



551 Hot Springs Boulevard
Post Office Box 1859
Pagosa Springs, CO 81147
Phone: 970.264.4151
Fax: 970.264.4634

**TOWN COUNCIL MEETING AGENDA
TUESDAY, NOVEMBER 1, 2016
Town Hall Council Chambers
551 Hot Springs Blvd
5:00 p.m.**

- I. **CALL MEETING TO ORDER**
- II. **PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**
- III. **PUBLIC COMMENT – *Please sign in to make public comment***
- IV. **CONSENT AGENDA**
 1. **Approval of the October 14 & 20, 2016 Meeting Minutes**
 2. **Liquor License**
 - a. **Liquor License Renewal – Taberna Borde Rio at 356 E Pagosa St Unit A**
- V. **NEW BUSINESS**
 1. **Attorney Engagement Letter**
 2. **2016-2017 Goals and Objectives**
 3. **Town To Lakes Trail – West Phase Contract Award**
 4. **Award Design and Engineering Services for Safe Routes to School and Harman Hill Trail Project**
- VI. **OLD BUSINESS**
 1. **Ordinance 849, Second Reading, Municipal Court Collections**
 2. **Ordinance 850, Second Reading, Accepting Mill Creek Road Construction Easement**
 3. **Approval of Personnel Handbook**
- VII. **PUBLIC COMMENT – *Please sign in to make public comment***
- VIII. **COUNCIL IDEAS AND COMMENTS**
- IX. **NEXT TOWN COUNCIL MEETING NOVEMBER 17, 2016 AT 5:00 PM**
- X. **ADJOURNMENT**

**Don Volger
Mayor**



AGENDA DOCUMENTATION

LIQUOR LICENSES: IV.2A

PAGOSA SPRINGS TOWN COUNCIL
NOVEMBER 1, 2016

FROM: BILL ROCKENSOCK, POLICE CHIEF

PROJECT: LIQUOR LICENSE RENEWALS
ACTION: DISCUSSION AND POSSIBLE ACTION

BACKGROUND

Businesses granted liquor licenses by the State of Colorado and the Town of Pagosa Springs are required to renew their liquor license annually. The Town Council, as the Local Licensing Authority, has requested that the Police Department provide them with information on police contacts with these businesses in consideration of their renewal application.

Annually, the Police Department works with the Colorado Liquor Enforcement Division to conduct compliance checks on businesses within the Town of Pagosa Springs holding liquor licenses throughout the year, Officers do perform random checks/walk thru of businesses selling liquor in the town limits.

The vendors listed below have requested a renewal of their liquor license. Based upon a local records check, the Police Department has found the following:

Taberna Borde Rio – Since January 1, 2016, there were no documented liquor violations at Taberna Borde Rio, located at 356 E. Pagosa St. Unit A.

ATTACHMENT(S):

None

RECOMMENDATION

It is the recommendation of the Police Chief that the Town Council,

Consider the above information when determining approval of liquor license renewals.



AGENDA DOCUMENTATION

NEW BUSINESS : V.1

PAGOSA SPRINGS TOWN COUNCIL

NOVEMBER 1, 2016

FROM: GREGORY J. SCHULTE, TOWN MANAGER

PROJECT: TOWN ATTORNEY ENGAGEMENT CONTRACT

ACTION: DISCUSSION AND POSSIBLE ACTION

ANALYSIS / BACKGROUND

The Town Council directed staff to issue a request for proposal for legal services in order to test the market for legal services available in the local and surrounding region. Eleven proposals were received from firms in Pagosa Springs, Durango, Denver, Greeley and New Mexico. The Town Council held a Special Meeting on August 5th to determine the five firms who would interview on August 12th. At the August 5th meeting, the Council selected five applicants to interview.

The interviews were held at Town Hall on Friday, August 12th and the interviewers consisted of Town Council members and Town staff. A motion was made at the Town Council meeting of August 18th to select Collins Cockrel & Cole to continue as the Town Attorney and was passed by a vote of 4-1.

The proposed engagement letter is attached as Attachment A. Within the Engagement Letter, the term is stated as "until terminated by written notice by either party."

ATTACHMENT(S)

- Attachment A: Proposed Engagement Letter

FINANCIAL INFORMATION

The hourly rates are documented in Exhibit A within the Engagement Letter and depend on the employment classification and whether the services provided are reimbursable or not. For 2016, legal services for the Town's General and Capital Fund are budgeted at \$90,000 and are estimated to be approximately \$160,000 by year. For 2017, it is proposed to be budgeted at \$90,000 again.

RECOMMENDATION

Possible actions by Council include:

- 1. Move to approve and authorize the Mayor to sign the Engagement Letter with Collins Cockrel & Cole for legal services for the Town of Pagosa Springs.**
- 2. Move to NOT approve the Engagement Letter with Collins Cockrel & Cole for legal services and direct staff.**

COLLINS COCKREL & COLE

A PROFESSIONAL CORPORATION

PAUL R. COCKREL
JAMES P. COLLINS
ROBERT G. COLE
TIMOTHY J. FLYNN
EVAN D. ELA
LINDA M. GLESNE
DAVID A. GREHER

ATTORNEYS AT LAW
390 UNION BOULEVARD, SUITE 400
DENVER, COLORADO 80228-1556

TELEPHONE: 303-986-1551
TOLL FREE: 800-354-5941
FACSIMILE: 303-986-1755

www.cccfirm.com

ASSOCIATES

KATHRYN G. WINN
JOSEPH W. NORRIS
ALLISON C. ULMER

OF COUNSEL

JOAN M. FRITSCHÉ
ERIC C. JORGENSON

DIRECT E-MAIL
rcole@cccfirm.com
DIRECT DIAL
303-218-7197

September 16, 2016

Town Council
Town of Pagosa Springs
Board of Directors
Pagosa Springs Sanitation General Improvement District
PO Box 1859
Pagosa Springs, CO 81147

Re: Letter of Engagement

Dear Town Council:

We understand that the Town of Pagosa Springs (“Town”) and the Town of Pagosa Springs Sanitation General Improvement District (“District”) (collectively the “Client”) desire to reappoint Collins Cockrel & Cole, a professional corporation (the “Attorney”), as the Town Attorney pursuant to Section 6.1 of the Pagosa Springs Home Rule Charter and Section 2.3.7 of the Pagosa Springs Municipal Code, and as District Legal Counsel. This letter is intended to outline the terms governing our representation of the Client.

1. Scope of Services.

The Attorney will advise the Client on all Town and District-related matters referred to the Attorney by the Client, as set forth in Section 6.1 of the Charter and Section 2.3.7 of the Municipal Code. We will take our direction from the Town Council and the Town Council sitting as the Board of Directors, and as coordinated by the Mayor and Town Manager. We do not represent (i) any person or entity (except the Client itself); (ii) individual members of the Town Council or District Board; (iii) employees or agents of the Town or District; or (iv) any landowner, developer or other person within the Town or District (collectively, the “Other Persons”), and all services are provided only for the benefit of the Client and not for the Other Persons. The Attorney owes professional responsibilities

only to the Client itself. In all matters involving the Client, such Other Persons should retain their own legal counsel.

2. Designation of Attorney and Assistants.

I, Robert G. Cole, a Partner in the firm, am designated as the Town Attorney and District Legal Counsel primarily responsible for the legal services rendered to the Client. Other qualified attorneys and paralegals may perform services for the Client under my supervision in order to most effectively provide a particular service or to minimize costs. I may designate such qualified attorneys, as I deem reasonable and prudent, as Assistant Town/District Attorneys; Kathryn Winn and Allison Ulmer are designated Assistant Town/District Attorneys.

3. Compensation.

The Attorney shall provide to the Client a monthly billing statement detailing the services rendered and the amount of time spent in performance thereof. The Client shall pay for the total time of all attorneys, paralegals and clerks at the current rates in effect for the services rendered.

Clerical services are not routinely billed to the Client. Paralegals and law clerks are utilized when their skills are commensurate with a particular project, so as to minimize the costs billed to the Client. The Attorney supervises the work product of associates, paralegals and law clerks.

The Client shall pay for Services within thirty days of the date of the invoice. The Attorney shall not be obligated to perform any Services if payment of fees is sixty days overdue.

The Attorney's current billing rates are shown on Exhibit A and are subject to adjustment, but not by more than ten percent collectively at any time without written notice.

4. Expenses.

Expenses for which the Attorney will or will not receive reimbursement are as follows, along with the rates for such reimbursement:

(a) Mileage.

No charge to or from Pagosa Springs.

(b) Out-of-Town Travel.

No more than 2.5 hours per trip shall be billed for travel to and from Town Council meetings. No lodging or meal expenses for Town Council meetings shall be billed to the Town. For travel required other than that associated with Town Council meetings, no more than one-half of the travel time and lodging and meal expenses, at actual costs, shall be billed.

- (c) Long-Distance Telephone Service.
No charge, unless multiple parties and/or teleconferencing.
- (d) Computer Expenses.
No charge, except for computer research, Lexis/Nexis or other special costs; billed at actual cost without mark-up.
- (e) Photocopies.
No charge for in-house copying, unless large volume of copying. Outside copying and printing billed at actual cost without mark-up.
- (f) Postage.
No charge for usual first class mailings, such as mailings to the Client, courts, counsel of record and other consultants. Mass mailings, such as election notices, and overnight and special delivery mailings billed at actual cost without mark-up.
- (g) Facsimile.
No charge.
- (h) Couriers.
Courier service will be used on an as-needed basis with the cost thereof being billed to the Client without mark-up.
- (i) Other Reimbursables.
Other reimbursables include our payment of filing fees, costs for service of process and related services, expert witness fees (only as pre-authorized by the Client), court reporter fees for transcript of testimony, court reporter appearance fees, county clerk and recorder's fees for recording of documents, title company's fees for reports of title, publication fees, election materials and other related expenses. All such reimbursables will be billed to the Client at cost without mark-up.
- (j) Other Expenses.
Certain services and expenses not otherwise documented herein (e.g. private investigator, special counsel, etc.) may become necessary under certain circumstances. To the extent that such services are required, the Attorney will first obtain authorization from the Client before incurring such costs. As such expenses are incurred, they will be billed to the Client.

It is understood that the Client is not responsible for any general secretarial support or general office expenses of Attorney.

5. Communications between Attorney and Client.

Written and oral communication between the Attorney and the Client on the Client's matters shall be made using all current forms of technology including mail, express courier, courier, fax, email, land-based telephone, cellular telephone and other electronic means of communication as such technology becomes available. The security of such means of communication, particularly electronic means such as fax, e-mail and cellular telephone cannot be guaranteed, and therefore a risk exists that privileges such as the attorney-client privilege may be waived if a communication is inadvertently received by persons other than the Client. If the Client desires to avoid the risk of inadvertent disclosure by any particular means of communication, the Client must contact the Attorney and instruct the Attorney as to any unacceptable means of communication for Client matters.

6. Disclaimer of Warranties.

There can be no warranties as to the success of any matter undertaken by the Attorney in the representation of the Client. All expressions made by the Attorney relative thereto are solely matters of the Attorney's opinion.

7. Power of Attorney to Execute Documents.

The Client grants to the Attorney the power to execute documents connected with the representation of the Client, which have been generally approved by the Client, including pleadings, applications, protests, contracts, commercial papers, settlement agreements and releases, verifications, dismissals, orders, and all other documents associated with the services provided hereunder.

8. Document Retention/Destruction.

The Client is advised that the files created and compiled by the Attorney for work on Client matters, including notes, correspondence, pleadings, research and any other documents prepared by the Attorney, will not be retained indefinitely. Upon Client request, we will return Client files to the Client or its designee once a matter is concluded, so long as the Client has paid all fees and costs. We may retain copies of all or any portion of the Client's file duplicated at our expense. If the Client does not request its files, we will keep the files and information therein for a minimum of thirty days after the conclusion or termination of representation, after which we may retain, destroy or otherwise dispose of them as we deem appropriate, except that we will not destroy (i) original documents entrusted to us for continued representation as part of our services; and (ii) any documents that the Client is obligated by law to retain.

9. Illegal Alien Certification.

Pursuant to the requirements of H.B. 06-1343, the Attorney certifies that the Attorney will comply with the provisions of Section 8-17.5-101 et seq., C.R.S., and the Attorney will not knowingly employ or contract with an illegal alien to perform work for the Client. The Attorney has verified that the Attorney (i) has confirmed or attempted to confirm the

employment eligibility of all employees who are newly hired for employment in the United States through participation in the E-Verify Program administered by the Department of Labor and Employment; and (ii) otherwise will comply with the requirements of Section 8-17.5-102(1), C.R.S., regarding such verification. The Attorney agrees to comply with all reasonable requests made in the course of an investigation by the Colorado Department of Labor and Employment. If we do not comply with any requirement of Section 8-17.5-101 et seq., C.R.S., regarding illegal alien verification, the Client may immediately terminate the Attorney's Services, subject to payment for work performed prior to the termination date as described herein.

10. Entire Agreement.

The terms herein represent the entire agreement of the parties concerning the representation of the Client by the Attorney. The agreement represented by this letter may not be amended or modified except in writing and signed by both parties hereto.

11. Term.

The agreement represented by this letter shall remain in effect until terminated by written notice of either party.

**Collins Cockrel & Cole,
a Professional Corporation**

Town of Pagosa Springs



By: Robert G. Cole

By: Don Volger, Mayor

**Town of Pagosa Springs Sanitation
General Improvement District**

By: Don Volger, Chair

**EXHIBIT A
FEE SCHEDULE**

Partner	\$325	-	\$385
Of Counsel	\$260	-	\$305
Associate	\$200	-	\$255
Paralegal	\$145	-	\$200
Paralegal Assistant	\$110	-	\$135
Robert G. Cole	\$335 (standard rate for reimbursable subaccounts)		
	\$295 (discounted rate for all non-reimbursable subaccounts)		
Kathryn G. Winn	\$255		
Peggy Rupp	\$180		

These hourly rates are uniform for all legal services provided, including litigation.



AGENDA DOCUMENTATION

NEW BUSINESS:V.2

PAGOSA SPRINGS TOWN COUNCIL

NOVEMBER 1, 2015

FROM: GREGORY J. SCHULTE, TOWN MANAGER

PROJECT: TOWN COUNCIL GOALS AND OBJECTIVES 2017

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND:

Beginning in June 2014, the Town Council went through a lengthy process to review and document its goals and objectives for the Town. The resulting document is the Town Council Goals and Objectives. This process was essentially repeated in 2015 for the calendar year of 2016. While the Council normally goes through the goal setting process in June, because there was turnover in the Council, it wasn't until October 14th that the full Council was able to sit down to discuss priorities. In general, the main goals are similar to prior years but with some changes. The revised Town Council's 4 goals (not in any priority order) as follows with the edits in red:

- Goal 1: Define and foster Pagosa's unique character and sense of place.
- Goal 2: Recognize and value downtown as the community's heart.
- Goal 3: Promote a vital local economy by supporting economic development, **energy efficiency**, and tourism.
- Goal 4: Improve communication, encourage public engagement, and pursue cooperative **and efficient** relationships.

There were other edits and modifications to Objectives within each Goal and those are noted on the attached matrix. Other notable additions, by Goal, include:

Goal 1

A possible dog park, assistance with recycling, a focus on the stone arch bridge and waterworks building

Goal 2:

Increased bike and pedestrian facilities, beautification of downtown, encouraging a downtown hotel with conference center.

Goal 3:

Reallocation of DOLA geothermal funding, Housing Needs Assessment, expansion of broadband, post-secondary education, increased energy efficiency and self-sufficiency, and expanding tourism in shoulder seasons.

Goal 4:

Examining possible efficiencies with the County regarding shared services.

ATTACHMENTS:

Revised 2017 Goals and Objectives Matrix

FISCAL IMPACTS:

The fiscal impact is largely indirect as the goals and objectives specify where resources should be allocated in accordance with the indicated priority. The goals and objectives will serve as a tool to help decide where extra money is spent, or if the event of a shortfall where it should be prioritized.

ACTIONS:

Possible actions by the Town Council include:

1. **Move to ADOPT the Town Council 2017 Goals & Objectives Matrix as presented.”**
2. **Move to ADOPT the Town Council 2017 Goals & Objectives Matrix with the following changes . . .”**
3. **Move to NOT ADOPT the Town Council 2017 Goals & Objectives Matrix and direct staff. . .”**

Town Council Goals and Objectives
2017-2018

Goal 1: Define and foster Pagosa's *unique character and sense of place* .

Objective 1.1: Complete Planned Trail System

Objective 1.2: Enhance, Protect, and Utilize Pagosa's Natural Resources

Objective 1.3: Enhance and Protect our Historic Resources

Objective 1.4: Explore and Nourish Pagosa's Unique Character

Goal 2: Recognize and value a healthy and authentic *downtown* as the community's heart.

Objective 2.1: Complete Downtown Riverwalk

Objective 2.2: Expand and Rehabilitate the Downtown Streets & Sidewalks

Objective 2.3: Help to Re-Vitalize & Expand the Downtown Commercial Area

Goal 3: Promote a *vital local economy* by supporting economic development, energy efficiency, and tourism.

Objective 3.1: Explore and Expand our Geothermal Resources

Objective 3.2: Maintain and Possibly Expand Public Transportation

Objective 3.3: Energize General Economic Development Efforts

Objective 3.4: Energize Tourism and Visitor Economic Development

Objective 3.5: Explore and Expand Energy Efficiency and Self-Sufficiency

Goal 4: Improve *communication* , encourage public engagement and pursue cooperative efficient relationships.

Objective 4.1: Improve Public Engagement and Communication

Objective 4.2: Participation and Communication by Board and Commissions

Objective 4.3: Improve Intergovernmental Entity Communication

Goal 1: Define and foster Pagosa's unique character and sense of place.

Objective 1.1: Complete Planned Trail System

Action:	Council Actions:				Priority Level:			CIP:		Timeline:				Estimated Project Cost	Estimated Town Share
	Provide Direction	Monitor Progress	Adopt Ordinance	Refer To Voters	Critical	Important	Routine	Yes	No	2017	2018	2019	2020+		
Town to Lakes Trail															
West phase	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					↻	X		⊖					
East phase	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					↻	X		⊖					
Middle phase	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			!			X		⊖	⊖	⊖	⊖		
Trail Implementation															
Acquire right-of-way	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			!			X		⊖	⊖				
Determine trail surface	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			!			X		⊖	⊖				

Objective 1.2: Enhance, Protect, and Utilize Pagosa's Natural Resources

Action:	Council Actions:				Priority Level:			CIP:		Timeline:				Estimated Project Cost	Estimated Town Share
	Provide Direction	Monitor Progress	Adopt Ordinance	Refer To Voters	Critical	Important	Routine	Yes	No	2017	2018	2019	2020+		
Reservoir Hill															
Review capacity and use limits	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					↻		X	⊖	⊖				
Review ADA accessibility	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			!			X		⊖	⊖				
Explore parking options	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				⊖		X		⊖	⊖				
Explore acquiring adjacent properties	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>						X		⊖	⊖				
San Juan River															
Complete river features	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					↻	X		⊖					
Plan and Develop Community Dog Park	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				⊖				⊖					
Recycling and Consumption Reduction - Support County	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				⊖			X	⊖	⊖	⊖			

Objective 1.3: Enhance and Protect our Historic Resources

Action:	Council Actions:				Priority Level:			CIP:		Timeline:				Estimated Project Cost	Estimated Town Share
	Provide Direction	Monitor Progress	Adopt Ordinance	Refer To Voters	Critical	Important	Routine	Yes	No	2017	2018	2019	2020+		
Conduct Ongoing Public Education	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					↻		X	⊖	⊖	⊖	⊖		
Repair/Stabilize Stone Arch Bridge	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			!			X		⊖	⊖				
Museum and Water Works Planning	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				⊖			X	⊖	⊖				

Objective 1.4: Explore and Nourish Pagosa's Unique Character

Action:	Council Actions:				Priority Level:			CIP:		Timeline:				Estimated Project Cost	Estimated Town Share
	Provide Direction	Monitor Progress	Adopt Ordinance	Refer To Voters	Critical	Important	Routine	Yes	No	2017	2018	2019	2020+		
Outreach to Community	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				⊖			X	⊖	⊖	⊖	⊖		
Promote a Multi-Generational Community	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			!					⊖	⊖				

Goal 2: Recognize and value a healthy and authentic downtown as the community's heart.

Objective 2.1: Complete Downtown Riverwalk

Action:	Council Actions:				Priority Level:			CIP:		Timeline:				Estimated Project Cost	Estimated Town Share
	Provide Direction	Monitor Progress	Adopt Ordinance	Refer To Voters	Critical	Important	Routine	Yes	No	2017	2018	2019	2020+		
Ascertain Right-of-way for Hermosa and River Routes	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			!				X	X	⊖				
Connect Riverwalk Town Park East to River Center	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			!			X			⊖	⊖	⊖	⊖	
Acquire/develop Public River Launch Site	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				⊖		X			⊖				
Review/improve Public River Take-out Site at Yamaguchi	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				⊖		X			⊖				

Objective 2.2: Expand and Rehabilitate the Downtown Streets & Sidewalks

Action:	Council Actions:				Priority Level:			CIP:		Timeline:				Estimated Project Cost	Estimated Town Share
	Provide Direction	Monitor Progress	Adopt Ordinance	Refer To Voters	Critical	Important	Routine	Yes	No	2017	2018	2019	2020+		
Install/Repair Downtown Sidewalks and Lighting	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					↻	X			⊖	⊖	⊖	⊖	
Mainstreet Sidewalk & Lighting (Hwy 84 to 8th St)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				⊖		X			⊖	⊖	⊖	⊖	
Slowing Hwy 160 Traffic through Downtown	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				⊖		X			⊖	⊖	⊖	⊖	
First Street Pedestrian Crossing	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>									⊖	⊖	⊖	⊖	
Increased Enforcement	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>									⊖	⊖	⊖	⊖	
Planter area between 1st St Bridge and Conoco	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				⊖		X			⊖	⊖			
Encourage Pedestrian and Bike Amenities (crosswalks and sharrows)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					↻	X			⊖	⊖			
Ascertain 5th Street Bridge Options	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	!			X			⊖				

Objective 2.3: Help to Re-Vitalize & Expand the Downtown Commercial Area

Action:	Council Actions:				Priority Level:			CIP:		Timeline:				Estimated Project Cost	Estimated Town Share
	Provide Direction	Monitor Progress	Adopt Ordinance	Refer To Voters	Critical	Important	Routine	Yes	No	2017	2018	2019	2020+		
Explore & Expand Parking Capacity	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			!			X			⊖	⊖	⊖	⊖	
Beautification of Downtown Core	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				⊖		X			⊖	⊖			
Encourage a Downtown Conference Center with Hotel	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			!						⊖	⊖	⊖		
Support County Admin Facilities in Downtown	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			!						⊖	⊖			

Goal 3: Promote a vital local economy by supporting economic development, energy efficiency, and tourism.

