

# Town of Carbondale Employee Handbook

January 2023

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## IMPORTANT NOTICE

AT THE TOWN OF CARBONDALE, NEITHER THE EMPLOYEE NOR THE TOWN IS COMMITTED TO AN EMPLOYMENT RELATIONSHIP FOR A FIXED PERIOD OF TIME. **EMPLOYMENT WITH TOWN OF CARBONDALE IS AT-WILL. EITHER THE EMPLOYEE OR MANAGEMENT HAS THE RIGHT TO TERMINATE THE EMPLOYMENT RELATIONSHIP AT ANY TIME, FOR ANY REASON. THE LANGUAGE USED IN THIS HANDBOOK AND ANY VERBAL STATEMENTS BY MANAGEMENT ARE NOT INTENDED TO CONSTITUTE A CONTRACT OF EMPLOYMENT, EITHER EXPRESS OR IMPLIED, NOR IS THERE A GUARANTEE OF EMPLOYMENT FOR ANY SPECIFIC DURATION.** NO REPRESENTATIVE OF THE TOWN, OTHER THAN THE TOWN MANAGER WITH APPROVAL OF THE TOWN BOARD, HAS AUTHORITY TO ENTER INTO AN AGREEMENT OF EMPLOYMENT FOR ANY SPECIFIED PERIOD AND SUCH AGREEMENT MUST BE IN WRITING, SIGNED BY THE TOWN MANAGER AND THE EMPLOYEE.

THE CONTENTS OF THIS HANDBOOK ARE SUMMARY GUIDELINES FOR EMPLOYEES AND THEREFORE ARE NOT ALL INCLUSIVE. THIS HANDBOOK SUPERSEDES ALL PREVIOUSLY ISSUED EDITIONS. EXCEPT FOR THE AT-WILL NATURE OF THE EMPLOYMENT, THE TOWN RESERVES THE RIGHT TO SUSPEND, TERMINATE, INTERPRET, OR CHANGE ANY OR ALL OF THE GUIDELINES MENTIONED, ALONG WITH ANY OTHER PROCEDURES, PRACTICES, BENEFITS, OR OTHER PROGRAMS OF THE TOWN. THESE CHANGES MAY OCCUR AT ANY TIME, WITH OR WITHOUT NOTICE.

# EMPLOYMENT

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## **EQUAL EMPLOYMENT OPPORTUNITY/UNLAWFUL HARASSMENT**

The Town is dedicated to the principles of equal employment opportunity. We prohibit unlawful discrimination against applicants or employees on the basis of age 40 and over, race, sex, color, religion, national origin, disability, military status, genetic information, or any other status protected by applicable state or local law. This prohibition includes unlawful harassment based on any of these protected classes. Unlawful harassment includes verbal or physical conduct which has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. This policy applies to all employees, including managers, supervisors, co-workers, and non-employees such as customers, clients, vendors, consultants, etc.

### **ADA and Religious Accommodation**

The Town will make reasonable accommodation for qualified individuals with known disabilities and employees whose work requirements interfere with a religious belief unless doing so would result in an undue hardship to The Town or cause a direct threat to health or safety. Employees needing such accommodation are instructed to contact their supervisor or the Finance Department immediately.

### **Pregnancy Accommodation**

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

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

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

The Town will not deny employment opportunities or retaliate against an employee because of an employee's request for a reasonable accommodation related to pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth.

### **Sexual Harassment**

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

- Submission to such conduct is made explicitly or implicitly a term or condition of employment.
- Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment.

- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

All employees are expected to conduct themselves in a professional and businesslike manner at all times. Conduct which may violate this policy includes, but is not limited to, sexually implicit or explicit communications whether in:

- Written form, such as cartoons, posters, calendars, notes, letters, electronic media, or emails.
- Verbal form, such as comments, jokes, foul or obscene language of a sexual nature, gossiping or questions about another's sex life, or repeated unwanted requests for dates.
- Physical gestures and other nonverbal behavior, such as unwelcome touching, grabbing, fondling, kissing, massaging, and brushing up against another's body.

### **Complaint Procedure**

If you believe there has been a violation of the EEO policy or harassment based on the protected classes listed above, including sexual harassment, please use the following complaint procedure. The Town expects employees to make a timely complaint to enable The Town to investigate and correct any behavior that may be in violation of this policy.

Report the incident to your immediate supervisor, Department Head, Town Manager or Town Attorney. The Town will investigate the matter and take corrective action as appropriate. Your complaint will be kept as confidential as practicable. If you prefer not to go to any of these individuals with your complaint, you should report the incident to the Finance Director.

The Town prohibits retaliation against any employee for filing a complaint under this policy or for assisting in a complaint investigation. If you believe there has been a violation of our EEO or retaliation standard, please follow the complaint procedure outlined above.

If The Town determines that an employee's behavior is in violation of this policy, disciplinary action will be taken, up to and including termination of employment.

### **EMPLOYEE STATUS**

**Full-time Employee** an employee normally scheduled to work at least 40 hours per week. Full-time employees are currently eligible for The Town benefits.

**Part-time Employee** an employee normally scheduled to work less than 30 hours or less than a 30-hour workweek. Part-time employees are currently ineligible for The Town benefits.

**Temporary Employee** an employee who is hired in a job established for a temporary period or for a specific assignment. Temporary employees are currently ineligible for The Town benefits.

**Exempt Employee** an employee who is not eligible for overtime pay.

**Nonexempt Employee** an employee who is nonexempt is eligible for paid overtime at one and one-half times their regular rate of pay for all hours worked in excess of 40 hours per workweek.

### **PERSONNEL RECORDS**

The Town keeps a personnel file as a record of your employment. It is important for this record to be up-to-date and complete. This enables us to reach you in an emergency, forward your mail, and properly maintain your insurance and other benefits. It also helps keep track of your payroll deductions and many other things that concern you as an individual.

Notify the Finance Department immediately if you have changes in any of the following areas: Name, residence, telephone, marital status, insurance changes, tax exemptions, person to notify in case of an emergency, and other relevant information.

Additionally, you should notify your Department Head if you complete educational or training courses. This information may be considered with your other employment records as job opportunities arise in the Town.

If you want to look at your file or discuss it with someone, contact the Finance Department.

# EMPLOYEE BENEFITS

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## INSURANCE BENEFIT PLANS

The Town's comprehensive benefits package includes a number of different plans for employees.

### **Group Health, Dental and Vision Insurance Plan**

Currently, all full-time employees are eligible for enrollment in the group health, dental, life and vision plans after beginning employment. Coverage is effective on the first day of the month following the employee's first 30 days of employment. Currently the Town pays the total premium for health, vision and dental coverage for employees. The Town and the employee share dependent coverage cost for health and dental. Dependents are eligible for vision coverage *but paid 100% by the employee. Please see the Summary Plan for specific details.*

### **Life Insurance Plan**

Currently the Town provides term life insurance coverage of \$50,000 for each employee. Dependents are also covered under term life insurance for \$5,000 for spouse and \$2,000 for each child. In the case of an employee's or dependent's death, life insurance provides a cash benefit to beneficiaries.

