ability to perform his/her job is impaired, or the ability to function effectively in the workplace is impaired in the opinion of the Town, or the ability to perform the job and function safely as to himself/herself, fellow workers, or the public is impaired.

Employees who are suspected of being under the influence of alcohol, drugs, or a controlled substance, may be compelled by the Town to take a blood test, hair sample, urine test, breath test, or any combination of the four (4). An employee who refuses to take the ordered test will be subject to disciplinary action up to and including termination. An employee found to be under the apparent influence of alcohol, drugs, or a controlled substance while on the job will be subject to disciplinary action up to and including termination. An employee who tests positive for alcohol, drugs, or controlled substances, because of an ordered test, including a random test, is "under the influence" for purposes of this policy.

If an employee needs to take prescribed drugs under a physician's direction that may affect that employee's ability to perform his/her job in a safe and productive manner, the Town requires for the employee's safety and that of others, that the employee's supervisor be informed that he/she is taking such drugs and their effect on his/her work. Failure to inform the supervisor may subject the employee to disciplinary action up to and including termination. A "prescribed drug" under this Section does not include the medical use of marijuana pursuant to written documentation provided by a physician to a patient, as these terms are defined by Colo. Const. Art. XVIII, Section 14, nor does it apply to any personal use of marijuana pursuant to Colo. Const. Art. XVIII, Section 16.

In addition, it is against Town policy for any employee, regardless of position, to use, possess, or be under the influence of *any* illegal drug or controlled substance – including marijuana - on or off duty. The purpose of this restriction is to comply with Federal Law, which still criminalizes marijuana and its derivatives.

2-C-13 Government and Political Activity

The Town of Elizabeth encourages employees to take an active interest in government and to participate in political affairs. All employees have the right to express their opinions on political issues and candidates, and are also encouraged to exercise these rights; provided, however, that such employee activity is subject to the following conditions:

- Non-partisan position of the Town - No action will be allowed by any person that infringes upon the right of any employee to decide which candidates or positions to support. The Town will not endorse or contribute to any political candidate or party.
- Individual actions - No employee is allowed to give the impression that any political action or position represents the Town. All political activities are to be done as the actions of individuals, on their own time, and away from Town facilities.

- No employee is allowed directly or indirectly to coerce, attempt to coerce, command, or advise any other employee to pay, lend or contribute anything of value to a party, committee, organization, agency, or person for any political purpose.

Employees who wish to seek elective office shall inform their supervisors and the Town Administrator. Subject to the requirements of law, the Town grants leave employees who are seeking elective office, for the purposes of campaigning for and fulfilling the responsibilities of the office, if elected. Employees who are granted leave under this policy must use paid time off or compensatory time.

2-C-14 Teleworking

The Town of Elizabeth supports the limited use of teleworking in those instances where work at home, on a full-time or part-time basis, is an acceptable alternative to the usual Town worksite. The Town Administrator has the discretionary authority to approve the use of teleworking. In determining a job's suitability for teleworking, the Town Administrator will take into consideration the following factors:

- Nature and scope of the employee's primary job assignment.
- Impact on customer service.
- Expense to the Town for setting up a workstation.
- Employee's past performance; and
- Benefits to the Town, such as employee retention, increased productivity, ADA accommodation and limited availability of office space.

Should the Town Administrator approve the use of teleworking, additional requirements may apply per the items below. The employee may be required to enter into a teleworking agreement. At a minimum, the agreement will cover the following:

- Nature and scope of the work to be performed.
- Time reporting requirements
- Overtime reporting requirements.
- Equipment to be provided by the Town or by the employee.
- Reimbursable expenses.
- Information security requirements.
- Insurance requirements and liability coverage; and
- Workers' Compensation coverage and accident reporting requirements.

This policy does not apply to those situations where an employee, with the immediate supervisor's permission, may occasionally work at home to complete a report or special project. Teleworking is not to be used as a regular substitute for child or elder care. Other care arrangements must be available during working hours if there are young children or elderly individuals in the home.

2-C-15 Courtesy

Employees of the Town of Elizabeth are always expected to be courteous and polite. Courtesy, or lack thereof, is most noticeable at public counters, reception desks, and in telephone contacts. Courtesy in outside jobs, where public contacts may be more casual, is just as important. Courtesy in handling public contact means more than being polite to those who are polite to you. Since our Town services are for all citizens of Elizabeth, courtesy is due to them regardless of the type of complaint or demand made.

Although much responsibility for courtesy is placed upon a public employee, employees are not required to take harassment, threats, or excessive abuse from anyone. If an employee receives any threats, is harassed, or abused in any way, physically or verbally, the employee should leave the area immediately and report, in detail, the situation to a supervisor or Department Head so that he/she is aware of the circumstances and can follow up with the appropriate action with the proper officials. Should the employee, in his/her own evaluation of the situation, feel that contacting 911 is necessary, he/she is encouraged to do so.

2-C-16 Whistleblower Policy

The Town of Elizabeth encourages all employees to provide input and suggestions concerning the overall operation and programs of the Town as well as to report actions that they believe violate a law or regulation or to constitute fraudulent accounting or other unethical practices. This policy is intended to provide an opportunity for employees to report such actions should they ever suspect or witness any actual occurrence of illegal, unethical, or inappropriate behaviors or practices without fear of retribution or retaliation.

Employees should report as soon as possible, but not longer than fourteen (14) days after the event, the suspected or actual event to his /her immediate supervisor. If the employee is uncomfortable or otherwise reluctant to make the report to his/her supervisor, then the employee shall report the event to the next highest level of management. In the event the Town Administrator is involved, the report should be made to the mayor. An employee may choose to report any concerns anonymously.

The employee shall receive no retaliation or retribution because of a report provided in "good faith." "Good faith" for purposes of this policy 2-C-16 means that the employee has a reasonably held belief that the report is true and has not been made either for personal gain or for any ulterior motive or with malice to damage another employee, Town official or the Town of Elizabeth. An employee who makes a report in other than good faith shall be subject to corrective action, up to and including termination, to protect the reputation of the organization, members of the governing body and staff. Anyone who retaliates against an employee who reported an event in good faith will be subject to corrective action, up to and including termination.

The supervisor, Department Head, or Mayor (in instances involving the Town Administrator) who receives a report of illegal, unethical, or inappropriate behaviors or practices must promptly act to investigate and/or resolve the issue. If the investigation of a report, that was done in good faith and investigated by

internal personnel, is not to the employee's satisfaction, then he/she has the right to report the event to the appropriate legal or investigative agency.

The identity of the employee, if known, shall remain confidential to those persons directly involved in applying this policy, unless the issue requires investigation by law enforcement in which case members of the organization are subject to subpoena.

2-C-17 Town Property

Employees who use or have Town property in their possession are expected to treat it with the same care as they would their own property. All tools and equipment are to be returned in good condition, ordinary wear and tears excepted. Replacement or repair of property that is lost, damaged, or destroyed due to the employee's willful act or carelessness will be considered a legal obligation and indebtedness of the employee and will be replaced or repaired at the employee's expense.

Whether or not performed on the Town's premises, the work which employees perform and are paid for by the Town is the property of the Town of Elizabeth. This includes inventions, works of authorship, improvements, designs, developments, and discoveries that relate in any manner to the present or prospective activities of the Town.

Any Town property issued to employees, such as keys, equipment, tools, manuals, handbooks, records, or uniforms, must be returned at the time of termination or resignation or whenever requested by a supervisor. Employees are responsible for paying for any lost or damaged items. As a condition of employment with the Town, all employees agree that the value of any property issued to and not returned by an employee will be considered a legal obligation and indebtedness of that employee and may be deducted from such employee's final paycheck.

2-C-18 Operation of Town or Private Vehicles

Employees who do not have a valid Colorado driver's license or who are not insured against liability, as required by state law, are not authorized to drive any vehicle while performing work duties for the Town. An employee's driving record must be acceptable to the Town and if applicable, the Town's insurance carrier, or the employee will not be authorized to drive in the course of employment. A Motor Vehicle Record (MVR) for prospective and current employees whose job duties require them to routinely operate a Town vehicle will be obtained and reviewed in accordance with the Town's current operating procedures.

If an employee's duties include driving, then any change in the employee's driver's license status, driving record or insurance coverage must be reported in writing by the employee to his/her Department Head by the next business day.

Employees shall always observe safe and lawful driving practices. Seat belts must be worn while traveling in a Town-owned vehicle or personal vehicle on Town business. It is the employee-driver's responsibility to ensure that all passengers buckle up before beginning to operate the vehicle.

Property damage to vehicles that occurs while an employee is driving the vehicle or is in control of the vehicle is the employee's responsibility. The Town has no obligation to pay for damage to an employee's vehicle that occurs while the vehicle is on the Town's premises or while it is being used for job-related

purposes unless the damage is caused by the Town's negligence and is not due to any negligence by the employee.

2-C-19 Establishment of Take-Home Vehicles for Certain Positions

The Town Administrator, in consultation with a Department Head, may authorize a take-home vehicle to those employees who have management or supervisory duties and those who are expected to respond to operational emergencies from the employee's residence during off-duty hours. These vehicles are provided for use while commuting between a residence and a work location, in addition to using them for business purposes during the normal workweek. Typically, these employees occupy positions where it is impractical to go to an alternative location to obtain a Town vehicle, particularly in the event of an emergency.

Only Town employees are allowed to drive a Town-owned vehicle unless in the event of an emergency. Vehicle operators shall always drive in a safe and courteous manner and in compliance with all traffic laws. All vehicle operators shall have a valid driver's license; shall always utilize seat belts; shall not consume or be under the influence of alcoholic beverages or controlled substances; and shall refrain from smoking in the vehicle.

Employees assigned a take-home vehicle are authorized to drive such vehicles to and from work. Employees shall not use these vehicles during non-work hours for personal use (e.g., weekends or holidays). The take-home vehicle can be used to transport a family member to incidental stops (i.e., driving a child to school, or a companion to an after-hours, work-related function.)

In keeping with the "commuting benefit" under the Internal Revenue Service (IRS), the Town has identified a take-home vehicle as a non-cash fringe benefit of \$3.00 per day for each day a take-home vehicle is used. This amount is based upon federal tax regulations. As such, any employee with a take-home vehicle shall have this amount included as taxable income on employee wage and tax statements.

NONDISCRIMINATION

Section Three - Equal Employment Opportunity

3-A-1 Equal Employment Opportunity Statement

The Town of Elizabeth believes that equal opportunity for all employees is important for the continuing success of the organization. In accordance with state and federal law, the Town will not discriminate against an employee or applicant for employment with regard to race, creed, color, religious convictions, gender, age, national origin or ancestry, disability, marital or military status, gender identity, gender expression, genetic information, or any other classification protected under applicable law or non-job related factors in hiring, promoting, demoting, training, benefits, layoffs, terminations, recommendations or rates of pay or other forms of compensation. Opportunity is provided to all employees based on qualifications and job requirements.

