

TOWN OF CARBONDALE ADDENDUM

POLICIES

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 THESE POLICIES 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 THESE POLICIES ARE SUMMARY GUIDELINES FOR EMPLOYEES AND THEREFORE ARE NOT ALL INCLUSIVE. THESE POLICIES SUPERSEDE 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.

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DEPARTMENT HEAD STATUS

The following positions are considered Department Heads of the Town of Carbondale:

1. Building Inspector
2. Finance Director
3. Planning Director
4. Police Chief
5. Public Works Director
6. Recreation Director
7. Utilities Director

TOWN SERVICE

The Town of Carbondale defines Town service as the length of time an employee has worked for the Town as a regular full-time employee. An employee's length of service shall begin to accrue the first day he/she reports to work on a regular full-time basis.

- Town service accumulated is not lost during the period of an authorized leave of absence.
- Termination of employment for any length of time from the Town constitutes a break in service.

RECRUITMENT & SELECTION

The Town utilizes recruitment and selection practices that are designed to employ the most qualified person for the specific position in a time and cost effective method. While the following procedures are provided as recommendations, it should be recognized that each recruitment may be conducted in a manner and time frame appropriate to the specific job and needs of the Town at that time and may not necessarily be conducted in a manner similar to any past or future recruitment.

Recruitment Process:

1. The Town Manager must review and approve all job vacancies and new jobs before any recruitment activity may begin. Hiring managers must provide a written job description and financial justification to the Town Manager for his/her consideration.
2. The recruitment method actually employed will be determined based on the nature of the job, time frame and management discretion. The Town utilizes the following methods of recruitment and may elect to use any combination to attract the most qualified candidate.
 - a) Internal Job Posting—the vacancy may be posted within Town facilities for a time to be designated by the Town Manager. Current employees interested in applying for the open position must first notify their immediate supervisor before applying for the open position. Employees must meet the minimum qualifications or have the ability to obtain the qualifications of the open position. Current employees are also considered on the same basis as all external candidates.

- b) External Sources—the Town may pursue the recruitment of external candidates through the most appropriate means available. These sources will be selected based on the ability to locate qualified candidates, ensure compliance with the Town’s EEO policy, timeliness, cost effectiveness and other applicable considerations.
 - c) Search Firms and Employment Agencies—the Town may utilize employment agencies, executive search firms, and other recruiting organizations with the approval of the Town Manager
3. All external applicants for a Town position must complete and sign the Town’s employment application.
 4. It is the responsibility of the Department Head to review and select candidates for interview and/or testing. The Department Head, the immediate supervisor, and/or an appropriate interview board may interview candidates for Town positions.
 5. Reference checks must be conducted for the final selected candidates. The interviewing Department is responsible for conducting all reference checks. Reference check approval must be obtained from the candidate either in the form of a signed application or written statement authorizing the Town to conduct the reference check.
 6. Once a candidate’s reference checks are completed and acceptable, the candidate should receive a Conditional Offer of Employment. Once the conditional offer of employment is accepted, the candidate will undergo and be required to pass :
 - a. Criminal Background Check
Prior convictions or criminal activity is not necessarily a reason to withdraw a Conditional Offer of Employment. The nature of the criminal activity and the job being filled are taken into account and considered.
Required for all positions
 - b. Drug Screen
Required for all positions
 - c. Credit Check
Required of positions that have a fiduciary responsibility to the Town or that are in a financial position of trust.
 - d. Physical Examination
Required of positions that have a labor or physical component beyond an office setting.
 - e. Driving Record Check
Required of positions that are required to have a driver’s license.
 - f. Any candidate who is determined to not be acceptable based on the results of any of the above procedures will be contacted by the Town and will have the Conditional Offer of Employment rescinded.
 7. Police applicants undergo extensive background checks and other selection techniques as approved by the Police Chief.
 8. Recommendations for hire including intended salary level must be reviewed and approved by the Town Manager or designee before any type of offer may be extended to the selected candidate. If the conditional job offer is initially made orally to the candidate, a written job

offer must be made. All offer letters must be reviewed and approved by the Town Manager or designee.

Orientation:

Employees should complete the required new hire paperwork and return it to the Finance Department on or before the first day a new employee is required to report to work.

The Department Head or designee is responsible for all department orientation and training of the new employee. The immediate supervisor is also responsible for ensuring that all required orientation paperwork, forms, and approvals are returned to the Finance Department.

Hiring of Family Members:

The Town allows the hiring and employment of family members of current employees and of Town elected officials provided a conflict of interest or potential conflict of interest is not created by that employment. An employee shall not be assigned to a job directly or indirectly under the supervision of a family member. Family members of employees must meet the same requirements as others applying for a vacant position.

Family members are defined as spouse, common law spouse, brother, sister, parent, children (biological or by marriage), father-in-law, mother-in-law, grandparents and grandchildren.

TERMINATION/RESIGNATION

In the event an employee should be terminated or voluntarily resign from the Town, the Department Head and employee should ensure that the specific actions and notice as outlined below are taken in accordance with the specific type of termination or resignation.

- **Resignation:** Non-supervisory employees are asked to provide at least two weeks' written notice of resignation. Department Head employees should provide at least thirty days written notice. Employees are expected to be on duty and work their regular schedule between the time of written resignation and the employee's last day of employment. All employees should provide adequate notice to their immediate supervisor.
- **Voluntary Termination:** Failure to return to work upon the expiration of a leave of absence, unless medical or other evidence has been submitted to the Town along with a request for an extension of the leave which has been authorized, will be regarded as a voluntary termination without notice.
- **Involuntary Termination:** The Town may terminate an employee for disciplinary reasons at any time. The Town may also terminate an employee for budgetary reasons or other business needs.
- **Disability:** Employment may be severed for disability reasons when an employee cannot perform the essential functions of the position because of physical or mental impairment. Disability may include work related (worker's compensation) or non-work related disability. Terminations by the Town for disability related reasons must be reviewed and approved by the Town Manager.