### **Retirement**

The Town provides retirement for its employees through two separate retirement plans. All full-time employees participate in the 401-retirement plan and may elect to participate in the 457-retirement plan.

**401(a):** Administered through AXA, the Town contributes 5 percent of the employee's gross annual wage to this plan. Employee contribution is not available in this plan.

**457 Deferred Compensation:** This plan allows employees to voluntarily set aside additional funds for retirement. The maximum contribution rate is subject to Internal Revenue Service guidelines and varies from year to year.

Sworn police officers have a supplemental retirement benefit. See the Finance Department for additional information.

### **Cafeteria Plan:**

The Cafeteria Plan allows employees who choose to participate to pay their group medical premiums and non-covered expenses on a pre-tax basis. Dependent care costs may also be paid through pre-tax payroll contributions.

**Uniforms:** Uniforms and apparel paid for by the Town are approved annually as part of the budget process. Department Heads determine the amount annually for each employee. The employee is responsible to get approval for purchases. If unapproved by the Department Head, the employee is responsible to reimburse the Town.

The Town provides specific benefit for employees who are required to wear gloves and safety shoes. Again, the Department Heads determine the amount annually for each employee. The employee is responsible to get approval for purchases. If unapproved by the Department Head, the employee is responsible for reimbursement to the Town.



**Gloves:** All employees required to wear gloves in their jobs will be provided with Town approved gloves upon beginning employment. These gloves are considered Town property and must be returned upon termination. Gloves are to be kept within the workplace and worn as circumstances and safety guidelines dictate.

**Safety Shoes:** The Town will provide up to \$135 per year toward the purchase of safety shoes for the employee whose job requires the wearing of safe footwear. Employees are required to maintain the shoes. Employees may purchase additional or replacement shoes within the year at their own cost.

## HOLIDAYS

Full time employees receive holiday pay for Town observed holidays. Part-time and seasonal employees are not eligible for holiday pay. The Town currently observes the following holidays as days off with pay:

- New Year's Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Friday after Thanksgiving
- Christmas Day
- A Floating Holiday

When a holiday falls on a Saturday, it is observed on the preceding Friday. When the holiday falls on a Sunday, the following Monday is observed. Should any one of the observed holidays occur during an employee's vacation period, an additional day of vacation may be granted.

Holiday time is counted as hours worked in the computation of overtime.

Employees are paid at the regular straight time rate for eight hours for a holiday not worked. If an employee works on an official Town holiday the employee will be paid at one and one-half times the regular rate for the number of hours worked on the holiday and will receive eight hours of holiday pay. Department Head or designee approval must be granted before a nonexempt employee may work on a holiday.

Employees are encouraged to use the floating holiday for other observance that they may choose to recognize. The floating holiday does not accrue from year to year and must be used in the calendar year in which it is provided. The floating holiday not utilized in the given calendar year will be lost and not paid at termination. The floating holiday must be used in a full day increment.

Employee must have been employed by the Town on or before January 1 of the year in which the holiday falls to be eligible for the floating holiday. Full time employees hired before January 1, 1991 receive two Floating Holidays.

## **SICK LEAVE PAY**

The Town provides full-time employees with paid time off to care for family members or oneself in the event of illness.

An employee will be eligible to accrue sick leave once he/she begins employment with the Town. Sick leave, however, may not be taken until the Town has employed the employee for one (1) continuous month. Sick leave accrues at a rate of 8 hours per month for all full-time employees. Part-time and seasonal employees receive sick leave prorated based upon scheduled work time each month. Accrual begins immediately upon beginning employment and is prorated for the first month of employment based on starting date. There is no limit on maximum sick leave accumulation; however, leave time does not accrue while an employee is in a leave without pay status.

Payment is made on the basis of straight time for an eight (8) hour day. Time away from work should be documented on the employee's time sheet. Approved sick leave is included in hours worked for full-time employees for overtime purposes.

Inappropriate or false use of sick time will not be tolerated. Sick leave may be used for the purposes listed below:

- Sickness or injury incapacitation;
- Medical, dental or optical examination, treatment, or preventive care as well as professional counseling;
- Employee exposure to a contagious disease or illness that may jeopardize the health of others; and
- Attendance to the medical needs of immediate family members is required. Family members include spouse, common law spouse, parent, children (biological or by marriage), father-in-law, mother-in-law, grandparents and significant others.

Vacation or other accrued leave will be used in the event of prolonged illness or injury where all sick leave has been exhausted by that employee.

A doctor's release may be required after any illness. A doctor's release will be required verifying that you are able to return to work following an injury or illness resulting in three (3) or more consecutive days' absence.

### **Advanced Sick Leave:**

If an employee exhausts their available paid leave and remains away from work for illness or injury, the employee may receive advanced sick leave. Once the employee is able to return to work, the employee's future sick and vacation leave accruals will be used to repay the Town for the advanced sick leave. Fifty percent of the employee's future accrual will be used to repay the advanced sick leave and fifty percent will be available to be used by the employee for future qualifying illnesses or injuries. If an employee leaves employment prior to repaying the advanced sick leave, such balance will be deducted from the employee's final paycheck.

### **Sick Time Cash Conversion:**

Accrued sick leave will be paid according to the following schedule upon voluntary termination or death of an employee at the employee's current rate of pay.

<b>Anniversary Date</b>	<b>Cash Conversion Rates</b>
0 through 9 Years	Four 8-hour sick days to One 8-hour day of pay
10 through 14 Years	Three 8-hour sick days to One 8-hour day of pay
15 Years and Above	Two 8-hour sick days to One 8-hour day of pay

### **Communicable Diseases**

The Town of Carbondale's decisions involving persons who have communicable diseases shall be based on current and well-informed medical judgments concerning the disease, the risks of transmitting the illness to others, the symptoms and special circumstances of each individual who has a communicable disease, and a careful weighing of the identified risks and the available alternatives for responding to an employee with a communicable disease.

Communicable diseases include, but are not limited to, measles, influenza, viral hepatitis-A (infectious hepatitis), viral hepatitis-B (serum hepatitis), human immunodeficiency virus (HIV infection), AIDS, AIDS-Related Complex (ARC), leprosy, Severe Acute Respiratory Syndrome (SARS), Coronavirus (COVID-19) and tuberculosis. The Town of Carbondale may choose to broaden this definition within its best interest and in accordance with information received through the Centers for Disease Control and Prevention (CDC).