Non-Discrimination

3-B-1 Non-Discrimination Statement

The Town of Elizabeth believes in equal employment opportunities for all individuals without regard to race, creed, color, religious convictions, gender, age, national origin or ancestry, disability, marital or military status, gender identity, gender expression, genetic information, or any other classification protected under applicable law. This policy extends to all terms, conditions, and privileges of employment as well as the use of all Town facilities and participation in all Town-sponsored activities.

Harassment, retaliation, coercion, interference, or intimidation of any employee due to that employee's race, creed, color, religious convictions, gender, age, national origin or ancestry, disability, marital or military status, gender identity, gender expression, genetic information, or any other classification protected under applicable law is strictly forbidden, and any employee who experiences such activity should report it immediately to his/her supervisor or the Town Administrator, as the employee may choose. If such activity involves the Town Administrator, the employee may raise the issue with the Mayor or Town Attorney.

When any such activity is reported, an appropriate inquiry or other investigation will be made and, when necessary and appropriate, if the perpetrator is a Town employee, corrective action may be undertaken consistently with other policies stated in this Handbook and the requirements of applicable law. Such an investigation or inquiry shall remain confidential, to the extent possible.

Americans With Disabilities Act Compliance

3-C-1 Policy

The Town of Elizabeth welcomes applications from people with disabilities and does not discriminate against them in any way. The Town complies with the Americans with Disabilities Act (ADA) of 1990 by:

- Considering all applicants with disabilities for employment using the same criteria as are used for the employment of people without disabilities.
- Considering employees with disabilities for promotion using the same criteria that are used for the promotion of employees without disabilities.
- Making scheduling and other adjustments to accommodate employees with disabilities.
- Educating employees to the fact that individuals with disabilities may be employed by the Town and should not be discriminated against.
- Posting notices explaining the provisions of ADA and employee rights under the law; and
- Taking steps to make its facilities barrier-free and accessible according to appropriate federal and state statutes.

Sexual and Workplace Harassment

3-D-1 Policy

It is the policy of the Town of Elizabeth to maintain a work environment that is free of violence, physical and verbal harassment, or intimidation from other employees, vendors, contractors, or members of the public.

The Town of Elizabeth will not tolerate sexual harassment of its employees. This means that the following behaviors are grounds for corrective action, up to and including termination, and/or possible criminal charges:

- Unwelcome sexual advances.
- Requests for sexual acts or favors.
- Insulting or degrading sexual remarks or conduct directed against another employee.
- Threats, demands, or suggestions that an employee's work is contingent upon toleration of or acquiescence to sexual advances.
- Retaliation against employees for complaining about such behavior; and
- Any other unwelcome statements or other verbal or physical conduct based on sex or of a sexual nature that are sufficiently severe or pervasive as to unreasonably interfere with an individual's work performance, or create an intimidating, hostile, or offensive working environment.

Harassment on the basis of protected classifications, other than sexual harassment, including slurs and other verbal or physical conduct relating to an individual's race, creed, color, religious convictions, gender identity, age, national origin or ancestry, disability, marital or military status, gender identity, gender expression, genetic information, or any other classification protected under applicable law which has the purpose or effect of creating an intimidating, hostile or offensive working environment, or has the purpose or effect of unreasonably interfering with an individual's work performance, or otherwise adversely affects an individual's employment opportunities is not acceptable and may subject the perpetrator to corrective action, up to and including termination, and/or possible criminal charges.

Any person who has a complaint of sexual harassment on the above grounds against a superior, co-worker, vendor, or person we serve should bring the problem to the attention of the Town. Complaints may be raised with any of the following people as the employee chooses:

- Employee Supervisor or Department Head.
- Town Administrator; or
- Town Attorney (if the complaint involves the Town Administrator).

The Town prohibits retaliation against anyone for having raised such a complaint in good faith or while cooperating with an investigation of a complaint. Complaints will be investigated and managed as confidentially as possible in the manner described below.

Complaints of sexual harassment will be investigated as promptly as possible. The allegations of the complaint and the identity of the people involved shall remain as confidential as possible to enable the Town to conduct a full and impartial investigation, remedy violations, monitor compliance, and administer this policy.

The investigation will include, but will not be limited to, discussion with the parties involved and witnesses. A report shall be forwarded to the Town Administrator with recommendations concerning remedial action, if necessary. The Town Administrator will review the recommendation, determine the corrective action, if any, and notify all parties of his/her decision and implement that decision. The decision of the Town Administrator shall be considered final.

If the alleged harassment involves the Town Administrator, the investigation shall be conducted by an outside investigator in coordination with the Town Attorney. Any report shall be forwarded to the Town Board of Trustees, which shall determine the appropriate corrective action, as necessary.

3-D-2 Anti-Violence - Prohibited Actions

To ensure a safe, violation-free workplace, the following are prohibited:

- Verbal intimidation, threatening or hostile behavior or physical assaults.
- Vandalism, arson, or sabotage; and
- Horseplay that may be considered physical violence or physical abuse.

“Verbal intimidation, threatening or hostile behavior” references a type of behavior that is aggressive and intended (or interpreted to have been intended) to hurt another person, physically or mentally. This type of prohibited behavior is threatening, humiliating, intimidating or sabotage that interferes with work, or a combination thereof. This prohibited behavior is behavior in the workplace that a reasonable person would find hostile, offensive, and not obviously related to employment.

Verbal or written reprimands related to an employee’s work or work product are not prohibited actions and do not rise to the level of aggression contemplated by this section. However, reprimands or criticism that are delivered with yelling and screaming is prohibited.

3-D-3 Procedures and Responsibilities

When any employee observes, or is exposed at work to any act of violence, threat of violence or other conduct described in Section 3-D-2, the following procedures apply:

- Call 911 immediately.
- Notify their supervisor, Department Head, or Town Administrator to implement security procedures.
- The supervisor, where the violence has occurred, will immediately place the offending employee or employees on administrative leave and cause an immediate investigation of the

situation to be initiated, and will take appropriate disciplinary action at the conclusion of the investigation, if necessary; and

- Non-employees who engage in threats, intimidation, hostile action, or physical assaults will be removed by a certified police officer. The Town may file a criminal complaint and request denial of access to Town property as a condition of bond or probation. The Town may inform the non-employee by certified mail or service of process that access to the Town property where the act occurred is denied.

No employee will be subject to corrective action for disclosure of information to a supervisor, Department Head, the Town Administrator, or Town Attorney (in the case of allegations against the Town Administrator) where the employee made the disclosure in good faith.

Immigration Reform and Control Act of 1986

3-E-1 Policy

The Immigration Reform and Control Act of 1986 requires that the Town of Elizabeth ensure that employees are authorized for employment in the United States. Therefore, only individuals lawfully authorized for employment in the U.S. will be employed. In connection with the Immigration Reform and Control Act of 1986, and Colorado Statute, the Town must collect certain information on INS Form I-9 and review certain documentation concerning the employment authorization of individuals hired after November 6, 1986. This information and documentation will be used only for compliance with the Immigration Reform and Control Act of 1986 and not for any unlawful purpose. If your employment authorization changes or terminates after the start date of your employment, please inform the Town Clerk's Office immediately.

EMPLOYMENT CONDITIONS & PROVISIONS

Section Four - Hiring Procedure

4-A-1 Hiring

The objective of the hiring effort will be to hire the most qualified applicant available, as determined by the Department Head and Town Administrator. Promotions must also adhere to this procedure. The following summarizes the major elements of the Town's hiring practices, and its adherence to the Colorado "Equal Pay for Equal Work Act." (C.R.S. §8-4-101 et seq.)

All open positions that the Town is seeking to fill shall be posted on the Town's website and emailed to all current Town staff. The job postings may additionally be shared on applicable job boards and distributed through other means of recruitment. The posting period for which the position is open must be no less than five (5) business days to provide a reasonable effort for candidates to apply. Candidates for the position(s) shall not be pre-selected or offered the position prior to this process occurring.

Each job posting must include the official position description, compensation, and benefits. Candidates will be solicited, screened, and selected according to a recruitment plan facilitated by the Department Head and approved by the Town Administrator.

All individuals seeking employment for an open position shall complete and sign a standard Town application form. Resumes and any other supporting documents may also be required for certain positions. Any falsification or willful omission of information on the official application form or resume will be considered grounds for elimination from further consideration for employment, or, if employed at the time of discovery, for dismissal.

Applicants will be screened to determine who should become candidates for an interview. Job candidates may be interviewed by more than one person, including the position's supervisor. References and criminal history will be checked on all candidates to whom conditional job offers may be made prior to offers being made. Driving records, credit report, etc., may also be checked upon authorization of the candidate.

4-A-2 Conditional Offer Letter

When the Town of Elizabeth has decided on the best candidate for the open position, the Town Administrator, or his/her designee, will send that candidate a conditional offer letter which states the specific position, name of the organization, starting date, beginning pay or salary, the offer of employment, and any conditions of the offer of employment. The prospective employee must sign and return the letter to the Town of Elizabeth either accepting or declining the position. Failure to return a letter accepting the position within the time stated shall be considered a rejection of the offer.

4-A-3 Medical Examinations

Subject to the requirements of applicable law, the conditional offer letter will instruct the prospective employee of certain conditions of employment. Those conditions may include satisfactory results of a drug screening and/or a medical examination by medical personnel of the Town's choice. Costs associated with a medical examination and/or drug screen test required of an employee or applicant of the Town shall be paid by the Town.

4-A-4 Department Specific Hiring Procedures

Certain Town departments may have specific needs for testing and screening candidates such as, but not limited to, fingerprinting and extensive background investigations. Candidates will be alerted to such requirements during the hiring process.

4-A-5 Licenses & Certifications

Employees whose jobs require professional license, or certification must present documentation of their license or certification prior to employment. The Town of Elizabeth reserves the right not to pay the cost of employee's obtaining their license or certification, however, the Town will pay to maintain each license and/or certificate in a status that is required for Town employment. The Town may require by separate agreement that an employee remain employed by the Town for a minimum of two (2) years from the completion of said training. Failure to comply with this provision will require the employee to refund the Town's payment or result in a deduction of the amount from the employee's final paycheck.

Copies of the license or certification, plus copies of all renewal or changes, must be provided by the employee for inclusion in their personnel file. Employees must notify their supervisor before the next scheduled workday of any changes in the status of their license or certification.

4-A-6 Trial Period

Whenever the term "trial period" is used in this Handbook, it shall mean up to the first six (6) months of employment for a newly hired, non-police employee. All sworn Police Department personnel are subject to a twelve (12) month trial period. An employee's trial period may be extended up to six (6) months if, in the opinion of the employee's supervisor, the Department Head, and the Town Administrator, the initial trial period was not sufficient to ensure the capability of the employee to serve in their position.

Employees whose service is satisfactory during the trial period may become regular full-time or part-time employees, subject to the availability of funds, the continued existence of the position, and continued satisfactory work performance in the position.

An employee may be terminated with or without cause at any time during and after the trial period.