- **Retirement:** Employees may choose to retire in accordance with their respective retirement plan(s).
- **Abandonment:** Any employee who is absent from his/her position without the appropriate approvals or who fails to return to his/her assigned duties within 3 working days may be terminated. The Town does not consider a resignation of this type as one in good standing.

Exit Interviews: Exit interviews are a valuable tool to obtain insight from employees who are leaving the Town. Therefore, the Town requests and will make an effort to conduct an exit interview with anyone voluntarily leaving the Town. The Department Head, Finance Director or Town Manager will conduct this exit interview.

Re-employment: Former employees who have been determined as “eligible for rehire” are eligible for re-employment. Former employees shall reapply for open positions and shall be considered on the same basis as other applicants.

Payment upon Departure from Employment: Employees who leave Town employment will be paid in accordance with applicable laws as well as the procedures outlined in this Handbook:

- An employee owing money or any debt to the Town at the time of separation shall have all or any remainder of the final payment due deducted from his/her final paycheck to satisfy the payment of his/her debt, in accordance with applicable laws.
- All keys, files, equipment, uniforms, or any other items belonging to the Town that are being used by the employee are to be returned in good condition to the Town prior to the disbursement of any final check. The immediate supervisor is responsible to ensure that all items are returned in good condition.

ADMINISTRATION

PERSONNEL RECORDS

The Finance Department has full responsibility for ensuring the file is maintained and secure.

The Town maintains a full work history record for each employee. It is important for this record to be up-to-date and complete. An employee must notify the Finance Department immediately if he/she has 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. An employee may review his/her file with the Department Head or designee upon request, but may not remove it from or place anything in the personnel file. Personnel records may not be removed from Town Hall. An employee may not remove from or place anything in the personnel file. Managers requesting access to the personnel file must make the request to the Finance Department.

JOB DESCRIPTIONS

Job descriptions are developed and maintained by the Town for use in identifying minimum requirements for the job and determining an appropriate rate of pay. Employees receive a copy of their job description upon beginning employment with the Town and the job description can be requested through the Department Head at any time thereafter. Each employee is required to maintain the requirements and qualifications for his/her position. A copy of the job description signed by the employee should be kept in the employee's personnel file and should be updated with each job change by the employee.

The Town retains the right to amend, change or modify minimum job requirements and performance standards for any job or position. Job descriptions should be reviewed and, if appropriate, updated by the Department Head and approved by the Town Manager whenever a vacancy occurs.

JOB-RELATED EXPENSES

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. Expense payments are made on a monthly basis. Expenses for reimbursement include the following:

- **Mileage for Use of Personal Vehicle**

Employees are encouraged to use Town owned vehicles for business use. However, if a Town vehicle is not available, an employee may use his/her own vehicle when it is authorized in advance by the Department Head or Town Manager. The Town gas/purchasing card is available for employees when using either a Town or personal car for authorized business use. If an employee uses his/her own vehicle for business use and does not utilize the gas/purchasing card, the Town will reimburse the employee at the IRS stated rate per mile.

- **Other Expenses**

Other expenses such as parking fees, cab fares, tips, approved travel, required telephone calls and other incidentals are eligible for reimbursement. Employees must provide substantiating cash receipts with supervisory approval

- **Meal Per Diem**

Employees traveling out of town on Town business receive the current Per Diem rate as determined by the Internal Revenue Service for the Denver Metropolitan area. Meal receipts are not required to receive the Per Diem allowance. Town credit cards may not be used for meals when receiving the Per Diem allowance.

- **Credit/Purchasing Cards**

Town credit cards are to be used for travel and conference expenses such as lodging charges and fuel purchases. Credit cards may not be used for personal expenses.

Employees should utilize the Town's tax-exempt number whenever possible. The tax-exempt number may be obtained from the Finance Department or Department Head. It is the employee's responsibility to retain itemized sales slips, receipts and other documentation, as well as maintain a Purchasing Card Transaction Log to expedite reconciliation and approval. Lost or stolen credit cards must be reported immediately to the Finance Department and Department Head.

Guidelines for use of the purchasing cards are detailed in the Town's Business Purchasing Card Process Handbook. Each employee will be provided the Handbook after training and upon receipt of their card and will sign an acknowledgment of receipt.

Use of the Purchasing Card not in accordance with guidelines established may result in personal liability and disciplinary action.

PERFORMANCE MANAGEMENT AND PAY INCREASES

As a component of its compensation plan, the Town takes into account what other comparable organizations pay, economic feasibility and overall financial health of the community. An individual's pay is based on performance of the job duties and responsibilities within a given position.

Performance Evaluation:

- **Regular, full-time employees** receive performance evaluations according to the following schedule. Department Heads, immediate supervisors, designees of the Department Head or Town Manager or any combination thereof may participate in an employee's performance evaluation.
- **New employees** receive a performance evaluation which may be scheduled more frequently, but generally are scheduled after continuous service of 90 days and 1 year. Department Heads may request a pay increase for a newly hired employee meeting or exceeding performance standards. These increases must be approved by the Town Manager.
- **Employees with more than One Year of Service** should receive annual performance evaluations. Salary increases are considered generally during January and are tied to actual job performance for that evaluation period.
- **Seasonal, temporary, or contract employees** may receive a performance evaluation at the end of their work assignment.