### **Public Health Emergency Leave**

In the event of a public health emergency related to infectious pandemics, epidemics or bioterrorism, employees may be eligible for supplemental leave to be used for qualifying reasons. On the day a public health emergency is declared, the Town will immediately provide employees with a one-time grant of supplemental leave. Full-time employees will receive supplemental leave equal to 80 hours. Part-time employees will receive supplemental leave equal to the greater of the number of hours the employee is scheduled for work in the upcoming 14-day period or the number of hours actually worked on average in the 14-day period prior to the declaration of the public health emergency. During the duration of a public health emergency (the time between the date on which the emergency is declared and for four weeks after its termination or suspension), employees may use both sick leave they have accrued prior to the public health emergency and supplemental leave provided for the public health emergency, for any qualifying reason. Employees may use their public health emergency supplemental leave prior to using previously accrued paid sick leave for the qualifying reasons, but public health emergency leave may not be used for other purposes. Additionally, the public health emergency supplemental leave will not be paid out at the end of employment with the Town of Carbondale under any circumstance.

Employees may use public health emergency leave for any of the following qualifying reasons:

1. The employee's need to self-isolate or seek medical care after experiencing symptoms or being diagnosed with a communicable illness that is the cause of the public health emergency;
2. The employee's need to seek preventive care or to care for a family member who is seeking preventive care concerning a communicable disease that is the cause of the public health emergency;
3. The employee's need to care for a family member who is self-isolating or needs medical care after experiencing symptoms of or being diagnosed with an illness that is the cause of the public health emergency;
4. The employee's inability to work due to a health condition that may increase the employee's susceptibility to or risk of a communicable disease that is the cause of the public health emergency;
5. The Town or a public official or health authority with jurisdiction over the Town determines that the employee's presence on the job or in the community would jeopardize the health of others because of the employee's exposure to the communicable disease that is the cause of a public health emergency;

- health emergency or because the employee is exhibiting symptoms of the communicable disease regardless of whether the employee has been diagnosed with the communicable illness;
6. The employee's need to care for a family member after the family member's employer or a public official or health authority with jurisdiction over the family member's employer determines that the family member's presence on the job or in the community would jeopardize the health of others because of the family member's exposure to the communicable disease that is the cause of a public health emergency or because the family member is exhibiting symptoms of the communicable disease regardless of whether the family member has been diagnosed with the illness; or
  7. The employee's need to care for their child or other family member because the individual's childcare provider is unavailable due to a public health emergency, or if the individual's school or place of care has been closed by a public official or at the discretion of the school or place of care due to a public health emergency, including if a school or place of care is physically closed but providing instruction remotely.

## VACATION

The Town provides its full-time employees with paid time off during the year. Time off is accrued immediately upon beginning employment but cannot be taken until after the employee's first full 90 days of continuous service as a full-time employee.

Vacation time shall be scheduled, approved and shall not exceed fifteen (15) consecutive workdays without Town Manager approval. In the event of conflicting dates or the situation where too many employees request the same vacation dates, the Department Head will make the final determination considering vacation priority and scheduling to ensure adequate staffing of the department.

Vacation time is accrued on a bi-weekly basis and is effective upon the anniversary date in accordance with the following schedule. Vacation time may not be used until it has been accrued. Vacation time may only be used toward regularly scheduled hours.

Employee Anniversary Date	Employee Vacation Accrued Per Month	Total Vacation Days Accrued
<b>Year 1 through 4</b>	6.67 hours	10 days
<b>Years 5 through 9</b>	10.0 hours	15 days
<b>Years 10 through 14</b>	13.33 hours	20 days
<b>Year 15</b>	14.0 hours	21 days
<b>Year 16</b>	14.67 hours	22 days
<b>Year 17</b>	15.33 hours	23 days
<b>Year 18</b>	16.0 hours	24 days
<b>Year 19 and Above</b>	16.67 hours	25 days

An employee may accrue up to 35 days (280 hours) of vacation into the next calendar year. Vacation will not accrue over the 35 days, except employees may accrue over the 35 days until August 1, 2023. Any

amount accrued above the 35 days as of the pay period that includes the date August 1, 2023 will be paid out to employees one-time. After August 1, 2023, vacation cannot accrue over 35 days.

Employer-observed holidays that occur during an employee's vacation will not be counted as a day of vacation. Approved vacation leave is included in hours worked for full-time employees.

### **Buy Down of Employee Vacation Leave**

The Town recognizes that some employees may have an extended number of accumulated vacation leave days on record. To facilitate employee use of these accumulated days, the Town will consider a "buy down" of employee vacation leave within the following guidelines.

1. Vacation leave may be used for unanticipated medical emergencies.
2. Vacation leave may be used for housing purchases including down payments and upgrades to employee housing of employee's primary residence.
3. Employee may use vacation leave for education purposes.
4. The Town Manager shall review all requests for vacation conversion. The Manager may approve requests for conversion in amounts not to exceed \$5,000. The Board of Trustees will review any request for vacation conversion in excess of \$5,000.
5. All requests for vacation to cash conversion shall be based upon the employee's base salary. An employee cannot request more than one application for vacation conversion in a 12-month period.
6. All requests for vacation conversion shall be submitted in writing to the Town Manager. The employee shall provide verification that the funds converted are used for the purpose stated in the letter.
7. The Board of Trustees at its discretion may grant variances from this policy.

Upon separation, employees are eligible for payment of any unused vacation time at the employee's current rate of pay. In the event of the death of the employee, unused vacation time is payable to the employee's estate.

# LEAVES OF ABSENCE

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## DOMESTIC ABUSE LEAVE

Employees subject to domestic abuse may be eligible for a leave of absence. Please see the Finance Department for more information.

## FUNERAL LEAVE

In the event of the death of an employee's immediate family member or members, the Town shall provide up to five (5) days of paid leave for the funeral attendance/memorial observance, making of funeral/memorial arrangements, and travel. Three days of paid leave is allowed for the death of other family members. Employees are eligible for funeral leave immediately upon employment.

Immediate family refers to the employee's spouse, significant other, children/step-children, parent/step-parent, parent-in-law, sibling/step-sibling, grand/step parents and grand/step-grandchildren.

Other family members shall be defined as nieces, nephews, brother and sister in-laws, legal guardian, aunts, or uncles.

Paid leave is only provided for days that the employee was scheduled to work.

## JURY DUTY

The Town recognizes jury duty as a civic responsibility of everyone. When summoned for jury duty, an employee will be granted leave to perform his or her duty as a juror. If the employee is excused from jury duty during his or her regular work hours, he or she is expected to report to work promptly.

Employees receive regular pay for the first three days of jury duty if they were scheduled to work and they provide confirmation of juror service.

Beginning the fourth day and thereafter, employees, as jurors, are paid \$50.00 per day by the State of Colorado for state, district, or county court jury duty. Jury duty leave beyond this time is without pay from The Town.

## FAMILY AND MEDICAL LEAVE

The Town provides up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- Incapacity due to pregnancy, prenatal medical care, or child birth.
- To care for the employee's child after birth, or placement for adoption or foster care.
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition.
- Serious health condition that makes the employee unable to perform the employee's job.

## MILITARY FAMILY LEAVE ENTITLEMENTS

Eligible employees with a spouse, son, daughter, or parent on active duty or called to active-duty status in the Armed Forces, National Guard, or Reserves may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military

events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness\*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.\*

\*The FMLA definitions of "serious injury or illness" for current service members and veterans are distinct from the FMLA definition of "serious health condition."