At least two (2) weeks prior to the time when a trial period is scheduled to end, the employee will be given a non-compensation-related performance evaluation. The employees' immediate supervisor and Department Head will review based on the trial employee's strengths and weaknesses. The evaluation will determine whether: a) the employee should be classified as regular full-time or part-time, (b) the employee should continue as a trial employee for a period not to exceed an additional six (6) months, or (c) the employee should be dismissed. Successive evaluations will be given annually in accordance with Section 6-A-1.

During the trial period, the employee is eligible for employee benefits such as Paid Time Off (PTO). However, PTO leave will be earned credit and applied to the employees leave after a period of six (6) months of service. If the employee separates employment at any time during the trial period, then credited benefits will be deemed not to have been earned and no compensation with respect to such unearned benefits will be due to the employee upon termination.

A current employee, who is promoted/transferred to another job, is subject to these policies; provided, however, that employees already receiving benefits when placed on trial status will retain those benefits if promoted.

4-A-7 Orientation

New employees will undergo an orientation to acquaint them with the Town's policies and procedures, their jobs, and their internal and external working relationships. The orientation will consist of three (3) parts:

- **Payroll & Benefits** – All new employees will be oriented on payroll, benefits, the preparation of their timesheet and fill out all employment-related forms. All regular full-time and part-time employees will receive a copy of the Employee Handbook at this time.
- **Orientation to the Organization** – This part of the orientation will focus on compensation and benefits and the expectations of the Town regarding its employees. During this part of the orientation, the employee will be asked to sign a document acknowledging receipt of the Handbook and his/her understanding of the material in it.

- **Orientation to the Job** - The new employee's immediate supervisor, as designated by the Town Administrator, will orient the employee to the job and the internal and external working relationships. The purpose of this part of the orientation is to give employees a level of success to aim for, to assist them in succeeding and to give feedback to them on performance.

4-A-8 At-Will Statement

ALL EMPLOYEES UNDERSTAND THAT ANY EMPLOYMENT WITH THE TOWN OF ELIZABETH IS AT-WILL AND OF AN INDEFINITE DURATION, AND THAT EITHER THE TOWN OR THE EMPLOYEE MAY TERMINATE EMPLOYMENT AT ANY TIME, WITH OR WITHOUT CAUSE AND WITH OR WITHOUT ADVANCE NOTICE. NO AGREEMENT TO THE CONTRARY WILL BE RECOGNIZED UNLESS SUCH AN AGREEMENT IS IN WRITING AND SIGNED BY THE TOWN ADMINISTRATOR OR IS APPROVED BY AND SIGNED ON BEHALF OF THE BOARD OF TRUSTEES. THIS HANDBOOK DOES NOT AND IS NOT INTENDED TO CREATE AN EXPRESS OR IMPLIED CONTRACT OF EMPLOYMENT BETWEEN THE TOWN AND ANY EMPLOYEE. NOTHING IN THIS HANDBOOK, OR IN ANY OTHER TOWN DOCUMENT, CAN CHANGE OR SUPERCEDE THIS "AT-WILL" STATEMENT.

Section 4-A-9 Special Conditions for Hiring Within the Police Department

The Chief of Police, or their designee, *may* enter into an agreement with any prospective employee of the Elizabeth Police Department wherein the Town will pay the costs associated with a prospective employee receiving P.O.S.T. certification. The Chief of Police, or their designee, shall retain sole authority to determine whether a prospective employee is eligible for this opportunity, and shall enter into an *Elizabeth Police Department Training Agreement* to reflect the terms and conditions of any such agreement.

Pay & Salary

4-B-1 Salary Ranges and Pay Grades

Pay grades have been established for each position with the Town of Elizabeth. Any modifications to the pay grades must be approved by the Board of Trustees. Changes to existing pay grades are determined by the Town Administrator with the prior approval of the Board of Trustees. Regardless of any statement made herein, salary increases or shifts in pay grades depend on the Town's ability to meet its budget.

Pay grades take into consideration the following: diversity and complexity of duties, level or responsibility and independent judgment, location of the position within the organization, education, experience, and other qualifications, prevailing salaries in similar municipalities and local salary patterns, and other applicable legal requirements.

Employees' work performance is evaluated annually, and may result in an adjustment to compensation, based on the employees' work, current compensation, and the Town's financial condition. All salary increases are based on merit and performance as indicated in the final written evaluation. An employee's length of service does not justify a salary increase.

4-B-2 Pay Periods

The Town of Elizabeth employs a bi-weekly pay plan. The pay begins at 12:00 AM on Sunday and ends fourteen (14) days later, at 12:00 AM on Sunday. Each department shall post schedules listing pay days and the cut-off for the submittal of timesheets.

Timecards or electronic records are provided to the Department Heads at the end of each pay period and submitted to payroll no later than the subsequent Tuesday. Paychecks/Direct Deposit statements are distributed on Friday following the end of a pay period. There shall be **no** advancement of pay prior to the scheduled pay day.

The Town makes every effort to ensure its employees are paid correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to the Town's attention, the Town will promptly make any correction that is necessary. Please review your pay stub when you receive it to make sure it is correct and, if you believe a mistake has occurred, or if you have a question, please contact HR or your supervisor as soon as possible.

4-B-3 Payroll Deductions

Deductions from each employee's pay include the mandatory and voluntary deductions described below:

- Mandatory deductions include the employee's share of Medicare, social security or FPPA, state and federal taxes, Police Pension for full-time police department employees. An employee's paycheck may also be made subject to a wage assignment or garnishment for child support, spousal maintenance, money judgments, or the like, pursuant to valid orders of courts of competent jurisdiction. All mandatory deductions are made without written authorization of the employee and in accordance with the requirements of applicable law; and
- Voluntary deductions will be made only with the written authorization of the employee for reasons or purposes previously authorized by the Board of Trustees. Voluntary deductions may include sums designated for retirement plans or health and life insurance not paid for by the Town. The deadlines for changes in voluntary deductions are determined by the specific policies of the plan. All voluntary deductions are made after receiving written authorization from the employee.

An itemized statement of all deductions from the employees' wages shall be provided to each employee.

4-B-4 Compensatory Time

All nonexempt employees, except those as defined in Section 4-C-2, shall be granted compensatory time off for work in lieu of overtime wage payments for all hours worked more than the following:

- Forty (40) hours in one workweek.
- Twelve (12) hours in one workday; and
- Twelve (12) consecutive hours, regardless of whether the work period overlaps into a second day.

Compensatory time shall be granted at the rate of one and one-half (1-1/2) hours for each hour worked in excess as described above. Paid holidays (unworked), paid time off (PTO), or paid injury leave shall not be considered a day worked and shall not be counted for the purpose of computing compensatory time benefits. Compensatory days off from work that are counted against earned compensatory time are not considered working days for the purpose of computing compensatory benefits.

An employee accrued comp-time shall not exceed forty (40) hours. If an employee is at the maximum for accrued comp-time, the employee will be paid for any overtime that is earned more than the maximum amount allowed for comp-time. If accrued comp-time has not been taken by December 31, the balance of accrued comp-time will be paid to the employee. Compensatory time is not transferable from one employee to another. It is the Department Head's, or their designee's, responsibility to inform and properly document any compensatory time worked. Upon termination or resignation, employees shall be monetarily reimbursed for all accrued compensatory time at that employee's current rate of pay. In the event an employee accepts a new position with the Town, any accrued compensatory time shall be paid prior to accepting the new position.

4-B-5 Overtime

No overtime shall be worked or compensated unless prior approval is obtained. The Town prefers to offer compensatory time rather than overtime pay under most circumstances. Any request for pay for overtime hours must be approved, in advance, by the employee's supervisor or Department Head. Non-exempt employees under the Fair Labor Standards Act will be compensated for overtime work at a rate of one and one-half times the employees' regular hourly pay for each hour of work, more than the following:

- Forty (40) hours in one workweek.
- Twelve (12) hours in one workday; and
- Twelve (12) consecutive hours, regardless of whether the work period overlaps into a second day.

Workdays are days when an employee physically works for the town. Paid holidays (unworked), PTO, or paid injury leave shall not be considered a day worked for the purpose of computing compensatory time benefits.

Note: Section 7(k) of the Fair Labor Standards Act [29 U.S.C. 207 (k)] allows an employer to consider law enforcement overtime for those hours worked more than 42.75 hours per week or 85.5 hours bi-weekly. The Town of Elizabeth has chosen to set the threshold for law enforcement overtime at 40 hours per week or 80 hours bi-weekly.

4-B-6 Holiday Premium Pay – [Clarification from Previous Handbook Edition**]

Regular Work Schedule Falls Upon a Holiday. Nonexempt employees who work forty (40) hours per week and/or whose regular work schedule falls on a "legal holiday" listed in Section 6-A-3 Holiday Leave shall be paid up to eight (8) hours at the regular rate of pay and time-and-one-half (1 ½) for hours in excess of eight (8) hours of work.

Emergency “Call Out” Work on a Holiday. Nonexempt employees who are “called out” or specifically requested to work on a holiday due to an emergency, other than during regularly scheduled work hours, shall be compensated at time-and-one half (1 ½) the regular rate for the actual hours worked, regardless of whether the employee works more than forty (40) hours for one week.

**An Employee is not eligible for both “Holiday Pay” and “Called Out Holiday Pay” for the same work performed. The purpose of Section 4-B-6 is to provide holiday pay for employees who are required to work during recognized holidays established in Section 6-A-3 of the Employee Handbook.

- Holiday pay may be recognized for those employees who are specifically scheduled to work on a holiday as part of their regularly scheduled 40-hour work week. [By way of example, and not of exclusion, a member of the Elizabeth Police Department who is required to work on Christmas Day as part of their regularly scheduled duties.]
- Holiday pay may also be recognized for those employees who are “called out” to respond to an emergency and specifically requested to work on a holiday which was not ordinarily scheduled during the 40-hour work week. Under these circumstances the employee’s attendance at work during a Holiday was not anticipated or scheduled. [By way of example, and not of exclusion, a member of Public Works required to address an emergency issue with a utility, or for purposes of snow removal.]

Employees Required to Work on an Observed Holiday:

Full-time, nonexempt personnel who are scheduled to work on an observed holiday will be paid at their regular rate of pay for actual hours worked, plus they will receive eight (8) hours’ holiday pay at their regular rate of pay. Employees are not eligible to take the holiday at a future date.

4-B-7 Merit Increases

Merit pay increases shall not be granted automatically but will be based on work performance, which is satisfactory or better. The performance of an employee shall be evaluated not less often than annually by the employee’s supervisor or Department Head, as well as completing a self-evaluation prior to the employee being considered for each merit pay increase. The percentage available for merit pay increases will be determined by the Town Administrator and approved by the Board of Trustees with the annual adoption of the budget.

4-B-8 Cost-of-Living Adjustment (COLA)

Cost of living adjustments (COLA) may be made at the discretion of the Board of Trustees, based upon the recommendation of the Town Administrator. Such adjustments depend on the overall financial status of the Town and are neither automatic nor granted on any regular basis. COLA adjustments may be made to employees as a lump sum payment, or as an increase to hourly or exempt pay.

