

RESOLUTION NO. 005-2024

**A RESOLUTION OF THE TOWN BOARD OF TRUSTEES OF THE TOWN
OF CRESTONE AMENDING THE PERSONNEL POLICY
OF THE CRESTONE MUNICIPAL CODE AND RESOLUTION NO.003-2013.**

WHEREAS, the Personnel Policy Board has reviewed the Crestone Municipal Code and has recommended amendments and additions to said policy; and

WHEREAS, the Personnel Policy Board and the Town Board of Trustees have received legal review and recommendations for final draft of multiple amendments and additions, and a final draft has now been prepared; and

WHEREAS, the Town Board of Trustees has reviewed such recommendations and determined that the same should be acceptable and that the Personnel Policy should be conformed to include such amendments and additions.

NOW THEREFORE be it hereby resolved by the Board of Trustees of the Town of Crestone that the amendments and additions to the Town of Crestone Personnel Policy, be amended to reflect the amendments and additions as contained in the final draft of said amendments and additions, dated July 8 2024, attached hereto and incorporated herein by reference.

DONE and SIGNED this 8 day of July 2024.

By: _____

Mayor



Audie Blackwell

TOWN OF CRESTONE

Personnel Handbook

Updated and Adopted July 8, 2024

The following policies and procedures are now adopted by the Town of Crestone Board of Trustees, and they will be in effect until such time as they are repealed. All prior policies and procedures are hereby repealed and rescinded.

This policy is not a contract, only an overview of Town of Crestone's personnel policies, procedures, and employee benefits to assist the employee, staff, and Board conducting business in and for the Town of Crestone. The policies and procedures are not intended to be contractual commitments of the Town and will not be construed as such by any employee.

The Board of Trustees of the Town of Crestone has the right to change, supplement or revoke the policies and procedures at any time without notice. No policy or procedure is intended as a guarantee of continuity of benefits or rights. An employee may be provided all or some of the benefits described in this policy. No permanent employment for any term is intended or implied from any statements contained in this policy.

Employment-At-Will: The Town of Crestone is an at-will employer. Any employee may be terminated with or without cause, a statement of reasons, or hearing. Any employee may resign at any time for any reason. Nothing in these policies and procedures is intended to modify the Town's at-will employment policy.

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

Contract Labor: The Town may, when appropriate, utilize the services of outside labor including, but not limited to, auditors, lawyers, judicial officials, and the like. These services will be considered contractual and shall be governed by the terms of said contracts and Colorado law.

**Personnel Handbook
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1. GENERAL PROVISIONS:

1.1 Introduction

The policies and procedures in this Handbook are not intended to supersede Federal or State law or Town of Crestone Ordinances; if any conflict exists between these policies and procedures and the laws mentioned above, the laws will prevail. Any matter not explicitly covered by this Handbook may be administered by the Appointed Authority of the Board of Trustees in a manner not inconsistent with this Handbook.

This Handbook aims to inform the employees of the Town's policies and procedures. This Handbook is presented to all employees of the Town of Crestone upon their hire. It applies to all categories of employees, except where the language specifically limits application to a specific category or categories. The Handbook is not all-inclusive but addresses those topics most likely to be of concern to employees in the course of day-to-day operations.

1.2 Definitions

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

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

Appointed authority means the Board of Trustees, the Board's designee, or Town Clerk.

CDL means a commercial driver's license

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

Contract Labor is independent professional services provided pursuant to the terms of a contract. This person shall not be, for any purposes, an employee.

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

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

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

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

Part-time regular employee means an employee hired to regularly work 31 or fewer hours per week.

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

Spouse includes a 'significant other'.

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

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

On-call employee means an employee that works as needed and as authorized by the Board of Trustees.

2. ORGANIZATIONAL STRUCTURE & AUTHORITY

2.1 Appointing Authority

As prescribed by Colorado State Statutes, the legislative, corporate authority, and policy-making function of the Town of Crestone is vested in the Board of Trustees, consisting of one Mayor and six trustees. One trustee will be appointed mayor pro-tem and will act as Mayor in the Mayor's absence.

The Board of Trustees operates according to the rules set forth in the Town Ordinances and Colorado State Statutes. The Board of Trustees has the responsibility for all municipal affairs, including personnel. For the purposes of this Handbook, the Board of Trustees holds primary responsibility and control of establishing the organizational structure and making necessary appointments to the offices or positions, including the adoption of personnel policies and procedures. The Board of Trustees may, when appropriate, delegate certain responsibilities to an individual Trustee(s) or the Town Clerk.