Interim Performance Evaluation:

Managers are encouraged to provide continuous feedback to employees. Managers and employees may initiate and conduct performance discussions at any time during the performance cycle. Circumstances may dictate variation in the performance evaluation schedule and Town management reserves the right to adjust the schedule as needed at any time.

Types of pay increases:

Merit increases are intended to reward job performance. Individual merit increases are determined by a combination of performance and current salary position in range. Each year the Board will review the general economic conditions of the organization, the Town and other factors to determine the merit adjustment budget, if any, for the upcoming year.

General increase, an across the board pay increase, may be approved by the board in addition to merit increases. Budgets are set and approved by the Board of Trustees annually. The Town retains the right to grant no increases for a given year, or to grant only selected increases. The increase practices are established on a year-by-year basis and shall not be viewed as the standard from year to year. Final approval for all individual increases must be made by the Town Manager.

Pay Structure:

The Town of Carbondale establishes pay ranges guided by a minimum, maximum, and midpoint rate for each of its jobs. Periodically, a salary survey is conducted by an independent consulting firm to review prevailing pay wage rates that is used as the basis for determining Town job pay ranges. The consultant will use standard compensation techniques to determine the Town's comparable market and in recommending pay or pay structure adjustments.

Starting Pay:

The pay level for new hires is typically established at the minimum of the salary range for the position. Exceptions will be handled on a case-by-case basis with final approval provided by the Town Manager. In no event should the base pay offered exceed the maximum of the salary range for the position. Employees who are in a developing role in their position may be paid below the minimum of their pay range on a temporary basis until such time as they become proficient or fully meet the qualifications of the position.

Promotions:

Promotional increases may be granted to employees who have moved into positions occupying a higher salary range. A promotional increase should:

- Not result in a lower base pay rate for the promoted employee.
- Raise the incumbent's base salary to at least the minimum of the promotional salary range
- Be determined on a case-by-case basis, if within the new range.

Demotions:

Demotion occurs when an employee voluntarily accepts or is involuntarily placed into a position that is in a lower salary range than the position he/she currently holds. The employee's job title and salary grade will immediately reflect that of the new position and the base salary will be handled on a case-by-case basis which may not exceed the maximum of the new salary range.

Lateral Transfers:

Lateral transfers occur when an employee accepts a position voluntarily or is involuntarily placed in a position that has the same salary range as that of the position presently held. The base salary will be handled on a case-by-case basis.

Temporary/Acting Jobs:

From time to time, employees may be asked to assume a significant portion of the duties of another job. When this situation occurs, employees acting in a temporary elevated capacity may receive additional compensation. However, once the employee returns to performing his normal activities again, the additional pay received will cease. The specific amount of additional pay will be determined on a case-by-case basis.

Pay Above the Range Maximum:

An employee whose pay has reached or surpassed the maximum of the salary range and whose performance warrants recognition may be eligible for a lump sum bonus award. The Board of Trustees approves the budget for lump sum performance bonuses each year.

An incumbent whose pay is currently under the maximum of the pay range and whose performance warrants an increase that will raise his/her pay level above the salary range may receive an increase that is a partial increase applied to base pay with the remainder awarded as a lump sum payment.

BENEFITS FOR FULL-TIME EMPLOYEES

WORKERS' COMPENSATION

In the event that an employee is injured on the job and the injury is determined to be work-related, the employee may be eligible for benefits under Colorado's Worker's Compensation Laws.

The injured employee must complete an Injury Report as soon as practical after the injury or illness. This report must include the names of any witnesses and details of how the injury or illness occurred. The employee is responsible for reporting any on-the-job injury to their immediate supervisor within 24 hours. Failure to report in a timely manner may be grounds for the denial or a delay of Worker's Compensation benefits. The supervisor should complete the supervisory portion of the report online and deliver a copy of the report to the Town Clerk's office as soon as possible.

If the injured employee requires medical attention, they should seek such attention as soon as possible. The Town requires that all potentially work-related injuries or illnesses be treated by one of the Town's designated providers. In the event of an emergency or the unavailability of the designated provider, the employee should seek treatment at Valley View Hospital in Glenwood Springs or the nearest emergency facility. Follow-up treatment must be through the designated provider unless otherwise stated.

Any employee who files a fraudulent worker's compensation claim or any employee that assists another in filing a fraudulent claim will be subject to disciplinary action, and may be subject to criminal prosecution.

Workers Compensation Payments:

If an employee is away from work for a work-related injury, after a brief waiting period, the employee may receive benefits from the Town's Worker's Compensation insurance carrier. These payments are generally made directly to the employee. The Town should fully cooperate to ensure that these payments are made promptly. The employee may use accrued sick leave or vacation leave to cover any waiting period before being eligible to receive worker's compensation benefits.

Any time away from work for a Worker's Compensation injury or illness is considered as Family Medical Act Leave (FMLA) and counts toward an eligible employee's annual allotment of FMLA.

If an employee is able to return to work in Modified Duty or in a part time capacity, their worker's compensation payments will be coordinated to ensure that the employee is receiving the proper amount of payment.

MODIFIED DUTY

In the event of a lost time injury, it is the intent of the Town to return an injured or ill worker to work as soon as medically certified to do so. It is the employee's responsibility to attend all medical appointments and to follow the instructions of medical providers. If an employee is unable to return to work in their full capacity, the Town will contact the medical provider to find out what work restrictions are recommended. The Town will then determine if there is a position or set of

responsibilities that the employee is able to perform given the recommended restrictions. An employee who refuses to participate in Modified Duty may be subject to disciplinary action.