Objective 3.1: Explore and Expand our Geothermal Resources

Action:	Council Actions:				Priority Level:			CIP:		Timeline:				Estimated Project Cost	Estimated Town Share
	Provide Direction	Monitor Progress	Adopt Ordinance	Refer To Voters	Critical	Important	Routine	Yes	No	2017	2018	2019	2020+		
Support Greenhouse Project															
Partnering with GGP for 2nd and 3rd Domes	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				⊖		X		⊖	⊖	⊖	⊖		
Maintain Town's Geothermal Utility System															
Geothermal Maintenance and Repair Program	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			!			X		⊖	⊖	⊖			
Heating Plan and Resource Evaluation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				⊖		X			⊖	⊖			
Request Reallocation of DoLA Geothermal Funding (\$1.4 mil)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>													

Objective 3.2: Maintain and Possibly Expand Public Transportation

Action:	Council Actions:				Priority Level:			CIP:		Timeline:				Estimated Project Cost	Estimated Town Share
	Provide Direction	Monitor Progress	Adopt Ordinance	Refer To Voters	Critical	Important	Routine	Yes	No	2017	2018	2019	2020+		
Support Countywide & Regional Public Transportation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				⊖			X	⊖	⊖	⊖	⊖		

Objective 3.3: Energize General Economic Development Efforts

Action:	Council Actions:				Priority Level:			CIP:		Timeline:				Estimated Project Cost	Estimated Town Share
	Provide Direction	Monitor Progress	Adopt Ordinance	Refer To Voters	Critical	Important	Routine	Yes	No	2017	2018	2019	2020+		
Support Town & County Leadership in Economic Develop	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			!		↻		X	⊖	⊖				
Monitor Success of CDC	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				⊖		X		⊖	⊖				
Streamline New Business/Development Rules						⊖				⊖					
Economic development early action team	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			!			X		⊖	⊖				
Encourage Work Force Housing Development	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			!			X		⊖	⊖	⊖	⊖		
Complete Update to the Housing Needs Assessment	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			!			X		⊖					
Encourage Community-Wide Early Childhood Care	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			!			X		⊖	⊖	⊖	⊖		
Support Expansion of Community Broadband	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			!			X		⊖	⊖	⊖	⊖		
Encourage Post Secondary Education Opportunities in Pagosa	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			!			X		⊖					
Develop Plan for Sanitation District Property	<input checked="" type="checkbox"/>				!					⊖					
Revise Econ Dev Incentives Policy	<input checked="" type="checkbox"/>					⊖		X		⊖					

Objective 3.4: Energize Tourism and Visitor Economic Development

Action:	Council Actions:				Priority Level:			CIP:		Timeline:				Estimated Project Cost	Estimated Town Share
	Provide Direction	Monitor Progress	Adopt Ordinance	Refer To Voters	Critical	Important	Routine	Yes	No	2017	2018	2019	2020+		
Increase Visitorship During Winter and Shoulder Seasons	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			!			X		⊖	⊖	⊖	⊖		

Objective 3.5: Explore and Expand Energy Efficiency and Self-Sufficiency

Action:	Council Actions:				Priority Level:			CIP:		Timeline:				Estimated Project Cost	Estimated Town Share
	Provide Direction	Monitor Progress	Adopt Ordinance	Refer To Voters	Critical	Important	Routine	Yes	No	2017	2018	2019	2020+		
Explore Alternative Energy Sources for Community Self-Sufficiency	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				⊖		X			⊖	⊖	⊖		
Educate in the Reduction of Consumption	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				⊖			X		⊖	⊖	⊖		

Goal 4: Improve communication, encourage public engagement and pursue cooperative efficient relationships.

Objective 4.1: Improve Public Engagement and Communication

Action:	Council Actions:				Priority Level:			CIP:		Timeline:				Estimated Project Cost	Estimated Town Share
	Provide Direction	Monitor Progress	Adopt Ordinance	Refer To Voters	Critical	Important	Routine	Yes	No	2017	2018	2019	2020+		
Improved Communication Mediums															
Website/TV/radio/social media/livestream feeds	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				⊙			X	⊖	⊖	⊖	⊖		
Identification of Issues and Concerns	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			!				X	⊖	⊖	⊖	⊖		
Publicize Success Stories	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				⊙			X	⊖	⊖	⊖	⊖		

Objective 4.2: Participation and Communication by Board and Commissions

Action:	Council Actions:				Priority Level:			CIP:		Timeline:				Estimated Project Cost	Estimated Town Share
	Provide Direction	Monitor Progress	Adopt Ordinance	Refer To Voters	Critical	Important	Routine	Yes	No	2017	2018	2019	2020+		
Better Communication between Council and Boards															
Council meetings with advisory boards	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				⊙			X	⊖	⊖				
Board to board meetings	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				⊙			X	⊖	⊖				
Verify/revise mission statements of advisory boards	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			⊙			X	⊖	⊖				

Objective 4.3: Improve Intergovernmental Entity Communication

Action:	Council Actions:				Priority Level:			CIP:		Timeline:				Estimated Project Cost	Estimated Town Share
	Provide Direction	Monitor Progress	Adopt Ordinance	Refer To Voters	Critical	Important	Routine	Yes	No	2017	2018	2019	2020+		
Participation on Boards and Committees															
School, TPR, COG, Reg 9, etc.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			!				X	⊖	⊖				
Outreach to Community Organizations	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				⊙			X	⊖	⊖				
Analyze Possible Combination of Town and County Services															
Parks & Rec, Planning & Building, Law Enforcement	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>							X	⊖	⊖				



AGENDA DOCUMENTATION

NEW BUSINESS:V.3

TOWN COUNCIL
NOVEMBER 1, 2016

FROM: SCOTT LEWANDOWSKI, SPECIAL PROJECT MANAGER

PROJECT: TOWN TO LAKES WEST PHASE BID AWARD

ACTION: DISCUSSION AND POSSIBLE DECISION

PURPOSE/BACKGROUND

The West Phase of the Town to Lakes trail has been under consideration for several years now. The West Phase goes along Highway 160 from Pinon Causeway to Aspen Village Drive (please see attached map). Town staff recently went out to bid for the project where it consisted of the base bid (main components of the project), alternate 1 (concrete and asphalt trail), alternate 2 (concrete only trail) and the additives items (preparation for trail lighting).

The most recent engineers estimate placed the project at a maximum price of \$625,167.50 for the base bid, alternate 2 and additive items. Staff received word that local contractors were highly interested in this project so staff extended the bid period in order for them to get prequalified with CDOT. Interested parties did not follow through with CDOT prequalification and or decided against bidding most likely due to current workload. Despite extending the bid period, the Town received only two bids for this project from Crossfire LLC and Jita Contracting LLC. Both of which were substantially higher than the engineers estimate. Please review the table below,

Bid Category	Engineers Estimate	Crossfire LLC	Jita Contracting
BASE BID + ALTERNATE 1 TOTAL	\$426,097.50	\$574,334.70	\$677,277.06
BASE BID + ALTERNATE 2 TOTAL	\$516,337.50	\$674,611.30	\$819,860.01
BASE BID + ALTERNATE 1 + ALL ADDITIVE ITEMS TOTAL	\$534,927.50	\$640,528.45	\$741,201.81
BASE BID + ALTERNATE 2 + ALL ADDITIVE ITEMS TOTAL	\$625,167.50	\$740,805.05	\$883,784.76

Based on the received bids, staff spoke with CDOT Region 5 staff member, Robert Shanks, on how best to move forward and he indicated that it was the Town’s decision to reject bids or move forward with an award. The combination of high bids and a winter shutdown scenario does not make issuing an award at this time cost effective. Therefore, it is staff’s recommendation is to reject all bids and re-bid in the winter of 2017 to allow more contractors to become prequalified and increase competition early in the 2017 construction season. Staff will work with Davis Engineering to get the re-bids out in early January and have an anticipated start date of April 2017.

ATTACHMENT(S)

- Project Map
- Bid Abstract

FISCAL IMPACT

The 2017 preliminary budget has \$700,000 for this project.

There are a variety of revenue streams for this project and they include:

Archuleta County PROST, TTPL West Phase*	\$200,000
PLPOA TTPL West Phase	\$45,000
State Trails Grant TTPL West Phase	\$200,000
County CDOT Enhancement West Phase	\$360,000
Total Revenue	\$805,000

*This revenue stream has some flexibility built into it and can be used for other phases of the Town to Lakes Trail.

RECOMMENDATION

- 1) Award the contract to the lowest bidder, Crossfire, in order to move forward with project.
- 2) Reject bids and re-bid in the winter of 2017 to get more favorable pricing.
- 3) Direct Staff

PINON CAUSEWAY TO ASPEN VILLAGE SHARED USE PATH PROJECT
ARCHULETA COUNTY, COLORADO

Project No.: STE C480-008 Project Code: 19219

Bid Abstract

10/13/2016

Item	Description	Quantity	Unit	Engineer's Estimate (DES)		Crossfire, LLC		Jita Contracting, Inc.	
				Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
201-00001	CLEARING & GRUBBING	1.63	ACRE	\$ 5,000.00	\$8,150.00	\$2,683.00	\$4,373.29	\$9,200.00	\$14,996.00
202-00012	REMOVAL OF TREE STUMP	8	EA.	\$ 250.00	\$2,000.00	\$288.00	\$2,304.00	\$250.00	\$2,000.00
202-00204	REMOVAL OF CURB, GUTTER & SIDEWALK	66	L.F.	\$ 10.00	\$660.00	\$17.00	\$1,122.00	\$9.50	\$627.00
202-00220	REMOVAL OF ASPHALT MAT	60	S.Y.	\$ 20.00	\$1,200.00	\$22.00	\$1,320.00	\$10.43	\$625.80
202-00250	REMOVAL OF PAVEMENT MARKING	117	S.F.	\$ 10.00	\$1,170.00	\$6.80	\$795.60	\$29.75	\$3,480.75
202-00750	REMOVAL OF LUMINAIRE	2	EA.	\$ 500.00	\$1,000.00	\$794.00	\$1,588.00	\$937.50	\$1,875.00
202-00810	REMOVAL OF GROUND SIGN	1	EA.	\$ 150.00	\$150.00	\$66.00	\$66.00	\$312.50	\$312.50
202-04002	CLEAN CULVERT	3	EA.	\$ 1,500.00	\$4,500.00	\$2,267.00	\$6,801.00	\$375.00	\$1,125.00
203-00100	MUCK EXCAVATION	350	C.Y.	\$ 20.00	\$7,000.00	\$51.00	\$17,850.00	\$25.00	\$8,750.00
203-01597	POTHOLING	20	HR.	\$ 200.00	\$4,000.00	\$294.00	\$5,880.00	\$437.50	\$8,750.00
207-00205	TOPSOIL	650	C.Y.	\$ 10.00	\$6,500.00	\$20.50	\$13,325.00	\$12.50	\$8,125.00
207-00210	STOCKPILE TOPSOIL	650	C.Y.	\$ 8.00	\$5,200.00	\$14.00	\$9,100.00	\$10.00	\$6,500.00
208-00004	SILT BERM	1,009	L.F.	\$ 5.00	\$5,045.00	\$5.75	\$5,801.75	\$7.90	\$7,971.10
208-00007	EROSION LOG (8 INCH)	1,027	L.F.	\$ 3.00	\$3,081.00	\$3.75	\$3,851.25	\$4.76	\$4,888.52
208-00020	SILT FENCE	3,361	L.F.	\$ 3.00	\$10,083.00	\$2.25	\$7,562.25	\$2.28	\$7,663.08
208-00045	CONCRETE WASHOUT STRUCTURE	1	EA.	\$ 1,000.00	\$1,000.00	\$1,782.00	\$1,782.00	\$3,125.00	\$3,125.00
208-00070	VEHICLE TRACKING PAD	2	EA.	\$ 2,500.00	\$5,000.00	\$1,291.00	\$2,582.00	\$2,500.00	\$5,000.00
208-00103	REMOVAL AND DISPOSAL OF SEDIMENT (LABOR)	25	HR.	\$ 50.00	\$1,250.00	\$70.50	\$1,762.50	\$68.75	\$1,218.75
208-00206	EROSION CONTROL MANAGEMENT	26	DAYS	\$ 175.00	\$4,550.00	\$551.00	\$14,326.00	\$295.00	\$7,670.00
210-00040	RESET WATER LINE	1	L.S.	\$ 500.00	\$500.00	\$736.00	\$736.00	\$625.00	\$625.00
210-00810	RESET GROUND SIGN	2	EA.	\$ 250.00	\$500.00	\$200.00	\$400.00	\$475.00	\$950.00
210-04050	ADJUST VALVE BOX	2	EA.	\$ 300.00	\$600.00	\$350.00	\$700.00	\$625.00	\$1,250.00
211-03005	DEWATERING	1	L.S.	\$ 5,000.00	\$5,000.00	\$2,450.00	\$2,450.00	\$14,750.00	\$14,750.00
212-00006	SEEDING (NATIVE)	0.70	ACRES	\$ 1,500.00	\$1,050.00	\$2,900.00	\$2,030.00	\$1,546.25	\$1,082.38
212-00011	SEEDING (LAWN)	0.12	ACRES	\$ 1,500.00	\$180.00	\$4,666.67	\$560.00	\$2,470.00	\$296.40
212-00028	SEEDING (WETLAND)	0.008	ACRES	\$ 250,000.00	\$2,000.00	\$70,375.00	\$563.00	\$70,516.25	\$564.13
212-00032	SOIL CONDITIONING	0.82	ACRES	\$ 1,500.00	\$1,230.00	\$699.55	\$573.63	\$8,825.60	\$7,236.99
213-00002	MULCHING (WEED FREE HAY)	0.70	ACRES	\$ 1,000.00	\$700.00	\$1,193.61	\$835.53	\$3,096.25	\$2,167.38
213-00012	SPRAY-ON MULCHING BLANKET	0.82	ACRES	\$ 3,500.00	\$2,870.00	\$825.19	\$676.66	\$6,048.75	\$4,959.98
240-00000	WILDLIFE BIOLOGIST	10	HR.	\$ 100.00	\$1,000.00	\$80.25	\$802.50	\$183.10	\$1,831.00
304-02005	AGGREGATE BASE COURSE (CL. 2)	350	C.Y.	\$ 35.00	\$12,250.00	\$45.75	\$16,012.50	\$37.50	\$13,125.00
403-00720	HOT MIX ASPHALT (PATCHING) (ASPH.)	4	TONS	\$ 200.00	\$800.00	\$719.00	\$2,876.00	\$330.60	\$1,322.40
506-01020	GEOGRID REINFORCEMENT	1,050	S.Y.	\$ 5.00	\$5,250.00	\$3.00	\$3,150.00	\$5.00	\$5,250.00
601-01000	CONCRETE CLASS B	36	C.Y.	\$ 1,000.00	\$36,000.00	\$504.25	\$18,153.00	\$857.50	\$30,870.00
603-10080	8 INCH CORRUGATED STEEL PIPE	58.5	L.F.	\$ 30.00	\$1,755.00	\$36.00	\$2,106.00	\$34.37	\$2,016.55
603-10120	12 INCH CORRUGATED STEEL PIPE	57	L.F.	\$ 40.00	\$2,280.00	\$48.50	\$2,764.50	\$37.50	\$2,137.50
603-10180	18 INCH CORRUGATED STEEL PIPE	43	L.F.	\$ 60.00	\$2,580.00	\$58.00	\$2,494.00	\$45.00	\$1,935.00
603-XXXXX	8 INCH STEEL END SECTION	5	EA.	\$ 150.00	\$750.00	\$482.00	\$2,410.00	\$250.00	\$1,250.00
603-30012	12 INCH STEEL END SECTION	6	EA.	\$ 200.00	\$1,200.00	\$437.50	\$2,625.00	\$250.00	\$1,500.00
603-30015	15 INCH STEEL END SECTION	1	EA.	\$ 300.00	\$300.00	\$796.00	\$796.00	\$312.50	\$312.50
603-30018	18 INCH STEEL END SECTION	4	EA.	\$ 400.00	\$1,600.00	\$584.50	\$2,338.00	\$437.50	\$1,750.00
603-50015	15 INCH PLASTIC PIPE	4	L.F.	\$ 50.00	\$200.00	\$125.00	\$500.00	\$156.25	\$625.00
603-50018	18 INCH PLASTIC PIPE	5.5	L.F.	\$ 60.00	\$330.00	\$132.00	\$726.00	\$175.00	\$962.50
604-19000	INLET (SPECIAL)	3	EA.	\$ 1,500.00	\$4,500.00	\$1,309.00	\$3,927.00	\$5,062.50	\$15,187.50
607-11525	FENCE (PLASTIC)	2,736	L.F.	\$ 4.00	\$10,944.00	\$2.25	\$6,156.00	\$3.94	\$10,779.84
608-00012	CONCRETE CURB RAMP (SPECIAL)	128	S.Y.	\$ 120.00	\$15,360.00	\$63.50	\$8,128.00	\$148.32	\$18,984.96
609-21900	CURB AND GUTTER TYPE 2 (12 INCH PAN) (SPECIAL)	44	L.F.	\$ 25.00	\$1,100.00	\$56.00	\$2,464.00	\$151.87	\$6,682.28
609-21900	CURB AND GUTTER TYPE 2 (18 INCH PAN) (SPECIAL)	22	L.F.	\$ 30.00	\$660.00	\$90.00	\$1,980.00	\$151.87	\$3,341.14
612-00043	DELINEATOR (FLEXIBLE) (TYPE III)	6	EA.	\$ 50.00	\$300.00	\$71.00	\$426.00	\$370.00	\$2,220.00
613-00100	1 INCH ELECTRICAL CONDUIT	16	L.F.	\$ 8.00	\$128.00	\$38.00	\$608.00	\$7.04	\$112.64
613-00150	1-1/2 INCH ELECTRICAL CONDUIT	34	L.F.	\$ 11.00	\$374.00	\$106.50	\$3,621.00	\$11.24	\$382.16
613-01100	1 INCH ELECTRICAL CONDUIT (PLASTIC)	18	L.F.	\$ 6.00	\$108.00	\$64.50	\$1,161.00	\$3.92	\$70.56
613-01200	2 INCH ELECTRICAL CONDUIT (PLASTIC)	21	L.F.	\$ 13.00	\$273.00	\$29.50	\$619.50	\$7.85	\$164.85
613-01300	3 INCH ELECTRICAL CONDUIT (PLASTIC)	42	L.F.	\$ 14.00	\$588.00	\$26.50	\$1,113.00	\$11.77	\$494.34
613-07023	PULL BOX (24"x36"x24")	2	EA.	\$ 1,200.00	\$2,400.00	\$3,434.00	\$6,868.00	\$1,441.61	\$2,883.22
613-10000	WIRING (SPECIAL)	1	L.S.	\$ 5,000.00	\$5,000.00	\$40,688.00	\$40,688.00	\$5,686.76	\$5,686.76
614-00011	SIGN PANEL (CLASS 1)	72.25	S.F.	\$ 30.00	\$2,167.50	\$25.00	\$1,806.25	\$50.38	\$3,639.96
614-01502	STEEL SIGN POST (2-IN. RD.) (PO. \$ SOCK.)	165	L.F.	\$ 20.00	\$3,300.00	\$29.75	\$4,908.75	\$22.50	\$3,712.50
614-70150	PEDESTRIAN SIGNAL FACE (16) (COUNTDOWN)	2	EA.	\$ 600.00	\$1,200.00	\$1,334.00	\$2,668.00	\$6,500.00	\$13,000.00
614-70200	ACCESSIBLE PEDESTRIAN SIGNAL	2	EA.	\$ 1,200.00	\$2,400.00	\$1,493.00	\$2,986.00	\$2,425.00	\$4,850.00
614-72863	PEDESTRIAN PUSH BUTTON POST ASSEMBLY	1	EA.	\$ 1,200.00	\$1,200.00	\$1,397.00	\$1,397.00	\$2,750.00	\$2,750.00
625-00000	CONSTRUCTION SURVEYING	1	L.S.	\$ 20,000.00	\$20,000.00	\$8,500.00	\$8,500.00	\$29,230.00	\$29,230.00
626-01000	PUBLIC INFORMATION SERVICES	1	L.S.	\$ 5,000.00	\$5,000.00	\$22,000.00	\$22,000.00	\$5,625.00	\$5,625.00
627-30405	PREFORMED THERM. PVMT. MARK. (WS)	15.5	S.F.	\$ 12.00	\$186.00	\$74.00	\$1,147.00	\$204.26	\$3,166.03
627-30410	PREFORMED THERM. PVMT. MARK. (X-WLK)	957	S.F.	\$ 10.00	\$9,570.00	\$15.75	\$15,072.75	\$17.24	\$16,498.68
Base Bid Subtotals					\$239,222.50		\$307,716.20		\$343,429.71

Notes: For Crossfire LLC., the Alternate 1 - Asphalt Trail bid schedule had a difference of -\$24,937.50 for the item 602-00000 based on the unit price. The Alternate 2 - Concrete Trail bid schedule had a difference of +\$0.10 in summation of the subtotal. Therefore the potential project award scenario amounts become modified.

For Jita Contracting Inc., several items in the base bid schedule had values backed into the unit pricing from the extension amount. Section II-Information to Bidders in the Contract Documents explains the unit price Bid controls and will be held to determine the total bid therefore the difference in the base bid schedule total was +\$4.65. For Alternate 1 - Asphalt Trail bid schedule the items 626-00000 & 630-XXXXX were lump sum items and the extension did not match the unit price therefore creating a difference of -\$22,551.25. Therefore the potential project award scenario amounts become modified.

The total of Force Account Items \$36,800 (Minor Contract Revisions, Fuel Cost Adjustments, Adjust Utilities, & Erosion Control) is to be included for the project budget (for Owner).