2.2 Appointed Authority

The Board of Trustees ultimately determines the number and type of employee positions and is responsible for the administration thereof. . The Board of Trustees may delegate to an individual Trustee(s) or the Town Clerk the duty of administering certain ongoing matters pertaining to employees of the Town.

2.3 Equal Employment Opportunity

2.3.01 The Town of Crestone is an Equal Employment Opportunity employer. The Town does not discriminate against applicants or employees based

on race, age, gender, color, religion, national origin, disability, veteran or marital status, sexual orientation, gender expression, genetic information, or any other status protected by applicable state or local law. The Town prohibits retaliation against any employee for filing a complaint under this policy or assisting in a complaint investigation.

2.3.02 Persons with disabilities who are otherwise qualified to perform the essential functions of the position of Town employment will be considered with reasonable accommodations as provided in the Americans with Disabilities Act, including:

- i. Modifications or adjustments to a job application process enable a qualified applicant with a disability to be considered for the position.
- ii. Modifications or adjustments to the work environment or the manner under which the position is customarily performed enable a qualified individual with a disability to perform the position's essential functions.
- iii. Modification or adjustments that enable an employee with a disability to enjoy equal benefits and privileges of employment.

2.3.03 The Board of Trustees shall carry out the Town's equal opportunity efforts and advise and assist Town personnel in implementing and complying with this policy. The Board shall, from time to time, examine existing internal policies and procedures which may serve as barriers to implementing this policy and recommend changes when needed.

2.4 Organizational Structure

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

3. SELECTION PROCEDURES

3.1 Appointed Authority - Responsibility

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

3.2 Vacancies - Announcement

3.2.01 The Board of Trustees will determine when a vacancy exists, whether the vacancy shall be filled, and set an appropriate time frame to fill the vacancy.

3.2.02 When a vacancy is determined, the position will be announced, posted at the designated posting places, published in at least one publication in a newspaper of general circulation in the Town, and by such additional methods as deemed appropriate. All vacancy announcements shall include a statement that the Town is an equal opportunity employer and does not discriminate.

3.2.03 The Board of Trustees may consider filling a position internally. However, the position shall still be announced, posted at the designated posting places and published in at least one publication in a newspaper of general circulation in the Town. If, after reviewing all applicants, an internal appointment is appropriate, the position may be filled with a current employee who meets the minimum qualifications as specified in its job description. Any current employee selected to fill such a position shall be subject to an introductory training period.

3.3 Application

3.3.01 All persons wishing to apply for employment with the Town must complete and submit a Town job application by the designated deadline set forth in the job announcement. A resume may be attached to the application but will not be accepted as a substitute for an application.

3.3.02 The Board of Trustees may choose to screen applications before interviews or competitive examinations. Applications may be disqualified when any of the following exist:

- A. The application does not meet the minimum qualifications set forth in the job description.
- B. The application indicates an unsatisfactory employment record, has been deemed unsuitable for Town employment due to information gained from a previous job interview or previous engagement with the Town, or that the applicant has given false information evidenced by the results of reference checks.
- C. The applicant fails to respond to contacts or messages left.

3.4 Nepotism

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

- b) No relative may have direct authority to appoint, supervise, discipline or dismiss a relative.
- c) No relative may audit, verify, receive, or dispense monies entrusted to a relative.
- d) No relative may have access to a relative's employer confidential information, including payroll and personal records.
- e) No person may become an employee of the Town who is an elected or appointed Town Trustee.

3.5 Interviews and Examinations

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

3.5.02 The Board of Trustees will notify all applicants who have not been disqualified by reasons described in Section 3 of this Chapter to set a time and place for an interview and/or the appropriate examination.

3.5.03 For positions that require a formal examination, the Board of Trustees shall conduct such assessment, which may consist of written tests, practical demonstrations, oral boards, or any combination thereof as determined necessary to evaluate the applicants fairly and objectively. Any question during an interview or testing shall be limited to those that pertain to the position.

3.6 Offers of Employment

3.6.01 Following an interview or competitive testing and rating of the candidates, the Board of Trustees may select one or more top-qualified candidates for a second interview.

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

3.6.03 Failure to accept the written offer of the position within seven days of the offer date will be deemed a refusal of the employment offer. The job may be offered to the next most suitable candidate.

4. ORIENTATION, TRAINING & EVALUATION

4.1 Training Period

4.1.01 Each new employee or any employee appointed to fill a vacant regular full-time or part-time position shall be subject to a ninety (90) day probationary period. Further, each such employee shall be subject to a training period, which may extend up to 6 months. The period will begin with job orientation and continue with the training necessary for the employee to be familiar and comfortable with the duties and responsibilities of the position.