### **Benefits and Protections**

During FMLA leave, The Town maintains the employee's health coverage under any group health plan on the same terms as if the employee had continued to work. Employees must continue to pay their portion of any insurance premium while on leave. If the employee is able but does not return to work after the expiration of the leave, the employee will be required to reimburse the Town for payment of insurance premiums during leave.

Upon return from FMLA leave, most employees are restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Certain highly compensated employees (key employees) may have limited reinstatement rights.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave. As with other types of unpaid leaves, paid leave will not accrue during the unpaid leave. Holidays, funeral leave, or employer's jury duty pay are not granted on unpaid leave.

### **Eligibility Requirements**

Employees are eligible if they have worked for this the Town for at least 12 months, for 1,250 hours over the previous 12 months.

### **Definition of Serious Health Condition**

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents a qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive full calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

## **Use of Leave**

The maximum time allowed for FMLA leave is either 12 weeks in the 12-month period as defined by the Town, or 26 weeks as explained above. The Town uses the twelve-month period measured forward from the first day of the leave (a rolling twelve-month period).

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the Town's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Employees taking intermittent or reduced schedule leave based on planned medical treatment and those taking intermittent or reduced schedule family leave with the Town's agreement may be required to temporarily transfer to another job with equivalent pay and benefits that better accommodates that type of leave.

## **Substitution of Paid Leave for Unpaid Leave**

The Town requires employees to use accrued paid leave while taking FMLA leave. Paid leave used at the same time as FMLA leave must be taken in compliance with the Town's normal paid leave policies. This policy states that accrued sick, comp, floating holiday, and vacation are used concurrently with FMLA. FMLA leave is without pay when paid leave benefits are exhausted.

## **Employee Responsibilities**

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the Town's normal call-in procedures.

Employees must provide sufficient information for the Town to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities; the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the Town if the requested leave is for a reason for which FMLA leave was previously taken or certified.

Employees also may be required to provide a certification and periodic recertification supporting the need for leave. The Town may require second and third medical opinions at the Town's expense. Documentation confirming family relationship, adoption, or foster care may be required. If notification and appropriate certification are not provided in a timely manner, approval for leave may be denied. Continued absence after denial of leave may result in disciplinary action in accordance with The Town's attendance guideline. Employees on leave must contact the Finance Director at least two days before their first day of return. A return to work document from the medical provider is required if FMLA was provided for medical reasons.

## **The Town's Responsibilities**

The Town will inform employees requesting leave whether they are eligible under FMLA. If they are, the notice will specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the Town will provide a reason for the ineligibility.

The Town will inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the Town determines that the leave is not FMLA-protected, The Town will notify the employee.



## **Unlawful Acts**

FMLA makes it unlawful for the Town to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA.
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

## **Enforcement**

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against the Town.

FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

## **Family Care Act Leave**

The Town provides up to 12 weeks of unpaid leave to eligible employees to care for their partners in a civil union or domestic partnership, who have serious health conditions. Generally, leave under the Family Care Act is administered consistent with FMLA regulations. Contact your supervisor or the Finance Director if you need family care leave.

## **MEDICAL LEAVE (FOR EMPLOYEES PRE- AND POST-FMLA)**

A medical leave of absence may be granted to full-time employees for absences arising from the employee's illness, injury, or pregnancy. This leave may be approved under the following circumstances:

- The employee is not eligible for FMLA leave, or
- Has exhausted all available FMLA leave.

The following conditions must be met for a medical leave to be granted:

- The employee has completed ninety (90) days of employment with the Town.
- The employee notifies the immediate supervisor as soon as possible of the need for medical leave.
- All available sick leave and earned vacation are used at the beginning of the leave of absence.
- The employee submits to the supervisor a written statement from the attending medical provider outlining the reason for leave and the estimated time needed. (The Town may require the employee to obtain an opinion from a medical provider selected by the Town.)
- The immediate supervisor and the Finance Director approve the leave before the leave is taken.

Medical leaves, and any extension of leaves, generally will be limited to no longer than twelve (12) weeks. An employee ready to return to work from leave must present a medical provider's statement indicating ability to return to work. If an employee is unable to return to work at the end of FMLA/extended leave, the employee may be entitled to additional accommodation under the Americans with Disabilities Act (ADA) or other law. The employee must supply sufficient information from their medical provider indicating that they are unable to return due to a disability and the likely date the employee will be able to return to work with or without reasonable accommodation. The employee must qualify for coverage under the ADA and any accommodation provided must be reasonable and not result in any undue hardship to the employer. The scope and duration of the potential accommodation will be determined after an interactive dialogue between the employee and the Town.

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

The Town currently continues medical and life insurance benefits for an employee on leave for a maximum of twelve (12) weeks as long as the employee continues to pay the employee's portion of the premium. Vacation and sick leave will not accrue during a medical leave of absence. Holidays, funeral pay, or employer's jury duty pay will not be granted during the leave. Part-time employees are not eligible for a leave of absence under these guidelines except as may be required by the ADA. Also see guidelines for Family and Medical Leave (FMLA Leave).

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

## **MILITARY LEAVE**

Employees granted a military leave of absence are re-employed and paid in accordance with the laws governing veteran's re-employment rights. The Town pays for the first 15 days of leave. After that time, leave is without pay.

## **PARENTAL INVOLVEMENT LEAVE**

Eligible employees may be granted parental involvement leave to attend academic activities for school aged children. To be eligible, an employee must work in a nonexecutive or nonsupervisory capacity and be the parent or legal guardian of a child enrolled in either public or private school grades K-12 or certain nonpublic home-based educational programs. Employees can take leave for the following academic activities: Parent-teacher conferences and meetings about special education services, response to intervention, dropout prevention, attendance, truancy, or disciplinary issues.

### **Use of Leave**

Full-time employees may take up to a maximum of 18 hours in an academic year to attend such activities. Part-time employees may take leave on a prorated basis. Employees may not take more than six hours of leave in any one-month period and leave may not be taken in increments of longer than three hours.

### **Paid Leave Substitution**

The organization requires employees to use accrued paid leave (sick, vacation, comp, floating holiday, or other leave) while taking Parental Involvement Leave. Further leave may not be provided where an employee has exhausted accrued paid leave.

### **Notice Requirements**

Except in emergencies, employees are required to provide at least one calendar week's advance notice of the need for leave. Employees must provide written verification of the academic activity from the school or school district. In emergencies, employees are required to provide notice and written verification from the school as soon as possible after learning of the need for leave. Employees are required to make a reasonable attempt to schedule academic activities outside regular work hours.

### **Limitations on Leave**

The organization may limit the ability of an employee to take Parental Involvement Leave in cases of emergency or in other situations where the employee taking leave may endanger a person's health or safety or in a situation where the absence of the employee would result in a halt of service or production.