**PINON CAUSEWAY TO ASPEN VILLAGE SHARED USE PATH PROJECT
ARCHULETA COUNTY, COLORADO**

Project No.: STE C480-008 Project Code: 19219
Bid Abstract
10/13/2016

				Engineer's Estimate (DES)	Crossfire, LLC	Jita Contracting, Inc.	
ALTERNATE 1 - CONCRETE AND ASPHALT TRAIL							
Item	Description	Quantity	Unit	Unit Price	Extension	Unit Price	Extension
203-00010	UNCLASSIFIED EXCAVATION (CIP)	1,362	C.Y.	\$ 10.00	\$13,620.00	\$ 14.50	\$19,749.00
604-06007	AGGREGATE BASE COURSE (CL. 6)	1,115	C.Y.	\$ 50.00	\$55,750.00	\$ 33.00	\$36,795.00
602-00000	REINFORCING STEEL	3,450	LBS.	\$ 0.90	\$3,105.00	\$ 1.75	\$6,037.50
608-01500	BITUMINOUS BIKEWAY (SPECIAL)	680	TONS	\$ 130.00	\$88,400.00	\$ 167.00	\$113,560.00
626-00000	MOBILIZATION	1	L.S.	\$ 18,000.00	\$18,000.00	\$ 67,526.00	\$67,526.00
630-XXXXX	CONSTRUCTION ZONE TRAFFIC CONTROL	1	L.S.	\$ 8,000.00	\$8,000.00	\$ 22,951.00	\$22,951.00
Alternate 1 Subtotals					\$186,875.00		\$266,618.50

ALTERNATE 2 - CONCRETE TRAIL							
Item	Description	Quantity	Unit	Unit Price	Extension	Unit Price	Extension
203-00010	UNCLASSIFIED EXCAVATION (CIP)	1,261	C.Y.	\$ 10.00	\$12,610.00	\$ 14.50	\$18,284.50
304-06007	AGGREGATE BASE COURSE (CL. 6)	815	C.Y.	\$ 50.00	\$40,750.00	\$ 33.00	\$26,895.00
602-00000	REINFORCING STEEL	17,700	LBS.	\$ 0.90	\$15,930.00	\$ 1.10	\$19,470.00
608-00040	CONCRETE BIKEWAY (SPECIAL)	3,785	S.Y.	\$ 45.00	\$170,325.00	\$ 55.56	\$210,294.60
626-00000	MOBILIZATION	1	L.S.	\$ 25,000.00	\$25,000.00	\$ 69,000.00	\$69,000.00
630-XXXXX	CONSTRUCTION ZONE TRAFFIC CONTROL	1	L.S.	\$ 12,500.00	\$12,500.00	\$ 22,951.00	\$22,951.00
Alternate 2 Subtotals					\$277,115.00		\$366,895.10

ADDITIVE ITEMS - PREPARATION FOR TRAIL LIGHTING							
Item	Description	Quantity	Unit	Unit Price	Extension	Unit Price	Extension
602-00000	REINFORCING STEEL	1,700	LBS.	\$ 0.90	\$1,530.00	\$ 1.80	\$3,060.00
613-00200	2 INCH ELECTRICAL CONDUIT	3,025	L.F.	\$ 12.00	\$36,300.00	\$ 13.75	\$41,593.75
613-40012	LIGHT STD. FOUNDATION (SPECIAL)	34	EA.	\$ 2,000.00	\$68,000.00	\$ 600.00	\$20,400.00
625-00001	CONSTRUCTION SURVEYING	12	HR.	\$ 250.00	\$3,000.00	\$ 95.00	\$1,140.00
Additive Items Subtotals					\$108,830.00		\$66,193.75

BASE, ALTERNATES & ADDITIVE BIDS SUMMARY				Engineer's Estimate (DES)	Crossfire, LLC	Jita Contracting, Inc.
BASE BID + ALTERNATE 1 TOTAL				\$426,097.50	\$574,334.70	\$677,277.06
BASE BID + ALTERNATE 2 TOTAL				\$516,337.50	\$674,611.30	\$819,860.01
BASE BID + ALTERNATE 1 + ALL ADDITIVE ITEMS TOTAL				\$534,927.50	\$640,528.45	\$741,201.81
BASE BID + ALTERNATE 2 + ALL ADDITIVE ITEMS TOTAL				\$625,167.50	\$740,805.05	\$883,784.76

Notes: For Crossfire LLC., the Alternate 1 - Asphalt Trail bid schedule had a difference of -\$24,937.50 for the item 602-00000 based on the unit price. The Alternate 2 - Concrete Trail bid schedule had a difference of +\$0.10 in summation of the subtotal. Therefore the potential project award scenario amounts become modified.

For Jita Contracting Inc., several items in the base bid schedule had values backed into the unit pricing from the extension amount. Section II-Information to Bidders in the Contract Documents explains the unit price Bid controls and will be held to determine the total bid therefore the difference in the base bid schedule total was +\$4.65. For Alternate 1 - Asphalt Trail bid schedule the items 626-00000 & 630-XXXXX were lump sum items and the extension did not match the unit price therefore creating a difference of -\$22,551.25. Therefore the potential project award scenario amounts become modified.

The total of Force Account Items \$36,800 (Minor Contract Revisions, Fuel Cost Adjustments, Adjust Utilities, & Erosion Control) is to be included for the project budget (for Owner).

PLANS FOR THE PINON CAUSEWAY TO ASPEN VILLAGE SHARED USE PATH

PROJECT NO. STE C480-008
PROJECT CODE 19219

PREPARED FOR
ARCHULETA COUNTY

PREPARED BY
DAVIS ENGINEERING SERVICE, INC.
188 S. 8TH STREET - P.O. BOX 1208
PAGOSA SPRINGS, COLORADO 81147

OWNERS APPROVAL

Archuleta County, Owner, does hereby accept and approve these plans for the Pinon Causeway to Aspen Village Shared Use Path Project located in Pagosa Springs, Colorado.

Owner: Archuleta County

_____, Title: _____

Attest: _____

_____, Title: _____

ENGINEER'S CERTIFICATE

I hereby certify that these plans for the Pinon Causeway to Aspen Village Shared Use Path were prepared by me, or under my direct supervision for the owner thereof.

**PRELIMINARY COPY
FOR BIDDING PURPOSES ONLY**

Michael M. Davis
Registered Engineer
Colorado Certificate No. 32583

TABLE OF CONTENTS	Sheet
Location Map	1
Legend for Plan View	1
Project Plan Overview	1
CDOT M&ES Standards List	2
General, Utility, Environmental & Earthwork Notes	3
Summary of Quantities	4
Easement Sketch & Tabulations	5
Abbreviation Definitions	6
Survey Control Sketch & Coordinate Table	6
Light Base Table	6
Line, Curve, and Radius Point Tables	6
CDOT Survey Tabulation Sheet	7
Wetland Impact Plan View	8
Storm Water Management Plan (SWMP) 1	9
Storm Water Management Plan (SWMP) 2	10
Storm Water Management Plan (SWMP) 3	11
Storm Water Management Plan (SWMP) 4	12
Traffic Control Plan	13
Striping & Signing Plan	14
Plan & Profile	15
Trail Station Beginning to 5+00	16
Trail Station 4+00 to 16+00	17
Trail Station 16+00 to 28+00	18
Trail Station 28+00 to 37+00	19
Cross Sections	20
Trail Station Beginning to 3+69.52	21
Trail Station 3+75 to 8+50	22
Trail Station 8+75 to 14+75	23
Trail Station 15+00 to 21+00	24
Trail Station 21+25 to 25+25	25
Trail Station 25+50 to 29+00	26
Trail Station 29+06.04 to 33+00.52	27
Trail Station 33+10.52 to 36+47.29	28
Construction Details	29 & 30
Cross Sections at Culvert Locations	29
Typ. Cross Sections & Catch Basin Details	30
Construction Details at Pinon Causeway & U.S. HWY 160 Intersection	31
Construction Details for Trail Across Village Drive, Across Pinon Causeway, L-Retaining Wall, & Light Base Details	32
Construction Details for Trail Across Alpha Drive, Across Aspen Village Drive, & Retaining Wall Details	33

LEGEND FOR OVERVIEW

- EXISTING HIGHWAY ROW LINE
- PERMANENT EASEMENT LINE
- CONSTRUCTION EASEMENT LINE
- PROPOSED TRAIL
- DELINEATED WETLAND
- PERMANENT WETLAND IMPACT

TABULATION OF LENGTH

STATION	FEET
STA 0+00 BEGIN PROJECT	
STA 0+97.97 CROSS VILLAGE DRIVE	97.97
STA 1+52.09	
STA 3+91.52 CROSS U.S. HWY 160	239.43
STA 4+48.66	
STA 23+73.91 CROSS ALPHA DRIVE	1925.25
STA 24+9.00	
STA 36+53.30 CROSS ASPEN VILLAGE DRIVE	1234.30
STA 39+92.08	
STA 37+00.06 END PROJECT	7.98
TOTAL	3438.87
SUMMARY OF PROJECT LENGTH	
TRAIL PATH LENGTH	3438.87
PROJECT GROSS LENGTH	3700.06



LEGEND FOR PLAN VIEW

N 56°17'24" E 410.62'

S 56°17'24" W 353.72'

S 29°12'48" W 277.610'

S 56°17'24" E 410.62'

- EXISTING HIGHWAY ROW LINE W/BEARING & DISTANCE
- PERMANENT EASEMENT LINE W/BEARING & DISTANCE
- PERMANENT EASEMENT
- CONSTRUCTION EASEMENT LINE W/BEARING & DISTANCE
- CONSTRUCTION EASEMENT
- DISTURBED LIMITS EXTENT (APPROX)
- REFERENCE/CENTERLINE W/STATIONING
- EXISTING OVER-HEAD POWER/TRAFFIC LIGHT W/POLE
- EXISTING FIBER OPTIC LINE
- EXISTING TELEPHONE LINE
- EXISTING GAS LINE
- EXISTING ELECTRICAL LINE
- EXISTING FENCE LINE
- EXISTING CONTOUR LINE W/ELEVATION
- RADIAL LINES TO PC AND PT POINTS
- EXISTING CULVERT
- CULVERT W/CONCRETE INLET & END SECTION
- CULVERT W/END SECTIONS
- SWALE OR DITCH
- ELECTRICAL CONDUIT
- EDGE OF TRAIL SHOULDER
- ASPHALT TRAIL PATCH, OR PAVING HATCH
- CONCRETE HATCH
- CURB RAMP HATCH
- GRAVEL HATCH
- ASPHALT REMOVAL
- DELINEATED WETLAND
- PERMANENT WETLAND IMPACT
- TRUNCATED DOME INSERT
- RADIUS POINT
- F/G SPOT ELEVATION
- EXISTING OR INTERPOLATED F/G SPOT ELEVATION
- LIGHT BASE

AS NOTED 02/03/16

DESIGNED BY	SMS/CML	SMS/CML	MMD	MMD
DRAWN BY				
CHECKED BY				
DATE				

DAVIS ENGINEERING SERVICE, INC.
188 S. 8TH STREET - P.O. BOX 1208
PAGOSA SPRINGS, COLORADO 81147
PHONE: (970) 264-5050
FAX: (970) 264-9210

Archuleta County
PO Box 1507
Pagosa Springs, CO 81147

Proj. No. STE C480-008, Proj. Code: 19219
Pinon Causeway to Aspen Village Shared Use Path Project
Location, Overview, TOC, Plan Legend, Owner Certificate

P06436



AGENDA DOCUMENTATION

NEW BUSINESS:V.4

TOWN COUNCIL
NOVEMBER 1, 2016

FROM: SCOTT LEWANDOWSKI, SPECIAL PROJECTS MANAGER

PROJECT: DESIGN AND ENGINEERING AWARD FOR SAFE ROUTES AND HARMAN HILL

ACTION: DISCUSSION AND POSSIBLE DECISION

PURPOSE/BACKGROUND

Staff is seeking to complete design and engineering for two projects within Town, Safe Routes to School (North 8th Street) and the Harman Hill section of the Town to Lakes trail. It was recommended by CDOT Region 5 staff to combine the two projects into one request for qualification (RFQ) to enhance the cost effectiveness of the overall project. Both would take a majority of 2017 to complete the design, engineering and CDOT processes. It is anticipated that the Safe Routes to School will be advertised in the fall 2017. Due to the availability of TAP funding that was just received, the Harman Hill portion will be slated for a 2018 advertisement and construction timeline.

Staff recently went to RFQ and five (5) firms responded. Staff rated their qualifications and subsequently interviewed the top three (3) qualified firms, which were Bohannan Huston, Davis Engineering, and SGM. Out of those interviews, Bohannan Huston was determined to be the most qualified. Since that determination, staff has been negotiating with Bohannan Huston to determine a fair price for both of the projects. Staff indicated to Bohannan Huston they would need to be as competitive as our local contractor, which would mean minimizing travel time and refining their costs in order to be comparable. After two rounds of negotiation, the following is a breakdown of the project costs, which have been driven down substantially throughout the process:

Safe Routes to School (North 8th Street) design, engineering, bid services, and construction management would cost \$139,930.07 and would be split between 2016 and 2017 budgets. For 2016, we will incur \$48,811.46 for Nov. and Dec. work and the remainder of work, \$91,118.64, will be in the 2017 budget. All of the above services represent 32% of the total project cost of \$440,000.

Harman Hill (Corner Stone Drive Trail) design, engineering, bid services, and construction management would cost \$206,790.04 with all expenses occurring in 2017. The services were estimated at \$145,000 for the 2017 budget, thereby requiring a budget refinement of an additional \$62,000 to fulfill this portion of the contract. The design and engineering portion of the project represents 14% of total anticipated cost of \$1.4 million (2016 engineers estimate).

Staff usually aims for 25% threshold for design and engineering costs in portion to the total project cost. Although the Safe Routes to Schools is 32% of total project cost, it will be split over two fiscal years. In addition, when averaging the cost of engineering services of the two projects, the average is 23%.

The total contract award for both projects is estimated at \$346,720.81.

ATTACHMENT(S)

- Bohannan Huston 10/18 proposal

FISCAL IMPACT

The Safe Routes to Schools project received \$346,500 in grant funds from CDOT. It is an 80/20 grant split with the Town's portion of the engineering services costs at 20% of \$139,930, or \$27,986.

For the Harman Hill project, the Town has received two grant awards of TAP funds in the amounts of \$260,000 and \$815,589 for a total of \$1,075,589. The Town has also a commitment of \$200,000 in County 1A funds, with the Town's

match being \$197,500. The total project budget is estimated at \$1,473,089. The TAP grant match requirement is 24%. Therefore the Town's portion of the engineering services contract is \$49,630.

Each project would come out of their respective accounts within the 2017 budget.

RECOMMENDATION

Possible action by Council may include:

- 1) Move to award the design and engineering services contract for the Safe Routes to School (N. 8th Street) and Harman Hill projects to Bohannon Huston.**
- 2) Move to NOT award the design and engineering services contract for the Safe Routes to School (N. 8th Street) and Harman Hill projects to Bohannon Huston and direct staff.**

TASK BREAKDOWN AND COST ESTIMATE
N. 8th St Sidewalk/Cornerstone Dr. Trail
Town of Pagosa Springs
REV 10/19/2016

TASKS		Cost
		N. 8th St. SW
1	Project Services/Management	
1.1	Project Management	\$ 806.35
1.2	Kickoff Meeting, Site Review	\$ 1,768.63
1.3	Project Management Plan/Schedule	\$ 645.08
1.4	Monthly Project Meetings**	\$ 334.43
1.5	Stakeholder/Agency Coordination	\$ 613.63
1.6	Public Involvement (TOWN)	\$ -
1.7	Right-of-Entry (TOWN)	\$ -
	LS	\$ 4,168.12
2	Data Acquisition and Survey	
2.1	Engineering Research	\$ 1,403.30
2.2	Design Survey and Mapping (BHI Survey)	\$ 6,902.26
2.3	Environmental Clearance/Permitting (SME)	\$ 18,238.00
2.4	Geotechnical Investigation/Pavement Design (Yeh)	\$ 7,238.80
	LS	\$ 33,782.36
3	Preliminary Design (FIR)	
3.1	Preliminary Layout	\$ 2,812.34
3.2	Preliminary Drainage Analysis/Plan	\$ 1,047.97
3.3	Preliminary Utility Coordination	\$ 743.45
3.4	Preliminary Signage and Striping Plan	\$ 507.59
3.5	Preliminary Intersection/Signal Modifications (HWY 160 & Piedra Rd.)	\$ -
3.6	Preliminary Cost Estimate	\$ -
3.7	Quality Control Review and Address Comments	\$ -
3.8	FIR Submittal/Review Meeting	\$ -
	LS	\$ 5,111.35
4	Final Design (FOR)	
4.1	Final Design	\$ -
4.2	Final Utility Coordination	\$ -
4.3	Traffic Control Plans	\$ -
4.4	Final Drainage Report	\$ -
4.5	Final Signage and Striping Plan	\$ -
4.6	Final Lighting Plan (8th St Only)	\$ -
4.7	Final Intersection/Signal Modifications (HWY 160 & Piedra Rd.)	\$ -
4.8	Construction Stormwater Discharge and Dewatering Permit	\$ -
4.9	Final Cost Estimate	\$ -
4.10	Technical Specifications and Bid Documents	\$ -
4.11	Quality Control Review and Address Comments	\$ -
4.12	FOR Submittal/Review Meeting	\$ -
4.13	PS&E/Final Plans	\$ -
	LS	\$ -
	Construction Easements/Trail Easement	
4A.1	ROW Map/Easements Exhibits (7 total) (BHI Survey)	\$ 5,750.00
4A.2	Vesting Documents & Acquisitions (TOWN)	\$ -
	LS	\$ 5,750.00
5	Bid Services	
5.1	Bid Documents	\$ -
5.2	Pre-Bid Attendance	\$ -
5.3	Addenda/Clarifications	\$ -
5.4	Bid Opening Attendance (TOWN)	\$ -
5.5	Bid Tabulation/Recommendation	\$ -
	LS	\$ -
6	Construction Management	
6.1	Pre-Construction Meeting	\$ -
6.2	Submittal Review	\$ -
6.3	RFI's, CO, Design Modification	\$ -
6.4	Material Testing (Yeh)	\$ -
6.5	Progress meetings	\$ -
6.6	Substantial/Final Completion	\$ -
6.7	Warranty Inspection	\$ -
6.8	Full time Construction Management & Inspection (Yeh)	\$ -
6.9	Record Drawings	\$ -
	T&M	\$ -
		\$ 48,811.83



AGENDA DOCUMENTATION

OLD BUSINESS:V.1

PAGOSA SPRINGS TOWN COUNCIL

NOVEMBER 1, 2016

FROM: CANDACE DZIELAK, COURT ADMINISTRATOR

PROJECT: ORDINANCE 849, MUNICIPAL COURT MONETARY COLLECTIONS, 2ND READING

ACTION: PUBLIC HEARING, DISCUSSION, AND POSSIBLE ACTION

PURPOSE/BACKGROUND

Ordinance 849 allows the presiding municipal court judge to refer, or cause the Court Clerk(s) to refer, unpaid monetary amounts to collections. The ordinance applies to all Municipal Court fines, fees, costs, restitution, and other amounts imposed by the Municipal Judge permitted by Section 1.3.3 and/or Chapter 10 of the Municipal Code.

Per Municipal Code Section 2.5.3(3), Municipal Court acquired 3 proposals for debt recovery services. These proposals are from Integral Recoveries, Wakefield and Associates, and Professional Finance Company. These proposals have been reviewed by court staff, and I will meet with the Town Manager to discuss the outcome of the proposal reviews. Upon the selection of a debt recovery company, a service agreement will be drafted and forwarded to Collins Cockrel & Cole for review. If the process moves forward as expected, Municipal Court will have debt recovery services in place, by 2017, for any court orders or judgements entered after the passage of Ordinance 849.

Costs of collections will be assessed against the defendants at the time accounts are referred for collections. Municipal Court will not incur any costs, therefore contracting for debt recovery services does not require a formal bidding process per Section 2.5.4 of the Municipal Code.

All defendants will be advised of a date certain to pay all outstanding costs, and the defendants will be advised of the collection fee to be assessed against their accounts if and when the accounts are referred for debt recovery. Court staff will make several attempts, by as many means possible, to contact defendants prior to referring the unpaid accounts to collections. As a rough estimate, cases referred to collections, annually, may be 10-12% (3 or 4 cases) of juvenile cases, less than 20% of adult cases (7 or 8 cases). Possibly 10-15% of traffic cases (50-60 cases).

ATTACHMENT(S):

Counsel Memorandum
Ordinance 849

FISCAL IMPACT

As drafted, Ordinance 849 assesses all reasonable costs of collection, not to exceed 25% of the amount assigned to collection, upon the defendant. The collection costs will be added to the existing fines, fees, costs, and restitution at the time the accounts are referred for debt collection services. Upon collection, the collections costs are retained by the debt recovery service, and Municipal Court receives the full balance of fines, fees, costs, and restitution owed prior to the assessment of collection fees.

RECOMMENDATION

It is the recommendation of the Court Administrator that the Town Council, by motion,

1. **Approve the second reading of Ordinance 849, allowing the presiding municipal judge to refer, or cause the Court Clerk(s) to refer, unpaid monetary amounts to collections.**
2. **Move to Deny the Second Reading of Ordinance 849.**
3. **Direct Staff Otherwise.**

TOWN OF PAGOSA SPRINGS, COLORADO

ORDINANCE NO. 849 (SERIES 2016)

**AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS
ADOPTING A NEW SECTION 10.3.11 OF THE PAGOSA
SPRINGS MUNICIPAL CODE FOR THE COLLECTION
OF UNPAID COSTS, FINES, FEES, RESTITUTION AND
OTHER AMOUNTS ORDERED BY THE MUNICIPAL
COURT**

WHEREAS, the Town of Pagosa Springs (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Pagosa Springs Home Rule Charter of 2003, as amended on April 3, 2012, April 23, 2013 and April 22, 2014 (the “Charter”); and

WHEREAS, pursuant to Section 1.3.3 of the Pagosa Springs Municipal Code (“Code”), the Municipal Judge may adopt and publish a schedule of fines for violations of the Code; and

WHEREAS, pursuant to Section 10.1.9 of the Code, the Municipal Judge has, among other powers, the power to adopt and amend a schedule of fines to be assessed for violations of the Charter, the Code and Town ordinances, rules and regulations, technical standard, permits and adopted codes; to adopt a schedule of fees for access to or use of services of the Municipal Court; and to assess and collect civil penalties; and

WHEREAS, pursuant to Section 10.3.5 of the Code, the Municipal Judge is empowered to assess fees and costs against any defendant, which fees and costs may include, but are not limited to, court costs, warrant fees, actual costs for probationary or other services, letter fees, jail costs, jury fees, and a financial affidavit fee; and

WHEREAS, pursuant to Section 10.3.6 of the Code, the Municipal Judge is empowered to order a defendant who is found guilty of violating any provision of the Code or any ordinance of the Town, or who is granted a deferred prosecution or deferred sentence, to make restitution or reparation; and

WHEREAS, the Town wishes to allow for the collection by a collection agency of any unpaid fines, fees, costs, restitution or other amounts imposed by the Municipal Judge and permitted by Section 1.3.3 and/or Chapter 10 of the Code; and

WHEREAS, the Town Council hereby finds and determines that collection by a collection agency of unpaid Municipal Court fines, fees, costs, restitution and any other

amounts imposed by the Municipal Judge is appropriate and necessary to the function and operation of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, as follows:

I. Adoption of Section 10.3.11 of the Pagosa Springs Municipal Code. A new Section 10.3.11 of the Pagosa Springs Municipal Code is hereby adopted to read as follows:

Sec. 10.3.11 Collection of Unpaid Municipal Court Costs, Fines, Fees, Restitution, and Other Amounts

In the event a defendant fails to pay any fines, costs, fees, restitution, or other amounts authorized by this Chapter 10 or Section 1.3.3 of the Code and ordered by the Municipal Judge, the Municipal Judge may refer, or may cause the Court Clerk or Court Administrator to refer, a portion or all of the unpaid amounts along with the reasonable costs of collection to a collection agency for collection. Reasonable costs of collection shall include, without limitation, the fees and costs of the Town Attorney, of private counsel, or of a collection agency, but such fees and costs shall not exceed twenty-five percent (25%) of the amount assigned for collection.