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

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

4.2 Orientation

4.2.01 The Board of Trustees shall provide orientation to each new employee or any employee appointed to fill a vacant regular full-time or part-time position. This orientation shall include the employee's job description; Town policies, employee benefits, promotion opportunities, and training programs.

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

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

4.3 Training

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

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

4.3.03 Upon the successful completion of the training period, employees may be eligible to request continued education. The Town will support and sponsor training to the extent that the education is directly related to the employee's position, and there is funding to pay for the training. Required training shall be scheduled during regular working hours whenever possible. All training shall be pre-approved in writing by the Board of Trustees.

4.4 Evaluation

4.4.01 The Board of Trustees will ensure that each employee is evaluated to discuss strengths, weaknesses, and accomplishments. The Board of Trustees may delegate this responsibility to a Trustee or the direct supervisor of the employee. The evaluation process allows employees and supervisors to review the employee's progress on the job.

4.4.02 Employees new to a position and in a training period shall be evaluated after the first 90 days and again at the end of six months. All regular full-time and part-time employees will have a performance evaluation annually, completed by their employment anniversary date of each year.

4.4.03 The Board of Trustees shall provide forms to be used for employee evaluations. These forms shall be completed in detail to depict the employee's job performance accurately. In the assessment, Board of Trustees and the employee shall review the written job evaluation, discuss performance levels and note any needed changes. The completed evaluation form shall be signed by the employee and returned to the Board of Trustees.

5. SAFETY

5.1 Safety Coordinator

5.1.01 The Board of Trustees shall designate an employee to keep the staff and Board informed of CIRSA (Colorado Intergovernmental Risk Share Association) policies, requirements, and rule changes.

5.1.02 The designated employee may submit proposed safety rule changes to the Board of Trustees for review and consideration.

5.2 Employee Safety

5.2.01 The Town of Crestone strives to provide a safe work environment for all employees. Employees are encouraged to think about safety for themselves and others. A Safety Manual with attachments that may apply to the specific job description may be provided to each employee. Any revisions to such Safety Manual or attachments will be distributed to all employees upon adoption.

5.2.02 Each employee is responsible for adhering to the policies and procedures set forth in the Safety Manual and pertinent attachments. Disobeying a safety rule may result in disciplinary action up to and including discharge.

5.2.03 All distracted driving at any time is hazardous and is considered a primary offense by state law and is not permitted.

5.3 Employment Related Accidents, Injuries, and Illnesses

5.3.01 Town of Crestone employees are covered for employment-related injury or illness by the Colorado Workers Compensation Act. Under the Act, an employee may receive certain benefits pertaining to an employment-related injury or illness. Under the Act, a work-related injury or illness must be reported within four (4) working days.

5.3.02 Any employment-related accident involving any injury or property damage whatsoever must be reported immediately to the Board of Trustees, an individual Trustee or the Town Clerk who will relay the information to the Board, by each employee involved in or witnessing the accident. Failure to report any accident involving injury or property damage may result in disciplinary action up to and including discharge.

5.3.03 To the extent practicable, the employee will be reinstated to the employee's position upon return from leave for an employment-related injury or illness. To accommodate an employee's return to work who is not yet fit for the duties of their current position, modified duty may be available where the needs of the Town permit.

5.3.04 The Town will comply with the Americans with Disabilities Act (ADA) with reasonable accommodations for an employee whose employment-related injury or illness results in a disability to which the ADA applies.

6. LEAVE TIME

6.1 Holidays and Sick Leave

6.1.01 The following days are deemed holidays, on which days Town Hall will be officially closed:

New Year's Day	January 1
Martin Luther King, Jr. Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11

Thanksgiving Day	Fourth Thursday in November
Day following Thanksgiving Day	Friday following Thanksgiving
Christmas Eve	December 24
Christmas Day	December 25

If an employee would be regularly scheduled on one of the above-referenced holidays, the holiday will be paid according to the number of hours that employee would have otherwise worked on that day. .

6.1.02 Vacation leave time shall be accrued for employees as follows:

Vacation leave shall accrue by two (2) minutes for every hour worked. Vacation leave hours shall be capped at 80 hours, after which employees shall accrue no new vacation leave until their earned hours drop below the cap. Employees are expected to use accrued vacation leave the year in which it is accrued. Upon termination (except termination for cause), accrued but unused vacation leave is paid out at a rate of 100% of the employee's calculated hourly rate up to a maximum of 80 hours.