4-B-9 Differential Pay for Temporary Assignment

For the Town to continue necessary operations, it is sometimes necessary for an employee to temporarily assume the duties of a position of a higher classification in addition to regular duties. This may result from

emergency situations such as sickness, injury, resignations or scheduled short-term absences, and other leaves.

This does not mean that temporary assignments must automatically be assigned upon all supervisory employee absences. When it is necessary to appoint an employee on a temporary acting basis, the Town Administrator will make the assignment in writing and notify the appropriate parties. Any such temporary assignments may be terminated at any time.

Employees who are temporarily assigned to a higher-grade position for a minimum of twenty (20) days, or otherwise fulfills a duty that is customarily assigned to a position of a higher grade, may be awarded differential pay for the duration of the assignment, with an increase of no more than 5% depending on the circumstances.

Section 4-B-10 Stipend for Qualifying Childcare Services

Every full-time (40 hour) employee, whether exempt or nonexempt, shall be paid the sum of two hundred fifty dollars (\$250.00) per month, per child, for which an employee requires childcare services. This payment shall be tendered to the eligible employee as part of the regular bi-weekly payment schedule subject to the following requirements, restrictions, and qualifications:

- Payment under this Section is eligible to any employee who has care, custody, or control of a minor child for at least 50% of the calendar year.
- Payment under this Section may be eligible for caregivers, such as stepparents, grandparents, and related individuals who have guardianship, conservatorship, or are otherwise legally responsible for a child for which they seek the stipend.
- Payment under this Section is not permitted for purposes of payment to family members, relatives, friends, and others who are not specifically in the daycare or childcare business. [For example, this program is not available to offset or provide compensation to a grandparent watching a minor child who does not own or maintain a licensed facility.]
- Payment under this Section is available for any minor child from birth to thirteen (13) years of age, and with the consent of the Administrator and the employee's Department Head, may be expanded to the age of eighteen (18) under special circumstances.

The employee seeking compensation for childcare shall be required to provide the name, address, telephone number, and related information from the daycare and/or childcare provider. In addition, the Town may request copies of any invoices, bills, or payments to any daycare and/or childcare provider as may be necessary for the purposes of the Town's internal bookkeeping, accounting, and audits.

Any amount paid under this Administrative Regulation may have personal income tax implications, and any employee seeking to make use of the program should determine the implications of making use of the program within their personal income tax situation.

Conditions of Employment

4-C-1 Employment Status

Staff categories, as established by the Town of Elizabeth, are as follows:

A Full Time Employee is an employee appointed to a position on a regular, continuous full-time basis of forty (40) or more hours per week. Regular full-time employees are eligible for employee benefits.

A Part Time Employee is an employee appointed to a position on a regular, continuous part-time basis of less than (40) hours per week. Regular part-time employees, working more than thirty-two (32) hours per week, are eligible for employee benefits on a pro-rated basis based on the number of hours worked per week.

A Temporary Employee is an employee appointed for a special project, seasonal, or other position of a temporary or transitory nature. The duration of employment shall not exceed one hundred eighty (180) calendar days or the completion of a particular job or project. Temporary employees are not eligible for benefits.

An Emergency Appointment may be made by the Town Administrator without regard to the rules governing all other appointments in the event of an emergency which the Town Administrator reasonably believes may result in the loss of life, loss of public property, danger or serious inconvenience to the public, or any circumstances which endanger the public health, safety, or welfare. The duration of the emergency appointment shall not exceed the end of the budget year in which the appointment is made or the end of the emergency, as determined by the Town Administrator.

A Trial Employee is any exempt or non-exempt employee who has worked at the Town for less than six (6) months or twelve months (12) in the case of sworn law enforcement personnel.

4-C-2 Exempt & Non-exempt Employees

Employee classifications are determined by the Fair Labor Standards Act (FLSA). Employees fall under one of two classifications: “exempt” or “non-exempt.” Each job description states how the Town considers the position. Under the FLSA, “exempt” employees are not subject to overtime compensation for work performed, while “non-exempt” positions are subject to overtime compensation. Both the Town and the employee are expected to promptly resolve any dispute over an employee’s classification for FLSA purposes.

4-C-3 Work Schedules

Work schedules are established to meet the needs of the Town and its residents. Schedules may be adjusted from time to time, but the Town will take reasonable steps to refrain from making schedule adjustments that may cause hardship for an employee. For non-exempt employees, the standard workweek shall be forty (40) hours. The Town's workweek is declared to be a seven (7) consecutive day period commencing at 12:00 AM on Sunday and ending at 12:00 AM the following Sunday. The normal standard working hours should be eight (8) hours a day, five (5) days a week, or where department rules permit, ten (10) hours a day, four (4) days a week. The Department Head may require or allow employees to work on other schedules based on the nature of their assignments.

Employees, finding they are unable to report to work on time or unable to report for a full day, must inform their supervisor at least one (1) hour prior to the beginning of their regular work schedule. Good and sufficient reasons must be provided for any tardiness or absence.

4-C-4 Personnel Records

The Town of Elizabeth will maintain an individual personnel file for each employee of the Town in the Clerk's Office. The contents of these files will be kept confidential except as disclosure may be required under State or Federal law. Access will be granted to the employee's immediate supervisor, Department Head and Town Administrator as may be required in the normal course of business.

Employee personnel files will contain at least the following items:

- Application and/or résumé.
- Letter of appointment and acceptance.
- Signed job description (job descriptions for current and any previous Town positions will remain in the file for duration of employee's employment with the Town).
- Copies of transcripts, diplomas, certificates, and licenses.
- Ongoing performance ratings.
- Any memoranda or documents relating to performance which are of current relevance.
- Memoranda concerning unusual job changes or transfers.
- Letters of commendation or other indications of exceptional performance.
- Warning letters and records of all corrective actions.
- Training records, including grades and notations of those who have completed or are presently taking in-house training programs.
- Leave of absence information; and
- Documentation required by state or private regulatory agencies.

Access to personnel files is limited. Employees and their legal representatives have the right to examine the contents of their own personnel file. Any employee wishing to examine his/her personnel file must complete a letter requesting to examine said file. The Town will respond to this request within three (3) working days from the receipt of the request.

Employees examining their personnel files must do so under the supervision of authorized personnel. Under no circumstances are employees to remove records or documents from their files. Photocopies may be made of any of the contents of an individual's personnel file upon that individual's written request

for a nominal charge. Records requests for the contents of a personnel file will be managed through the Town Clerk's Office and subject to the provision and restrictions of the Open Records Act (C.R.S. § 24-72-200.1, *et seq.*). Copies are subject to applicable charges. Protected health information, medical information and the employee's I-9 form (see Section 3-G-1) will be stored separately from the Personnel file and shall remain confidential.

4-C-5 Releasing Job References

All requests for information about a current, retired, or terminated employee shall be made to the Town Administrator. The Administrator may only disclose the dates of employment, final title or position, job location and eligibility for rehiring.

4-C-6 Nepotism

The Town of Elizabeth Municipal Code, Sec. 2-3-70, addresses nepotism as it relates to employees. The Code states as follows:

(a) Purpose. Relatives working together in an organization may cause serious conflicts and problems within that organization, such as claims of partiality in treatment and favoritism. Personal conflicts from outside the work environment may also be carried into day-to-day working relationships. The policy set forth in this Section is intended to prevent such conflicts and problems among elected and appointed Town officials and members of Town boards and commissions.

(b) Applicability. This Section shall apply to all elected and appointed Town officials, Town employees and any elected or appointed member of any Town board or commission. By way of example, but not limitation, this includes members of the Board of Trustees, the Tree Board, the Planning Commission, and the Historic Advisory Board.

(c) Definition. For purposes of this Section, *relative* includes: spouses and former spouses; parents; children; brothers and sisters; brothers- and sisters-in-law; fathers- and mothers-in-law; step-parents, step-brothers and step-sisters; step-children; foster parents; grandparents and grandchildren; aunts and uncles; nieces and nephews; and individuals who are not legally related to but who reside with an employee, elected or appointed Town official or member of any Town board or commission.

(d) Policy.

(1) A relative of any elected or appointed Town official, Town employee or any member of a Town board or commission is not eligible for employment with the Town.

(2) A relative of any elected or appointed Town official or any member of a Town board or commission is not eligible to become an appointed Town official.

(3) In the event a Town employee's relative is elected or appointed to the Board of Trustees or any other Town board or commission, the employee shall be terminated from Town employment during the term of office of the relative. Once the term of office

for the relative has ended, the employee may re-apply for Town employment as vacancies occur.

(4) In the event a Town employee or appointed official is elected or appointed to the Board of Trustees or any other Town board or commission, the employee shall be terminated from Town employment during the term of his or her office. Once the term of office has ended, the employee may re-apply for Town employment as vacancies occur.

(Ord. 05-17 §1)

4-C-7 Demotions

An employee may be demoted to a lower position if: (1) that employee's present position is to be abolished; (2) there is a lack of work for the position; (3) moneys are not budgeted, appropriated, or otherwise made available to fund the position; (4) the employee voluntarily requests the demotion; or (5) when it is evident that the employee does not possess the necessary qualifications to render satisfactory service. Demotions and transfers are not available as a matter of right and are solely at the discretion of the Town Administrator.

4-C-8 Meal Periods & Breaks

All employees shall be entitled to an uninterrupted and duty-free meal period of 30 minutes' duration when the employees' shift exceeds five (5) consecutive hours. These meal periods will constitute uncompensated time. When the nature of a position or other circumstances make an uninterrupted meal period impractical, the employee shall be permitted to consume an on-duty meal while performing duties. Employees shall be permitted to fully consume a meal of choice on the job and be fully compensated for the on-duty meal period without any loss of time or compensation. All employees are authorized a compensated, fifteen (15) minute rest period for every four (4) consecutive hours of work. All employee schedules, including meal and break periods, must be approved by the employee's supervisor.

4-C-9 On-call and Emergencies

Certain employees may be subject to being placed on-call. Each authorized employee shall be expected to work as scheduled by their supervisor. On-call employees are expected to be within responding distance of Town during the on-call period, or to arrange for another employee to act in his or her place. It is the responsibility of the employee who is placed on-call to assure that coverage is available.

Employees who may be subject to on-call will be scheduled to begin on-call starting at 7:00 am Monday morning until 7:00 am the following Monday morning. During that period, it will be the responsibility of the on-call employee to do such duties as are prescribed by their supervisor. These duties may include, but not be limited to, monitoring facilities or equipment checks.

Each non-exempt employee scheduled for on-call status shall receive the equivalent of one (1) hour regular rate of pay as compensation for each 24-hour shift. In the event of a callout, other than scheduled inspections and maintenance, the employee shall be compensated (pay or comp time) at one-and-one-half (1 ½) times the regular rate of pay for all hours worked.

Employees who are standing on-call must abide by all administrative guidelines pertaining to communications and response times as established and revised from time to time by their Department Head. On-call employees must be available during their on-call period and must respond within established response times. Employees who cannot be reached while standing on-call or who fail to respond within established response times will not be paid for on-call service and may be subject to discipline up to and including termination.