II. Public Inspection. The full text of this Ordinance, with any amendments, is available for public inspection at the office of the Town Clerk.

III. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

IV. Effective Date. This Ordinance shall become effective and be in force immediately upon final passage at second reading and shall apply to all Municipal Court orders and judgments occurring after second reading.

INTRODUCED, READ, AND ORDERED PUBLISHED BY TITLE ONLY
PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE
CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS,
COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS
REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE
____ DAY OF _____, 2016.

TOWN OF PAGOSA SPRINGS,
COLORADO

By: _____
Don Volger, Mayor

Attest:

April Hessman, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED BY
TITLE ONLY PURSUANT TO SECTION 3.9, D) OF THE PAGOSA SPRINGS HOME
RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA
SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND
PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA
SPRINGS, ON THE ____ DAY OF _____, 2016.

TOWN OF PAGOSA SPRINGS,
COLORADO

By: _____
Don Volger, Mayor

Attest:

April Hessman, Town Clerk

CERTIFICATE OF PUBLICATION

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. ____ (Series 2016) was approved by the Town Council of the Town of Pagosa Springs on first reading at its regular meeting held on the ____ day of _____, 2016, and was published by title only, along with a statement indicating the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on _____, 2016, which date was at least ten (10) days prior to the date of Town Council consideration on second reading..

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this ____ day of _____, 2016.

April Hessman, Town Clerk

(S E A L)

I, the duly appointed, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. ____ (Series 2016) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its regular meeting held on the ____ day of _____, 2016, and was published by title only, along with a statement indicating the effective date of the Ordinance and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on _____, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this ____ day of _____, 2016.

April Hessman, Town Clerk

(S E A L)



AGENDA DOCUMENTATION

OLD BUSINESS: VI.2

PAGOSA SPRINGS TOWN COUNCIL

NOVEMBER 1, 2016

FROM: JAMES DICKHOFF, PLANNING DEPARTMENT

PROJECT: SECOND READING ORDINANCE 850, AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS ACCEPTING A TEMPORARY CONSTRUCTION EASEMENT FOR THE WESTERLY 1800 LINEAL FEET OF MILL CREEK ROAD FROM THE ARCHULETA COUNTY BOARD OF COMMISSIONERS

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE / BACKGROUND

The Town Council approved the Mountain Crossing Subdivision Preliminary subdivision application on December 4, 2012, with the following conditions of approval:

- 1) Complete annexation and zoning process for Strohecker Minor Subdivision Lot IIB, and combine this lot into the final MC plat.
- 2) Provide a Geotechnical Report, wet stamped and signed by a Colorado licensed engineer.
- 3) Provide Drainage Report, wet stamped and signed by a Colorado licensed engineer.
- 4) Provide proof of CDOT access permit approval.
- 5) Provide evidence that any required USACE permits have been submitted and have been approved or that permits are not required.
- 6) Provide 20-foot-wide utility easements as requested by and negotiated with utility providers.
- 7) Provide Trail Dedication Language and all other corrections to the Preliminary Plat as directed by the Planning Director to be incorporated on the Final Plat.
- 8) Town shall hire a Third Party engineering firm for engineering plan review to be reimbursed by the applicant and the applicant shall incorporate engineering comments into the final plat/plan such.
- 9) Mountain Crossing Codes, Covenants and Restrictions (CC&R's) shall be recorded and provided to Town.
- 10) **Proceed with annexation petition for the first 1800 lineal feet of Mill Creek Road and Provide engineering plans for required ROW improvements.**
- 11) Submit proposed signage plan permit for review.
- 12) Other conditions as determined by the PC.

ANALYSIS

Staff has been working with the client as they finalize road improvement plans for the western 1800 lineal feet of the Mill Creek Road roadway, that will include: On street bike lanes, sidewalk along north side of roadway, drainage facilities, curb and gutter along north side of road, one vehicle drive lane each way and a center turn lane. The intersection Mill Creek Road approach with Hwy 84 will be improved with asphalt, however, the current improvement will not be a full width improvement 150 feet east of the intersection, until the intersection improvement is identified by CDOT and triggered for installation by a CDOT traffic count threshold. The developer will be responsible for constructing this intersection improvement.

The proposed improvements are currently estimated at just under \$400,000 which will be deeded to the Town once the Town accepts the completed improvements completed. The roadway is contemplated for annexation into the Town, however, roadway ownership is still being researched with title searches expected to be completed in the next month or so. The next step will be to contact entities identified as having an ownership interest in portions of the existing roadway alignment. This temporary construction easement allows the town to move forward with the client, prior to official annexation, for road design approvals, Developer Improvement Agreement (DIA) and construction of the actual improvements. The DIA will layout the requirements of the developer for the road improvements, requires 100% financial

security in the form of a bond and requires a 25% 3-year warranty bond to be posted once the project is completed and accepted by the Town.

The Applicant would like to move forward with the required Mill Creek Road public road improvements as soon as possible, however, the annexation process will be delayed as ownership is identified and conveyed. Accepting the Temporary Easement will provide Town Staff the authority to review and approve road design plans and to allow and oversee road construction activities, while the annexation process is underway.

Given the time of year an availability of temperature specified asphalt, staff has notified the developer that construction in 2016 will not be approved. With the acceptance of the temporary construction easement or annexation, construction will be permitted to begin early in 2017.

FISCAL IMPACT

There are some Town financial expenses associated with the annexation process, above the reimbursable expenses that will be billed to the developer. Staff has a budget line for annexation expenses. Although the exact town financial commitment is not known, it is estimated to be approximately \$1,500 - \$2,000.

ATTACHMENTS

- 1) Temporary Construction Easement.

ALTERNATIVE ACTIONS

- 1) *APPROVE* Ordinance 850, An Ordinance of the Town of Pagosa Springs Accepting a Temporary Construction Easement for the westerly 1800 lineal feet of Mill Creek Road from the Archuleta County Board of Commissioners.
- 2) *APPROVE* Ordinance 850, An Ordinance of the Town of Pagosa Springs Accepting a Temporary Construction Easement for the westerly 1800 lineal feet of Mill Creek Road from the Archuleta County Board of Commissioners, *with the following additional provisions.*
- 3) *DENY* Ordinance 850, An Ordinance of the Town of Pagosa Springs Accepting a Temporary Construction Easement for the westerly 1800 lineal feet of Mill Creek Road from the Archuleta County Board of Commissioners.

TOWN OF PAGOSA SPRINGS, COLORADO

**ORDINANCE NO. 850
(SERIES 2016)**

**AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS
ACCEPTING A TEMPORARY CONSTRUCTION
EASEMENT FOR MILL CREEK ROAD FROM THE
ARCHULETA COUNTY BOARD OF COMMISSIONERS**

WHEREAS, the Town of Pagosa Springs (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Pagosa Springs Home Rule Charter of 2003; and

WHEREAS, pursuant to Section 10.6 of the Pagosa Springs Home Rule Charter of 2003, the Town has full authority, power and control over all Town owned property, including streets, and including but not limited to, all power and authority to purchase such property, and section 12.19 of the Charter provides for the acquisition of property by Ordinance; and

WHEREAS, the Town Council hereby finds and determines that it is appropriate and necessary to the function and operation of the Town to accept the Temporary Construction Easement for the certain real property known the westerly 1800 lineal feet of Mill Creek Road as described in **Exhibit A** attached herein, to accommodate the required Mountain Crossing subdivision improvements to the roadway by Mountain Crossing, LLC;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, as follows:

I. Acceptance of Easement. The Temporary Construction Easement, in the form attached hereto as **Exhibit A**, are in all respects approved and accepted by the Town.

II. Public Inspection. The full text of this Ordinance, with any amendments, is available for public inspection at the office of the Town Clerk.

III. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

IV. Second Reading. Second reading of this Ordinance shall be held on the ___ day of _____, 2016, at __:00 p.m. at the Pagosa Springs Town Hall, 551 Hot Springs Boulevard, Pagosa Springs, Colorado.uments

V. **Effective date.** This Ordinance shall become effective and be in force thirty days after final approval.

INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE ____ DAY OF _____, 201__.

TOWN OF PAGOSA SPRINGS,
COLORADO

By: _____
Don Volger, Mayor

Attest:

April Hessman, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, D) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE ____ DAY OF _____, 201__.

TOWN OF PAGOSA SPRINGS,
COLORADO

By: _____
Don Volger, Mayor

Attest:

April Hessman, Town Clerk

CERTIFICATE OF PUBLICATION

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No.850 (Series 2016) was approved by the Town Council of the Town of Pagosa Springs on first reading at its regular meeting held on the ____ day of _____, 201__, and was published by title only, along with a statement indicating the effective date of the Ordinance and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on _____, 201__, which date was at least ten (10) days prior to the date of Town Council consideration on second reading.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this __ day of _____, 201__.

April Hessman, Town Clerk

(S E A L)

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 850 (Series 2016) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its regular meeting held on the ____ day of _____, 201__, and was published by title only, along with a statement indicating the effective date of the Ordinance and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on _____, 201__.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this __ day of _____, 201__.

April Hessman, Town Clerk

(S E A L)

TEMPORARY CONSTRUCTION EASEMENT (PUBLIC ROADWAY)

THIS EASEMENT is made and entered into as of the 5th day of October, 2016, by the BOARD OF COUNTY COMMISSIONERS FOR ARCHULETA COUNTY, COLORADO, whose address is 398 Lewis St., Pagosa Springs, Colorado 81147 (the "Grantor") as the responsible party of that certain real property described in **Exhibit A**, attached hereto and incorporated herein by this reference (the "Easement Area") and generally depicted on **Exhibit B**, attached hereto and incorporated herein by this reference, for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, does hereby grant, and confirm unto the TOWN OF PAGOSA SPRINGS, COLORADO, a home rule municipality and political subdivision of the State of Colorado, whose address is 551 Hot Springs Blvd., Pagosa Springs, Colorado, its successors and assigns (the "Town") a construction and development improvements easement (the "Easement"). This easement shall authorize the Town to enter, re-enter, occupy, and use the Easement Area to construct, operate, use, maintain, repair, improve, and replace the public road and roadway within the Easement Area (collectively, the "Roadway"), as well as any other municipal improvements as may be owned, operated or authorized by the Town including, without limitation, curb, gutter, sidewalk and other storm drainage improvements, water and/or sanitary sewer pipelines and other utilities such as gas lines, telephone, electrical and cable lines, together with all surface and subsurface appurtenances thereto (collectively, the "Facilities"). The Town may authorize third parties including, without limitation, Mountain Crossing, LLC, a Colorado limited liability company (the "Developer") and its contractors and subcontractors to make improvements to the Roadway in accordance with the requirements and standards set forth in the Development Improvement Agreement between the Town and the Developer (collectively, the "Standards"). The Town shall oversee all such improvements to confirm that the Standards are satisfied. The Roadway shall remain open to the public, except when temporary, construction-related closures are necessary. The Easement shall extend in, to, through, over, under and across the Easement Area. All provisions of this Easement Deed, including all benefits and burdens, shall inure to and be binding upon the respective legal representatives, heirs, executors, administrators, successors and assigns of the parties hereto. Provided, however, Grantor makes no representation as to its ownership of the real property affected hereby. This Easement shall expire effective upon the earlier of either full acceptance of all of the improvements by the Town, or upon execution and recordation of the annexation of the Roadway. In the event the improvements contemplated herein are not effected and accepted within three years of the effective date of this easement, this easement shall expire.

ACCEPTED by the Town of Pagosa Springs, Colorado, a home rule municipality and political subdivision of the State of Colorado, this ____ day of October, 2016.

TOWN OF PAGOSA SPRINGS,
COLORADO, a home rule municipality and
political subdivision of the State of Colorado

By: _____
Name: _____
Title: _____

Attest:

April Hessman, Town Clerk

EXHIBIT A
LEGAL DESCRIPTION OF EASEMENT AREA

That portion of Mill Creek Road within the public right of way and approximately 60 feet in width commencing at State Highway 84 and extending east 1,800 lineal feet, County of Archuleta, State of Colorado.

EXHIBIT B DEPICTION OF EASEMENT AREA



Archuleta, Colorado
Date Printed: May 5, 2010

This map is for illustrative purposes only and does not represent a survey. It is provided as is without warranty of accuracy, timeliness or completeness. The user acknowledges and accepts all inherent limitations of the maps and data, including the fact that the maps and data are dynamic and in a constant state of maintenance, correction and revision. The liability is assumed by Archuleta County, as to the accuracy of the data delineated herein.



AGENDA DOCUMENTATION

OLD BUSINESS:VI.3

PAGOSA SPRINGS TOWN COUNCIL

NOVEMBER 1, 2016

FROM: GREGORY SCHULTE, TOWN MANAGER
AND APRIL HESSMAN, TOWN CLERK

PROJECT: APPROVAL OF PERSONNEL HANDBOOK

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

At the Town Council Meeting of September 22nd, this item was presented and at the time there were questions about the zero tolerance drug testing policy included within the Personnel Manual and how that would apply to new applicants for employment and drug testing of existing employees when probably cause occurs. Staff and legal counsel has gathered additional information form legal sources and form our insurance carrier which will be presented by the Town Attorney and staff at the meeting of November 1st. The brief below is from the September 22nd meeting.

In order to provide a framework for uniform and consistent administration, the Town has used a Personnel Handbook to establish personnel rules and guidelines. In order for a Personnel Handbook to be effective, it should reflect best practices and adapt to changing circumstances and applicable laws.

The last update to our Personnel Handbook was in February 2009. As a result, staff was directed by the Town Manager to perform a comprehensive review and update of our handbook. Although the core of our policies remained the same, the handbook was modified to ensure that the policies were well communicated for both readability and understanding; as well as, to ensure continued compliance with employment laws.

Of note were updates and clarification in the following areas:

1. Equal Employment Opportunity – updated to reflect current changes in the law.
2. Privacy Policies – as pertains to medical information and social security numbers.
3. Family Medical Leave Act (FMLA) – the Town is not required to provide FMLA; policy notifies employees of the existence of FMLA but acknowledges that the Town does not offer FMLA benefits because its employees are not “covered employees.”
4. Drug Policy – the Town’s drug policy was updated; however, continues to be a “zero tolerance policy” regardless of whether it is on duty, off duty, or recreational or medical.

The revised Personnel Handbook has been reviewed by legal counsel and their suggestions/edits have been incorporated.

ATTACHMENTS

Personnel Policy Handbook

FISCAL IMPACT

None

RECOMMENDATION

Possible actions by the Town Council include:

- 1) Move to approve the revised Personnel Handbook
- 2) Move to not to approve the Personnel Handbook and direct staff



TOWN OF PAGOSA SPRINGS

PERSONNEL HANDBOOK

DRAFT

Effective Date:

MMM DD, 2016

Created by:

Town of Pagosa Springs

551 Hot Springs Blvd

Pagosa Springs, CO 81147

TABLE OF CONTENTS

Introduction..... 1

 Introductory Statement..... 1

 Organization and Administration..... 1

 Public Perception and Customer Relations..... 1

 DISCLAIMER 2

Employee Acknowledgement Form..... 3

Section 1: Employment..... 4

 101 AT-WILL Nature of Employment..... 4

 102 Employee Relations 4

 103 Equal Employment Opportunity 4

 104 Immigration Law Compliance 5

 105 Disability Accommodation 5

 106 Business Ethics and Conduct..... 5

 107 Conflicts of Interest..... 6

 108 Job Posting 6

 109 Orientation and Training..... 6

 110 Eligibility for Rehire..... 7

 111 Hiring of Relatives 7

 112 Outside Employment 8

Section 2: Employment Status and Records 9

 201 Employment Categories..... 9

 202 Access to Personnel Files 9

 203 Employment Reference Checks 10

 204 Personnel Data Changes 10

 205 Employment Applications 10

 206 Performance Evaluation 10

 207 Job Descriptions 11

 208 Salary Administration..... 11

209 Medical Information Privacy.....12

210 Social Security Number Privacy12

Section 3: Benefit Programs13

301 Employee Benefits13

302 Health, Dental, and Vision Insurance.....13

303 Benefits Continuation (COBRA)13

304 Flexible Spending Account (FSA).....14

305 Workers' Compensation Insurance.....14

306 Modified Duty/Temporary Reassignment14

307 Life Insurance.....15

308 Retirement Savings Plan15

309 Short-Term Disability16

310 Educational Assistance.....16

Section 4: Leave18

401 Personal Time Off (PTO)18

402 Unscheduled Personal Time Off (PTO).....19

403 Leave of Absence Without Pay19

404 Prior Sick Leave19

405 Holidays20

406 Bereavement Leave20

407 Paid Maternity Leave21

408 Paid Family leave21

409 Family and Medical Leave.....22

410 Military Leave24

411 Jury Duty/Court Time.....24

412 Voting.....25

413 Nursing Mothers.....25

Section 5: Timekeeping/Payroll/Work Hours26

501 Timekeeping26

502 Overtime26

503 Compensatory Time27

504 Paydays27

505 Separation from Employment28

506 Administrative Pay Corrections29

507 Pay Deductions and Setoffs29

508 Severance Pay29

Section 6: Work Conditions30

601 Safety30

602 Work Schedules30

603 Smoking31

604 Rest and Meal Periods31

605 Use of Equipment and Vehicles31

606 Emergency Closings31

607 Business Travel Expenses32

608 Cellular Telephones32

609 Computer and Email Usage34

610 Internet Usage34

611 Workplace Monitoring36

612 Telecommuting36

613 Workplace Violence Prevention37

section 7: Drug and Alcohol Use38

701 Drug-Free Workplace38

702 Definitions38

703 Drug and Alcohol Testing39

704 Employment-related Testing39

705 Pre-Employment Drug Testing41

706 Correction Action for Violations of Drug and Alcohol Policy41

Section 8: Employee Conduct & Disciplinary Action42

801 Employee Conduct and Work Rules.....42

802 Sexual and Other Unlawful Harassment.....42

803 Attendance and Punctuality43

804 Personal Appearance.....43

805 Discipline.....44

806 Grievances45

807 Return of Property.....46

808 Political Activities46

INTRODUCTION

Welcome!

On behalf of your colleagues and the Town Council, I welcome you to the Town of Pagosa Springs (Town) and wish you every success here. We believe that each employee contributes directly to the Town's growth and success, and we hope you will take pride in being a member of our team.

This handbook was developed to describe some of the expectations of our employees and to outline the policies, programs, and benefits available to eligible employees. Employees should familiarize themselves with the contents of the employee handbook as soon as possible, for it will answer many questions about employment with the Town.

We hope that your experience here will be challenging, enjoyable, and rewarding. Again, welcome!

Sincerely,

Greg Schulte
Town Manager

INTRODUCTORY STATEMENT

This handbook is designed to acquaint you with the Town and provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with all provisions of the handbook. It describes many of your responsibilities as an employee and outlines the programs developed by the Town to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

No employee handbook can anticipate every circumstance or question about policy. As the Town continues to grow, the need may arise and the Town reserves the right to revise, supplement, or rescind any policies or portion of the handbook from time to time as it deems appropriate, in its sole and absolute discretion. The only exception to any changes is our employment-at-will policy permitting you or the Town to end our relationship for any reason at any time. Employees will, of course, be notified of such changes to the handbook as they occur.

Additionally, the policies in this Handbook are not intended to supersede the Town's ordinances, or other applicable laws; in case of any conflict between these policies and such charter, ordinances, or laws, the latter shall prevail. Any matter not specifically covered by this Handbook may be administered by the Town Manager in a manner not inconsistent with this Handbook.

ORGANIZATION AND ADMINISTRATION

The Town of Pagosa Springs was incorporated in 1891 and became a home rule municipality in 2003. Per the home rule charter, the Town is organized under a Council-Manager form of government served by a six-member Town Council and an elected Mayor. A full-time Town Manager administers the affairs of the Town for the Council.

PUBLIC PERCEPTION AND CUSTOMER RELATIONS

Every employee represents the Town to the public. The way we do our jobs presents an image of our entire Town. The Public judges all of us by how they are treated with each employee contact. Nothing is more important than being courteous, friendly, helpful, and prompt in the attention you give to the public.

Individuals who wish to lodge specific comments or complaints should be directed to the immediate supervisor for appropriate action. Our personal contact with the public, our manners on the telephone, and the communications we send to customers are a reflection not only of ourselves, but also of the professionalism of the Town. Positive customer relations enhance the public's perception or image of the Town.

IMPORTANT

The policies contained in this Personnel Handbook do not represent a contract, nor should they be relied upon as binding, inflexible promises made by the Town. The Town reserves the right to interpret and change or rescind these policies at any time, as well as the right to determine their meaning, purpose, and effect. The Town also reserves the right, in its sole discretion, to determine whether, and to what extent, these policies and procedures should be applied in any given circumstance. No personal contract or agreement shall be implied by these policies or the statement of any employee of the Town, unless in writing, signed by the Mayor, or where required the Town Council.

These policies apply to all Town employees, except the overtime compensation policies, which do not apply to positions that are classified as “exempt” by the Town pursuant to the federal Fair Labor Standards Act (“FLSA”).

EMPLOYEE ACKNOWLEDGEMENT FORM

The employee handbook describes important information about the Town, and I understand that I should consult the Human Resources Office regarding any questions not answered in the handbook.