6.1.03 Sick leave time shall be accrued for employees as follows:

Sick leave shall accrue by two (2) minutes for every hour worked. Sick leave hours shall be capped at 80 hours. Upon termination, accrued sick leave hours shall not be paid. Sick leave can be taken to address the health needs of the employee, the employee's spouse, child, or other family member in the household.

6.2 Voting

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

6.3 Jury Duty/Court Time

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

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

6.3.03 All employees receiving a subpoena or jury summons must provide a copy of such a document requesting leave time. As a condition of the receipt of such

payment, any stipend paid to the employee for jury service or as a witness fee must be paid to the Town or an equivalent amount deducted from the employee's pay.

7. COMPENSATION & BENEFITS

7.1 General

7.1.01 Timesheets containing specific detail as to work activities and time spent for such activities shall be submitted reflecting work performed from the 1st through the day on the 15th and from the 16th through the last day of the month. All employees will be paid on the 1st & 16th of each month. If this date falls on a weekend or on a holiday, then payday shall occur on the next business day.

7.1.02 The workweek is seven days beginning at 12:01 a.m. each Sunday and ending at midnight each Saturday.

7.1.03 Hourly non-exempt employees under the Fair Labor Standards Act shall be paid for overtime worked at a rate of one and one-half times the regular hourly rate of pay for each hour of work over forty hours in a workweek. No overtime shall be worked or compensated unless approved by the Board of Trustees or the Board's designee in advance. Should overtime be necessary due to an emergency, the Board of Trustees or the Mayor shall be contacted and advised immediately.

7.1.04 The Town offers a Stipend to offset an employee's personal costs for dental/health insurance. The amount of the Stipend shall be determined each year in the budgetary process for the upcoming year. The Town desires to facilitate each employee's ability to obtain necessary health related insurance but must weigh this against meeting all of the necessary expenses that the Town has a duty to cover.

7.1.05 Town employees are subject to withholdings for Social Security, Medicare, State Employment, and FAMILI.

7.2 Mileage Reimbursement

7.2.01 An employee *or an elected official* who must use a personal vehicle on approved Town business shall be reimbursed at the current rate established by the Internal Revenue Service on January 1st of each year. All efforts shall be made by the employee or elected official to minimize such expense.

7.2.02 An employee using a private vehicle for Town business must be authorized explicitly by the Board of Trustees. The Board of Trustees must approve an elected official using a private vehicle on pre-approved town business in advance. No reimbursement shall be allowed without a written mileage report

submitted upon return from an extended out-of-town trip or at regular intervals for in-town/local trips.

7.3 Training Reimbursement

7.3.01 Any employee or *elected official* who pays tuition, class fees, meals, or lodging while attending a pre-approved training or workshop shall be reimbursed for these expenses upon submittal of a detailed expense report accompanied by all appropriate documentation and receipts. The employee is expected to select meals and lodging that are moderately priced for the area where the training is held. Meals consist of food and non-alcoholic beverages. Whenever possible, attendance by an employee or elected official at any training or workshop shall occur via Zoom or another online avenue. Attendance at all training(s) shall be pre-approved by the Board of Trustess.

8. EMPLOYEE CONDUCT

8.1 General Rules of Conduct

8.1.01 All employees are expected to act in the best interests of the Town and the members of the public served by the Town. Town employees are required to treat the Board of Trustees, fellow employees, customers, vendors, and visitors with respect, dignity, honesty, fairness, and integrity while on duty, on the Town's premises, and while representing the Town. It is an employee's responsibility to observe all rules, policies, operating procedures, and directives of the Town.

8.1.02 Employees shall communicate and conduct all business in a friendly and professional manner.

8.1.03 Employees are expected to provide residents, taxpayers, staff, elected officials, and volunteers with responsive, consistent, and effective public services, including answering communications in a timely manner;

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

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

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

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

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

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

8.1.10 Specific rules of conduct adopted by the Town or in these policies may vary between departments and are not meant to be all-inclusive, but rather to address some common and severe problems.