### **PERSONAL LEAVE**

Normally, personal leaves of absence are not granted. If, on rare occasions, management deems the circumstances warrant approval, an unpaid leave for non-medical reasons would be granted for not more than 30 days.

### **VOTING**

Voting is an important responsibility we all assume as citizens. We encourage employees to exercise their voting rights in all municipal, state, and federal elections.

Under most circumstances, it is possible for employees to vote either before or after work. If it is necessary for employees to arrive late or leave work early to vote in any election, employees should arrange with their supervisor no later than the day prior to Election Day.

# PAY

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## OVERTIME

From time to time, employees may be required to work overtime. In these instances, employees are given as much advance notice as practical. Nonexempt employees are paid at the rate of one and one-half times their regular hourly rate for hours worked in excess of 40 during the established workweek. The established workweek begins at 12:01 a.m. on Sunday and ends at 12:00 p.m. midnight on Saturday.

For purposes of calculating overtime payments, hours actually worked, holidays and vacation are counted.

For employees, hours worked in excess of 12 hours in a day, 12 consecutive hours without regard to the starting and ending time of the workday, or 40 hours per workweek, whichever results in the greater payment of wages, are paid at one and one-half (1½) times the employee's regular hourly rate<sup>1</sup>. When an employee has daily overtime and weekly overtime hours, the payment of daily overtime counts toward the payment of the weekly overtime. The established workweek begins at 12:01 a.m. on Saturday and ends at 12:00 midnight on Friday. The Town considers actual hours worked towards the calculation of overtime. Vacation hours, floating holiday hours, and sick leave hours are not counted towards hours worked in the calculation of overtime. Pre-scheduled vacation, sick, and floating holiday hours may only be used in addition to regularly worked hours and be counted as overtime in the case of Town emergencies with approval of the Town Manager. Examples of emergencies include but are not limited to a water main break, natural disaster, or any event that impacts the health or safety of individuals within the Town of Carbondale.

Authorized overtime at a rate of one and one-half times the regular hourly rate will be paid or provided as compensatory time for all hours worked over forty hours per week by non-exempt employees. The Police Department may, with the approval of the Town Manager and within the parameters of the FLSA, establish a different work period and may establish a higher threshold for earning overtime.

Overtime must be authorized by an employee's Department Head prior to working any overtime hours, and approved by the Department Head's, designee's or supervisor's initials on the employee's time card prior to submission for payroll processing.

## COMPENSATORY TIME

Full-time, non-exempt employees may receive compensatory time on a time and a half basis in lieu of overtime pay. The maximum compensatory time accrual is 24 hours. Employees may receive overtime pay instead of compensatory time any time before the 24-hour maximum accumulation at Department Head discretion. However, after the 24-hour maximum is reached, the employee must be compensated for overtime hours at one and one-half times the regular pay rate. Department Heads may make exceptions to the maximum of 24 hours on a case-by-case and temporary basis.

Compensatory time is paid to the employee upon termination for all hours, accrued within the employee's compensatory time bank at the time of termination.

Part-time or temporary non-exempt employees are not eligible for compensatory time.

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## PAYDAYS

**Pay Period:** The Town pays its employees on a bi-weekly basis thus establishing 26 pay periods per year. The pay period follows the standard workweek which begins at 12:01 a.m. on Saturday and ends at 12:00 midnight on the following Friday.

**Pay Dates:** Employees are paid in accordance with the pay date schedule established each year by the Finance Department. If the payday falls on a holiday, payment will be made on the workday preceding the holiday.

**Direct Deposit:** The Town will utilize direct deposit for employee payroll. The Finance Department is able to directly deposit an employee's paycheck in multiple accounts. Pay stubs will be distributed on Friday online, in the same manner as a paycheck.

**Payroll Questions and Adjustments:** Questions concerning pay or related matters should be brought to the attention of the Department Head. The Department should coordinate with the Finance Department in resolution of any problem. Should adjustments be necessary, they should appear on a subsequent paycheck.

The Town does not accommodate requests for an advance on an employee's pay.

**Time Reporting:** Employees will be responsible for documenting all time worked and leave taken on the appropriate time sheet. Time is to be documented on a daily basis. The Department Head or designee should approve the time sheet before submitting to the Finance Department for payment.

Employees must complete their own time sheet. Completion of another employee's time sheet or falsifying time sheet information will not be tolerated. Employees are not allowed to make adjustments to the timesheet without the Department Head's written approval. Any corrections or adjustments must be submitted to the Department Head for adjustment/authorization.

## PAY FOR EXEMPT EMPLOYEES

Exempt employees must be paid on a salary basis. This means exempt employees will regularly receive a predetermined amount of compensation each pay period on a weekly basis. The Town is committed to complying with salary basis requirements which allows properly authorized deductions.

If you believe an improper deduction has been made to your salary, you should immediately report this information to the Finance Department. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed on the next paycheck.

## TIME REPORTING

Nonexempt employees are required to complete a time sheet daily. At the conclusion of each pay period, employees must sign the time sheet and submit it to their immediate supervisor for signature and approval. It is necessary for employees to indicate whether the recorded hours are for time worked, or for time off.

Exempt employees are required to complete a time sheet daily reporting time off from their regular work schedule.

Nonexempt employees must take a full 30-minute lunch period. Notify your supervisor immediately, if your lunch is shorter than 30 minutes or if your lunch is interrupted by work.

These records are the only ones used by the Town to calculate employee pay and paid time off balances. It is very important that they are accurate and complete. Nonexempt employees are expected to submit accurate and complete time records reflecting all hours worked. Employees who also chose to keep their own personal time records must provide them to the Town if they find a discrepancy between the Town's records and their records. Employees should contact their supervisors or the Finance Director with any questions about how their pay is calculated. Employees must promptly notify their Supervisor or Department Head of any mistakes in their time records or pay. Employees also must notify one of these individuals if they perceive that anyone is interfering with their ability to record their time accurately and completely. All reports will be investigated and appropriate corrective action will be taken. The Town will not tolerate retaliation against employees for making a report or participating in an investigation.

## **EXPENSE REIMBURSEMENT**

Request for reimbursement of out-of-pocket expenses are to be submitted to the Finance Department on the appropriate reimbursement form showing itemized expenditures with substantiating receipts and Department Head approval.

# **WORK ENVIRONMENT**

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## **ALCOHOL AND DRUGS**

The Town is committed to a safe, healthy, and productive work environment for all employees, free from the effects of non-prescribed drugs and alcoholic beverages. Use of drugs and alcohol alters employee judgment resulting in increased safety risks, employee injuries, and faulty decision making. Therefore, the possession, use, sale of controlled substances or alcohol on Town premises or during town time is prohibited. This includes working after the apparent use of marijuana, regardless of marijuana's legal status. Furthermore, working after the use of alcohol, a controlled substance or abuse of any other substance is prohibited.

Testing is an important element in the Town's efforts to ensure a safe and productive work environment. The Town has issued a separate statement for this testing program. Please refer to this separate statement, the Finance Director, or your supervisor if you have specific questions.