EMPLOYEE DEVELOPMENT

4-D-1 Professional Development

In-Service training is designed to provide employees with the skills, training, and experience necessary for their continued development. Training will be subject to the following conditions:

- Attendance at conferences, educational meetings, workshops, and institutes must have the approval of their Department Head or Town Administrator, as the case may be.
- Each employee may be permitted to attend training sessions as funds permit, including registration and reimbursement for lodging, meals, and travel.
- Training assistance shall be based on, but not limited to, job relatedness, available funds, employee performance, and training priorities; and
- Each employee who attends a training session is expected to submit a written or verbal report summarizing what was covered, the date, and who attended.

Training shall be included in the budget and evaluated on a yearly basis.

4-D-2 Professional Organizations

Town employees are encouraged to affiliate with appropriate professional societies and organizations. Employees, with approval of their supervisor, may attend conferences, meetings, etc., pertaining to their job classification and responsibilities, which are beneficial to both the employee and the Town. The Town will pay membership fees and dues in professional organizations and societies that relate to, are mandated by, or govern an employee's duties, responsibilities, or obligations in the performance of the employee's assigned job or description.

4-D-3 Tuition Reimbursement

The intent of this program is to aid employees who may wish to further their formal education as it relates to their present or future employment with the Town, including a logical relationship to a probable future assignment. Education funded under this program must be job related and offered by an accredited college, university, or trade school. The program is administered as follows:

Eligibility – Tuition reimbursement is available to all Regular, Full-Time employees who have completed their trial period.

Funding – Rates of reimbursement are contingent upon the availability of funds as may be approved through the budget process. Amounts allocated each year vary upon the approval of the Board of Trustees. Employees may choose to include fees that are directly associated with course enrollment as well as tuition in their assistance allotment only to the extent that they are not paid for from other sources, such as Veteran’s Administration benefits. Cost of books, transportation, and supplies are not reimbursable.

Scheduling – An employee is to pursue classes on his/her own time. However, the Town Administrator, on recommendation from the Department Head, may authorize an adjustment in the employees’ work schedule to accommodate a class schedule, thereby maintaining the employees’ full work week.

Procedure – The employee requesting assistance must submit a written request to the Department Head at least two (2) months prior to the start of the course. This request, along with the Department Head’s recommendation, is provided to the Town Administrator for a final decision prior to the start of the course. A proportional or pro-rata reimbursement may be provided if insufficient funds are available to pay 100% of the tuition costs.

The Town recognizes that there are many on-line options for continuing education, and that those costs may exceed in-state tuition at a Colorado state school. Any reimbursement will be the lesser amount of the cost for the on-line class(es) or the in-state tuition for a similar class or degree. Reimbursement will occur after evidence of successful completion (passing grade of C or better, or completion of pass/fail) of the class or approved coursework that includes a final grade.

An employee pursuing course work under this program shall agree to remain employed by the Town for a minimum of one (1) year from the completion of a course. Failure to comply with this provision will require the employee to refund the Town’s reimbursement for the course or result in a deduction of the amount from the employee’s final paycheck.

Section 4-D-4 Educational Opportunities Related to Hiring Within the Police Department

In addition to the professional development opportunities provided by the Town of Elizabeth, prospective employees of the Elizabeth Police Department *may* have the opportunity to have P.O.S.T. training and certification paid for by the Town of Elizabeth.

BENEFITS ADMINISTRATION

Section Five - Insurance

5-A-1 Health Insurance

Medical, dental and vision insurance is provided for each Regular Full-Time employee and their dependents, as determined by policy. The Town shall pay a portion of the insurance premiums as determined periodically by the Board of Trustees. Premium costs above the amount paid by the Town shall be borne by the employee through a payroll deduction. If an employee does not have a dependent at the time of enrollment in the plan, but later acquires a dependent, this person may become eligible to participate in the plan on the date that he or she becomes a dependent, subject to all applicable

requirements of the Town's Health Insurance Plan, including the need to furnish adequate notice and other required information concerning the dependent, and any required adjustment in premiums, if any.

All new employees shall be enrolled in the first month of employment in the health insurance plan and coverage will begin the first day of the month after the employees' eligibility. Participation in the Plan will begin as of the first day of the calendar month following completion of the completion of the completion of the waiting period provided all required election and enrollment forms are properly submitted to the Plan Administrator.

5-A-2 Life Insurance

In addition to health insurance coverage, the Town of Elizabeth provides life insurance for each regular full-time employee and their dependents. The Town shall pay the insurance premiums as determined annually by the Board of Trustees.

5-A-3 Workers' Compensation Insurance

Employees are protected under the state workers compensation law against loss of income due to injury or death that is work-related and occurs during work activities. The Town pays the entire cost of the Workers' Compensation insurance premium. Employees must report all job-related accidents, injuries, and illnesses to their immediate supervisor as soon as practical and no later than twenty-four (24) hours after the incident. Benefits, if any, available to employees will be determined in accordance with the Colorado Workers' Compensation Act. The Town's Workers' Compensation insurance carrier processes claim on behalf of the Town in accordance with applicable law.

5-A-4 Unemployment Insurance

The Town of Elizabeth is covered by the Employment Insurance Program, which is operated by the State of Colorado.

Section Six - Paid Time Off Leave

6-A-1 Medical "Sick" Leave.

As of January 1, 2023, "sick" leave ceased to be accumulated by employees. No employee hired after January 1, 2023, is to accrue medical "sick" leave. PTO leave shall instead be used for any such medical needs for oneself or others. There is no requirement to disclose that PTO time is being taken for medical reasons. Employees who have accumulated sick leave will be allowed to retain all accumulated sick leave for use solely for medical purposes including an employee's illness or injury, pregnancy, or the illness, injury or pregnancy of a spouse, partner, child, or other family member. Any unused sick leave is not paid out in the event of resignation or termination from the Town.

6-A-2 Paid Time Off (PTO) Leave

The Town believes that its employees are the key to what makes Elizabeth great. Although work makes up a large portion of an employee's life, we believe that a balance between work and non-work activities is essential to maintain quality performance and a positive work atmosphere. To support this philosophy,

the Town has designed a paid time off (PTO) plan that incorporates vacation, personal and sick leave into one program.

All full-time employees will accrue PTO hours according to the following schedule: For employees working at the Town of Elizabeth as of January 1, 2023, PTO hours will begin to accrue effective that date. For employees hired after January 1, 2023, PTO hours will accrue as of their date of hiring.

PTO Accruals Are as Follows:

Regular, Full-Time Employees

Years of Service	PTO Accrued per Pay Period	Annual Accrual	Maximum Accrual	Maximum Payout at Termination
Less than 1 Year	4.92 hours	127.92 hours	144 hours	0 hours*
1-4 years	6.77 hours	176.02 hours	192 hours	192 hours
5-9 years	7.69 hours	199.94 hours	240 hours	240 hours
10-14 years	8.62 hours	224.12 hours	288 hours	288 hours
15-19 years	9.54 hours	248.04 hours	336 hours	336 hours
20+ years	10.46 hours	271.96 hours	384 hours	384 hours

Regular, Part-Time Employees

Years of Service	PTO Accrued per Pay Period	Annual Accrual	Maximum Accrual	Maximum Payout at Termination
Less than 1 Year	2.46 hours	63.96 hours	72 hours	0 hours*
1-4 years	3.38 hours	88.01 hours	96 hours	96 hours
5-9 years	3.85 hours	99.97 hours	120 hours	120 hours
10-14 years	4.31 hours	112.06 hours	144 hours	144 hours
15-19 years	4.77 hours	124.02 hours	168 hours	168 hours
20+ years	5.23 hours	135.98 hours	192 hours	192 hours

Procedures

In addition to vacations, PTO is designed to provide time away from work for personal illness, family illness, family activities and extra holiday time. Employees may find they need time away from work prior to accruing the hours necessary. In such cases, an employee may build up a negative balance with the prior approval of his or her supervisor.

In general, all PTO must be preapproved by and prescheduled with the employee's supervisor and may be taken in hourly increments. Approval for all scheduled time away is subject to applicable workloads. In case of an emergency, however, employees shall be allowed to use up to forty-eight (48) hours of unscheduled PTO with less than 24 hours' notice and regardless of applicable workload.

The maximum number of hours that may be accrued and carried over from one calendar year to the next is set in the table above. If an employee is terminated from employment, or an employee resigns from the Town of Elizabeth, the employee shall be paid for all earned and unused PTO. Final paychecks for non-exempt employees will include deductions in the event a negative PTO balance was to occur upon termination.

PTO leave does not include paid FMLA as required by Colorado law. Leave that qualifies under this law shall be tracked and computed separately. Employees have a duty to let their supervisor or Department Head know if their use of PTO time is because of a condition that may qualify for leave under FMLA. Supervisors shall also inquire as to the need for FMLA when there is any reason to suggest that the employee's use of PTO is based on a condition that would qualify for the protection of FMLA.

In addition, PTO leave does not include paid FAMLI as otherwise required by Colorado law because the Town, as a local government, has determined to opt out of the FAMLI program.

Abuse of PTO leave:

An employee who abuses the PTO leave policy, or evidences a pattern of excessive or unexcused absences, shall be subject to disciplinary action, up to and including termination. Upon evidence that an employee is abusing the PTO leave policy or demonstrating a pattern of absences, their Department Head may require the employee to produce medical documentation for any absence.

6-A-3 Holiday Leave – Separate from PTO

There shall be twelve (12) paid holidays for regular full-time, regular part-time and trial period employees that coincide with existing official State holidays, as to the date of observance.

- New Year's Day (January 1st).
- Martin Luther King Day (3rd Monday in January).
- President's Day (3rd Monday in February).
- Memorial Day (last Monday in May).
- Independence Day (July 4th).
- Labor Day (1st Monday in September).
- Veteran's Day (November 11th).
- Thanksgiving Day.
- Friday after Thanksgiving Day.
- Christmas Eve.
- Christmas Day
- Floating holiday.

Whenever a holiday falls on Saturday or Sunday, the holiday will be observed as the calendar marked for Federal and/or State employees. When Christmas Day occurs on a Saturday, the preceding Thursday and Friday shall be observed as holidays. When Christmas Day occurs on Sunday, the two (2) days to be

observed as the holidays will be specified by the Town Administrator no later than November 1st of that same year.

6-B-4 Bereavement Leave

Up to five (5) compensated days, may be taken for a death in the immediate family of a regular full-time or regular part-time employee, including trial period employees. For purposes of this section “immediate family” includes spouse, significant other, children, parents, grandparents, grandchildren, aunts, uncles, nieces, nephews or siblings and the parents, aunts, siblings, or children of employee’s spouse or significant other.

6-B-5 Military Leave

If you are a member of the National Guard or Reserves, and are directed at participating in periodic field training, you will receive paid military leave for a maximum period of fifteen (15) calendar days per year. Such leave shall not affect your vacation or medical leave, or PTO accruals in any way. Employees who are indefinitely deployed in active service via the draft or the act components of the Navy, Army, Air Force and Marine Corps are entitled to military leave. The Uniformed Services Employment and Reemployment Rights Act (USERRA) is codified in Title 38, U.S. Code, Sections 4301-4333. The Town is bound by and follows the provisions of USERRA rules and procedures regarding military leave.