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

- a) Harsh language, rudeness, insubordination, or any form of disrespectful conduct toward residents, members of the public, elected officials, or other employees;
- b) Tardiness or excessive absenteeism; failure to notify their supervisor promptly if unable to work as scheduled; reporting to work improperly prepared to perform duties;
- c) Being under the influence of alcohol or controlled substances at work;
- d) Failure to perform duties satisfactorily;
- e) Fighting or disorderly conduct or physically aggressive behaviors and gestures that would place a reasonable person in fear;
- f) Bullying or harassing behaviors such as emails and gestures that a reasonable person would find intimidating, humiliating, offensive;
- g) Failure to comply with health and safety regulations;
- h) Falsely reporting illness or injury;
- i) Failure to report an injury, accident, or unsafe conditions immediately to a supervisor;
- j) Making a false report related to employment, including during an investigation;
- k) Damaging the Town's reputation and the public's trust through unbecoming conduct, including criminal convictions, during work or non-work hours;
- l) Engaging in business other than their regular duties during working hours;
- m) Use of Town's physical properties, record information or position for private advantage or personal gain;
- n) Asking or requiring another individual to act unethically or violate the Town's Code of Conduct Policy or the law;
- o) Giving preferential treatment to any citizen;
- p) Using one's official position to harass or intimidate any person or entity;
- q) Making work-related decisions contrary to Town policy
- r) Disparaging or misrepresenting the Town or any Town employee or official;
- s) Forgery, alteration, or falsification of any document;
- t) Theft or attempted theft of Town property or funds;

- u) Misappropriation of funds or negligent handling of public funds;
- v) Incurring a liability or expense in the name of the Town without prior authorization;
- w) Abuse, misuse, destruction, careless use of Town equipment, facilities, supplies, or records;
- x) Failure to report the defective condition of Town equipment or property;
- y) Unauthorized use of Town equipment, facilities, supplies, record, or funds;
- z) Failure to protect the security of confidential Town information;
- aa) Failure to release information as required by Public Records Law;
- bb) Failure to comply with Town policies, federal, state, and local laws and regulations during work hours.

8.2 Supplemental Rules

8.2.01 Each department may have unique circumstances that may require supplemental rules of conduct. Such rules may be established as policies and procedures, safety manuals, and departmental regulations and adopted by the Town of Crestone Board of Trustees and enforced by the Board of Trustees...

8.3 Use of Town Property

8.3.01 Town property is to be used for official Town business only, in an appropriate manner and in accordance with all applicable rules, operating procedures, and directives. No employee shall remove Town property or the property of any other employee from the Town premises or the Town work sites without proper authorization. Any employee who misappropriates Town property or the property of any other employee, or who abuses, misuses, damages, or destroys Town property shall be subject to disciplinary action, up to and including discharge.

8.4 Conflict of Interest

8.4.01 A Town employee shall not place their personal or business interests above the Town's best interests.

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

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

8.4.04 A Town employee shall not disclose or use confidential information acquired during the official duties to further personal financial interests.

8.4.05 A Town employee shall not accept a gift of substantial value or a substantial economic benefit as defined by current state statute that might tend to influence an employee to discharge their duties and responsibilities improperly, or which could be construed as a reward for action taken in the course of their official duties.

9. ELECTRONIC COMMUNICATIONS

9.1 Purpose

9.1.01 To establish rules governing the internet and other electronic communication devices by the Town of Crestone employees.

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

9.2 Policy

9.2.01 Compliance with this policy is mandatory for all officers, employees, and contractors of this organization. This policy applies to all Town of Crestone information computer systems and data used for official Town business regardless of its location and a Town-issued cellular phone's voice and data services.

9.3 Authorized Use

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

9.3.02 The browsing of internet sites for personal entertainment is prohibited. Viewing inappropriate subject matter, i.e., pornographic images, movies, sounds, images, or movies that depict any violence, or acts of violence, will be grounds for immediate disciplinary action to the user up to and including termination.

9.3.03 Employees shall not use their personal cell phone, laptop, or any other electronic device to conduct Town business. There shall be an exception to this provision in case of emergency or if otherwise approved by the Board in individual circumstances.

9.4 Privacy

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

9.5 Restricted Access

A user must not attempt to access restricted files or portions of operating systems, security systems, or administrative systems to which they have not been authorized. Accordingly, users must not access without authorization: electronic mail, data, or programs, or information protected under state and federal laws. Users must not release another person's restricted information.

9.7 Protecting Information and Shared Resources

9.7.01 A user of the Town of Crestone computer systems will:

- A.** Follow established procedures for protecting files, including managing passwords, using encryption technology, and storing backup copies of files.
- B.** Protect the physical and electronic integrity of equipment, networks, software, and accounts on any equipment used for Town business in any location.
- C.** Not visit non-business-related websites.
- D.** Not open email or text messages from email that seems suspicious.
- E.** Not knowingly introduce worms or viruses or other malicious code into the system nor disable protective measures, i.e., antivirus, spyware, or firewalls.
- F.** Not install unauthorized software.
- G.** Unless appropriately encrypted, not send restricted or confidential data over the internet or the locally managed network.
- H.** Not connect unauthorized equipment or media, which would include but is not limited to, laptops, thumb drives, removable drives, wireless access points, PDAS, and MP3 Players.