Modified Duty is a temporary status intended to return employees to productivity as soon as possible and to be a bridge to a return to full duty. Modified Duty is not a permanent status. The Town is not obligated to provide Modified Duty and may not be able to provide Modified Duty to every injured or ill employee. Modified duty may be temporary based on the needs of the Town and capabilities of the employee.

During Modified Duty, the employee's rate of pay may be reduced to reflect a more competitive rate of pay for the modified duties being performed. The income earned during Modified Duty is considered when calculating any Worker's Compensation Benefits.

MAXIMUM MEDICAL IMPROVEMENT

Maximum Medical Improvement (MMI) describes the condition of an employee who has recovered as much as possible from an injury or illness. It is the goal of the Town to ensure that employees reach MMI while being as productive as possible through Modified Duty or temporary accommodations to the employee's position.

If an employee is at MMI and is not medically certified to return to full duty, the Town will determine if the Town is able to make accommodations to the employee's regular job so that the employee can return to work. If the employee is unable to modify the perform his or her regular job with or without accommodation, the Town will determine if there are other authorized, vacant positions for which the employee is qualified and medically certified to perform the essential functions. The Town reserves the right to transfer the employee to this authorized, vacant position. The Town is under no obligation to create a position that is not currently authorized or to "bump" an employee from their position to create a vacant position.

If there is no position for which the employee is able to perform, the employee will be allowed to exhaust any additional paid leave that they have accrued prior to being terminated from employment. The decision to terminate employment does not affect the employee's continued eligibility for Worker's Compensation payment from the State or any disability payment from any Town sponsored or privately held insurance policies.

CALL BACK WORK

A callback situation is established when a non-exempt employee is required to respond to work with less than 20 hours' notice. When an off-duty employee is called to work, pay will be based on the following guidelines:

- Employees will be paid a minimum of two hours at one and one-half times base hourly pay rate each time the employee is called back to work. An employee is considered working from the time they receive the callback and for the next two hours whether or not their services are required. If a second callback is received within the original two (2) hour time frame, the employee shall be considered working and an additional two hours will not be added to the original callback time.
- If the employee is required to work beyond the two hour callback period, he/she will be compensated for all working hours beyond the initial two hours at one and one-half times the regular rate of pay.

If hours worked during callback hours plus regular hours worked exceeds 40 hours for a given work week, the employee will be compensated at one and one-half times the hours worked over 40 hours consistent with the Town's overtime and compensatory time guidelines depending on the number of hours currently worked or at one and one-half time the base hourly rate of pay.

If an employee is unable to work, he/she must notify their supervisor at least two hours before the beginning of the scheduled callback assignment.

Employees who fail to report to work when requested on a callback basis shall be subject to disciplinary action, up to and including termination.

EMPLOYMENT EXPECTATIONS

ABSENTEEISM & PUNCTUALITY

Employees are expected to report to work as scheduled, on time. Employees are expected to be attired properly for their particular work area by the official start of the workday.

Employee records of absenteeism and tardiness will be kept on a continual basis by the supervisor. All employees are expected to keep both situations to a minimum. Absenteeism without notice or without valid medical reasons may result in disciplinary action.

Any employee who is unable to report to work, or who will be late for work, should notify his/her immediate supervisor no later than their scheduled starting time. In the event the employee or his/her representative cannot reach the immediate supervisor, the next higher level of supervision should be contacted.

If an employee is absent due to illness for more than three (3) consecutive days or three (3) non-consecutive days within a thirty (30) day period, a physician's statement is required for the absence to be considered excused.

Employees should report all illnesses once on the job to the immediate supervisor before leaving the work area.

Excused absenteeism for regular, full-time non-exempt employees shall be deducted from accrued paid time off. If all paid time off has been used, the absence will be unpaid.

INACTIVE EMPLOYMENT STATUS

The Town recognizes that employees may from time to time be required to or have a situation that legitimately requires their absence from work for an extended period of time. An authorized leave of absence shall not constitute a break in service. However, paid time off will not accrue during a leave unless specifically provided by an applicable law.

Authorized leave periods will be determined in conjunction with the employee and organizational needs. Employees should contact the Department Head to discuss any type of Leave of Absence. The Town Manager must approve any Leaves of Absence without Pay.

OUTSIDE EMPLOYMENT

The Town recognizes the right and need of its employees outside of regular working hours to enhance their incomes. However, the needs of the employee must be balanced against the Town's need for full productivity during working hours. The Town allows its employees to hold outside positions subject to certain guidelines outlined below. Employees should discuss the situation with their supervisor before accepting any outside offer of employment.

- Employment with the Town is the employee's primary responsibility. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness or refusal to work overtime. Any violations of Town expectations or work expectations will be treated in accordance with appropriate disciplinary policies.
- Employees shall not engage in outside employment where any conflict of interest or appearance of impropriety would exist.

SOCIAL MEDIA POLICY FOR THE TOWN OF CARBONDALE DEPARTMENTS

This policy provides guidance for employee use of social media, which should be broadly understood for purposes of this policy to include blogs, wikis, microblogs, message boards, chat rooms, electronic newsletters, online forums, social networking sites, and other sites and services that permit users to share information with others in a contemporaneous manner.

PROCEDURES

The following principles apply to professional use of social media on behalf of the Town of Carbondale as well as personal use of social media when referencing the Town of Carbondale.