6-B-6 Voting

Any employee whose work schedule effectively prevents voting before or after work hours shall be permitted paid leave not exceeding two (2) hours for the purpose of voting. No such paid leave shall apply to any employee whose work schedule is such that there are three (3) or more hours between the opening and the closing of the polling site during which the employee is not required to be on the job.

6-B-7 Jury Duty & Subpoenaed Leave

The Town will pay the difference between jury pay received by the employee and the employee’s normal daily wage. To accomplish this, the employee will endorse the jury paycheck over to the Town and draw normal full pay. Failure to comply with this procedure will cause the absence to be charged against accrued vacation leave or accrued PTO.

When an employee serves as a witness in a compensated individual capacity, rather than in an official capacity, the employee will be charged PTO or leave without pay if no PTO has been accrued. The employee shall retain any compensation received for such services.

When an employee is subpoenaed or serves as a witness in a non-compensated individual capacity, rather than in an official capacity, the employee will be required to use PTO or compensatory time. In the event the employee does not have an accrued PTO or compensatory time, the employee will be given leave without pay for the time needed.

When an employee is subpoenaed and serves as a witness in an official capacity, the employee will be paid full normal wages, including compensatory time.

An employee who is the principal of his/her own litigation must take either PTO or leave without pay to appear in court. Any employee who receives a summons for jury duty or is subpoenaed as a witness must provide his/her supervisor with a copy of the jury notice or subpoena. An employee who is on jury duty or subpoenaed as a witness must report back to work during any period that his/her attendance is not required in the courtroom.

6-B-8 On-the-Job Injury Leave

Employees injured on the job shall immediately notify their supervisor and file or assist with the filing of all appropriate reports with the insurance carrier and Town administration within twenty-four (24) hours following the accident. Injured employees who do not require hospitalization, but need medical treatment, shall be referred to a doctor or medical provider designated by the Town in accordance with applicable law (hereinafter referred to as "designated medical provider").

The employee shall receive full salary and benefits for a period of forty-five (45) calendar days for an injury to the employee arising out of and in the course of employment for which the employee is eligible for temporary disability benefits under Workers' Compensation laws. Any monies disbursed by Workers' compensation while on this time will be reimbursed to the Town.

After the forty-fifth (45th) day of the employee's injury leave, the employee may then select to take available PTO time or receive Workers' Compensation benefits. The employees must inform their Department Head and the Town Clerk as to which benefit they will elect to receive while on injury leave. If the employee chooses to take available PTO, any monies disbursed by the Workers' Compensation carrier will be reimbursed to the Town. The employee may not receive both Town benefits and Workers' compensation for the same injury.

Health and life insurance benefits may continue for up to six (6) months, providing the employee pays his/her portion of the health insurance premiums. If the employee fails to pay their portion of their premiums, the employee will be offered COBRA before the six (6) month period has expired and the Town will no longer contribute to the employee's health insurance coverage. After the six (6) month period, the Town will discontinue health and life insurance benefits, and the employee may elect to take COBRA.

The welfare and full recovery of the employee is the priority after an on-the-job injury. The designated medical provider must advise the employee and the Town in writing if, and when, the employee may return to work. Reports will include any restrictions that may require less than full-time hours and/or modified duty. The Town and the employee both benefit when the employee can return to work. When possible, the Town provides modified duty work for an injured employee. The availability, nature, extent, and length of time for modified duty will be determined on a case-by-case basis by the Town. The employee will not be allowed to return to full duty until a representative of the designated medical provider has determined that the employee has reached maximum medical improvement and reports that finding to the Town in writing.

The injured employee's position will be reserved for up to six (6) months unless a decision, supported by competent medical opinion, is made by the employee, the Town's Workers' Compensation provider, or an authorized decision maker (such as an administrative law judge who has heard or otherwise received medical evidence and opinion in the employee's Workers' Compensation case) that the employee is unlikely to be able to return to work within six (6) months of the injury. The Town Administrator has discretion to reserve the position for longer than six (6) months, but no obligation to do so.

The Town has the right to fill the position after six (6) months. The position may be filled sooner only if it is determined that, in accordance with the foregoing paragraph, the injured employee is unlikely to be able to return to work within six (6) months from the date of the injury. The Town also may assign an injured employee to modified duty with the approval of the Workers' compensation provider and/or an appropriate release from the employee's physician.

Rights and obligations of both the Town and the employee under the Americans with Disabilities Act are identified in Section 5-B-13 in this Handbook and will be considered in appropriate cases.

The Town reserves the right to designate forms that shall be used with respect to any matter covered in this Section 5-B-9.

Notwithstanding the foregoing, if an employee's compensation under the Workers' Compensation Act is reduced by fifty percent (50%) for any reason identified in C.R.S. §8-42-112 (including the employee's willful failure to use safety devices provided by the Town, the employee's willful failure to obey the Town's reasonable safety rules and/or the employee's willful misleading of the Town regarding the employee's physical ability to perform the job), or if such employee's non-medical benefits are reduced by fifty percent (50%) for any reason identified under C.R.S. §8-42-112.5 (due to the presence in the employee's system, during working hours, of alcohol or of non-medically prescribed controlled substances) **ALL COMPENSATION AND BENEFITS OTHERWISE PAYABLE UNDER THIS SECTION 5-B-9 SHALL BE FORFEITED BY THE EMPLOYEE.** In such an event, the employee's sole compensation with respect to employment, while the employee is unable to work, will be compensation under the Workers' Compensation Act. The Town and the employee will arrange for covering other payments or deductions associated with payroll, such as the employee's share of health insurance premium payment.

6-B-9 Federal Family Medical Leave Act

Who the Policy Covers –

Any public agency, including the Town of Elizabeth, is a covered employer under the Federal Family Medical Leave Act (FMLA). However, an employee is only eligible for FMLA leave if the agency employees at least fifty (50) employees. Currently, the Town does not meet this requirement. As such, there is a discrepancy. To remove all concerns, and to protect both the Town of Elizabeth, and its employees, the Town has determined that it will apply to the FMLA as the Town has at least fifty (50) employees working within a 75-mile radius of the Town. However, to be eligible for FMLA leave, an employee must also:

- Have been employed by the Town of Elizabeth for at least 12 months (need not be continuous).
- Have worked at least 1,250 hours during the previous 12-month period (unless absent on military leave).

If these remaining conditions are not met, the Town employee is still not eligible for FMLA leave. Under this policy, the Town provides eligible employees with up to twelve (12) workweeks of unpaid, job-protected leave in a 12-month period for certain family and medical reasons.

Reasons for Leave –

Eligible employees can take FMLA leave for any of the following reasons:

- Because of the birth of an employee’s child.
- Because of the placement of a child with the employee for adoption or foster care.
- To care for the employee’s own serious health condition, including health conditions related to pregnancy, childbirth, and related medical conditions; or
- To care for the serious health condition of the employee’s child, spouse, or parent.
- To address qualifying needs related to an immediate family member being on active duty or having been notified of an impending call or order to active duty in the Armed Forces, National Guard or Reserves.

Leave Is Unpaid but Employee Must Use Accrued Leave Time When Available -

Although FMLA leave is unpaid, during any FMLA leave, wherever permitted by law, employees must first use any pre-January 1, 2023, accumulated sick leave, compensation time, or PTO in conjunction with unpaid FMLA leave. Employees are required to meet employer standards for the accrued leave they wish to use during FMLA leave. The use of paid time off during an FMLA leave of absence shall not extend the length of an employee’s FMLA leave.

During FMLA leave, the employee will not accrue paid time off, unless otherwise specified by any applicable policy. FMLA leave does not constitute a break in service for purposes of longevity, seniority, or any employee benefit plan.

FMLA Benefits -

During FMLA leave, the Town of Elizabeth will maintain health benefits under the same conditions as if the employee had continued working.

Notice of Leave -

If the need for FMLA leave is foreseeable, the employee must give the Town at least thirty (30) days’ prior written notice. Where the need for FMLA leave is not foreseeable, the employee is expected to notify the Town as soon as practicable. When an employee becomes aware of a need for FMLA leave less than thirty (30) days in advance, it should be practicable for the employee to provide notice of the need for leave either the same day or the next business day.

The employee must comply with the usual and customary notice provisions for leave, except the notice timing need not be longer than thirty (30) days unless related to qualifying exigency leave. So, for example, if employees must call their supervisor about any other absence, they can be required to do so for an FMLA-based absence. All employees requesting a leave extension should do so in writing, if possible, two (2) weeks prior to the end of their scheduled leave. Failure to comply with these notice requirements will

be grounds for, and may result in, deferral or denial of the requested leave until the employee complies with these requirements.

Eligibility Notice/Rights and Responsibilities -

Within five (5) business days of a request for leave, the Town will provide employees who request FMLA leave with a notice of their eligibility for the leave or a reason they are not eligible. At the same time, employees will be provided with a statement of their Rights and Responsibilities, which is part of the Eligibility Notice. The Medical Certification Form will also be given to the employee at this time. The Eligibility Notice/Rights and Responsibilities Notice are available from the Department Head or Town Administrator.

Medical Certification Is Required –

Employees who request FMLA leave because of their own or a family member's serious health condition must submit a Medical Certification Form (or its equivalent) completed by the health care provider to support the leave request. This form is available from the Department Head or Town Administrator. The Medical Certification Form should be returned to the Town within fifteen (15) calendar days after it is requested, or as soon as possible under the circumstances.

If the Medical Certification Form returned to the Town is not satisfactory, an employee will be told of the deficiencies in writing and given seven (7) calendar days to complete the Form. If the medical information is inadequate, the Department Head or Town Administrator may contact the employee's health provider directly to authenticate or clarify information on the certification without the employee's consent. Also, the Department Head or Town Administrator may contact the employee's health provider, after receiving the employee's permission, to get more complete information regarding the nature of the ailment, the duration of the leave, the need for intermittent leave, etc. A Medical Information Release Form is available from the Department Head or Town Administrator. Failure to submit a complete and sufficient Medical Certification will be grounds for and may result in deferral or denial of the employee's requested FMLA leave.

The Town can request a second or third opinion regarding the employee's condition and treatment (at the Town's expense). Employees are required to cooperate and assist in obtaining an additional medical opinion.

All employees requesting an extension of any FMLA leave must provide a new Medical Certification (or its equivalent) of the need for continued leave.

Designation Notice -

Within five (5) business days (absent extenuating circumstances) of having enough information to determine whether the requested leave is FMLA-eligible, the Town will provide a Designation Notice, informing the employee whether leave is designated FMLA leave and the amount of leave that will be designated, if known. This designation may be retroactive.

Employees absent on medical leave will be required to provide medical certification of their fitness to return to work. To achieve that result, employees will be provided with the essential functions of their job or a job description with that information as part of the Designation Notice. Employees failing to

provide fitness-for-duty certification based on these essential job functions cannot resume work until such a certification is provided. A Fitness for Duty Certification Form is available from the Clerk or Town Administrator.