9.8 Applicable Laws

9.9.01 Users must obey local, state, and federal laws, including laws on copyright and other intellectual property laws.

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

10. HARASSMENT, WORKPLACE VIOLENCE, AND BULLYING

10.1 Policy

Every employee of the Town of Crestone has the right to work in an environment free from harassment. Harassment and bullying of any employee based on their race, religion, color, national origin, age, sex, sexual orientation, marital status, or the presence of any physical, mental, or sensory disability is a serious violation of the Town's policy and will not be tolerated. The definitions of harassment shall be governed by applicable federal and state laws, which may change from time to time.

The Town's policy is that all employees are entitled to work in an environment free of sexual harassment. Sexual harassment will not be tolerated. All claims of sexual harassment will be promptly and thoroughly investigated. Appropriate and effective corrective action will be taken when it is determined to be a warranted claim.

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

10.2 Harassment Described

General harassment can take many forms and can include slurs, comments, jokes, innuendoes, unwelcome compliments, pictures, cartoons, pranks, or other verbal or physical conduct which:

- A.** Has the purpose or effect of creating an intimidating, hostile, or offensive working environment
- B.** Has the purpose or effect of unreasonably interfering with an individual's work performance
- C.** Otherwise unreasonably affects an individual's employment opportunities

10.3 Sexual Harassment Described

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

- A. Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- B. Submission to or rejection of the conduct by an individual is used as the basis for employment decisions affecting that individual; or
- C. The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

10.3.02 Conduct that may constitute sexual harassment includes but is not limited to: pinching, grabbing, fondling, propositioning, making either explicit or implied job threats or promises in return for submission to sexual favors; making sexually oriented comments on appearance or physical features; telling sexually-oriented stories or jokes and display or circulation of sexually-oriented written materials, including emails, pictures, text messages or photographs.

10.4 Bullying Described

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

- a) Shouting, yelling, screaming, or swearing,
- b) Insults, put-downs, name-calling, or belittling,
- c) Public humiliation, criticism, or “dressing down.”
- d) Cruel or offensive pranks, jokes; or
- e) Physical behavior, such as pushing, blocking, tripping.
- f) More subtle but sustained behaviors or acts of omission may also constitute bullying if sufficiently serious:
- g) “Bad-mouthing” behind someone’s back,
- h) “Undermining” or “sabotaging” behaviors,
- i) Spreading malicious and unfounded rumors,
- j) “Silent treatment,” “freezing out” or excluding, or withholding of information, or
- k) Arbitrary, inconsistent, or constantly changing treatment, discipline, or directives.

10.5 Workplace Violence Described

Workplace violence may be either physical or verbal or both. Actions such as harassment, intimidation, stalking, threats of violence, or physical violence against the Town or an employee could be considered workplace violence.

10.6 Procedures to Address Harassment and Bullying

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

10.6.02 The employee shall report the harassment by notifying the Board of Trustees or the Mayor as the employee's comfort level permits. This notification may be in the form chosen by the employee; the employee is urged to put the notification in writing.

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

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

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

10.7 Procedure to Address Work Place Violence

10.7.01 Any employee who believes they have experienced or may know of the intent to commit workplace violence, whether from a member of the public, a co-worker, a supervisor, or other people, should report the same promptly to the Board of Trustees or the Mayor, as the employee chooses. The notification may be in the form chosen by the employee; the employee is urged to put the notification in writing.

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

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

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

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

11. DRUGS AND ALCOHOL

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

11.1.01 The Town is a drug-free workplace. It is each employee's responsibility to maintain such an environment.

11.1.02 The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance and marijuana is prohibited in the workplace. An employee's violation of this prohibition or any other drug abuse violation may result in disciplinary action up to and including discharge.

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

11.1.04 The Town does not have a formal Employee Assistance Program; however, the use of other available resources is encouraged for any employee desiring drug counseling or rehabilitation.

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

- a) Abide by the terms of this policy
- b) Notify the Town in writing of their conviction for violating a criminal drug statute in the workplace no later than five calendar days after such conviction. Upon notification of any such conviction, the Board of Trustees will take action in compliance with the Drug-Free Workplace Act and Regulations.

11.2 Drug and Alcohol Testing - Applicability

11.2.01 Some provisions of this policy apply only to Town employees whose job descriptions require a commercial driver's license. The term CDL employee refers to these employees.

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

11.3 Town Policy

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

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

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

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

12. DISCIPLINE

12.1 Policy

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

12.1.02 Certain provisions of this Handbook state that disciplinary action may result from specified conduct. The inclusion of these provisions does not limit and is not intended to limit in any way the imposition of disciplinary action for other types of conduct or other reasons.