- Employees need to know and adhere to the Town of Carbondale's Code of Conduct, Employee Handbook, and other company policies when using social media in reference to Town of Carbondale.
- Employees should be aware of the effect their actions may have on their images, as well as the Town of Carbondale's image. The information that employees post or publish may be public information for a long time.
- Employees should be aware that the Town of Carbondale may observe content and information made available by employees through social media. Employees should use their best judgment in posting material so that it is neither inappropriate nor harmful to the Town of Carbondale, its employees, or customers.
- Although not an exclusive list, some specific examples of prohibited social media conduct include posting commentary, content, or images that are defamatory, pornographic, proprietary, harassing, libelous, or that can create a hostile work environment. Employees are not to publish, post or release any information that is considered confidential or not public. If there are questions about what is considered confidential, employees should check with the Finance Department and/or supervisor.
- Social media networks, blogs and other types of online content sometimes generate press and media attention or legal questions. Employees should refer these inquiries to authorized Town of Carbondale spokespersons.
- If employees find or encounter a situation while using social media that threatens to become antagonistic, employees should disengage from the dialogue in a polite manner and seek the advice of a supervisor.
- Employees should get appropriate permission before you refer to or post images of current or former employees, members, vendors or suppliers. Additionally, employees should get appropriate permission to use a third party's copyrights, copyrighted material, trademarks, service marks or other intellectual property.

SAFETY

It is the Town's intent that all employees enjoy a safe work environment free from known health and safety hazards.

Each department has established safety practices concerning work area organization, as well as use of tools, equipment, vehicles, and chemicals. The Town also utilizes an organization-wide Safety Handbook that applies to all employees and functions of the Town. These safety practices and procedures assist supervisors managing the day-to-day safety program of the Town.

- Each supervisor is responsible for reasonably ensuring the safety and health of his/her immediate work area, employees, and function. The supervisor shall make frequent safety inspections, correct problems immediately to the extent possible, and ensure adequate awareness and training of safety practices by subordinate employees.
- Each employee is expected to take responsibility for helping to ensure that standards are followed by conducting activities in accordance with established practices.
- Failure by an employee to follow safety standards or related practices may result in immediate disciplinary action.
- Each employee is responsible for arriving at work attired in accordance with standards of dress that have been outlined by the standards of safety of the Town.

Safety Equipment:

Employees may be provided with or required to utilize other protective gear during the course of their employment depending on the nature of the job being performed. Lack of or improper utilization of any safety equipment may subject the employee to disciplinary action. Further, non-use or improper use of safety equipment resulting in on-the-job injury or illness may reduce workers' compensation benefits provided by the Town's insurance carrier. Employees are required to return to the Town, upon termination, all non-personal protective or safety equipment that is owned by the Town.

DRUG AND ALCOHOL PROGRAM & TESTING

Purpose:

The Town is a drug-free workplace as required by the Drug-Free Workplace Act. It is both the Town's and each employee's responsibility to maintain such an environment.

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

- Abide by the terms of this policy; and,
- Notify the Town in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace not later than five calendar days after such conviction.

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

The unlawful manufacture, distribution, dispensing, possession, use of a controlled substance, or working after the apparent use of alcohol or drugs is prohibited in the workplace. An employee's violation of this prohibition, or any other drug abuse violation, may result in disciplinary action.

Scope:

Some provisions of this policy apply only to Town employees whose job descriptions are considered safety sensitive which includes sworn positions in the Police Department and positions in the Utilities and Public Works Department, involving the use of vehicles, equipment, and moving machinery and positions that require a commercial driver's license. The term "CDL employee" refers to these employees covered by this testing policy, in addition to those employees who maintain a commercial driver's license as a part of their work.

Except where a provision is limited in its application to a CDL employee or employees in safety sensitive positions as outlined above, this policy applies to all Town employees:

- The illegal use of controlled substances (also referred to as "illegal drugs") and on-the-job impairment by alcohol, regardless of the source of the alcohol, is prohibited. This includes marijuana, which remains illegal under federal law.
- The illegal purchase, transfer or possession of a controlled substance is also prohibited.
- Exceeding the recommended dosage for over-the-counter drugs or the dosage prescribed by a medical doctor for prescription drugs is prohibited.
- An employee, who uses illegal drugs, tests positive for illegal drugs or is impaired by alcohol on-the-job, shall be subject to disciplinary action.

Definition of Policy Violations:

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

Drugs: Any employee-testing positive for a controlled substance will be deemed to have used drugs.

Self-Identification Program:

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

Refusal to Submit to Testing:

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

- Refusal to take the test;

- Inability to provide sufficient breath or urine to be tested within four hours of request, without a valid medical explanation;
- Tampering with or attempting to tamper with or adulterate the specimen or collection procedure;
- Failure to comply with the requirement of the policy that the employee shall not use alcohol for either eight (8) hours following a motor vehicle accident or until the employee undergoes a post-accident alcohol test, whichever comes first;
- Not reporting to the designated testing site at the scheduled time; or,
- Refusal to provide the necessary authorization for obtaining hospital reports and other documents as required under this policy.

Results of Drug and Alcohol Use:

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

Any sample testing positive for drugs will be sent to an outside lab for retesting prior to any disciplinary action being taken. The follow up test will be paid for by the Town. The employee will be compensated for any time lost from work while waiting for the test results.

Reasons for Testing

The Town will have tests of breath or urine conducted to determine the presence of illegal drugs or alcohol when reasonable suspicion exists to believe that an employee is impaired by alcohol or drugs while on the job or is using illegal drugs, as described in the policy:

- After certain motor vehicle accidents as described in this policy;
- For applicants of all safety sensitive positions or positions that require a CDL, pre-employment testing (for drugs only) as described in this policy;
- In conjunction with medical examination required for CDL and safety sensitive position drivers as described in this policy; and
- For CDL and safety sensitive positions employees, under a program of random testing as described in this policy.