## **ANTI-VIOLENCE**

Employees must not engage in intimidation, threats or hostile behaviors, physical abuse, vandalism, arson, sabotage, use of weapons, carrying weapons on to The Town property, or any other act, which in management's opinion is inappropriate to the workplace. In addition, employees must refrain from making bizarre or offensive comments regarding violent events and/or behavior. Employees are expected to report any prohibited conduct to management.

Employees should directly contact proper law enforcement authorities if they believe there is a serious threat to the safety and health of themselves or others.

The Town prohibits the possession or use of unconcealed weapons and the use of concealed weapons on the Town property, regardless of whether or not the person is licensed to carry the weapon. This guideline applies to all Town employees, contract and temporary employees, visitors and customers on Town property, regardless of whether or not they are licensed to carry a concealed weapon.

Concealed weapons for which the individual has a permit must be unloaded or properly disarmed so as to render them un-dischargeable or unusable while on Town property. Further, the individual with the concealed weapon who has a permit must report to the Police Chief or Town Manager that they are carrying a concealed weapon while on Town property and must show the Police Chief or Town Manager the permit. You must provide the Police Chief or Town Manager the weapon for inspection. Additional precautions may be taken depending upon the circumstances.

## **APPEARANCE, ATTIRE, AND HYGIENE**

The Town believes an employee's dress and grooming should be appropriate to the work situation. Radical departures from what The Town considers conventional dress or personal grooming are not permitted regardless of the nature of the job performed.

General guidelines are as follows:

- Employees are expected to be conscious of personal hygiene habits and arrive at work bathed, cleaned and neatly groomed.
- Employees are expected to dress in a manner normally acceptable in professional business establishments.
- Hair should be clean, combed, and neatly trimmed. Unnatural colors are not tolerated.
- Sideburns, moustaches, and beards should be neatly trimmed. Eccentric styles of facial hair are not permitted.
- Clothing that reveals too much cleavage, your back, your chest, your feet, your stomach, or your underwear is not appropriate.
- Perfume, cologne, or after shave should be used sparingly. If employees report for work improperly dressed or groomed in the Town's opinion, their supervisor may instruct them to return home to change clothes.

## **ATTENDANCE AND PUNCTUALITY**

All employees are expected to be on time and punctual for showing up to work. In addition, regular attendance is considered an essential function and is necessary for the efficient operation of the business.

Employees who are going to be absent or late must contact their supervisor as soon as possible prior to the start of their shift. In the event the supervisor is unavailable, the employee should contact the next level of management. Leaving messages with other employees or on voice mail is not acceptable.

A doctor's release may be required after any illness. A doctor's release will be required verifying that you are able to return to work following an injury or illness resulting in three (3) or more consecutive days' absence.

Failure to call in when absent for two consecutive days will result in termination.

## **COMMUNICATION SYSTEMS**

The Town's computer network, access to Internet, e-mail and voice mail systems are business tools intended for employees to use in performing their job duties. These systems are intended for employees to use in performing their jobs. Therefore, all documents and files are the property of the Town. All information regarding access to the Town's computer resources, such as user identifications, modem phone numbers, access codes, and passwords are confidential and may not be disclosed to non-Town personnel.

All computer files, documents, and software created or stored on the Town's computer systems are subject to review and inspection at any time. Employees should not assume that any such information is confidential, including e-mail either sent or received.

Computer equipment should not be removed from the Town premises without approval from a Department Head. Upon separation of employment, all communication tools should be returned to the Town.



## **PERSONAL USE OF THE INTERNET**

Some employees need to access information through the Internet in order to do their job. Use of the Internet is for business purposes during the time employees are working. Personal use of the Internet should not be on business time, but rather before or after work or during breaks or lunch period. Regardless, the Town prohibits the display, transmittal, or downloading of material that is in violation of The Town guidelines or otherwise is offensive, pornographic, obscene, profane, discriminatory, harassing, insulting, derogatory, or otherwise unlawful at any time.

### **Software and Copyright**

The Town fully supports copyright laws. Employees may not copy or use any software, images, music, or other intellectual property (such as books or videos) unless the employee has the legal right to do so. Employees must comply with all licenses regulating the use of any software and may not disseminate or copy any such software without authorization. Employees may not use unauthorized copies of software on personal computers housed in the Town facilities.

### **Unauthorized Use**

Employees may not attempt to gain access to another employee's personal file of e-mail messages or send a message under someone else's name without the latter's express permission. Employees are strictly prohibited from using the Town communication systems in ways that management deems to be inappropriate. If you have any question whether your behavior would constitute unauthorized use, contact your immediate supervisor before engaging in such conduct.

### **E-mail**

E-mail is to be used for business purposes. While personal e-mail is permitted, it is to be kept to a minimum. Personal e-mail should be brief and sent or received as seldom as possible. The Town prohibits the display, transmittal, or downloading of material that is offensive, pornographic, obscene, profane, discriminatory, harassing, insulting, derogatory, or otherwise unlawful at any time. No one may solicit, promote, or advertise any outside organization, product, or service through the use of e-mail or anywhere else on the Town premises at any time. Management may monitor e-mail from time to time. In compliance with the open records act, email will be kept on file for twelve (12) months.

Employees are prohibited from unauthorized use of encryption keys or the passwords of other employees to gain access to another employee's e-mail messages.

Personal use of social media is never permitted on working time by means of the Town's computers, Town-issued mobile devices, networks, and other IT resources and communications systems. Social media postings by an employee on a blog, wiki, or social networking site are considered personal communications and are not organization communications. All postings on a blog, wiki, or social networking site on behalf of the Town must be preapproved and sent by authorized employees.

## **SOCIAL MEDIA**

Personal postings by an employee concerning the Town are not prohibited provided they comply with guidelines set forth below or in this handbook. If you publish or post regarding Town matters, you should include a disclaimer making clear the posting is your own and does not necessarily represent Town positions, strategies, or opinions.

When you use social media, use good judgment. We request that you be respectful of the Town, our employees, our customers, our partners and affiliates, and others.

You must comply with all applicable laws including copyright and fair use laws. You may not disclose any sensitive, proprietary, confidential, or financial information about the Town.

A blog, wiki, or social networking site is not the ideal place to make a complaint regarding alleged discrimination, unlawful harassment, or safety issues. Complaints to the Town must be made consistent with the complaint process in this handbook so that they can be addressed.

Employee postings in violation of this guideline will not be tolerated.

### **Voice Mail**

The Town voice mail system is intended for transmitting business-related information. Although the Town does not monitor voice messages as a routine matter, the Town reserves the right to access and disclose all messages sent over the voice mail system for any purpose. Employees must use judgment and discretion in their personal use of voice mail and must keep such use to a minimum.

### **Telephones/Cell Phones/Mobile Devices**

Employee work hours are valuable and should be used for business. Excessive personal phone calls can significantly disrupt business operations. Employees should use their break or lunch period for personal phone calls.