In the sole discretion of the Town, any leave that qualifies as FMLA leave may be designated as FMLA leave, regardless of whether the employee meets all obligations. For example, the Town may designate a leave as FMLA leave without requiring a completed Medical Certification Form or a consultation with a health care provider.

Duration of Family and Medical Leave –

Eligible employees will be entitled to a cumulative total of twelve (12) workweeks of FMLA leave within a 12-month leave period. To determine eligibility, the 12-month period is measured backwards from the date an employee’s requested FMLA leave begins. The FMLA leave year will begin on the first day that the employee takes FMLA leave and ends twelve (12) months thereafter.

In certain cases, leave may be taken on an intermittent basis, or the employee may work a reduced schedule. Intermittent leave must be certified by a health care provider as necessary and should be scheduled to avoid disruption to the Town as far as is reasonable.

Re-certification -

An employee may be asked to re-certify a serious health condition every six (6) months or every thirty (30) days (if the employee is absent during that period) for chronic/long-term illness that extends beyond the anticipated timeframe or pregnancy. A recertification may be requested in less than thirty (30) days if:

- The employee asks for extension of leave.
- Circumstances have changed; or
- The Town has doubts about the employee’s FMLA status (e.g., Mon./Fri. absences).

Employees will be required to have **annual** medical certifications for their own serious health conditions lasting more than one year, including chronic/lifelong ailments.

Return to Work -

Employees returning to work from FMLA leave will return to the same or an equivalent position as held prior to the leave unless the position has ceased to exist because of business necessity. If the employee does not return to his or her original position or an equivalent position as soon as he or she is able, the Town will consider the employee to have voluntarily resigned. Certain “key employees” may not be eligible to be reinstated to the same or an equivalent position at the conclusion of their FMLA leave. The Town will notify such employees of their “key employee” status and the conditions under which they may be denied reinstatement, if applicable.

Colorado Paid Medical Leave Act

The Town of Elizabeth, as a Colorado municipality has the option to “opt out” of the Colorado Paid Medical Leave Act and has chosen to exercise that option. As such, the Town of Elizabeth does not offer benefits under the Colorado Paid Medical Leave Act. Further, the Town of Elizabeth has “opted out” of the Paid Family and Medical Leave Insurance Act (FAMLI). Should an employee seek to personally “opt in” to FAMLI, they should consult with their supervisor so that arrangements for payroll withholding may be initiated.

6-B-10 Americans with Disabilities Act (ADA) Policy

If an employee is a “qualified individual with a disability” as defined in Title I of the Americans with Disabilities Act (“ADA”), and the employee notifies the Town of this circumstance, the Town will examine the feasibility of any accommodations with respect to the employee’s position that are suggested by the employee to determine whether they are reasonable, and, if reasonable, whether they will enable the employee to retain his/her position without imposing an undue hardship on the Town. If any one or more suggested accommodation is reasonable, the Town will offer to make or provide at least one such reasonable accommodation.

If an employee is a “qualified individual with a disability” who can no longer perform the essential functions of his/her former position, regardless of the level of accommodation offered, the Town will determine whether there is another vacant position within the Town to which the employee may be reassigned if he/she desires to remain with the Town and is capable of performing the essential duties of the vacant position with or without reasonable accommodation. If those conditions are met, the Town will offer the position to the employee.

This provision shall not require the Town to create a position which does not then exist, nor shall it require the Town to terminate, reassign or remove another employee from any position. If more than one vacant position within the Town is capable of being offered, the Town, in its sole discretion, may choose which position will be offered. Compensation with respect to any such vacant position shall be determined by reference to the job description and not be referenced to the employee’s former position.

Section Seven - Other Benefits

7-A-1 Retirement

The Town offers two (2) retirement programs: one for sworn law enforcement agencies and one for all other employees:

- The Police Department participates in FPPA, and FPPA member and employer contributions are as established and subject to adjustment per Colorado law. Currently, Town Police Officers are considered Mandatory Members and are required to contribute 12% of their gross earnings into the FPPA. The Town is required to contribute an additional 9%, on the employees’ behalf, to the FPPA. These contribution amounts are set to increase approximately 0.5% per year through calendar 2030. In addition, Police Officers may contribute to the Town’s 457 Deferred Compensation Program. In such an event, the Town will match up to 3% of the Police Officer’s gross salary into the Program. The Town makes no contributions to Social Security Insurance on behalf of sworn Police Officers.

- All other employees (non-sworn) have the option to participate in the Town's 457 Deferred Compensation Program through Mission Square. The Town will match up to 5% of the employee's gross salary. Contributions made to the Town's 457 Program are limited by Federal Law and may increase annually. Employees should monitor these changes in contribution limits for their own retirement planning. Further, the Town makes standard contributions to Social Security Insurance on behalf of all other employees.

7-A-2 Uniform Allowance

Eligible employees of the Police Department will be entitled to a uniform allowance as is from time-to-time determined by the Board of Trustees. Departments with field crews shall be provided with clothing allowance. The Town will replace any clothing or equipment it has furnished for authorized Town purposes that has been damaged or lost in the line of duty unless the damage or loss is due to the negligence of the employee. The Town will replace any clothing or equipment that has been furnished by an employee for an authorized Town purpose that has been damaged or lost in the line of duty, provided advance written permission to use same was given by the Department Head or the Town Administrator. Such a replacement should be with quality commensurate with the quality of the item to be replaced. If the Town is incurring an expense to provide uniforms for an employee, he/she will be expected to wear it regularly. Uniforms and other equipment checked out to an employee shall be returned to the Town upon termination. If such items are not returned, the final paycheck will be withheld, or the full replacement value of the unreturned items will be deducted from the net pay otherwise owed to the former employee.

7-A -3 Modified Duty/Temporary Work Assignment Policy (non-work related)

In the event an employee is unable to perform his/her regular assigned duties for more than five (5) consecutive working days, the employee is eligible to return to work in a modified capacity after the appropriate release by their attending physician. The written release for modified duty shall describe the employee's physical restrictions as well as the duration of the restriction. The Town Administrator will manage these cases, in consultation with the appropriate Department Head. If it is determined that there is no work for an employee to perform under a modified duty assignment, the employee will be required to take accrued leave until such time as work becomes available or the employee receives an appropriate release to return to full duty status. A modified duty assignment shall not grant any continuing right to occupy a position as modified. Prior to returning to full duty status, a written release by the employee's attending physician must be submitted to the Town Administrator.

7-A-4 Cell Phone Stipend

To conduct business in a timely and safe manner, it may be necessary for employees to make use of wireless communication devices, such as cellular telephones. An employee may be issued a Town cell phone to conduct Town business. The purpose of these procedures is to establish consistent and clear rules for the issuance and/or use of Town or personal mobile communication devices including cellular telephones, for Town business, and payment of costs related thereto.

Employees whose job duties include the frequent need for a cell phone (or other wireless communication device) may receive extra compensation in the form of a monthly cell phone stipend, to cover business-related costs. An employee is eligible for a wireless communication device stipend if at least one of the following criteria is met:

- The job function of the employee requires considerable time outside of the employee’s assigned office or work area and it is important to the Town that the employee is accessible during those times.
- The job function of the employee requires the employee to be accessible outside of scheduled or normal working hours where time sensitive decisions/notifications are required.
- The job function of the employee requires the employee to have wireless data and internet access; and/or
- The employee is designated as a “first responder” to emergencies.

The Department Head will recommend eligibility based upon the above criteria and approved by the Town Administrator. Cell phone stipend amounts are reviewed and approved by Resolution by the Board of Trustees.

APPRAISALS, DISCIPLINE, TERMINATION

Section Eight - Performance

8-A-1 Performance Appraisals

All Employees shall receive, at least annually, a performance appraisal which will objectively assess their performance and accomplishments relative to his/her job description. Self-evaluations will be included for employees to complete. It is the supervisor’s responsibility to ensure that performance appraisals are completed annually by the employee’s anniversary date.

Individualized forms will be used to record all formal performance appraisals, and all individuals supervising the employees being evaluated will contribute to the review. These records will be used to help determine salary reviews, advancements, layoffs, and other personnel actions which are based on merit.

All employees will be given the opportunity to review and make copies of his or her performance reviews. Employees are encouraged to include written comments on the review, if appropriate. Employees who disagree with appraisals are encouraged to discuss areas of disagreement with his/her supervisor or Department Head. Employees must sign and date his/her appraisal after all comments have been noted. Performance appraisals will become a permanent part of the employee's personnel file and subject to inspection in accordance with the Open Records Act (C.R.S. 24-72-201).

Corrective Action

8-B-1 Philosophy

When an employee needs guidance, the Town may take corrective action. Corrective actions may include but are not restricted to (1) oral coaching or warning; (2) written warning; (3) written reprimand (4) disciplinary probation and/or performance improvement plan; (5) suspension; and (6) termination. The

Town make take any corrective action it deems appropriate in any circumstance and this policy does not require progressive discipline. Further, this policy does not constitute an employment contract. Nothing in this Corrective Action policy changes the at-will status of any employee nor does it create any additional rights, remedies by law or expectations of continued employment.

While progressive discipline is not required, the Town attempts to use a progressive system of corrective action to ensure employee compliance standards, ethics, and conduct. Therefore, except in cases of willful, flagrant violations, or cases of violence, sexual harassment, or discrimination, a supervisor will not resort to formal corrective measures until informal attempts to correct the problem have failed. If a supervisor finds it necessary to use formal corrective measures, it is intended that the corrective action be administered fairly.

8-B-2 Grounds for Corrective Action - Conduct

Employee misconduct will be grounds for corrective action. Grounds for corrective action relating to conduct include, but are not limited to:

- Offensive conduct or language towards the public or co-workers.
- Refusal to seek treatment or resolution of personal problems which affect work performance.
- Using Town equipment for personal use.
- Failure to implement correct safety measures.; and
- Violating policies in the Employee Handbook.

8-B-3 Grounds for Corrective Action - Work Performance

Grounds for corrective action relating to work performance include, but are not limited to:

- Failure to follow orders from supervisor or Town Administrator (insubordination).
- Failure to perform assigned tasks.
- Abusing or being wasteful of materials, property, tools, or working time.
- Habitual absence or tardiness; and
- Refusal to report to work in an official emergency.

8-B-4 Reprimands

Verbal. An employee may be reprimanded verbally for any wrongful or improper act, conduct, or omission, whether the same is specifically listed as grounds for discipline in this Handbook. In utilizing verbal reprimands, the supervisor should warn the employee that failure to remedy the deficiency will

result in some formal corrective action. Unless a verbal reprimand is immediately required to correct a safety issue, all verbal reprimands should be completed in private.

The Department Head shall document verbal reprimands but will not be entered in the employee's official personnel file. The intent of the verbal reprimand is to be constructive in nature and should be applied in a positive manner so that the employee can take corrective action.