Reasonable Suspicion:

If reasonable suspicion exists to believe that an employee, while on the job, is impaired by alcohol or illegal drugs, a supervisor in the employee's chain of command, the Department Head, or the Town Manager may require the employee to submit immediately to testing. Reasonable suspicion may be based on the following or on other facts and circumstances:

- Witnessing by at least one supervisor of the employee's unusual demeanor, appearance or conduct, or irrational behavior (e.g. slurred speech, lack of balance, excessive aggressiveness, docility or drowsiness), smell of alcohol or illegal drugs;
- Suspected possession of or use of alcohol or illegal drugs on the job;
- Difficulty in performing or inability to perform normal job function; or
- A determination by a supervisor in the employee's chain of command, based on a review of surrounding facts and circumstances, that an employee might be at fault in an on-the-job accident or injury, or an operation accident, involving Town equipment, property or personnel.

In making such a determination, the supervisor should consider such factors as recommendations from the employee's immediate supervisor; injury to the employee or others; damage to property; concern for the safety of the employee or others; and pertinent behavioral factors.

Alcohol tests should be performed as soon as possible after the determination of reasonable suspicion. If an alcohol test is not performed within two (2) hours of the determination of reasonable suspicion, the person who made the determination must document the reasons for the failure.

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

- No further efforts to test will be made based on that determination, and the person who made the determination must document the reasons for the failure; and
- If the employee is a CDL employee, the employee may not drive a commercial vehicle or otherwise perform any safety-sensitive functions until he or she has been off of work for at least twenty-four (24) hours or has undergone an alcohol test with a result above a concentration of two one-hundredths (0.02) grams of alcohol per two hundred ten (210) liters of breath.

Post Accident:

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

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

If an employee's actions either contributed to a motor vehicle accident or cannot be discounted as a contributing factor to a motor vehicle accident, as determined by a supervisor in the employee's chain of command, the Department Head, or the Town Manager, the employee shall

provide, as soon as possible after the motor vehicle accident, breath and urine samples to be tested for drugs and alcohol at the testing site designated by the Town.

Unless unable to do so because of a serious injury, the employee must immediately contact a supervisor in the employee's chain of command to report the accident. The supervisor will contact the Department Head or the Town Manager. If the supervisor, the Department Head or the Town Manager determines that the employee shall be tested under this policy, transportation will be arranged to take the employee to the designated testing site.

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

Alcohol tests under this Subsection should be performed as soon as possible after the motor vehicle accident. If an alcohol test is not performed within two (2) hours of the accident, the supervisor must document the reasons for the failure. If an alcohol test is not performed within eight (8) hours of the accident:

- No further efforts to test will be made based on that accident, and the supervisor must document the reasons for the failure; and
- If the employee is a CDL employee, the employee may not drive a commercial vehicle or otherwise perform any safety-sensitive functions until he or she has been off of work for at least twenty-four (24) hours or has undergone an alcohol test with a result below a concentration of two one-hundredths (0.02) grams of alcohol per two hundred ten (210) liters of breath.

Pre-employment:

Applicants for employment shall be subject to pre-employment drug testing.

Scheduled:

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

Random Testing:

Employees holding CDL and safety sensitive positions shall be subject to random drug and alcohol testing. A minimum of 25% percent of all CDL employees will be randomly tested for alcohol each year and a minimum of 50% percent of all CDL employees will be randomly tested for drugs each year.

Follow-up:

Employees holding CDL and safety sensitive positions will be subject to follow-up test for drugs and/or alcohol.

A CDL employee having a breath alcohol test which shows an alcohol concentration of two one-hundredths (0.02) or higher grams per two hundred ten (210) liters of breath must take available paid leave, if paid leave is exhausted, leave without pay, for one working day after

taking the test. The employee may return to work after being off the job for one working day, but must first take a breath alcohol test, which show a concentration of less than two one-hundredths (0.02) grams per two hundred ten (210) liters of breath.

A CDL employee may not work within four (4) hours of consuming alcohol obtained from any source. If a CDL employee has consumed alcohol within four (4) hours of reporting to work, the employee must take available paid leave or leave without pay if paid leave is exhausted, until no alcohol has been consumed within seven (7) hours of the beginning of the employee's next work shift.

The taking of leave under this subsection may be considered as abuse of leave.

Any employee found to be impaired by alcohol on-the-job, using illegal drugs or testing positive for illegal drugs, under circumstances other than those described in the paragraphs of this Subsection, may be subject to disciplinary action.

Ordering the Test:

The supervisor making the determination of reasonable suspicion or ordering the post-accident test shall prepare a statement, setting forth the basis for the finding of reasonable suspicion or post-accident testing, as appropriate. The form shall be accompanied by other pertinent information, including name of witnesses of the circumstances or behavior that led to the referral. The supervisor shall make arrangements to have the employee tested immediately.

Test Results:

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

TOWN VEHICLES & MOTORIZED EQUIPMENT

The Town regards the use of a vehicle or equipment as an important component of delivery of the services provided by the Town and expects its employees to operate and maintain the vehicles and equipment conscientiously.