Confidential information should not be discussed on a cell phone or mobile device. Phones and mobile devices with cameras should not be used in a way that violates other the Town guidelines such as, but not limited to, EEO/Sexual Harassment and Confidential Information.

For safety reasons, employees should avoid the use of cell phones and mobile devices to make calls while driving. Employees must park whenever they need to use a cell phone. Generally, stopping on the shoulder of the road is not acceptable. Employees are prohibited from using a cell phone or other device to text while operating a motor vehicle. Texting or other similar forms of manual data entry or transmission is permitted only where the vehicle is at rest in a shoulder lane or lawfully parked.

Employees that need to be accessible by cell phone may use their personal phones and be reimbursed by the Town up to \$35 per month or request a Town cell phone be provided. The Department Head will evaluate your request.

Whether you have a town issued cell phone or your personal cell phone that is reimbursed the compliance with the open records act will be in effect for texts, emails, messages and will be kept on file (saved) for twelve (12) months.

### **Employee Education Assistance Policy**

Subject to the availability of funds, the Town may contribute a maximum of \$1,500.00 per year for educational purposes for Full-Time employees. The maximum per approved employee for classes per year will be \$1,500.00. The education must be in conjunction with or related to the employee's position with the Town of Carbondale and must have prior approval of the Town Manager. Reimbursement will be contingent upon satisfactory completion of the program with a passing grade of B or better or a pass if in a pass/fail class. If an employee voluntarily leaves or is terminated from Town employment, repayment in part or full for the educational instruction may be required. The two-year repayment period begins when the reimbursement check is written. Employees will be asked to sign an agreement stating such. Employees are encouraged to discuss their education needs with their supervisor.

## **GUIDELINES FOR CONDUCT FOR EMPLOYEES**

The Town recognizes that certain guidelines for conduct are necessary for the orderly operation of the Town and for the benefit and protection of the rights and safety of the Town employees and citizens. These are guidelines only and should not be considered to be exclusive.

To clarify understanding of that which is considered unacceptable conduct, the Town offers the examples listed below, while not exhaustive, for the identification of improper conduct that may be the subject of disciplinary action including immediate written warning which may involve immediate discharge. The Town retains the right to identify conduct that may not be listed below as improper and to treat same as the subject of immediate discharge.

1. Theft or unauthorized removal of Town property, another employee's property from the premises or personal use of the same without supervisory approval.
2. Altering or falsifying Town records or reports.
3. Using, possessing or selling alcohol or unlawful drugs on Town premises, including Town vehicles or reporting to work under the influence of alcohol or unlawful drugs.
4. Improper use of authority or position within the Town for personal profit or advantage.
5. Entering false information on the employment application or other personnel records or failing to answer all questions fully and truthfully.
6. Actions resulting in injury to individuals or willful destruction/damage to the Town, customer or employee property.
7. Acceptance of any gift, fee, money or other valuable consideration provided with the intent to influence the employee in the performance of official duties.
8. Disregard or violation of safety, fire or security standards and regulations. Failure to use prescribed safety practices with equipment, chemicals and tools.
9. Unauthorized divulgence of confidential Town information.
10. Insubordination—refusal to follow reasonable supervisory instruction or perform assigned tasks.
11. Failure to report to work or leaving work without valid excuse during the standard work schedule without notifying an immediate supervisor or senior management as the case may require.
12. Conviction of a felony or other criminal act, which occurred either on or off the job.
13. Use of profane, abusive or threatening language or action around or toward fellow employees or supervisors.
14. Absenteeism or tardiness.
15. Neglect of duties or sleeping during scheduled work hours.
16. Disregard for customer relations, rude or discourteous conduct toward a customer or citizen.
17. Failure to immediately report an accident or injury on the Town premises or during the conduct of business on behalf of the Town to the nearest supervisor or manager.

18. Incompetent or unsatisfactory work performance as defined within the given job duties and/or other standard duties and expectations employed while working with customers and suppliers on behalf of the Town.
19. Conduct that would bring serious discredit to the Town, its employees, customers and/or its suppliers.
20. Rude or discourteous conduct toward other employees and/or customers or suppliers of the Town.

## POLITICAL ACTIVITIES

To serve the best interests of the employees, taxpayers, and the Town Government, the Town restricts certain types of political activity without infringing upon the employees' rights. This policy is established to safeguard the employee from political pressure to support, financially or otherwise, any political party or person and the interests of the public whom employees serve without regard for political opinion or affiliation. Nothing in this policy shall be construed to restrict an employee's freedom to express opinions or exercise his/her right to vote while off-duty.

- No employee, either full-time or part-time, shall campaign for or against or publicly support or oppose any Town Board of Trustees member or candidate while on duty.
- No Town employee, either full-time or part-time, while on duty or in a uniform which identifies him/her as an employee of the Town shall:
  - Canvass on behalf of any candidate, political party, or political issue;
  - Display any political media whether it is campaign related or supportive of an elected official's views;
  - Circulate or sign any petition; or
  - Serve as an election judge or clerk.
- No employee shall place any political media on a Town vehicle.

## CONFLICT OF INTEREST

Employees are not allowed to accept or engage in any activity, business or employment during or after working hours that would conflict with the interests of the Town or reduce the ability of the employee to give his/her full, undivided attention/effort to employment with the Town of Carbondale **during work hours**. The Town retains the right to determine what constitutes a conflict of interest.

Employees are not permitted to offer promotional opportunities or special treatment to any other entity or representative of an outside organization.

Employees shall not accept opportunities for personal gain that provide rewards beyond those of normal employment that are the direct result of their position with the Town.

Employees with a financial and political interest in an organization doing business or having a relationship with the Town must disclose this information to the Department Head.

Employees with specific questions concerning what activities may constitute conflict of interest should contact their Department Head or Town Manager.

Violation of this policy will not be tolerated.

## **DISCIPLINE/DISCHARGE**

Occasionally performance or other behavior falls short of our standards and/or expectations. When this occurs, management takes action, which in its opinion, seems appropriate.

Action taken by management in an individual case does not establish a precedent in other circumstances.

## **PERFORMANCE COUNSELING**

The Town may employ various forms of corrective action to improve an employee's performance, to correct an employee's violation of policy, or to inform an employee of improper conduct. Depending on the circumstances, and at the sole discretion of the Town, an employee may receive any of the following forms of corrective action or discipline, in any order:

**Verbal Counseling.** Verbal counseling does not have to be formal or in writing in order to put an employee on notice of job performance concerns. Employees are encouraged to maintain good communications with their supervisors on a day-to-day basis and to be receptive to their supervisor's instructions, directions, and constructive criticism, whether verbal or in writing. Verbal counselings should be documented and placed in the employee's personnel file.

**Written Counseling.** When an employee receives a written counseling, the employee will be counseled by the employee's supervisor regarding the performance issue/concern. The supervisor will document the issue in writing. A written counseling may also be accompanied by a plan for improvement, corrective actions and dates of follow-up. The supervisor will request that the employee sign the written counseling. This signature does not evidence that the employee agrees with the basis for the counseling or the performance plan. It only evidences that the employee received a copy of the written counseling.