I have entered into my employment relationship with the Town voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or the Town can terminate the relationship at will, with or without cause, at any time, so long as there is no violation of applicable federal or state law.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur, except to the Town's policy of employment-at-will. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the Town Manager and/or the Town Council has the ability to adopt any revisions to the policies in this handbook.

Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

EMPLOYEE'S NAME (printed): _____

EMPLOYEE'S SIGNATURE: _____

DATE: _____

SECTION 1: EMPLOYMENT

101 AT-WILL NATURE OF EMPLOYMENT

Effective Date: ##/##/####

Revision Date:

Employment with the Town is voluntarily entered into, and the employee is free to resign at will at any time, with or without cause. Similarly, the Town may terminate the employment relationship at will at any time, with or without notice or cause, so long as there is no violation of applicable federal or state law. Nothing in this handbook is intended to modify the Town's at-will employment policy.

Policies set forth in this handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the Town and any of its employees. The provisions of the handbook have been developed at the discretion of management and, except for its policy of employment-at-will, may be amended or canceled at any time, at the Town's sole discretion.

These provisions supersede all existing policies and practices and may not be amended or added to without the express written approval of the Town Manager or, where required, by Town Council.

102 EMPLOYEE RELATIONS

Effective Date: ##/##/####

Revision Date:

The Town believes the work conditions, wages, and benefits it offers to its employees are competitive with those offered by other employers in this area and in this industry. If employees have concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their supervisors.

Our experience has shown that when employees deal openly and directly with supervisors, the work environment can be excellent, communications can be clear, and attitudes can be positive. We believe the Town amply demonstrates its commitment to employees by responding effectively to employee concerns.

103 EQUAL EMPLOYMENT OPPORTUNITY

Effective Date: ##/##/####

Revision Date:

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at the Town will be based on merit, qualifications, and abilities. The Town does not discriminate in employment opportunities or practices on the basis of race, creed, color, religion, sex, national origin, ancestry, age, disability, sexual preference, gender identity or expression, marital or military status, or political affiliation, or any other characteristic protected by law, subject to reasonable requirements of the Town as may be permitted by law.

This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor or the Human Resources Office. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

104 IMMIGRATION LAW COMPLIANCE

Effective Date: ##/##/####

Revision Date:

The Town is committed to employing only United States citizens and individuals who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with the Town within the past three years, or if their previous I-9 is no longer retained or valid.

Employees with questions or seeking more information on immigration law issues are encouraged to contact the Human Resources Office. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

105 DISABILITY ACCOMMODATION

Effective Date: ##/##/####

Revision Date:

The Town is committed to complying fully with the Americans with Disabilities Act (ADA) and ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis and employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual. Reasonable accommodations are available to all employees where a disability affects the employee's performance of job functions, subject to reasonable requirements of the Town as may be permitted by law.

This policy is neither exhaustive nor exclusive. The Town is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state, and local laws.

106 BUSINESS ETHICS AND CONDUCT

Effective Date: ##/##/####

Revision Date:

The successful operation and reputation of the Town is built upon the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity. The continued success of the Town is dependent upon the public's trust and we are dedicated to preserving that trust. Employees owe a duty to the Town, the Town Council, and the public to act in a way that will merit the continued trust and confidence of all.

The Town will comply with all applicable laws and regulations and expects its directors, officers, and employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct. In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed openly with your immediate supervisor and, if necessary, with the Town Manager for advice and consultation.

Compliance with this policy of business ethics and conduct is the responsibility of every Town employee. Disregarding or failing to comply with this standard of business ethics and conduct could lead to disciplinary action, up to and including possible termination of employment. Town employees shall abide by C.R.S. §24-18-104, "Rules of conduct for all public officers, members of the general assembly, local government officials, and employees." Town employees shall also abide by the Town's Code of Ethics adopted by Ordinance 717 on September 2, 2008.

107 CONFLICTS OF INTEREST

Effective Date: ##/##/####

Revision Date:

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which the Town wishes to operate. The purpose of these guidelines is to provide general direction so employees can seek further clarification on issues related to the subject of acceptable standards of operation. Contact the Town Manager for more information or questions about conflicts of interest.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of the Town's business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if employees have any influence on transactions involving purchases, contracts, or leases, it is imperative they disclose to an officer of the Town as soon as possible the existence of any actual or potential conflict of interest so safeguards can be established to protect all parties.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which the Town does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the Town.

108 JOB POSTING

Effective Date: ##/##/####

Revision Date:

Generally, job openings will be posted at Town Hall and disseminated through the email system, and normally remain open for 21 days. Each job posting notice will include the dates of the posting period, job title, department, location, grade level, job summary, essential duties, and qualifications (required skills and abilities). However, the Town reserves its discretionary right to not post a particular opening.

Employees may indicate their interest in open positions and advance within the Town according to their skills and experience. To be eligible to apply for a posted job, employees must have performed competently for at least 365 calendar days in their current position. Employees who have a written warning on file, or are on probation or suspension are not eligible to apply for posted jobs. Eligible employees can only apply for those posted jobs for which they possess the required skills, competencies, and qualifications.

To apply for an open position, employees should submit a job posting application to the Human Resources Office listing job-related skills and accomplishments. It should also describe how their current experience with the Town and prior work experience and/or education qualifies them for the position.

Job posting is a way to inform employees of openings and to identify qualified and interested applicants who might not otherwise be known to the hiring manager. Other recruiting sources may also be used to fill open positions in the best interest of the Town.

109 ORIENTATION AND TRAINING

Effective Date: ##/##/####

Revision Date:

New employees will be provided information concerning the Town's pay plan, personnel policies, employee benefits, promotional opportunities, safety and training programs, and other Town policies and programs having a bearing on employment.

It shall be the responsibility of each supervisor to orient, or assure orientation is provided to all new employees in regard to policies, goals, objectives, and job related policies and programs, and any other matter having a bearing on such person's employment in the

department assigned. In general, costs for training sessions approved by the department but not sponsored by the Town and held away from Town facilities will be paid out of individual departmental training budgets.

110 ELIGIBILITY FOR REHIRE

Effective Date: ##/##/####

Revision Date:

Former employees who left employment with the Town of Pagosa Springs in good standing may be considered for rehire. Former employees who resigned without written notice or who were dismissed for disciplinary reasons may not be considered for rehire. A former employee who is rehired will be considered a new employee from the date of re-employment unless the break in service is fewer than three (3) months. If the break in services is fewer than three (3) months, the rehired employee will retain his/her original hire date, and the employee will not have an introductory period. Additionally, the rehired employee's accrual rate for Personal Time Off (PTO) will be the same rate as when the employee separated from the Town's employment. Length of service for the purpose of benefits is governed by the terms of each benefit plan. Employees who retire may be eligible, in certain circumstances, to be considered for rehire. Any former employee who is rehired will be required to take a pre-employment drug test.

111 HIRING OF RELATIVES

Effective Date: ##/##/####

Revision Date:

The employment of close relatives or individuals involved in a dating relationship in the same department can be disruptive to the workplace. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried over into day-to-day working relationships.

For purposes of this policy, a close relative is anyone of equal or greater relationship than a first cousin, whether by birth or adoption, a spouse, civil union or domestic partner and any individuals related by blood or adoption and living in the same household. A dating relationship is defined as a relationship that may be reasonably expected to lead to the formation of a consensual "romantic" or sexual relationship. This policy applies to all employees without regard to the gender or sexual orientation of the individuals involved.

Close relatives and individuals involved in a dating relationship may not occupy positions where one would directly or indirectly exercise supervisory, appointment, dismissal or disciplinary authority over the other; where one would have access to the Town's confidential information including personnel records and payroll; or where one would audit, receive, or be entrusted with moneys received or handled by the other in the course of employment. The Town reserves the right to take prompt action if an actual or potential conflict of interest arises involving relatives or individuals involved in a dating relationship who occupy positions at any level (higher or lower) in the same line of authority that may affect the review of employment decisions.

When employees of the Town become related or establish a dating relationship and their working relationship is prohibited by this policy, one employee will be required to transfer to another position, provided a position is available, or to resign. If neither affected employee voluntarily transfers or resigns, the Town Manager shall terminate or transfer one of the employees, at his discretion.

In other cases where a conflict or the potential for conflict arises because of the relationship between employees, even if there is no line of authority or reporting involved, the employees may be separated by reassignment or terminated from employment. Employees in a close personal relationship should refrain from public workplace displays of affection or excessive personal conversation.

112 OUTSIDE EMPLOYMENT

Effective Date: ##/##/####

Revision Date:

Employees may hold outside jobs as long as they meet the performance standards of their job with the Town. All employees will be judged by the same performance standards and will be subject to the Town's scheduling demands, regardless of any existing outside work requirements. If the Town determines an employee's outside work interferes with performance or the ability to meet the requirements of the Town as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain with the Town.

Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals outside the Town for materials produced or services rendered while performing their jobs.

SECTION 2: EMPLOYMENT STATUS AND RECORDS

201 EMPLOYMENT CATEGORIES

Effective Date: ##/##/####

Revision Date:

It is the intent of the Town to clarify the definitions of employment classifications so employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and the Town.

Each employee is designated as either *NONEXEMPT* or *EXEMPT* from federal and state wage and hour laws. *NONEXEMPT* employees are entitled to overtime pay under the specific provisions of federal and state laws. *EXEMPT* employees are excluded from specific provisions of federal and state wage and hour laws. An employee's *EXEMPT* or *NONEXEMPT* classification may be changed only upon written notification by the Town Manager.

In addition to the above categories, each employee will belong to one other employment category, as follows:

REGULAR FULL-TIME employees are those who are regularly scheduled to work more than 32 hours per week. Generally, they are eligible for the Town's benefit package, subject to the terms, conditions, and limitations of each benefit program.

REGULAR PART-TIME employees are those who are regularly scheduled to work less than 32 hours per week. While they do receive all legally mandated benefits (such as Social Security and workers' compensation insurance), they are ineligible for all of the Town's other benefit programs.

REGULAR EMPLOYMENT. Employees are considered to be employed in a "regular position" if the position is identified and funded in the annual budget and the position is expected to be for a duration longer than a temporary or seasonal employee. The use of the term Regular Employee is not intended to imply that the employee is hired pursuant to a contract of employment or to otherwise modify the at-will employment relationship of any Town employee.

TEMPORARY OR SEASONAL employees are those who have established an employment relationship with Town but who are assigned to work on a seasonal, temporary, intermittent and/or unpredictable basis. A position is considered to be temporary if it is reasonably expected at the time the position is filled that the position will terminate within a period of months, even though the precise termination date may not be known. A seasonal employee is an employee who is hired to perform duties only during certain specified seasons of the year. While temporary and seasonal employees receive all legally mandated benefits (such as workers' compensation insurance and Social Security), they are ineligible for all of Town's other benefit programs.

202 ACCESS TO PERSONNEL FILES

Effective Date: ##/##/####

Revision Date:

The Town maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals and salary increases, and other employment records.

Personnel files are the property of the Town, and access to the information they contain is restricted, subject to the Colorado Open Records Act. Generally, only supervisors and management personnel of the Town who have a legitimate reason to review information in a file are allowed to do so. All personnel records are maintained in compliance with the laws related to public records. 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 liability, claims, and demands resulting from such release.

Employees who wish to review their own file should contact the Human Resources Office. With reasonable advance notice, employees may review their own personnel files, except for any employment recommendations or references contained therein, in

the Town's offices and in the presence of a Human Resources representative. An employee shall have the opportunity to submit a letter to the file, responding to or rebutting information contained in his/her file.

203 EMPLOYMENT REFERENCE CHECKS

Effective Date: ##/##/####

Revision Date:

Unless required by a valid court order or the law, at the written request of the subject employee, or the employee provides a signed written release, the Town will furnish only the following information about past or present Town employees:

- a) Dates of employment
- b) Current job title or job title at date of separation from employment
- c) Verification of salary information

No employment data will be released without a written authorization and release signed by the individual who is the subject of the inquiry, unless the release is authorized or required by the Colorado Open Records Act. All requests for information regarding past or present Town employees shall be directed to the Human Resources Office.

204 PERSONNEL DATA CHANGES

Effective Date: ##/##/####

Revision Date:

It is the responsibility of each employee to promptly notify the Town of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status reports should be accurate and current at all times. If any personnel data has changed, notify the Human Resources Office.

205 EMPLOYMENT APPLICATIONS

Effective Date: ##/##/####

Revision Date:

The Town relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

206 PERFORMANCE EVALUATION

Effective Date: ##/##/####

Revision Date:

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, ongoing basis. Formal performance evaluations are generally conducted at the end of an employee's initial period (6 months) in any new position. This introductory period allows the supervisor and the employee to discuss the job responsibilities, standards, and performance requirements of the new position. Additional formal performance evaluations are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals. *The performance of all employees is generally evaluated according to an ongoing 12-month cycle, beginning at the calendar-year end.* Nothing in this policy should be construed as granting employees a right to an evaluation.

Merit-based pay adjustments or bonuses may be awarded by the Town in an effort to recognize outstanding employee performance. The decision to award such an adjustment is dependent upon numerous factors, including, but not limited to, the information documented by this formal performance evaluation process.

All evaluation forms, following completion, shall be signed by the supervisor and the employee, and then forwarded to the Town Manager for review and approval. The evaluation process permits oral and written responses by the employee being evaluated. Original, signed performance evaluations are filed in the employee's personnel file.

207 JOB DESCRIPTIONS

Effective Date: ##/##/####

Revision Date:

The Town makes every effort to create and maintain accurate job descriptions for all positions within the Town. Each description includes a job information section, a job summary section (giving a general overview of the job's purpose), an essential duties and responsibilities section, a supervisory responsibilities section, a qualifications section (including education and/or experience, language skills, mathematical skills, reasoning ability, and any certification required), a physical demands section, and a work environment section.

The Town maintains job descriptions to aid in orienting new employees to their jobs, identifying the requirements of each position, establishing hiring criteria, setting standards for employee performance evaluations, and establishing a basis for making reasonable accommodations for individuals with disabilities.

The Human Resources Office and the Department Head prepare job descriptions when new positions are created. Existing job descriptions are also reviewed and revised in order to ensure they are up to date. Job descriptions may also be rewritten periodically to reflect any changes in the position's duties and responsibilities. All employees will be expected to help ensure their job descriptions are accurate and current, reflecting the work being done.

Employees should remember that job descriptions do not necessarily cover every task or duty that might be assigned, and that additional responsibilities may be assigned as necessary. Contact the Human Resources Office if you have any questions or concerns about your job description.

208 SALARY ADMINISTRATION

Effective Date: ##/##/####

Revision Date:

The salary administration program at the Town was created to achieve consistent pay practices, comply with federal and state laws, mirror our commitment to Equal Employment Opportunity, and offer competitive salaries within our labor market. Because recruiting and retaining talented employees is critical to our success, the Town is committed to paying its employees equitable wages that reflect the requirements and responsibilities of their positions and are comparable to the pay received by similarly situated employees in other organizations in the area. The Town Manager administers the pay plan adopted by the Town Council and establishes a pay range for each job classification.

Compensation for every position is determined by several factors, including job analysis and evaluation, the essential duties and responsibilities of the job, and salary survey data on pay practices of other employers. The Town periodically reviews its salary administration program and restructures it as necessary. Merit-based pay adjustments or bonuses may be awarded in conjunction with outstanding employee performance documented by the performance evaluation process, as well as other contributing factors.

Employees should bring their pay-related questions or concerns to the attention of their immediate supervisors, who are responsible for the fair administration of departmental pay practices. The Human Resources Office is also available to answer specific questions about the salary administration program.

209 MEDICAL INFORMATION PRIVACY

Effective Date: ##/##/####

Revision Date:

The Town is committed to maintaining and protecting the confidentiality of our employees' personal information in compliance with the Health Insurance Portability and Accountability Act (HIPAA). The Human Resources Office is the designated Privacy Officer for all employee medical information.

210 SOCIAL SECURITY NUMBER PRIVACY

Effective Date: ##/##/####

Revision Date:

To protect employees' personal information, Town prohibits the use of employees' Social Security numbers for identification purposes, except as allowed by law. The Town will not:

- Publicly post or publicly display in any manner an employee's Social Security number. "Publicly post" or "publicly display" means to intentionally communicate or otherwise make available to the general public.
- Print an employee's Social Security number on any card required for the employee to access products or services provided by the Town.
- Require an employee to transmit his or her Social Security number over the Internet, unless the connection is secure or the Social Security number is encrypted.
- Require an employee to use his or her Social Security number to access an Internet web site, unless a password or unique personal identification number or another authentication device is also required to access the Internet web site.
- Print an employee's Social Security number on any materials that are mailed to the employee, unless state or federal law requires the Social Security number to be on the document to be mailed.

However, Social Security numbers may be included in applications and forms sent by mail, including documents sent as part of an application or enrollment process; or to establish, amend, or terminate an account, contract, or policy; or to confirm the accuracy of the Social Security number.

In instances where the Town previously used an employee's Social Security number in a manner inconsistent with this policy, it will continue using that employee's Social Security number in that manner, if all of the following conditions are met:

- The use of the Social Security number is continuous. If the use is stopped for any reason, the conditions listed above will apply.
- The employee is provided an annual disclosure that informs the employee that he or she has the right to stop the use of his or her Social Security number in a manner prohibited by those conditions listed above.

A written request by an employee to stop the use of his or her Social Security number in a prohibited manner will be implemented within 30 days of the receipt of the request. There will be no fee or charge for implementing the request. The Town will not deny services to an employee because the employee makes a written request to stop the use of his or her Social Security number. The Town will continue to collect, use, or release Social Security numbers as required by state or federal law, and may use Social Security numbers for internal verification or administrative purposes.

Employees who have questions about this policy or who feel their Social Security number has been used inappropriately by the Town should contact the Human Resources Office.

SECTION 3: BENEFIT PROGRAMS

301 EMPLOYEE BENEFITS

Effective Date: ##/##/####

Revision Date:

Regular full-time employees, working a minimum of 32 hours per week, are eligible for benefits, such as group medical, dental, vision, life, and disability insurance coverage programs through the Town. Unless noted otherwise in these policies, regular part-time and temporary or seasonal employees are not eligible to receive benefits including insurance, retirement, leave, and holidays. The Town covers all employees in the manner prescribed by law for Social Security, workers' compensation, and unemployment insurance.

In the event the handbook information conflicts with the actual terms and conditions of coverage, the latter governs. For detailed information describing the insurance coverages or to obtain Summary Plan Descriptions, contact the Human Resources Office.

302 HEALTH, DENTAL, AND VISION INSURANCE

Effective Date: ##/##/####

Revision Date:

Regular full-time employees and their dependents are eligible to participate in the Town's medical, dental, and vision insurance programs on the first day of the month following their date of hire and subject to all terms and conditions of the agreement between the Town and the insurance carrier.

A change in employment classification that would result in loss of eligibility to participate in the health insurance plan may qualify an employee and his/her qualified dependents for benefits continuation under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Refer to the Benefits Continuation (COBRA) Policy for more information.

Details of the health insurance plan are described in the Summary Plan Description (SPD). An SPD and information on cost of coverage will be provided in advance of enrollment to eligible employees.

303 BENEFITS CONTINUATION (COBRA)

Effective Date: ##/##/####

Revision Date:

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the Town's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements. It is the responsibility of the employee to notify the Human Resources Office of any qualifying events stated above in order to comply with the distribution of COBRA notifications for continued coverage.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the Town's group rates plus an administration fee. Town provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the Town's health insurance plan. The notice contains important information about the employee's rights and obligations.

304 FLEXIBLE SPENDING ACCOUNT (FSA)

Effective Date: ##/##/####

Revision Date:

The Town provides a Flexible Spending Account (FSA) program that allows employees to have pre-tax dollars deducted from their salaries to pay for eligible out-of-pocket expenses. The pre-tax contributions made to the FSA can be used to pay for predictable non-reimbursed health care expenses and dependent care expenses during the plan year. Participation in the Health Care and/or Dependent Care FSA is optional and determined on an annual basis for the plan year. You must enroll for each plan year.

Details of the Flexible Spending Account program are described in the Summary Plan Description (SPD). Contact the Human Resources Office for more information on the Flexible Spending Account program and to obtain enrollment and reimbursement forms and worksheets with examples of reimbursable and non-reimbursable expenses.

305 WORKERS' COMPENSATION INSURANCE

Effective Date: ##/##/####

Revision Date:

Employees are covered for employment-related injury or illness by the Colorado Worker's Compensation Act. Under the Act, an employee may receive benefits for missing work as a result of an employment-related injury or illness. Delay in reporting a work-related injury or illness may result in a reduction of benefits under the Act.

Employees who sustain work-related injuries or illnesses should inform their supervisor immediately, but no later than seventy-two (72) hours following the accident, no matter how minor an on-the-job injury may appear. Employees shall cooperate in a timely manner with written reports, forms and other requests required by the supervisor, the Town Council or its agents, insurance companies, or other authorities.

If medical treatment is needed, it must be provided from a Town-designated provider. In the event a workers' compensation injury requires time off from work, the employee may, at his/her option, use accrued PTO, Comp Time, or Prior Sick Leave to supplement workers' compensation benefits not to exceed his/her regular salary for the applicable period.

The Town will attempt to reasonably accommodate an employee who is released by his/her physician for modified duty after a workers' compensation injury or illness. Modified duty must be approved by the Town Manager in coordination with the employee's department head.

306 MODIFIED DUTY/TEMPORARY REASSIGNMENT

Effective Date: ##/##/####

Revision Date:

Modified duty or temporary work reassignment may be considered when a full time employee is unable to perform his/her regular duties due to a work-related injury or illness. The types of modified duty/temporary job reassignment available may include:

1. Job restructuring by reallocating or redistributing of appropriate job functions, or by altering when and/or how such functions are performed.
2. Reassignment to another, vacant position, if appropriate.
3. Other methods as warranted.

The following conditions must be met by an employee seeking modified duty/temporary reassignment:

1. The employee must provide a WORK STATUS form from the designated physician indicating he/she is unable to perform his/her regularly assigned duties. The form must contain the physician's estimation of the time frame the condition is expected to exist, and a statement from the physician releasing the employee to return to work for the modified duty/temporary reassignment. Limitations or restrictions shall be specifically documented on the WORK STATUS form by the physician; the physician shall also verify on the form that the modified duty or temporary re-assignment can be performed by the employee and is within the employee's limitations or restrictions.
2. The department head must determine that modified duty/temporary reassignment is available within the department or another department, that the modified duty/temporary reassignment is consistent with the limitations and restrictions indicated by the physician, and that the modified duty/temporary reassignment is not imposing undue hardship on operations. If the reassignment is to a position created as a temporary job, the duration of assignment shall be limited to the temporary period established for the job.