12.2 Disciplinary Action

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

12.2.02 Oral or written warning: The employee is verbally counseled by the Board of Trustees or supervisor designee about the unsatisfactory areas of work and correction methods to improve the work situation. The content of any oral counseling will be documented and held in the employee's personnel file.

12.2.03 Written reprimand: The employee is issued a written reprimand. This includes a statement of the problem and a notation to the effect that the problem was discussed with the employee. The Board of Trustees or the designee must sign the statement and the employee will be requested to sign recognizing that they have discussed the written reprimand with their supervisor. A copy of the reprimand is placed in the employee's personnel file, and a copy is provided to the employee. The reprimand may place an employee back into the training period for a specified time not to exceed 90 days.

12.2.04 Suspension without pay: The employee is suspended without pay from employment for any number of days, depending on the seriousness of the problem. Suspension without pay will generally not exceed two workweeks.

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

12.2.06 Termination: The employee is discharged from employment. The Board's designee can recommend termination, but the final decision rests with the Board of Trustees.

12.3 Disciplinary Rules

12.3.01 In addition to any other conduct described in this Handbook, the following conduct may result in disciplinary action up to and including discharge. This list is not exhaustive, and employees shall be subject to discipline under other appropriate circumstances.

- a) Inadequate job performance, incompetence, or inefficiency;
- b) Insubordination;
- c) Conduct unbecoming an employee of the Town;

- d) Violation of any lawful rule, regulation, policy, or order;
- e) Failure to obey a proper directive given by the supervisor;
- f) Taking a fee, gift, or other valuable things in the course of or in connection with work for personal use from any person, when such gift or valuable thing is given in the hope or expectation of receiving a favor or better treatment than that accorded other persons;
- g) Conviction of a plea of guilty to or failure to contest a crime which involves moral turpitude or which affects the employee's ability to perform a job function;
- h) Falsification of or material omission from an employment application, payroll record, time report, or other Town documents;
- i) Negligent or wilful damage, destruction, waste or carelessness, negligence or misuse of Town or public property;
- j) Theft of Town property;
- k) Use of or attempting to use political influences in securing promotion, leave of absence, transfer, change of pay rate or character of work;
- l) Improper use of Town vehicles or equipment, including communications equipment;
- m) Violation of safety rules or practices;
- n) Unauthorized absence or unauthorized failure to report for work;
- o) Frequent or habitual tardiness;
- p) Leaving assigned work area without prior authorization;
- q) Abuse of leave;
- r) Abuse of break periods;
- s) Release of confidential information except as required or authorized by law;
- t) Violation of the Town's drug and alcohol policy, sexual harassment policy, workplace violence, or other written policy or procedure concerning employee conduct;

- u) Inducing or encouraging any employee of the Town to violate any Town ordinance, rule, regulation, policy, procedure, or directive;
- v) Engaging in any unauthorized interruption of work;
- w) Failure of a non-exempt employee to obtain advance authorization for overtime work;
- x) Loss of or failure to attain any license, certification, or other credential required for the performance of a job responsibility;
- y) Engaging in gossip or rumor-mongering;
- z) Violation of any other applicable Town policy concerning employee conduct; or
- aa) Any other activity which is not compatible with good public service.

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

13. GRIEVANCE PROCEDURE

13.1 Policy

13.1.01 It is the Town's policy that employees should have an opportunity to present their work-related complaints and to appeal management decisions through a grievance procedure. The Town will attempt to resolve promptly all grievances that are appropriate for handling under this policy. The grievance procedure is the exclusive remedy for employees with grievances.

13.1.02 A grievance is defined as an employee's expressed dissatisfaction concerning a supervisor's interpretation or application of a work-related policy. Examples of matters which may be considered appropriate grievances under this policy include, but are not limited to, the following:

- a) A belief that Town policies, practices, rules, regulations, or procedures have been misinterpreted or misapplied against the employee.
- b) Treatment considered unfair by an employee, such as coercion, reprisal, harassment, or intimidation.
- c) Alleged discrimination because of race, color, gender, age, religion, national origin, veteran status, marital status, disability, sexual orientation, gender

expression, genetic information, or any other status protected by applicable state or local law.

- d) Unequal administration of employee benefits or such items as scheduling, vacations, promotions, holidays, performance review, or salary.
- e) Other town employees conducted waste, fraud, and abuse actions.