**Suspension.** An employee may be placed on suspension, with or without pay. Pay treatment and duration of the suspension will be determined in consultation with the employee's supervisor and Department Head, and upon notification to the Town Manager prior to taking action. The original notice of the suspension, with the employee's signature, will be placed in the employee's personnel file.

**Termination.** Given the nature of the offense or behavior, the Town may terminate the employee. Terminations must be approved by the Town Manager.

Based on the severity of the action or behavior, the Town may initiate corrective action at an advanced step or any step within the process as determined by the Department Head. Nothing in this policy requires that an employee receive progressive discipline and an employee may be terminated without having received any preliminary notice or lower-level disciplinary action.

In the event that an employee disagrees with the outcome of the performance counseling activity, the following process shall be employed:

1. If the employee disagrees with the disciplinary action, the employee may submit the reasons for the disagreement to his/her immediate supervisor or the person who decided on the disciplinary action. In the case of termination, this notice should go directly to the Town Manager. In the event that the employee does not agree with the determination of his supervisor or the correction action, the employee shall schedule a review meeting with the

Town Manager. Such review meeting shall be requested within three days after receipt of the corrective action. A meeting shall be held as soon thereafter as is possible but in no event longer than seven days. The Town Manager shall render his/her decision on the matter no less than 3 days after the hearing. The decision of the Town Manager is final and no further appeal of any type may be made except in accordance with those remedies provided by the laws of the State of Colorado.

2. In the event an employee does not file a grievance in writing or take any of the steps in a timely fashion, such action shall be construed to be a waiver of that employee's right to file a grievance or to pursue any further appeal with the Town.

## **GIFTS & REBATES**

Employees are prohibited from soliciting or accepting any gift, gratuity, or rebate from any vendor, visitor, outside organization, or the general public for any service rendered by the employee. This policy applies to all gifts whether received at work or home. If there is any question as to whether a situation violates these guidelines, the employee should notify his/her supervisor. Examples of prohibited gifts or services include: cash, personal gifts, discounts or loans, special privileges or gifts to immediate family members.

The only exception to this policy is the acceptance of small, inexpensive advertising gifts, such as pens, pencils, key rings, calendars, coffee cups, etc., or items such as candy, plants, fruit or nuts that may be shared by the entire office. The value of any one item should not exceed \$50.00 in value. Any loyalty or reward program is property of the Town.

Violation of these guidelines will not be tolerated.

## **INSPECTIONS**

We may conduct searches and inspections of any employee or Town-owned property without notice. Any employee who refuses to submit to a search will be subject to disciplinary action up to and including termination.

## **JOB RELATED PROBLEMS**

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

If the solution offered is not satisfactory, or if it is inappropriate to go to the supervisor, then employees are encouraged to take the problem to the Finance Director. If the problem still cannot be resolved, employees may submit a written complaint to the Town Manager for review and final decision about the situation. Also see the EEO/Harassment Complaint Procedure on page 2.

## **REFERENCES**

The Town does not furnish open letters of recommendation addressed "To Whom It May Concern."

If employees receive a call inquiring about a former employee, please refer the caller to the Finance Director or Town Manager. Only the Finance Director or Town Manager has the authority to respond to such inquiries. This restriction includes recommendations on social media sites.

## **SAFETY/REPORTING OF INJURY**

The Town is committed to a safe work environment for employees. Employees should report any unsafe practices or conditions to their supervisor.

If employees are injured on the job, no matter how minor, they must immediately report this fact in writing to their supervisor.

If medical treatment for an on-the-job injury is needed, it must be obtained from one of the Town's designated physicians. If not, the employee may be responsible for the cost of medical treatment.

## **TOBACCO USE**

In the interest of employee and public health and the Town has designated Town facilities and vehicles as smoke and tobacco free. The Town provides designated outdoor areas for use by employees who smoke.

Employees who use any type of tobacco product are asked to utilize the following standards giving utmost consideration to co-workers, customers and the image of the Town:

Deposit the remains of tobacco products in the proper receptacles and be considerate of the appearance of the work areas, parking lots and grounds. Maintain cigarette receptacles in a sightly manner.

Employees may only smoke in designated areas during work and lunch breaks.

All general work areas of the Town are designated as tobacco and smoke free as well as individual offices.

## **SEPARATION OF EMPLOYMENT**

We request that employees who wish to resign their positions notify The Town of their anticipated departure date and go over the "check out" procedures at separation (conversion of insurance, return of property, delivery of final paycheck, etc.) with the Finance Department.

Employees may be considered for re-employment provided they qualify for the position of interest and while they were employed with the Town maintained satisfactory performance and attendance.

**ACKNOWLEDGMENT OF RECEIPT**

I HAVE RECEIVED A COPY OF THE EMPLOYEE HANDBOOK DATED \_\_\_\_\_. I UNDERSTAND THAT I AM TO BECOME FAMILIAR WITH ITS CONTENTS. FURTHER, I UNDERSTAND:

- EMPLOYMENT WITH TOWN OF CARBONDALE IS AT-WILL. I HAVE THE RIGHT TO END MY WORK RELATIONSHIP WITH THE TOWN, WITH OR WITHOUT ADVANCE NOTICE FOR ANY REASON. THE TOWN HAS THE SAME RIGHT.
- THE LANGUAGE USED IN THIS HANDBOOK AND ANY VERBAL STATEMENTS OF MANAGEMENT ARE NOT INTENDED TO CONSTITUTE A CONTRACT OF EMPLOYMENT, EITHER EXPRESS OR IMPLIED, NOR ARE THEY A GUARANTEE OF EMPLOYMENT FOR A SPECIFIC DURATION.
- THE HANDBOOK IS NOT ALL INCLUSIVE BUT IS INTENDED TO PROVIDE ME WITH A SUMMARY OF SOME OF THE TOWN'S GUIDELINES.
- THIS EDITION REPLACES ALL PREVIOUSLY ISSUED HANDBOOKS. THE NEED MAY ARISE TO CHANGE THE GUIDELINES DESCRIBED IN THE HANDBOOK, EXCEPT FOR THE AT-WILL NATURE OF EMPLOYMENT. THE TOWN THEREFORE RESERVES THE RIGHT TO INTERPRET THEM OR TO CHANGE THEM WITHOUT PRIOR NOTICE.
- NO REPRESENTATIVE OF THE TOWN, OTHER THAN THE TOWN MANAGER WITH APPROVAL OF THE TOWN BOARD, HAS THE AUTHORITY TO ENTER INTO AN AGREEMENT OF EMPLOYMENT FOR ANY SPECIFIED PERIOD AND SUCH AGREEMENT MUST BE IN WRITING, SIGNED BY THE TOWN MANAGER AND MYSELF. WE HAVE NOT ENTERED INTO SUCH AN AGREEMENT.

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Employee Name

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Date