The department head will be responsible for overseeing the modified duty/temporary reassignment and tracking the number of hours worked by the employee each week.

Regular updates from the physician may be required by the department head during the modified duty/temporary reassignment period. All information from the physician shall be collected and maintained on separate forms in separate medical files and shall be treated as a confidential medical record except as otherwise permitted or required by law.

The modified duty/temporary reassignment shall be evaluated every two weeks by the employee's department head and the Town Manager, regarding continuation or termination of modified duty/temporary reassignment.

A physician's release authorizing the employee to return to full regular duty shall be required before the employee may be returned to his/her original position. In no way shall modified duty/temporary reassignment confer any continuing right on the employee to occupy the position as modified, or the position to which he/she is temporarily reassigned, or any other position.

An employee who refuses a medically authorized modified employment may be subject to reduction or termination of certain workers' compensation benefits as provided by law.

Modified duty/temporary reassignment is not available for a non-work related injury or illness.

307 LIFE INSURANCE

Effective Date: ##/##/####

Revision Date:

Life insurance offers you and your family important financial protection. The Town provides a basic life insurance plan for regular full-time employees. Additional supplemental and/or dependent life insurance coverage may also be purchased.

Accidental Death and Dismemberment (AD&D) insurance provides protection in cases of serious injury or death resulting from an accident. AD&D insurance coverage is provided as part of the basic life insurance plan.

Eligible employees may participate in the life insurance plan subject to all terms and conditions of the agreement between Town and the insurance carrier.

Details of the basic life insurance plan including benefit amounts are described in the Summary Plan Description provided to eligible employees.

308 RETIREMENT SAVINGS PLAN

Effective Date: ##/##/####

Revision Date:

In addition, the Town provides regular full-time employees the following retirement plans:

401(a) Retirement Plan – A mandatory retirement plan, each employee is required to contribute 5% of their gross monthly wages into the plan and the Town will match the employee’s contribution of 5%. The Town’s contribution is subject to a 5-year vesting schedule based on years of service. After the first year of service, an employee is vested for 20% of the Town’s total contribution with additional vesting in increments of 20% on anniversary dates until 100% vested at the completion of five years of service with the Town.

457 Deferred Compensation Plan – The 457 Deferred Compensation Plan is a voluntary supplemental retirement plan that allows employees to defer an additional amount of their wages for investment. This plan allows the employee to choose either pre-tax or after-tax (Roth) deferrals.

Fire and Police Pension Association (FPPA) Pension Plan (sworn police officers only) – Officers in the Police Department are covered under the FPPA pension plan as provided by law and instead of participation in social security.

Complete details of the retirement plans are described in the Summary Plan Description provided to eligible employees. Contact the Human Resources Office for more information about the retirement plans.

309 SHORT-TERM DISABILITY

Effective Date: ##/##/####

Revision Date:

The Town provides a short-term disability (STD) benefits plan to eligible employees (after one year of service) who are unable to work because of a qualifying disability due to an injury or illness. Eligible employees may participate in the STD plan subject to all terms and conditions as outlined by the Town.

Disabilities arising from pregnancy or pregnancy-related illness are treated the same as any other illness that prevents an employee from working. Disabilities covered by workers' compensation are excluded from STD coverage.

Details of the STD benefits plan including benefit amounts, when they are payable, and limitations, restrictions, and other exclusions are described in the Summary Plan Description provided to eligible employees. Contact the Human Resources Office for more information about STD benefits.

310 EDUCATIONAL ASSISTANCE

Effective Date: ##/##/####

Revision Date:

The Town wants to encourage a healthy, better educated, and highly skilled work force. This tuition reimbursement policy has been established to meet this goal. Any employees who has completed one year of employment with the Town at the time courses begin may be eligible for this benefit.

Courses related to an employee’s job or courses taken through accredited institutions may be eligible for reimbursement. Courses may or may not be part of a degree program. Courses paid for as part of an employee’s regular job training are not covered by this policy. Non-accredited courses such as Spanish language, computer skill development, and other skill development that are demonstrably relevant to an employee’s job may be reimbursed upon review and approval by the Town Manager.

Tuition reimbursement may be authorized for post high school or vocational courses leading to a degree that is relevant to the employee's position or promotional opportunities within the Town. Consideration of requests by an employee for education assistance is dependent upon the availability of funds and the relevance of the course and/or the degree being pursued to the employee's position or line of promotion. Only courses taken through an accredited college, university or vocational training which are relevant to the employee's current position or in the direct line of promotion will be considered for reimbursement. Eligible courses should also provide technical knowledge or skill that will improve the employee's ability to perform on the job.

Requests for tuition reimbursement should be pre-approved by the Town Manager and should be completed prior to registration. Approval will be based upon relevancy, job performance, training priorities, and the availability of funds. Funds will be distributed

on a first-come, first-served basis. Upon completion of the course, an official copy of the grade report, a statement of tuition fees paid, and any necessary receipts must be submitted for reimbursement.

In order to obtain the reimbursement authorized, the employee must successfully complete the course attaining a "C" grade or better (2.0 or above on a 4.0 scale) or a "Pass" in a Pass/Fail course. It is anticipated that course work will be undertaken during non-work hours. Flexible working hours may be allowed by the Department Head to accommodate the employee's course schedule.

The maximum reimbursement amount will be \$1,500 per calendar year per employee, depending on the availability of funds. Reimbursement will not be allowed for books, lab fees, travel expenses, material or other costs. Employees accepting education assistance agree to repay to the Town the amount of assistance received if they do not remain employed by the Town for one year following completion of the course for which reimbursement is received.

SECTION 4: LEAVE

Employees who must be absent from work are expected to notify their supervisor within a reasonable time to accommodate work schedules. If an employee knows that he or she will need to take time off in advance, the employee must submit a request to use Paid Time Off (PTO, as described in this Section 4) must be submitted to the employee's supervisor.

If an employee cannot give advance notice of the need for time off due to circumstances beyond his or her control, such as illness, the employee must call his or her supervisor at least one (1) hour before his or her scheduled starting time, if possible. All leave requests must be approved by a supervisor. Requested leave may be denied and approved leave may be rescinded when overriding Town needs dictate the employee's presence is required at work.

No leave period or combination of leaves will be authorized beyond 12 consecutive weeks except as specifically authorized by the Town Manager.

401 PERSONAL TIME OFF (PTO)

Effective Date: ##/##/####

Revision Date:

Paid Time Off (PTO) is an all-purpose time-off policy for eligible employees to use for vacation, illness or injury, and personal business. It combines traditional vacation and sick leave plans into one flexible, paid time-off policy. PTO is a benefit by the employer and carries no entitlement.

Regular full-time employees begin to accrue PTO immediately upon employment and may utilize PTO in increments of no less than one-half hour subject to supervisory approval and accrual. In no event may PTO be used in advance of accrual. It is the responsibility of the Department Head or the designee to determine when and in what amount the leave may be granted. PTO shall be coordinated in advance with the employee's supervisor.

Regular full-time employees (scheduled for 2,080 hours per year) shall accrue the following amount of PTO on an annual basis, prorated into twenty-six (26) pay periods based on the exempt or non-exempt status. PTO accruals shall increase to the next level beginning with the pay period that includes the employee's appropriate anniversary date. Part-time employees accrue a prorated amount of PTO calculated by multiplying the above amounts by the percentage rate of hours regularly scheduled to work compared to forty (40) hours. Seasonal and temporary are not eligible for PTO.

Years of Service	PTO Hours for Regular Full-Time Non-Exempt Employees	PTO Hours for Regular Full-Time Exempt Employees
0-2	144 hrs annual or 5.54 hrs per pay period	184 hrs annual or 7.08 hrs per pay period
3-5	160 hrs annual or 6.15 hrs per pay period	192 hrs annual or 7.38 hrs per pay period
6-8	176 hrs annual or 6.77 hrs per pay period	200 hrs annual or 7.69 hrs per pay period
9-11	200 hrs annual or 7.69 hrs per pay period	216 hrs annual or 8.31 hrs per pay period
12-14	224 hrs annual or 8.62 hrs per pay period	232 hrs annual or 8.92 hrs per pay period
15-17	232 hrs annual or 8.92 hrs per pay period	248 hrs annual or 9.54 hrs per pay period
18-20	240 hrs annual or 9.23 hrs per pay period	
20+	248 hrs annual or 9.54 hrs per pay period	

The length of eligible service is calculated on the basis of a "benefit year." This is the 12-month period that begins when the employee starts to earn PTO. An employee's benefit year may be extended for any significant leave of absence except military leave of absence. Military leave has no effect on this calculation. (See individual leave of absence policies for more information.)

PTO is paid at the employee's base pay rate at the time of absence. It does not include overtime or any special forms of compensation such as incentives, commissions, bonuses, or shift differentials.

As an additional condition of eligibility for PTO, an employee on an extended absence for illness or injury must apply for any other available compensation and benefits, such as workers' compensation. PTO will be used to supplement any payments an employee is eligible to receive from state disability insurance, workers' compensation, or Town-provided disability insurance programs. The combination of any such disability payments and PTO cannot exceed the employee's normal weekly earnings.

The maximum PTO an employee may accumulate is two hundred forty-eight (248) hours. When an employee reaches 248 hours of accrued by unused PTO, the employee will cease to accrue PTO until the employee uses PTO and brings the available amount below the cap of 248 hours.

Upon separation of employment, employees will be paid for unused PTO earned through the last day of work not to exceed 248 hours, paid out hour-for-hour at the employee's pay rate for the previous year.

402 UNSCHEDULED PERSONAL TIME OFF (PTO)

Unscheduled PTO should be requested as soon as an employee knows that illness or any other emergency will require absence from work, preferably one day in advance. An employee shall personally communicate this fact to the supervisor or his/her designee, as early as reasonably required by the individual department. Such notification shall be made each time a scheduled work shift will be missed unless authorization has been granted by the supervisor for a prolonged absence of a specified duration. Absences not reported in accordance with these provisions may be subject to disciplinary action.

Verification of Need for Unscheduled PTO – The employee may be required to furnish medical verification, or other proof that any unscheduled use of PTO was unavoidable, to his/her Department Head or the Town Manager. In the case of any unscheduled use of PTO due to personal illness or injury, the Town may require, at the expense of the employee, medical confirmation that the employee is fit to return to work.

Excessive Use of Unscheduled PTO – The unscheduled use of PTO, which is considered excessive by the Town, may be subject to discipline. Abuse of unscheduled leave may be subject to disciplinary action up to and including discharge. Excessive use of unscheduled PTO shall be documented to the employee's personnel file and will reflect negatively on the employee evaluation. All consecutive workday absences shall be considered as one occasion for the purpose of this policy.

403 LEAVE OF ABSENCE WITHOUT PAY

Effective Date: ##/##/####

Revision Date:

Leave of Absence without Pay may be granted by the Town Manager when an employee has exhausted all of his/her PTO and his/her absence from work is for reasons beyond their control. PTO is not earned when an employee is on Leave without Pay status and holidays that fall within this period are not paid.

404 PRIOR SICK LEAVE

Effective Date: ##/##/####

Revision Date:

Effective October 1, 2007, the Town transitioned from a traditional policy of vacation, personal days, and sick leave to a combined general policy of Personal Time Off (PTO) as outlined in Section 307 above. Consequently, the Town does not currently provide a separate Sick Leave benefit. However, in order to not adversely affect employees hired prior to September 30, 2007 that accrued a sick leave balance, any unused sick leave was converted to "Prior Sick Leave." *Prior sick leave* may be used by those employees for short term disability, maternity leave, or family leave, from the first day such disability or leave is designated.

Upon retirement, resignation, or reduction in force, employees with a prior sick leave balance will be paid up to two hundred forty (240) hours of prior sick leave at their rate of pay on October 1, 2007. Any prior sick leave at discharge from employment with the Town as referenced in Section 706 will be forfeited and not paid for by the Town.

405 HOLIDAYS

Effective Date: ##/##/####

Revision Date:

The Town will grant paid holiday time off to all regular full-time employees on the holidays listed below during the benefit year (calendar). Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) for eight hours per holiday.

- New Year's Day (January 1)
- Martin Luther King, Jr. Day (third Monday in January)
- Presidents' Day (third Monday in February)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Veterans' Day (November 11)
- Thanksgiving (fourth Thursday in November)
- Day after Thanksgiving
- Christmas (December 25)

A recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday. If a recognized holiday falls during an eligible employee's paid absence, holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

If eligible nonexempt employees work on a recognized holiday, they will be paid their wages at their straight-time rate for hours worked on the holiday and they may flex the holiday within the same pay period with approval from their supervisor or receive holiday pay in the form of compensatory time (at a straight-time rate). Holidays can only be taken in increments of eight (8) hours.

In addition to the recognized holidays previously listed, eligible employees will receive one (1) floating holiday in each benefit year following 365 days of service as a regular full-time employee. Floating holidays must be scheduled with the prior approval of the employee's supervisor and taken in eight (8) hours increments. All holidays are classified as "floating" holidays for all sworn officers in the Police Department due to the complexities of their schedules and shifts. Unused floating holidays for all employees do not rollover into the next benefit year, they are use or lose.

If an employee's religious beliefs require observance of a holiday not included in the holiday schedule, the employee may, with his/her Department Head's approval, take a day off using PTO, compensatory time, a floating holiday, or leave without pay.

Paid time off for holidays will not be counted as hours worked for the purposes of determining overtime.

Town Council reserves the right to amend any of these holidays.

406 BEREAVEMENT LEAVE

Effective Date: ##/##/####

Revision Date:

Regular full-time employees who wish to take time off due to the death of an immediate family member should notify their supervisor immediately. The supervisor may, in his/her discretion, grant up to five (5) days with pay based upon distance to be traveled and mode of transportation.

Bereavement pay is calculated based on the base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials. Bereavement leave will normally be granted unless there are unusual business needs or staffing requirements.

The Town defines "immediate family" as the employee's spouse, parent, child, sibling, grandparents, or grandchildren; and the parents, siblings, or children of the employee's spouse.

Bereavement leave shall not be granted for settlement of estates or for any other matter except required time to travel to, attend, and return from the funeral. Leave taken in excess of that required to attend the funeral shall be charged as PTO, or leave without pay, as determined appropriate by the Department Head.

407 PAID MATERNITY LEAVE

Effective Date: ##/##/####

Revision Date:

The Town provides a paid Maternity Leave benefit (STD) to regular full-time employees after six (6) months of regular full-time employment with the Town. Temporary employment does not count toward the six (6) months requirement. Maternity leave is for a period of two hundred forty (240) regularly scheduled work hours.

An employee is required to use accrued PTO or Prior Sick Leave during the first forty (40) regularly scheduled work hours of maternity leave. If the employee does not have enough PTO or Prior Sick Leave, the employee may choose to use compensatory time, if applicable, or request Leave without Pay, if qualified.

An employee will receive 60% of normal salary during the remaining 200 regularly scheduled work hours of maternity leave. After the onset of the 60% maternity leave benefit, remaining PTO, Prior Sick Leave, and compensatory time may be used to supplement the maternity leave benefit to equal an employee's regular pay during the maternity leave.

The Town will continue its normal Social Security contributions, if applicable, normal retirement contributions, and insurance contributions, from both the Town and the employee, during the maternity leave period.

While off work during maternity leave, an employee will not accrue PTO. If a declared holiday falls within an employee's period of maternity leave, the employee will receive a holiday leave benefit in accordance with the holiday leave provisions in Section 310 of this handbook.

408 PAID FAMILY LEAVE

Effective Date: ##/##/####

Revision Date:

Only employees designated as regular full-time employees are eligible for paid family leave after six (6) months of regular Town employment. Any time as a temporary or seasonal employee does not count toward the six (6) months requirement for family leave. Family leave is available for a maximum of eighty (80) regularly scheduled work hours.

An eligible employee may take family leave for one or more of the following reasons:

- a) Father's attendance at the birth of his child
- b) Parent's care of a newborn after the birth of his or her child
- c) Placement of a son or daughter with the employee for adoption or foster care
- d) To care for an immediate family member who has a serious health condition, as defined by the Family Medical Leave Act

For purposes of this policy, an employee's "immediate family" includes his or her spouse, children, parent, grandparents, grandchildren or siblings, and the parents, siblings, or children of the employee's spouse.

An employee is required to use accrued Personal Time Off (PTO) or Prior Sick Leave during the first forty (40) regularly scheduled work hours of family leave. If the employee does not have enough PTO or Prior Sick Leave, the employee may choose to use compensatory time, if applicable, or request Leave without Pay, if qualified.

An employee will receive 60% of normal salary during the remaining forty (40) regularly scheduled work hours of family leave. After the onset of the 60% family leave benefit, remaining PTO, Prior Sick Leave, and compensatory time may be used to supplement the family leave benefit to equal an employee's regular pay during the family leave.

The Town will continue its normal Social Security contributions, if applicable, normal retirement contributions, and insurance contributions, from both the Town and the employee during the family leave period. While off work during family leave, an employee will not accrue PTO. If a declared holiday falls within an employee's period of family leave, the employee will receive a holiday leave benefit in accordance with the holiday leave provisions in Section 405 of this handbook.

409 FAMILY AND MEDICAL LEAVE

Effective Date: ##/##/####

Revision Date:

The Town has fewer than 50 employees and therefore its employees are not eligible for leave under the Family and Medical Leave Act. Employees may be eligible for up to twelve (12) weeks of unpaid family and medical leave per year ("Family and Medical Leave") for the following reasons:

- a) Incapacity due to pregnancy, prenatal medical care, or child birth.
- b) To care for the employee's child after birth, or placement for adoption or foster care.
- c) To care for the employee's spouse, domestic, or civil union partner, son or daughter, or parent, who has a serious health condition.
- d) Serious health condition that makes the employee unable to perform the essential functions of his or her position.
- e) Because of a qualifying exigency arising out of the fact that the employee's spouse, son, daughter or parent is a covered military member. For purposes of this policy, "covered military member" means a member of the National Guard or reserve forces or a retired member of the Armed Forces or reserve forces who is on active duty or has been notified of an impending call or order to active duty. Any of the following are considered a "qualifying exigency," as long as they arise from the covered military member's call or notice of an impending call to active duty.
 - a. Short-notice deployment (if a covered military member is notified of an impending call or order to active duty seven (7) or fewer calendar days prior to the date of deployment, the employee may take leave during that 7-day period to address any issues arising from the call or order); or
 - b. Military events and related activities (to attend an official ceremony, program or event sponsored by the military or to attend family support or assistance programs and informational briefings); or
 - c. Childcare and school activities (with respect to the child of the covered military member, to arrange a change to existing childcare, to provide childcare on an urgent, immediate need basis, to enroll in or transfer to a new school or day care facility when necessary due to the call to active duty status, and to meet with school or day care staff);
 - d. Financial and legal arrangements (to make or update such arrangements to address the covered military member's absence); or
 - e. Counseling; or
 - f. Rest and recuperation (to spend up to five (5) days in each instance with a covered military member who is on short-term, temporary rest and recuperation leave during deployment);
 - g. Post-deployment activities (to attend official military events, such as arrival ceremonies and reintegration briefings, during the 90-day period following termination of active duty status, or to address issues related to the death of the covered service member); or
 - h. Additional activities arising from the call to active duty, as long as the Town and the employee agree that the activity is a "qualifying exigency" and agree to the timing and duration of the leave.
- f) Because of a serious injury or illness incurred in the line of duty of employee's spouse, son, daughter, parent, or next of kin who is a current member of the Armed Forces, including a member of the National Guard or Reserves ("Military Caregiver Leave"). Employees taking Military Caregiver Leave may take up to twenty-six (26) weeks of leave during a single twelve-month period to care for a covered service member with a serious illness incurred in the line of duty on active duty. Military Caregiver Leave may not be taken to care for former service-members on the permanent disability retired list.

The amount of Family and Medical Leave and Military Caregiver Leave available will be determined based on a "rolling" twelve-month period, meaning that the amount of leave available to an eligible employee at any given time is twelve weeks (or twenty-six weeks in the case of Military Caregiver Leave) less the amount of Family and Medical Leave or Military Caregiver Leave used during the preceding twelve months. The total leave taken for any purpose during a single twelve-month period may not exceed twenty-six

(26) weeks, regardless of whether an employee is eligible for Military Caregiver Leave and another type of Family and Medical Leave in the same twelve-month period.

Eligibility for Leave

Eligibility for leave is as follows:

- a) Any employee who has been employed by the Town at least 12 months and has worked at least 1,250 hours during the 12 months preceding the commencement of leave of absence is eligible for Family and Medical Leave if certain conditions are met.
- b) Employees who return to work from Family and Medical Leave will be returned to their same job or an equivalent position. Certain highly compensated employees (key employees) may have limited reinstatement rights.
- c) If the necessity for leave is foreseeable, the employee must notify his supervisor of the request for leave 30 days prior to the first day of leave, or as soon as is practicable. If the leave is foreseeable based on a planned medical leave, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt departmental operations. If the leave is unforeseeable, the employee is expected to give notice to the employer of the need for Family and Medical Leave as soon as practicable under the circumstances, i.e., within one or two working days.
- d) An employee requesting leave must complete a Leave Request Form, stating the reason for the leave, the starting date, and the planned date of return to work. Medical certification is required for any serious health condition and must specify the work restrictions and the duration of the work restriction. For leaves stemming from the medical condition of a family member, the medical statement must specify that the employee is needed to care for the family member. The Town may require second and third medical opinions at the Town's expense.
- e) Employees who intend to take Family and Medical Leave or Military Caregiver Leave must give at least thirty (30) days' notice when circumstances permit. When advance notice is not possible, an employee needing leave must call his or her supervisor to report an absence from work, as practicable

Definition of a Serious Health Condition

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

Leave Duration

Each eligible employee may be granted medical and/or family leave for up to 12 weeks (26 weeks for Military Caregiver Leave) during a 12-month period. The 12-month period is measured forward from the date an employee's first Family and Medical Leave begins. In cases in which both spouses or civil union partners who both work for the Town, the spouses are limited to an aggregate of 12 weeks (26 weeks for Military Caregiver Leave) of leave during this 12-month period unless the leave is necessitated by the serious health condition of the employee or that of the employee's spouse or child.

Employees will be required to use all accrued compensatory time and PTO leave at the beginning of any Family and Medical Leave, except that the employee may retain a balance of 8 hours of PTO leave. Employees shall be paid on leave while they are using accrued PTO or compensatory time. After all accrued PTO and compensatory time is used, Family and Medical Leave or Military Caregiver Leave shall be unpaid.