Written. For repeated minor infractions, or a more substantial infraction, the employee will be reprimanded in writing. Following a review by the Department Head or Town Administrator, a written reprimand will be prepared. The Department Head will meet with the employee and review the reprimand. The employee will be given the opportunity to comment in writing on the reprimand and will be asked to sign the reprimand, acknowledging receipt. Two (2) copies will be made of the reprimand for the following distribution:

- Original given to the employee.
- Copy given to the Town Administrator to be forwarded to the employee's personnel file; and
- Copy retained by supervisor/Department Head.

The reprimand should include identification of the date, violation, indication of necessary improvements, and information concerning further disciplinary action that could result from failure to show improvement.

8-B-5 Disciplinary Probation

An employee may be placed on disciplinary probation by a supervisor to allow the employee to show improvement on the problem(s) specified at the time of probation. The disciplinary probation period begins when the supervisor provides the employee with a written and signed document which:

- Identify the problems(s).
- Indicates the necessary improvement.
- Specifies length of probation period; and
- Informs the employee of further corrective action which could result from failure to show satisfactory improvement within the specified probation period.

8-B-6 Suspension

The Town Administrator may suspend an employee without pay for disciplinary reasons. An employee who is suspended will be given written notice of the reasons for the action, and a copy will be made as part of the employee's personnel record. The Town Administrator may suspend an employee with pay in the event of an industrial accident, or as provided by the Police Department Procedures Manual, or in other circumstances as determined appropriate by the Town Administrator.

Following a disciplinary suspension, the supervisor will meet with the suspended employee upon their return to work to discuss the improvements in job-related behaviors required as a condition of the employee's continued employment. This meeting will be documented and records of it submitted to the Town Administrator. Suspensions without pay more than five (5) working days shall be subject to the process below entitled "Appeal of Discipline."

An employee may be suspended immediately without pay by the Town Administrator pending an investigation of alleged misconduct by an employee if there is sustainable evidence to believe an employee has violated the Code of Conduct, Departmental Rules and Regulations, or any other law and the employee's presence poses a continuing danger to persons or is a threat to damage to property or may cause disruption of Town services or interferes with the operation of Town government. Such sustainable evidence shall be equivalent to the finding of probable cause in a criminal proceeding.

Following an immediate suspension without pay, the Town Administrator, in conjunction with the employee's Department Head and/or immediate supervisor shall prepare a detailed account of the circumstances which caused the suspension action. Within forty-eight (48) hours after the immediate suspension action without pay, the Town Administrator will transmit to the suspended employee a written notice of the expected duration of the suspension without pay or the intent to dismiss. The written notice must also advise the employee of his or her right to appeal the suspension without pay or dismissal (regular full-time and regular part-time employees only) and detail the reasons for the suspension without pay or proposed dismissal. A fair and objective investigation shall be conducted to determine whether a suspension without pay was appropriate, whether the suspension should be with or without pay, and whether the employee should be dismissed.

In the event of a suspension without pay, pending an investigation, if the investigation subsequently establishes no basis for the adverse action against the employee, then the employee shall be reimbursed for the loss of compensation. Suspension without pay does not affect the continuation of insurance programs. However, no vacation leave, PTO, holiday pay, or related benefits shall accrue or be paid to any employee for any period during which such employee is on suspension.

8-B-7 Termination

Dismissal occurs when other corrective action has failed to achieve improvement or when the employee commits a serious offense. Prior to dismissal, the Town Administrator should ensure that the employee has been properly counseled in writing concerning any deficiencies in performance, given sufficient time to correct these deficiencies, and informed that failure to correct them may result in termination. The Town Administrator must approve all dismissals.

Prior to the proposed dismissal from employment, the employee may be suspended with or without pay by the Town Administrator pending the outcome of an investigation. Before dismissal of an employee from employment, the Town Administrator shall meet with the employee and perform a pre-disciplinary interview. The pre-disciplinary interview serves three (3) purposes: (1) to allow an employee to hear the charges against him/her; (2) to allow the employee to hear the nature of the evidence; and (3) to provide the employee with an opportunity to present any mitigating factors.

After the pre-disciplinary interview, the Town Administrator shall render a decision in writing which shall be served personally or by certified first class mail to the last address furnished to the Town by the

employee. All decisions of the Town Administrator are final, and only subject to appeal by a third-party decision-maker as defined in this policy.

Some offenses may warrant immediate dismissal. These include, but are not limited to:

- Theft, which means the taking of the property of another with an intent to permanently deprive. Theft will be presumed whenever an employee takes, removes, or conceals the property of the Town or the property of a fellow employee that is located on Town property without prior authorization.
- Drugs/Alcohol – (a) possession, use, sale, purchase, or distribution on Town property of alcohol or any illegal controlled substances or illegally-possessioned prescription drugs; (b) reporting to work after having ingested alcohol or having taken by any means illegal drugs or illegally-possessioned drugs, in a condition that adversely affects the employee's ability to perform his/her regular duties safely and effectively, or which would imperil the safety of others.
- Knowingly filling out the time sheet of another employee or soliciting such conduct from another employee.
- Falsifying or altering Town records.
- Sabotaging or willfully damaging Town property, facilities, or equipment or the property of others.
- Walking off the job without supervisory permission.
- Insubordination involving, but not limited to, defaming, assaulting, or threatening to assault a supervisor, and refusing to conduct the order of a supervisor where personal safety is not a problem.
- Fighting or provoking a fight on Town property or on the property of others while on duty.
- Absence on a day on which the employee is scheduled to work, without notice to the Town.
- Sleeping on the job; and
- Working for another employer, while on duty for the Town or while on leave of absence, without prior written consent from the Town.

8-B-8 Demotion and Decrease in Pay

Upon the recommendation of the Department Head, the Town Administrator may demote an employee in pay and step with a decrease in salary and job responsibilities, as appropriate, for such time as is necessary to improve the employee's job performance or to allow the employee to acquire the necessary job qualifications. No demotion shall be made as a corrective action unless the employee to be demoted is eligible and qualified for the lower classification. No demotion shall be made if such demotion would cause another employee in the lower classification to be laid off because of such action.

A demoted employee is entitled to progress within the appropriate pay range like any other employee, based upon job performance. The provisions regarding trial periods will apply in the case of demotions.

Prior to the demotion, the employee shall be given written notice of the reasons for the proposed demotion and shall be given a reasonable opportunity to respond to the notice by meeting with the appropriate Department Head to answer the charges set forth in the notice. If the Town Administrator determines the demotion is proper, the appropriate form shall be completed and submitted to the Town Clerk for purposes of payroll adjustment and for inclusion in the employment file. Such a demotion that includes a decrease in pay shall be subject to the process below entitled "Appeal of Discipline."

8-B-9 Appeal of Discipline

Decisions whereby a regular full-time employee receives discipline of (1) a suspension without pay more than five (5) working days, (2) demotion with a decrease in pay; or (3) termination may be appealed as set forth in this Section. Such an appeal must be made in writing within seven (7) calendar days of the final decision of the Town Administrator. Such an appeal shall be made to the Town Administrator for a full evidentiary hearing, which shall be conducted by an impartial hearing officer. The evidentiary hearing shall be subject to the following general procedures in accordance with applicable law:

(1) The burden of proof shall be upon the Town by a preponderance of the evidence to demonstrate that the conduct in question was a violation of applicable policies, and that the discipline was appropriate under the circumstances.

(2) Both the Town and the employee shall have the right to present their case by oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

(3) Such hearing shall include the following components:

(a) Opening statements may be made or waived by the parties to proceed with proceedings.

(b) The Town shall present its case, including calling witnesses on its behalf, and the employee shall have the opportunity to cross-examine such witnesses.

(c) Following the closure of the Town's case, the employee may provide testimony and call witnesses on his or her behalf, and the Town shall have the opportunity to cross-examine such witnesses.

(d) At the discretion of the hearing officer, either party may call rebuttal witnesses.

(e) Both parties shall be entitled to a closing argument, and the Town's closing argument shall precede the employee's closing argument; and

(f) A written decision shall be made by the hearing officer within fourteen (14) calendar days of the closing of the hearing either affirming, modifying, or overturning the discipline previously imposed.

Termination of Employment

8-C-1 Reduction in Force

The Town intends to minimize the negative impact on current employees if a reduction in the workforce becomes necessary. However, from time to time, cutbacks or reductions may be unavoidable due to forces beyond the reasonable control of the Town. In some cases, a program may have to be reduced in

size or terminated entirely if funds for its operation are no longer available. If this type of cutback must occur, the Town will reduce staff progressively, using the following steps:

- Voluntary reductions in the workforce. This includes employees who take early retirement, leaves of absence, or reduction in hours.
- Attrition.
- Part-time positions may be terminated prior to full-time positions.
- An attempt will be made to transfer employees from terminated positions to other vacant positions within the Town if the employee can meet the qualifications of the position and has satisfactory performance evaluations, and
- In determining which regular, full-time employees are laid off, the Town Administrator may implement a system considering factors such as, but not limited to, the following: (1) special training, (2) performance evaluations, (3) job specialty and responsibilities, and (4) supervisor input.

The Town Administrator will provide notice to employees affected and inform them of the effective date of layoff. Within thirty (30) days following the layoff date, the employee will be paid for unused accrued vacation leave (for employees employed prior to January 1, 2023) and PTO, unless the employee has returned to work for the Town.

8-C-2 Resignation

Employees who voluntarily resign from their positions are asked to give at least two (2) weeks' notice in writing of their intent to resign. At the option of the Town, such employees may be given two (2) weeks' pay and may be required to discontinue work immediately, in lieu of working during the two-week notice period. Failure to comply with this procedure shall be entered into the personnel record of the employee and may be considered as grounds for denying future employment with the Town. No employee shall have the right to rescind a resignation notice once submitted.

8-C-3 Abandonment of Job

Unless otherwise required to be permitted under law, employees who miss work for one (1) day without notifying their supervisor, or have two consecutive days of unexcused absences, are considered to have resigned their jobs. This section does not apply for failure to comply with the notice requirement if the leave if such leave is protected by the Colorado Healthy Families and Workplaces Act (the "HFWA").

8-C-4 Final Pay

Employees who leave the service of the Town of Elizabeth for any reason shall receive all pay which may be due to them with the following qualifications:

- Regular full-time and regular part-time employees will be paid for all accrued and unused PTO and compensatory time. Employees who leave before completing their trial period are not entitled to any accrued PTO leave.

- The separation date for all employees is the last day of actual work or approved leave. Final payment received by an employee will not be construed to extend their employment with the Town beyond the separation date.
- The employee's failure to return vehicles, equipment, keys, uniforms, materials, or other items owned and/or issued by the Town may result in the delay of the final payment until all Town property has been returned. If these items are damaged or missing, their value may be deducted from the employee's final paycheck; and
- Employees will be advised of their rights under the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA). Subject to certain specific notice and election requirements, COBRA entitles employees and their dependents to elect to continue their coverage under the Town's health insurance plan, at their own expense, but at group rates, for certain periods (usually eighteen (18) months) after employment with the Town is terminated.