- Vehicles maintained in the general vehicle pool are provided for business use only. They are provided to facilitate job duties and performance. Employees may take these vehicles with advance authorization from their Department Heads.
- Employees are encouraged to use Town-owned vehicles for business use. In the event a Town-owned vehicle is unavailable, the employee may use their personal vehicle on Town business. The Town's gas/purchasing card may also be used by employees using either Town or employee-owned vehicles for charging fuel on business-related trips.
- No vehicles shall be operated on behalf of the Town without the operator possessing a valid driver's license and applicable liability insurance.
- All accidents involving any vehicle or equipment shall be reported immediately to the Department Head. Proper written reports and photos will be completed and submitted as soon as possible.
- Any accident within Town jurisdiction involving a Police Department vehicle will be investigated by the State Patrol. If the State Patrol is unavailable, the supervisor will begin the initial investigation.
- An accident involving a Town vehicle or equipment that is determined to be the fault of the employee through carelessness or neglect may result in disciplinary action.
- Any summons (parking tickets, etc.) issued to an employee with a Town vehicle or while on Town business shall be the responsibility of the employee. Should the Town receive an employee's summons notice in the mail, the fee for the violation will be deducted from the employee's next regular pay.
- Each department may have additional procedures relating to vehicle use. The supervisor is responsible for instructing employees and ensuring that the procedures are followed.

SUPPLIES & EQUIPMENT

The Town provides supplies, tools and equipment for the employee's use in performing his/her job. Employees are asked to exercise care, safety and conscientiousness in the use of the Town property.

- Personal use, unless previously authorized, shall not be allowed.
- Removal of the Town supplies, tools, or equipment from the Town premises shall not be allowed, unless it is authorized as part of the conduct of the Town business that is being performed off-site.
- Unsafe or careless use of supplies, tools, equipment and chemicals may be viewed as a violation of Town safety standards and may become the subject of disciplinary action.
- Employees should notify their immediate supervisor as soon as possible if any Town property such as telephones, radios, pagers, computers or any issued equipment is lost or feared stolen.

Data Breach Plan

Purpose:

The purpose of this plan is to prevent a serious disruption of operations, loss of funds, or damage to reputation by providing an immediate and effective response to any unexpected event involving the unauthorized access of computer information systems, network, or databases. The plan also encompasses confidential hardcopy files such as claim files, personnel and financial records, and information contained in portable media such as flash drives or contained in transportable equipment such as laptops or tablets.

Definition of a Data Breach:

For the purposes of this plan, a “data breach” is defined as the unauthorized acquisition of data that compromises the security, confidentiality, or integrity of member, organization or employee information maintained by Town of Carbondale.

Possible Perpetrators:

Persons who could breach our data include:

- Former employees
- Current employees
- Vendors
- Hackers
- Members
- Visitors

Responsibilities:

All employees are responsible for following this plan, keeping data secure and reporting any potential data breaches.

Managers are responsible for implementing security controls in their respective departments and supervising employees to ensure security policies are adhered to.

The Town’s Contract IT vendor is responsible for identifying data breach risks, recommending appropriate controls to prevent data breaches, implementing those controls, and continually evaluating the controls to ensure they work. They are also responsible for investigating and mitigating any data breaches that may occur.

Risk Classifications of Data Breaches:

The following classification system will be used to identify the risk associated with the unauthorized access of data.

High Risk: A breach of this information may result in high costs to the Town of Carbondale; significantly harm our reputation with members and other organizations; or seriously impact employees or other individuals.

Medium Risk: A breach of this data may result in moderate costs to the Town of Carbondale, could result in some damage of reputation if not handled promptly and effectively; or could impact employees or individuals.

Low Risk: A breach of this information is easily controlled and should not result in significant costs to the Town of Carbondale; should not harm our reputation; and should not require notification of members, employees or others.

Database Risk Classification by Department:

The following data may be at risk of being breached:

	<u>Risk Classification</u>
Finance Department:	
Personnel records	Medium
Social security numbers for employees	High
Payroll information	High
Performance reviews	Medium
Credit card information	High
Bank accounts	High
Investment accounts	High
Human resource files	High
Other records containing confidential information	High
Contract IT Provider	
Employee user names and passwords	High
Outlook email database	Medium
Admin user names and passwords	High
Databases (Finance, etc.)	High
Other Departments:	
Public Works: Website user names/passwords	Low
Police Department:	High
Parks & Recreation Department:	Low
Town Clerk: Election Data	Medium
Utilities: Water/Sewer Systems	Medium

Protection of Data:

1. To protect the integrity of data, no employee shall transport any hard copy files containing high or medium risk data outside of Town offices.
2. No employee shall copy or place any high-risk data onto any flash drive, Google drive or cloud storage.
3. Laptops or tablets shall not be left in vehicles or placed in checked airline baggage.
4. Users are required to have complex passwords expiring every three months.
5. Screen savers implemented to lock after 10 minutes requiring logging back into desktop.
6. Sensitive data shall not reside on or in any personal email account or electronic device.
7. Employees will not share passwords and logins with anyone except IT contractor and Management.

Reporting a Data Breach:

Any employee who knows or suspects that a data breach may have occurred should notify their supervisor, Town Manager and IT contractor immediately. After conducting the initial investigation and determining if one or more systems may have been breached, IT contractor should notify the department heads of departments that are affected. The attached Data Breach Incident Report Form should be used to document information.