Benefits During Leave

If an employee is on the Town's health plan, the benefits continue while on Family and Medical Leave. Employees must continue to pay their portion of any insurance premiums while on leave. As with other types of unpaid leave, PTO and holiday leave will not accrue when an employee is on unpaid status. Bereavement leave or jury duty pay are not granted if on unpaid leave. However, employment benefits accrued by the employee up to the day on which Family and Medical leave of absence begins are not lost.

In the event that the employee fails to return from Family and Medical Leave, the employee may be liable for the premiums paid by the Town to maintain insurance coverage unless:

- a) The employee's failure to return to work stems from the continuation, recurrence, or onset of a serious health condition of the employee or a family member; or

b) The failure to return stems from circumstances beyond the control of the employee.

Return from Leave

An employee on leave is required to report periodically on their status and intent to report to work. An employee returning from leave will be reinstated to the same or an equivalent position when possible. Certain highly compensated employees may have limited reinstatement rights. Medical certification is required verifying an employee's ability to return to work from medical leave. Failure to return to work on the day after the expiration of leave will normally result in separation of employment.

Reduced Work Schedule/Intermittent Leave

In a limited circumstance as described below, an employee who is eligible for Family and Medical Leave may request and be permitted to work on a reduced schedule or receive periodic time off from work. Employees taking reduced work schedules or intermittent leave, the Town reserves the right to temporarily transfer the employee to a comparable position that better accommodates the employee's recurring periods of leave. The Town may review the individual circumstances involved in considering a reduced schedule or intermittent leave requests. The Town may take into account the needs of the employee's department, the employee's length of service, and the employee's duties, workload and job performance in making such decisions. Any time off permitted, based on a reduced work schedule or intermittent leave, will be treated in the same manner as other absences under the family and medical leave policy and such absences will be applied against the leave permitted under this policy.

410 MILITARY LEAVE

Effective Date: ##/##/####

Revision Date:

Full-time employees who are members of the National Guard or reserve forces are entitled to military leave without loss of pay, benefits or status for no more than fifteen (15) working days each calendar year while they are engaged in training or other service under orders. Any employee who is required to continue in military service beyond the time allowed for military leave shall be afforded leave without pay for the duration of his or her service and shall be reinstated to full employment rights upon separation from military service as required by law, provided he or she reports to the Town for work within ninety (90) days from such separation.

Employees on military leave are paid the difference between their regular straight time pay and the pay received for military service for up to ten (10) working days per calendar year. To receive such pay, an employee must provide a military pay statement verifying the amount received by him or her for military service. Accrued PTO may be used for any unpaid portion of an employee's military leave.

When circumstances permit, employees taking military leave shall submit a written request for leave at least thirty (30) days in advance of the time they are scheduled for active duty or training.

Continuation of health insurance benefits is available as required by the Uniformed Services Employment and Reemployment Rights Act (USERRA) based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible. Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon the employee's return to active employment.

Employees on military leave for up to 30 days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with USERRA and all applicable state laws.

Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service.

Contact the Human Resources Office for more information or questions about military leave.

411 JURY DUTY/COURT TIME

Effective Date: ##/##/####

Revision Date:

A regular full-time employee who is summoned for jury duty or subpoenaed in connection with his/her employment during a regularly scheduled work time shall be compensated for the scheduled hours. A copy of the subpoena or order requiring such duty must be submitted with a leave request in order for such compensation to be paid. As a condition of the receipt of such pay, 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.

412 VOTING

Effective Date: ##/##/####

Revision Date:

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

413 NURSING MOTHERS

Effective Date: ##/##/####

Revision Date:

The Town will provide a private space and time will be permitted for nursing mothers to express milk during the workday. The time permitted typically will not exceed the normal time allowed for lunch and breaks. If additional time is needed above and beyond normal breaks/meal time, the supervisor and employee will agree upon a plan which might include the employee using PTO, arriving at work earlier, or leaving later. Employees requiring this accommodation should contact Human Resources.

SECTION 5: TIMEKEEPING/PAYROLL/WORK HOURS

501 TIMEKEEPING

Effective Date: ##/##/####

Revision Date:

Accurately recording time worked is the responsibility of every nonexempt employee. Federal and state laws require the Town to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties. Overtime work must always be approved before it is performed.

The Town uses online timekeeping software for employees to report their time worked and manage the time approval process. It is the employees' responsibility to enter their time and certify the accuracy of the time recorded. The employee's supervisor will review and approve the time record prior to submitting it to payroll for processing. An employee "electronically signs" and certifies that the time report is accurate when they electronically submit their time record to their supervisor.

Employees should submit their time record by no later than 10:00 am on the Monday prior to a scheduled payday in order to allow department heads time to review and approve them for submission to Payroll by close of business.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

502 OVERTIME

Effective Date: ##/##/####

Revision Date:

When operating requirements or other needs cannot be met during regular working hours, employees will be given the opportunity to volunteer for overtime work assignments, or the Town may require employees to work overtime. All overtime work must receive the supervisor's prior authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Overtime compensation is paid to all nonexempt employees in accordance with federal and state wage and hour restrictions. Overtime pay is based on actual hours worked. Time off on sick leave, PTO, or any leave of absence will not be considered hours worked for purposes of performing overtime calculations.

For all non-exempt employees, overtime is defined as authorized hours worked in excess of:

- a) Forty (40) hours in a seven (7) day week; or
- b) 86 hours within a 14-day work period for sworn law enforcement officers.

Regular full-time and regular part-time employees receive Compensatory Time (Comp Time) in lieu of pay for overtime earned at a rate of one and one-half times their hourly rate. Seasonal employees are paid out overtime at a rate of one and one-half times their hourly rate.

By mutual agreement between the employee and supervisor, an employee may work beyond his or her regularly scheduled shift without incurring overtime, provided however, that the employee shall be compensated for authorized overtime hours worked when required by FLSA.

Employees who work overtime without receiving prior authorization from the supervisor may be subject to disciplinary action, up to and including possible termination of employment.

503 COMPENSATORY TIME

Effective Date: ##/##/####

Revision Date:

It is understood that in agreeing to work for the Town, regular full-time and regular part-time employees agree to accept compensatory time of one and one-half (1.5) hours for each hour of overtime worked.

Compensatory Time – Non-exempt Full-time Employees

Employees are expected to work necessary overtime when requested to do so, and non-exempt full-time employees will receive time and one-half compensatory time for time worked exceeding 40 hours in any given work week or 80 hours in a two-week work period for sworn law enforcement officers.

Compensatory time off must be requested by the employee and authorized by the appropriate supervisor. If time off is not practical, the supervisor can deny a compensatory time request and opt for payment of compensatory time with Town Manager approval.

Exempt Employees

An employee in an exempt position is being paid to perform work which may not necessarily be completed in his or her normal work week and is therefore not entitled to overtime compensation or compensatory time. For exempt employees, work hours include attendance at regularly scheduled meetings or events related to an employee's position as determined by the Town Manager.

When an exempt employee is engaged in a project which specifically requires overtime work to accommodate a number of meetings outside of normal working hours, or to meet unavoidable deadlines, scheduling constraints imposed upon the Town, or other compelling cause, the Department Head may authorize a flexible work schedule for that employee, when possible, to reduce the number of extra hours required.

Accumulated Compensatory Time

Non-exempt employees shall be allowed to accumulate no more than 180 hours of unused compensatory time. Any non-exempt employee may be directed to use accrued but unused compensatory time where he or she has accumulated the maximum permissible number of hours or, in the alternative, the employee may be precluded from earning additional compensatory time until hours are used (and will be paid at 1.5 times regular wages for any additional hours of overtime). The Town Manager may, depending on available revenues, reimburse employees for accrued but unused compensatory time over 40 hours at the overtime rate in effect when earned. Non-exempt employees shall use compensatory time accrued within ninety (90) days of earning it whenever possible.

Upon separation from employment or retirement, unused compensatory time will be paid for accrued but unused compensatory time at the higher of the employee's final regular rate of pay or the average regular rate during his or her last three years of employment.

Employees promoted from a non-exempt position to an exempt position will be paid out accumulated compensatory time prior to the effective date of promotion.

504 PAYDAYS

Effective Date: ##/##/####

Revision Date:

All employees are paid biweekly on every other Friday. Each paycheck will include earnings for all work performed through the end of the previous payroll period. In the event a regularly scheduled payday falls on a day off such as a weekend or holiday, employees will receive pay on the last day of work before the regularly scheduled payday.

Employees may have pay directly deposited into their bank accounts if they provide advance written authorization to the Town. Employees will receive an itemized statement of wages when the Town makes direct deposits.

Scheduled paydays are posted conspicuously in each Town building. Copies of the payday schedule can be obtained by contacting the Human Resources Office.

505 SEPARATION FROM EMPLOYMENT

Effective Date: ##/##/####

Revision Date:

Separation of employment is an inevitable part of personnel activity within any organization, and many of the reasons for separation are routine. Below are examples of some of the most common circumstances under which employment is ended:

Resignation

Resignation is a voluntary act of separation from employment initiated by the employee. When an employee leaves Town employment for personal reasons it is requested, in the spirit of good faith, to provide, in writing, as much notice as possible to the direct supervisor and the Department Head, the anticipated separation date. An employee wishing to leave employment with the Town should submit a written resignation to his/her immediate supervisor. As a professional courtesy to the Town, the notice should be provided at least two (2) weeks in advance of the effective date of separation. The adequate notice period should not include holiday hours or scheduled Paid Time Off (PTO). The last day of employment must actually be a work day and not a PTO or paid holiday.

An employee, who, without authorization, fails to report for work for three (3) consecutive working days, may be considered to have resigned voluntarily as of the end of the third consecutive day. The Department Head shall provide written notice to the employee that the resignation has been accepted and the position has been declared vacant.

Reduction in Force

When warranted by changes in Town operations or by fiscal circumstances, the Town budget may be amended to impose a reduction in force in one or more departments. The Town Manager shall then notify the affected employee or employees, if reasonably possible, at least two weeks in advance of such reductions.

A reduction of the number of employees in any department shall be made in the following order:

- a) Temporary or seasonal employees; then
- b) Introductory period employees; then
- c) Regular full-time and part-time employees.

If an eligible list exists for a position in which a reduction in force has occurred, the name of each employee to whom the reduction applies shall be placed at the highest ranking on the eligible list for a period not to exceed one year.

Discharge

Employment with the Town is terminable at-will. Any employee may be discharged with or without cause, at the sole discretion of and without prior notice from the Town Manager.

Human Resources will provide separating employees with an exit questionnaire and overview outlining the separation process and requirements, including the return of Town issued property. Unless the separation is involuntary, final pay checks (including PTO, required premiums, etc.) will be processed on the next regularly scheduled payroll date. An employee who fails to return Town property upon separation may have the estimated cost of the property reduced from his or her final check and may be subject to criminal charges.

506 ADMINISTRATIVE PAY CORRECTIONS

Effective Date: ##/##/####

Revision Date:

The Town takes all reasonable steps to ensure employees receive the correct amount of pay in each paycheck and employees are paid promptly on the scheduled payday. In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the Human Resources Office so corrections can be made as quickly as possible.

507 PAY DEDUCTIONS AND SETOFFS

Effective Date: ##/##/####

Revision Date:

The law requires the Town make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes. The Town also must deduct Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base". The Town matches the amount of Social Security taxes paid by each employee.

The Town offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in these programs. Pay setoffs are pay deductions taken by the Town, usually to help pay off a debt or obligation to the Town or others.

If you have questions concerning why deductions were made from your paycheck or how they were calculated, contact the Human Resources Office.

In addition, it is the policy of the Town to comply with the salary basis requirements of the FLSA for exempt employees. The Town prohibits all managers from making any improper deduction from the salary of an exempt employee in violation of the FLSA. That means that deductions may be made from an exempt employee's pay (leave without pay) when an exempt employee is absent from work for personal reasons, including sickness or disability, and does not have any remaining accrued PTO, or for unpaid disciplinary suspensions imposed by the Town in good faith for workplace conduct rule infractions. If an exempt employee believes an improper deduction has been made to his or her salary, this information should be reported to the Town Manager. Reports of improper deductions will be promptly investigated and if it is determined an improper deduction has occurred, the employee will be promptly reimbursed.

508 SEVERANCE PAY

Effective Date: ##/##/####

Revision Date:

The Town may provide severance pay to long-term employees who leave employment with the Town in good standing, as determined by the Town in its sole discretion, and who have worked for the Town as regular full-time employees in excess of ten (10) years, as follows:

- a) Over ten (10) years of service and less than fifteen (15) years of service – one (1) month's pay at rate as of date of separation.
- b) Over fifteen (15) years of service and less than twenty (20) years of service - two (2) month's pay at rate as of date of separation.
- c) Over twenty (20) years of service - three (3) month's pay at rate as of date of separation.

Specifically excluded from benefits under this provision are employees who: were hired as temporary employees for a specified period of time, and employees who were offered but refused to accept another suitable position with the Town.

SECTION 6: WORK CONDITIONS

601 SAFETY

Effective Date: ##/##/####

Revision Date:

To assist in providing a safe and healthful work environment for employees, customers, and visitors, the Town has established a workplace safety program. This program is a top priority for the Town. The Human Resources Office has responsibility for implementing, administering, monitoring, and evaluating the safety program. Its success depends on the alertness and personal commitment of all.

The Town provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, or other written communications.

Employees and supervisors receive periodic workplace safety training. The training covers potential safety and health hazards and safe work practices and procedures to eliminate or minimize hazards. A labor-management safety committee, composed of representatives from throughout the Town, has been established to help monitor the Town's safety program and to facilitate effective communication between employees and management about workplace safety and health issues.

Some of the best safety improvement ideas come from employees. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with their supervisor, or with another supervisor or manager, or bring them to the attention of the Human Resources Office. Reports and concerns about workplace safety issues may be made anonymously if the employee wishes. All reports can be made without fear of reprisal.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify the Human Resources Office or the appropriate supervisor. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures.

602 WORK SCHEDULES

Effective Date: ##/##/####

Revision Date:

The normal work schedule for all general employees is 8 hours a day, 5 days a week, Monday thru Friday from 8:00 am to 5:00 pm. Supervisors will advise employees of the times their schedules will normally begin and end. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

Flexible scheduling, or flextime, is available in some cases to allow employees to vary their starting and ending times each day within established limits. Flextime may be possible if a mutually workable schedule can be negotiated with the supervisor involved. However, such issues as staffing needs, the employee's performance, and the nature of the job will be considered before approval of flextime. Employees should consult their supervisor to request participation in the flextime program.

603 SMOKING

Effective Date: ##/##/####

Revision Date:

In keeping with Town's intent to provide a safe and healthful work environment, smoking is prohibited throughout the workplace. This policy applies equally to all employees, customers, and visitors.

604 REST AND MEAL PERIODS

Effective Date: ##/##/####

Revision Date:

Each workday, full-time nonexempt employees are provided with 2 rest periods of 15 minutes in length. To the extent possible, rest periods will be provided in the middle of work periods. Since this time is counted and paid as time worked, employees must not be absent from their workstations beyond the allotted rest period time.

All full-time regular employees are provided with one meal period of 60 minutes in length each workday. Supervisors will schedule meal periods to accommodate operating requirements. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time.

605 USE OF EQUIPMENT AND VEHICLES

Effective Date: ##/##/####

Revision Date:

Town vehicles may be used only for the purposes and in the manner authorized by the Town Manager. Only authorized, qualified, and licensed employees may operate Town vehicles. Only authorized Town employees and other persons on Town-related business may ride as passengers in Town vehicles. All vehicles shall be operated in accordance with all applicable traffic laws, and vehicle operators shall be responsible for the condition and proper use of the vehicles. When using equipment, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Employees shall notify the supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment.

There shall be no tobacco or marijuana use at **any** time in Town vehicles. ***Seat belts must be used at all times while operating a Town vehicle.***

606 EMERGENCY CLOSINGS

Effective Date: ##/##/####

Revision Date:

At times, emergencies such as severe weather, fires, floods, or power failures, can disrupt company operations. In extreme cases, these circumstances may require the closing of a work facility. In the event that such an emergency occurs during nonworking hours, local radio and/or television stations will be asked to broadcast notification of the closing.

In cases where an emergency closing is not authorized, employees who fail to report for work will not be paid for the time off. Employees may request available paid leave time such as PTO or compensatory time.

607 BUSINESS TRAVEL EXPENSES

Effective Date: ##/##/####

Revision Date:

The Town will reimburse employees for reasonable business travel expenses incurred while on assignments away from the normal work location. All business travel must be approved in advance by the employee's supervisor.

Employees whose travel plans have been approved are responsible for making their own travel arrangements. When approved, the actual costs of travel, meals, lodging, and other expenses directly related to accomplishing business travel objectives will be reimbursed by the Town. Employees are expected to limit expenses to reasonable amounts. Per diem may be requested and granted in the Police Department for travel that will be reimbursed through POST scholarships according to their policy.

Expenses reimbursed may include the following:

- a) Airfare or train fare for travel in coach or economy class or the lowest available fare.
- b) Car rental fees, only for compact or mid-sized cars.
- c) Fares for shuttle or airport bus service, where available; costs of public transportation for other ground travel.
- d) Taxi fares, only when there is no less expensive alternative.
- e) Mileage costs for use of personal cars, only when less expensive transportation is not available, based upon GSA mileage reimbursement amount.
- f) Cost of standard accommodations in low to mid-priced hotels, motels, or similar lodgings.
- g) Cost of meals, no more lavish than would be eaten at the employee's own expense.
- h) Tips not exceeding 20% of the total cost of a meal or 15% of a taxi fare.
- i) Charges for telephone calls, fax, and similar services required for business purposes.

Employees who are involved in an accident while traveling on business must promptly report the incident to their immediate supervisor.

Cash advances to cover reasonable anticipated expenses may be made to employees, after travel has been approved. Employees should submit a written request to their department head when travel advances are needed.

With prior approval, employees on business travel may be accompanied by a family member or friend, when the presence of a companion will not interfere with successful completion of business objectives. Generally, employees are also permitted to combine personal travel with business travel, as long as time away from work is approved. Additional expenses arising from such nonbusiness travel are the responsibility of the employee. Vehicles owned, leased, or rented by the Town may not be used for personal use without prior approval.

When travel is completed, employees should submit receipts for all individual expenses. Employees should contact their supervisor for guidance and assistance on procedures related to travel arrangements, travel advances, reimbursement for specific expenses, or any other business travel issues.

Abuse of this business travel expenses policy, including falsifying expense reports to reflect costs not incurred by the employee, can be grounds for disciplinary action, up to and including termination of employment.

608 CELLULAR TELEPHONES

Effective Date: ##/##/####

Revision Date:

The Town may require some employees, based on the employee's job requirements, to carry cellular telephones. Upon the recommendation of the department head and approval of the Town Manager, employees determined to have a business need for a cellular telephone will be provided the following options:

- a) A monthly allowance, in an amount to be determined by the Town, if the employee chooses to use the employee's personal cellular telephone phone ("Employee-owned"); or

- b) A cellular telephone paid for and provided by the Town (“Town-owned”).

The business need for a cellular telephone may be withdrawn at any time at the discretion of the Town Manager, Department Head, or his/her designee.

Town-owned Cellular Telephones

A Town-owned cellular telephone must be secured and its whereabouts known at all times by the employee. All Town-owned cellular telephones are the property of the Town of Pagosa Springs. Upon leaving a Town position, all Town-owned cellular phones and related equipment must be returned to the Town. Failure to return such telephone and equipment to the Town may result in the cost of the telephone and the equipment being charged against the final monies due to the employee or other collection action by the Town.

Town-owned cellular telephones are the responsibility of the employee. Employees must notify their supervisor immediately of any problems with their assigned cellular telephone or related equipment, including loss, theft, or damage. A copy of the Town Incident report must accompany a replacement request due to loss. A copy of the police report must accompany a replacement request due to theft. Employees may be financially responsible for the assigned cellular telephone if:

- a) It is lost or damaged while in the care of employee, as a result of the employee's negligence.
- b) It is not returned by an employee within the specified period of time or is damaged upon its return.
- c) It is damaged due to failure to adhere to maintenance or operational policies.

Town-owned cellular phones may not be used at any time in violation of state or federal laws, or Town and Departmental policies, procedures, work rules, etc. The use of Town-owned cellular telephones to transmit or receive inappropriate communication is strictly prohibited and may result in disciplinary action. Inappropriate communication includes, but is not limited to: discriminatory, hostile, suggestive, obscene, harassing, or otherwise unsuitable language and content.

Town-owned cellular telephones are intended for business-related calls only and personal calls are not permitted. Cellular telephone invoices may be regularly monitored. Personal calls that create an added expense for the Town shall be fully reimbursed to the Town. Users may be requested to justify any or all calls on a Town-owned cellular telephone.

Employees are hereby notified that their communications via Town-owned cellular telephones are not private. Bills, text messages, photographs, call logs, and other communications on Town-owned cellular telephones are subject to potential disclosure pursuant to the Colorado Open Records Act, Colorado Revised Statutes §§24-6-101 *et seq.* (“CORA”)

Employee-owned Cellular Telephones

Employee-owned cellular telephones are the sole responsibility of the employee. Employees must notify their supervisor immediately of any problems with their personal cellular equipment and the timing of when replacement cellular telephone will be obtained. Employees are responsible for promptly obtaining replacement equipment. The Town will not reimburse the employee for loss, theft or damage to the Employee-owned cellular telephone or related equipment.

Employees are solely responsible for Employee-owned cellular telephone plans with cellular telephone service providers. The Town will not reimburse or otherwise pay for costs incurred by an employee for use of the Employee-owned cellular telephone that exceeds the terms of the employee’s cellular telephone plan.

Employees are hereby notified that their Town communications via Employee-owned cellular telephones may not be private. Bills and other communications regarding Employee-owned cellular telephones may be subject to potential disclosure pursuant to CORA. If the Town receives a CORA request that concerns an Employee-owned cellular telephone, the Town will request the employee to provide such information to the Town. The employee is solely responsible for any expenses related to producing those records including the cost of any attorney fees to defend or otherwise prevent release of the records.

Using Cellular Telephones/Handheld Devices While Driving

Except in emergency situations, employees are prohibited from using handheld cellular telephones or other handheld devices to conduct business while driving a motor vehicle or operating motorized equipment. The employee should safely pull off the road and come to a complete stop before texting, dialing or talking on the cellular telephone or another handheld device. Employees may utilize a hands-free device to use a cellular telephone so long as such use does not interfere with the safe operation of a motor vehicle or motorized equipment.