13.1.03 The grievance procedure has the following steps, but grievances may be resolved at any stage in the process. Grievances are to be processed until the employee is satisfied, does not file a timely appeal, exhausts the appeal process, or a final decision is rendered. Any employees who feel they have an appropriate grievance shall proceed as follows:

Step One – Within five working days of the action to be grieved, the employee must bring a written grievance to the attention of their immediate supervisor or the Board of Trustees. The Board shall investigate the grievance, attempt to resolve it, and give a written decision to the employee within a reasonable amount of time, but not to exceed three working days. An employee will be notified if the investigation will require additional time beyond three days. The Board or its designee shall prepare a written and dated summary of the grievance and proposed resolution for personnel file purposes.

Step Two – If the grievance is not resolved and the grievance has been addressed by the Board, a written appeal of the designee's decision may be forwarded to the Board of Trustees. The Board of Trustees shall investigate the grievance, attempt to resolve it, and give a written decision to the employee within a timely manner, but not to exceed five working days. An employee will be notified if the investigation will require additional time beyond five days. The Board of Trustees shall prepare a written and dated summary of the grievance and proposed resolution for personnel file purposes.

Step Three -- The appeal must be made in writing within five working days and provide all documentation associated with the unsatisfactory decision. The hearing officer shall have access to all available records concerning the issues of the appeal, will take the necessary steps to investigate the grievance; will make reasonable effort to meet with the person filing the appeal, and shall then issue a written, final, and binding decision within five days. An employee will be notified if the investigation will require additional time beyond five days. A copy of the written decision shall be provided to the Board of Trustees for personnel file purposes.

13.1.04 Implementation of the grievance procedure by an employee does not limit the right of the Town to proceed with any disciplinary action. Employees are not to be penalized for proper use of the grievance procedure. However, it is

not considered appropriate use if an employee raises grievances in bad faith or solely for delay or harassment or repeatedly raises baseless grievances. Improper use of the grievance process may be a basis for disciplinary action.

13.1.05 Final decisions on grievances shall not be precedent-setting or binding on future grievances unless they are officially stated as Town policy. When appropriate, the decisions will be retroactive to the date of the employee's original grievance. The Board of Trustees will provide training and support to supervisors dealing with employee grievances.

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

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

14. SEPARATION FROM EMPLOYMENT

14.1 Resignation

14.1.01 Resignation is a voluntary act of separation from employment initiated by the employee. The employee shall give the Board of Trustees at least ten working days prior notice of resignation. The Board of Trustees will determine the actual last day of employment, which will not exceed the dates in the employee's letter of notice and may be effective the day the notice is received from the employee.

14.1.02 An employee who, without authorization, fails to report for work for two consecutive working days shall be considered to have resigned voluntarily as of the end of the second successive day. The Board of Trustees shall provide written notice to the employee that the resignation has been accepted and that the position has been declared vacant.

14.2 Reduction of Force

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

14.3 Termination

14.3.01 Employment with the Town is terminable at will. Any employee may be terminated with or without cause, at the Board of Trustee's sole discretion and upon notice. An employee in a regular full or part-time position, who has worked for the Town a minimum of 12 months, shall receive at least ten working days notice of the discharge, or the employee's regular rate of pay for ten working days and an employee in a temporary or seasonal position shall receive at least five working days prior notice of the termination, or the employee's regular rate of pay for five working days, where such terminations do not involve employee misconduct.

15. PERSONNEL RECORDS

15.1 Maintenance

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

15.2 Security

15.2.01 Neither the Board of Trustees nor any employee shall provide any information concerning an employee's employment status in response to a reference request, except the employee's beginning and ending date of Town employment and position held with the Town.

15.2.02 No documents shall be released from a personnel record, except as required by the Open Records Act, without a written request from the employee designating the documents to be released and the person or entity to which the release is to be made, and indemnifying and holding harmless the Town from any liability, claims, and demands resulting from such release.

**ACKNOWLEDGMENT OF RECEIPT
OF THE TOWN OF CRESTONE
PERSONNEL HANDBOOK**

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

My signature below acknowledges that I have received a copy of the Town of Crestone Personnel Handbook adopted May 29, 2024. I understand that this Handbook is only a guide to the ordinances, resolutions, and other laws applicable to my employment and that this Handbook is neither an express or implied contract of employment; and that the Town remains free to make such changes in its personnel policies, including but not limited to any matters addressed in the Handbook without prior notice and in its sole discretion.

I understand that it is my responsibility to read and become familiar with the contents of this Handbook. I agree to abide by the above as conditions of my employment and all written policies, procedures, rules, and regulations that are in effect or that may become effective during my employment.

Print Name: _____

Signature: _____

Date: _____