Containing and Investigating a Data Breach:

After a breach is discovered, IT Contractor and other applicable employees will take immediate steps to limit the breach. These steps should include:

- Immediately containing the breach by stopping an unauthorized practice, recovering records, revoking access, or correcting physical security. Care should be taken so not to destroy any evidence.
- Contacting the appropriate managers and vendors.
- Determine where and how the breach occurred:
 - Identify the source of the compromise and the timeframe involved.
 - Document the chronology of the event.
 - Document how the breach was discovered.
 - Review the network to identify all compromised or affected systems.
 - Document all internet protocol addresses, operating systems, domain systems names and other pertinent system information.
 - Use the attached Data Breach Incident Report Form to document the breach.
- Determine the type of information that was lost or compromised, including but not limited to:
 - Names, addresses, social security numbers, account numbers, cardholder names, medical and health information, financial records, etc.
 - Determine if an intruder has exported or deleted any personal information.
- Secure and protect the integrity of the evidence and ensure that any systems affected by a breach are only accessible to internal investigators and law enforcement.
- Take measures to contain and control the incident to prevent further unauthorized access to or use of sensitive information. Consider shutting down related applications or third-party connections, reconfiguring firewalls, changing computer access codes, and modifying physical access controls:

- Change applicable passwords for users that have access to personal information, including system processes and authorized users. If it is determined that an authorized user's account was compromised and used by the intruder, disable the account.
- Do not alter the compromised system.
- Do not turn off the authorized machine. Isolate the system from the network (i.e. unplug cable).
- Change the wireless network SSID on the access point and other authorized devices that may be using our wireless network.
- Preserve all system and audit logs and evidence for law enforcement in the event of a criminal investigation.
- If the breach occurred at a third-party location, work with the appropriate parties to determine the extent of the breach.
- Notify law enforcement if there is suspected theft or other criminal activity.
- A forensic investigation expert may be hired to conduct an investigation of the breach if deemed necessary.
- Monitor systems and network for signs of continued intruder access.

Notification of Individuals and Entities:

Once the incident is investigated and the extent of the compromise determined, notification may take place in order to mitigate harm to an employee, individual or entity whose personal information has been inappropriately collected, used, or disclosed. Factors to consider for notification include:

- Any state or federal law that requires notice (see attached Colorado law)
- Contractual obligation that requires notification
- Risk of identity theft or fraud
- Risk of physical harm
- Risk of damage to reputation
- Risk of loss of business

When to Notify:

Notification of individuals and members affected by the breach should occur as soon as possible after the breach. However, notification may be delayed if law enforcement authorities who are brought into the investigation recommend delaying the notification so as not to impede a criminal investigation.

How to Notify:

The Management Team will determine if notification is needed, who will notify affected parties and how the notification will take place. The method of notification to those affected may be done directly by telephone, letter, in person, or email as long as:

- The identities of individuals and organizations are known.
- Current contact information is available.

- Individuals and organizations affected need detailed information in order to protect themselves from possible harm arising from the breach.

Indirect notification, such as via the Carbondale website, may be considered if individual notification is not practical.

Information to include in the Notification:

Information in the notification may include the following:

- Date or time period that the breach occurred
- A general description of how the breach occurred
- Description of the information involved in the breach (name, credit card numbers, social security numbers, medical records, etc.)
- Description of the steps taken to reduce the risk of harm
- Plans to prevent future breaches
- Information on how individuals or entities can prevent further harm
- Contact information for questions

Others to Contact:

The following organizations and individuals may be notified of the breach if deemed appropriate.

- Carbondale citizens
- Carbondale employees
- Law enforcement
- Excess insurers
- Banks and other financial institutions
- Credit card companies
- Vendors
- Government agencies
- Others as deemed appropriate

Employee Training:

The IT Contractor will train all employees on the prevention of data breaches and their responsibilities in the event of a data breach as necessary.

Follow Up and Review:

Once the data breach has been mitigated, appropriate notifications provided, and the investigation concluded, a post mortem analysis will take place to determine the effectiveness of the data breach plan. Among the items to consider include:

- How did the data breach occur?
- Have controls been implemented to prevent a future data breach?
- Was the data breach plan followed?

- Are plan revisions needed?
- What lessons did we learn?
- What can we do better if it happens again?

After the critique is completed, methods to mitigate any risks will be identified and measures to prevent future data breaches will be implemented.

Colorado State Security Breach Laws:

CRS 6-1-716

Definition of Personal Information: A Colorado's resident's first name or first initial and last name in combination with any one or more of the following data elements that relate to the resident, when the data elements are not encrypted, redacted, or secured by other method rendering the name or the elements unreadable or unusable.

- a) Social security number;
- b) Driver's license number or identification card number; and
- c) Account number or credit card number, in conjunction with any required security code, access code, or password that would permit access to a resident's financial account.

Summary: An individual or a commercial entity that conducts business in Colorado and that owns or licenses computerized data that includes personal information about a resident of Colorado shall, when it becomes aware of a breach of the security of the system, conduct in good faith a prompt investigation to determine the likelihood that personal information has been or will be misused. The individual or the commercial entity shall give notice as soon as possible to the affected Colorado resident unless the investigation determines that the misuse of information about a Colorado resident has not occurred and is not reasonably likely to occur. Notice shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement and consistent with any measures necessary to determine the scope of the breach and to restore the reasonable integrity of the computerized data system.

Town of Carbondale

Data Breach Incident Report Form

1. **Date and time of breach:** _____
2. **Date and time of discovery of breach:** _____
3. **Where did the breach happen?**

4. **Name of person reporting the breach:**

Organization if other than ____: _____

5. **Name of person/organization responsible for the breach (if known):**

6. **How did they do it?**

7. **Type of Data Breach (i.e. theft, illegal access, virus, etc.):**

8. **What network resources were breached? (routers, firewalls, servers, etc.?)**

9. **Specific data compromised:**

10. **How did the breach happen?**

11. **Corrective action taken to control the breach:**

12. Steps taken to preserve evidence:

13. _____ employees who were notified of the breach:

14. Outside organizations notified of the breach:

15. Was law enforcement notified? Yes__ No__

a. Time and date of notification:

b. Name of officer/department?

16. Controls implemented to prevent future breaches:

17. Other Comments:

Note: Please attach any support documentation if necessary to fully answer the above questions.

Name: _____

Date: _____

Reported to: _____

Date: _____