609 COMPUTER AND EMAIL USAGE

Effective Date: ##/##/####

Revision Date:

Computers, computer files, the email system, and software furnished to employees are Town property intended for business use. Employees should not use a password, access a file, or retrieve any stored communication without authorization. To ensure compliance with this policy, computer and email usage may be monitored.

The Town strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Users of Town computers and e-mail systems are responsible for their appropriate use. All illegal and improper uses of the e-mail system, including but not limited to pornography, obscenity, harassment, solicitation, gambling and violating copyright or intellectual property rights are prohibited. In addition, use of computers and the email system in ways that are disruptive, offensive to others, or harmful to morale is prohibited. For example, the display or transmission of sexually explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, off-color jokes, or anything that may be construed as harassment or showing disrespect for others. Use of the computers and e-mail system for which the Town will incur an expense without express permission of a supervisor is prohibited.

Email may not be used to solicit others for commercial ventures, religious or political causes, outside organizations, or other nonbusiness matters.

The Town purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, the Town does not have the right to reproduce such software for use on more than one computer.

Employees may only use software on local area networks or on multiple machines according to the software license agreement. The Town prohibits the illegal duplication of software and its related documentation.

Electronic messages are not for private or confidential matters. Because there is no guarantee of privacy or confidentiality, other avenues of communication should be used for such matters.

In order to keep Town e-mail and computer systems secure, users shall not leave the terminal signed on when unattended and shall not leave their password available in an obvious place near the terminal or share their password with anyone except the e-mail system administrator.

Electronic messages are not private. The Town retains the right to monitor, review, store and disclose all information sent over the Town e-mail system at any time for any reason, without notice to the employee.

Except as provided herein, Town employees are prohibited from accessing another employee's e-mail without the express consent of the employee. All Town employees are advised that e-mail messages can be retrieved even if they have been deleted and that statements made in e-mail communications can form the basis of various legal claims against the individual author or the Town.

E-mail sent or received by the Town or the Town Council and employees may be considered a public record subject to public disclosure or inspection under CORA.

Town employees shall be subject to disciplinary action, including termination, for violation of this guideline and regulation.

Employees should notify their department head, the Human Resources Office or the Town Manager upon learning of violations of this policy. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

610 INTERNET USAGE

Effective Date: ##/##/####

Revision Date:

Internet access to global electronic information resources on the World Wide Web is provided by the Town to assist employees in obtaining work-related data and technology. The following guidelines have been established to help ensure responsible and

productive Internet usage. While Internet usage is intended for job-related activities, incidental and occasional brief personal use is permitted within reasonable limits.

All Internet data that is composed, transmitted, or received via our computer communications systems is considered to be part of the official records of the Town and, as such, is subject to disclosure under CORA. Consequently, employees should always ensure that the business information contained in Internet email messages and other transmissions is accurate, appropriate, ethical, and lawful.

The equipment, services, and technology provided to access the Internet remain at all times the property of the Town. As such, the Town reserves the right to monitor Internet traffic, and retrieve and read any data composed, sent, or received through our online connections and stored in our computer systems.

Data that is composed, transmitted, accessed, or received via the Internet must not contain content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive to any employee or another person. Examples of unacceptable content may include, but are not limited to, sexual comments or images, racial slurs, gender-specific comments, or any other comments or images that could reasonably offend someone on the basis of race, age, sex, religious or political beliefs, national origin, disability, sexual orientation, or any other characteristic protected by law.

The unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material on the Internet is expressly prohibited. As a general rule, if an employee did not create material, does not own the rights to it, or has not gotten authorization for its use, it should not be put on the Internet. Employees are also responsible for ensuring that the person sending any material over the Internet has the appropriate distribution rights.

Internet users should take the necessary anti-virus precautions before downloading or copying any file from the Internet. All downloaded files are to be checked for viruses; all compressed files are to be checked before and after decompression.

Abuse of the Internet access provided by the Town in violation of law or Town policies will result in disciplinary action, up to and including termination of employment. Employees may also be held personally liable for any violations of this policy. The following behaviors are examples of previously stated or additional actions and activities that are prohibited and can result in disciplinary action:

- a) Sending or posting discriminatory, harassing, or threatening messages or images
- b) Using the organization's time and resources for personal gain
- c) Stealing, using, or disclosing someone else's code or password without authorization
- d) Copying, pirating, or downloading software and electronic files without permission
- e) Violating copyright law
- f) Failing to observe licensing agreements
- g) Engaging in unauthorized transactions that may incur a cost to the Town or initiate unwanted Internet services and transmissions
- h) Sending or posting messages or material that could damage the Town's image or reputation
- i) Participating in the viewing or exchange of pornography or obscene materials
- j) Sending or posting messages that defame or slander other individuals
- k) Attempting to break into the computer system of another organization or person
- l) Refusing to cooperate with a security investigation
- m) Sending or posting chain letters, solicitations, or advertisements not related to business purposes or activities
- n) Using the Internet for political causes or activities, religious activities, or any sort of gambling
- o) Jeopardizing the security of the organization's electronic communications systems
- p) Sending or posting messages that disparage another organization's products or services
- q) Passing off personal views as representing those of the organization
- r) Sending anonymous email messages
- s) Engaging in any other illegal activities

611 WORKPLACE MONITORING

Effective Date: ##/##/####

Revision Date:

Workplace monitoring may be conducted by the Town to ensure quality control, employee safety, security, and customer satisfaction. Computers furnished to employees are the property of the Town. As such, computer usage and files may be monitored or accessed.

Employees can request access to information gathered through workplace monitoring that may impact employment decisions. Access will be granted unless there is a legitimate business reason to protect confidentiality or an ongoing investigation.

Because the Town is sensitive to the legitimate privacy rights of employees, every effort will be made to guarantee that workplace monitoring is done in an ethical and respectful manner.

612 TELECOMMUTING

Effective Date: ##/##/####

Revision Date:

Telecommuting is the practice of working at home or at a site near the home instead of physically traveling to a central workplace. It is a work alternative that the Town may offer to some employees when it would benefit both the Town and the employee.

Employees who believe telecommuting can enhance their ability to get the job done should submit a written request to their managers proposing how it will benefit Town and themselves. The request should explain how they will be accountable and responsible, what equipment is necessary, and how communication barriers will be overcome. The decision to approve a telecommuting arrangement will be based on factors such as position and job duties, performance history, related work skills, and the impact on the Town.

The employee's compensation, benefits, work status, work responsibilities, and the amount of time the employee is expected to work per day or per pay period will not change due to participation in the telecommuting program (unless otherwise agreed upon in writing). The employee's at-home work hours will conform to a schedule agreed upon by the employee and his or her supervisor. If such a schedule has not been agreed upon, the employee's work hours will be assumed to be the same as they were before the employee began telecommuting. Changes to this schedule must be reviewed and approved in advance by the employee's supervisor.

During working hours, the employee's at-home workspace will be considered an extension of Town's workspace. Therefore, workers' compensation benefits may be available for job-related accidents that occur in the employee's at-home workspace during working hours. All job-related accidents will be investigated immediately.

The Town assumes no responsibility for injuries occurring in the employee's at-home workspace outside the agreed-upon work hours. The employee agrees to maintain safe conditions in the at-home workspace and to practice the same safety habits as those followed on the Town's premises. In the case of an injury while working at home, the employee will immediately report the injury to the Human Resources Office to get instructions for obtaining medical treatment.

Telecommuting is an alternative method of meeting the needs of the Town and is not a universal employee benefit. As such, the Town has the right to refuse to make telecommuting available to an employee and to terminate a telecommuting arrangement at any time.

613 WORKPLACE VIOLENCE PREVENTION

Effective Date: ##/##/####

Revision Date:

The Town is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, the Town has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of Town without proper authorization.

Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by federal, state, or local law.

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor or any other member of management. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your workstation, do not try to intercede or see what is happening.

The Town will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, the Town may suspend employees, either with or without pay, pending investigation.

Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

The Town encourages employees to bring their disputes or differences with other employees to the attention of their supervisors or the Human Resources Office before the situation escalates into potential violence. The Town is eager to assist in the resolution of employee disputes, and will not discipline employees for raising such concerns.

SECTION 7: DRUG AND ALCOHOL USE

701 DRUG-FREE WORKPLACE

Effective Date: ##/##/####

Revision Date:

The Town is a drug-free workplace as required by the Drug-Free Workplace Act. The Town strictly prohibits the use or possession on Town premises of alcoholic beverages of any kind and drugs other than those prescribed by a physician or obtained from a legal over-the-counter source. For purposes of this policy, marijuana is considered an illegal drug, regardless of whether it is used for medical or recreational purposes in accordance with Colorado law.

No employee is permitted to report for duty while impaired by or under the influence of alcohol or drugs to the slightest degree. Any employee who reports to work impaired by or under the influence of drugs (including marijuana) or alcohol shall be relieved of his or her duties immediately and without pay, and may be subject to additional disciplinary action.

Employees are expected to use prescription or legal over-the-counter drugs in an appropriate manner and dosage and are expected to know whether the appropriate use of such drugs may impair their ability to perform their jobs safely and competently. If an employee becomes aware that a prescription or legal over-the-counter drug is impairing his or her job performance, the employee should notify his or her supervisor. An employee may be required to use accrued paid time off in order to address and remedy any situation where job performance is impaired.

An employee's violation of this prohibition, or any other drug abuse violation, may result in disciplinary action up to and including discharge. While the Town does not have a formal employee assistance program, the use of other available resources, including any health insurance coverage, is encouraged for any employee desiring drug counseling or rehabilitation.

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; and
- b) Notify the Town in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction. Upon notification of any such conviction, the Town shall take action in compliance with the Drug-Free Workplace Act and Regulations.

702 DEFINITIONS

For the purposes of these policies, the following definitions apply.

- a) **CDL Employee.** An employee whose job description requires him or her to hold a commercial driver's license under Colorado law.
- b) **Safety Sensitive Employee.** A safety sensitive employee is one that holds a position identified by the job descriptions as safety sensitive, ordinarily, but not limited to, those employment positions where drug and alcohol use presents a direct threat to the public at large.
- c) **Illicit Use of Drugs.** The *Illicit Use of Drugs* means the on-the-job or off-the-job unauthorized use by an employee of a controlled substance, as defined by federal law or the misuse of prescription drugs, over-the-counter drugs or other substances known to affect a person's ability to safely or efficiently perform job duties.
- d) **Marijuana or Marijuana Product.** *Marijuana or Marijuana Product* means any product that contains Tetrahydrocannabinol or THC.
- e) **Impaired by Alcohol.** CDL and Safety Sensitive employees are *Impaired by Alcohol* if alcohol testing under this policy indicates an alcohol concentration of 0.04 or more grams of alcohol per 210 liters of breath or per 100 milliliters of blood. All other employees are *Impaired by Alcohol* if alcohol testing under this policy indicates an alcohol concentration of 0.05 or more grams of alcohol per 210 liters of breath or per 100 milliliters of blood.

703 DRUG AND ALCOHOL TESTING

All Town employees required to hold commercial drivers' licenses shall be subject to a drug and alcohol testing program that fulfills the requirements of Code of Federal Regulations Title 49, Part 382. Tests shall be conducted under the following circumstances:

- a. Each such employee shall be tested before the first time they perform any safety-sensitive function for the Town. Such functions including driving; waiting to be dispatched; inspecting and servicing equipment; supervising, performing or assisting in loading or unloading; repairing or obtaining and waiting for help with a disabled vehicle; performing driver requirements related to accidents; and performing any other work related to vehicle maintenance or operation. Pre-employment tests shall be required only after an applicant is offered a position.
- b. Alcohol and controlled substance tests shall be conducted after any accident involving any safety-sensitive function. Such tests shall be conducted as soon as is practicable following an accident if the accident involved personal injury, property damage, or a citation for a moving traffic violation. Employees involved in accidents shall make themselves available for testing unless they need immediate medical attention, and shall not use alcohol for eight hours after any accident or until after a post-accident alcohol test, whichever occurs first.
- c. Tests shall be conducted on a random basis at unannounced times throughout the year. Such random tests shall be conducted just before, during, or just after the performance of safety-sensitive functions.
- d. Tests shall be conducted when a supervisor or Town official trained in accordance with law has reasonable suspicion that an employee has violated the Town's alcohol or drug prohibitions. Reasonable suspicion must be based on specific, contemporaneous observations concerning the employee's appearance, behavior, speech or body odors. Such observations may include indications of the chronic and withdrawal effects of controlled substances.
- e. A drug or alcohol test shall be conducted if and when an employee who has violated the Town's drug or alcohol prohibition returns to performing safety-sensitive duties. No employee may be assigned to a safety-sensitive position until a return-to-duty drug test is administered with a negative result.
- f. An employee who violates the Town's drug or alcohol prohibition and is subsequently identified by a substance abuse professional as needing assistance in resolving a drug or alcohol problem shall be subject to unannounced follow-up testing as directed by the substance abuse professional in accordance with law. Such follow-up testing shall be conducted just before, during, or just after the performance of safety-sensitive functions.

Testing procedures and facilities used for tests shall conform with the Code of Federal Regulations, Title 49, Section 40, et seq.

Any driver who refuses to submit to a drug or alcohol test required by this guideline shall not perform or continue to perform safety-sensitive duties and will be subject to discipline up to and including dismissal. An employee will be deemed to have refused to submit to testing if he or she is unavailable or fails to provide samples sufficient for testing absent any medical necessity. Verified positive tests for alcohol or drugs (including marijuana) shall subject employees to disciplinary action up to and including dismissal.

In addition, any employee may be subject to reasonable suspicion or post-accident drug testing as described in this Section.

704 EMPLOYMENT-RELATED TESTING.

Safety-Sensitive Positions

The Town may require drug testing, finger printing, and/or Federal or state background checks of employees engaged in safety or security sensitive functions, including positions that involve operation of Town vehicles not requiring a CDL. Tests shall be conducted in accordance with the law and in a manner that ensures accuracy and limits access to the test results.

Reasonable Suspicion Testing

An employee must submit to immediate drug and alcohol testing if reasonable suspicion exists to believe that the employee may be using drugs and alcohol in violation of this policy. Reasonable suspicion may be based on visual or other evidence that an employee is under the influence of, or using or possessing drugs or alcohol at the workplace. Indications of drug and alcohol use include, but are not limited to: slurred speech; lack of balance; excessive aggressiveness; docility or drowsiness; the detection or smell of drugs

or alcohol; an employee's unusual demeanor, appearance or conduct; irrational, threatening or violent behavior. Reasonable suspicion testing requires prior approval by the Town Manager.

Post-Accident and Post-Incident Testing

An employee may be subject to immediate drug and alcohol testing after an on-the-job accident or incident involving a Town vehicle, equipment, property or personnel, or involving the employee's personal vehicle while on Town business, under the circumstances described below.

- a) Unless unable to do so because of a serious injury, an employee involved in an on-the-job accident or incident must immediately report it to the employee's supervisor, who will notify the Department Head.
- b) The Department Head will determine whether an employee must submit to post-accident or post-incident drug and alcohol testing. Post-accident and post-incident testing is permissible under the following circumstances:
 - 1) There is reasonable suspicion that the employee is under the influence of drugs or alcohol; or
 - 2) The employee receives a citation (or there is other reasonable indication of the employee's fault) and there is bodily injury or fatality; or
 - 3) The employee receives a citation (or there is other reasonable indication of the employee's fault) and there is property damage or direct incident costs reasonably ascertained to exceed \$1500.00; or
 - 4) The employee suffers an on-the-job injury requiring a visit to a medical provider and there is other reasonable indication of the employee's fault; or
 - 5) The employee failed to follow operational or safety protocol, causing or potentially causing a serious operational incident.
- c) An employee subject to drug and alcohol testing after an accident or incident will be escorted to an approved testing facility for immediate testing, and shall not use alcohol until the alcohol test is performed, or until eight hours after the accident or incident, whichever is first.
- d) If seriously injured as a result of an accident or incident and unable to provide a sufficient breath or urine sample as required by this policy, the employee must authorize the release of medical records to determine if alcohol or drugs were detected. An employee who fails to immediately report any accident or an incident resulting in a serious injury, or who refuses to release medical records of drug and alcohol tests under these circumstances will be subject to corrective action up to and including termination.

Timing and Location of Drug and Alcohol Testing

Drug and alcohol tests should be performed *as soon as possible* after the determination that ***reasonable suspicion or post-accident or post-incident*** testing is appropriate.

- a) If alcohol testing is not performed within two hours of a reasonable suspicion determination, the reason for the delay must be documented by the persons involved in the determination. The documentation will be kept by the Human Resources Office. Contribution to the delay by the employee is cause for disciplinary action, up to and including termination.
- b) Drug and alcohol testing of employees will be performed by a testing facility approved by the Town.
- c) If testing is delayed more than eight hours after the determination of reasonable suspicion, drug testing, but not alcohol testing, will still be performed.

Return to Work After Drug and Alcohol Testing

An employee's return to work after being required to submit to drug and alcohol testing is dependent on such factors as the employee's job description, the results of the testing, and the reason for the testing.

- a) An employee referred for drug and alcohol testing based on reasonable suspicion or an accident may not return to work until released to return to work by the employee's supervisor. Time off work under this section will be paid.
- b) An employee referred for random or biennial alcohol testing may return to work immediately after alcohol test results are obtained except under the following circumstances:

- 1) Any employee *Impaired by Alcohol* will be suspended with pay pending correction action;
 - 2) CDL and Safety Sensitive employees and any employee whose job description requires driving whose alcohol test results indicate the Use of Alcohol, will be required to take personal leave until a breath alcohol test indicates an alcohol concentration below 0.02 grams of alcohol per 210 liters of breath or per 100 milliliters of blood; or
 - 3) Substantial safety concerns are at stake.
- c) An employee may return to work pending the Town's receipt of negative test results.

705 PRE-EMPLOYMENT DRUG TESTING

Effective Date: ##/##/####

Revision Date:

As a condition of employment, the Town requires all employees to submit to a pre-employment drug test. Employee drug and alcohol test results will be kept confidential to the extent required by law. The Human Resources Office is the custodian of records related to drug and alcohol tests.

706 CORRECTION ACTION FOR VIOLATIONS OF DRUG AND ALCOHOL POLICY

Employees are subject to corrective action for any violation of the Town's drug and alcohol policies, up to and including termination. Corrective action may be based on the results of drug and alcohol tests conducted by the Town or by any federal, state, or local officials having independent authority to test the employee for drug and alcohol use.

Termination Mandatory

An employee will be terminated if any one of the following conditions is met:

- a) A drug or alcohol test required by this policy determines the employee engaged in the *Illicit Use of Drugs* or was *Impaired by Alcohol* or used any *Marijuana* or *Marijuana Product*, and the employee holds a job description that requires a CDL or a driver's license or is identified as Safety Sensitive;
- b) A drug or alcohol test required by this policy determines the employee engaged in the Illicit Use of Drugs or was Impaired while operating a Town vehicle or equipment or the employee's personal vehicle on Town business;
- c) When referred for drug and alcohol testing, the employee refuses to submit the required urine or breath specimen;
- d) The employee refuses to authorize the release of drug or alcohol testing results performed by a health care provider after an accident for which the employee may be at-fault, and testing is warranted under this policy; or
- e) The employee tampers with or attempts to tamper with a urine or breath specimen collected for testing.

SECTION 8: EMPLOYEE CONDUCT & DISCIPLINARY ACTION

801 EMPLOYEE CONDUCT AND WORK RULES

Effective Date: ##/##/####

Revision Date:

The Town expects all employees to conduct themselves pursuant to the highest professional, business, and ethical standards and will not tolerate misconduct. The Town, through its Board, management and supervisors, retains the right to take such disciplinary action as it deems appropriate in any given circumstance. Whether an employee's performance, conduct, or behavior warrants disciplinary action is within the Town discretion. The Town does not intend by these policies to create any expectation that any employee will be assured of any particular form of disciplinary action, such as warnings, notice, or any form of progressive discipline, prior to discharge. To ensure orderly operations and provide the best possible work environment, the Town expects employees to follow rules of conduct that will protect the interests and safety of all employees and the Town.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- a) Theft or inappropriate removal or possession of property
- b) Falsification of timekeeping records
- c) Working under the influence of alcohol or illegal drugs
- d) Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment
- e) Fighting or threatening violence in the workplace
- f) Boisterous or disruptive activity in the workplace
- g) Negligence or improper conduct leading to damage of employer-owned or customer-owned property
- h) Insubordination or other disrespectful conduct
- i) Violation of safety or health rules
- j) Smoking in prohibited areas
- k) Sexual or other unlawful or unwelcome harassment
- l) Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace
- m) Excessive absenteeism or any absence without notice
- n) Unauthorized absence from work station during the workday
- o) Unauthorized use of telephones, mail system, or other employer-owned equipment
- p) Unauthorized disclosure of confidential information
- q) Violation of personnel policies
- r) Unsatisfactory performance or conduct

Employment with the Town is at the mutual consent of the Town and the employee, and either party may terminate that relationship at any time, with or without cause, and with or without advance notice.

802 SEXUAL AND OTHER UNLAWFUL HARASSMENT

Effective Date: ##/##/####

Revision Date:

The Town is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive, including sexual harassment. Actions, words, jokes, or comments based on an individual's sex, race, color, national origin, age, religion, disability, sexual orientation, or any other legally protected characteristic will not be tolerated. The Town provides ongoing sexual harassment training to ensure you the opportunity to work in an environment free of sexual and other unlawful harassment.

Sexual harassment is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. The following is a partial list of sexual harassment examples:

- a) Unwanted sexual advances.
- b) Offering employment benefits in exchange for sexual favors.
- c) Making or threatening reprisals after a negative response to sexual advances.
- d) Visual conduct that includes leering, making sexual gestures, or displaying of sexually suggestive objects or pictures, cartoons or posters.
- e) Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes.
- f) Verbal sexual advances or propositions.
- g) Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes, or invitations.
- h) Physical conduct that includes touching, assaulting, or impeding or blocking movements.

Unwelcome sexual advances (either verbal or physical), requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment; (2) submission or rejection of the conduct is used as a basis for making employment decisions; or, (3) the conduct has the purpose or effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment.

If you experience or witness sexual or other unlawful harassment in the workplace, report it immediately to your supervisor. If the supervisor is unavailable or you believe it would be inappropriate to contact that person, you should immediately contact the Human Resources Office or any other member of management. You can raise concerns and make reports without fear of reprisal or retaliation.

All allegations of sexual harassment will be quickly and discreetly investigated. To the extent possible, your confidentiality and that of any witnesses and the alleged harasser will be protected against unnecessary disclosure. When the investigation is completed, you will be informed of the outcome of the investigation.

Any supervisor or manager who becomes aware of possible sexual or other unlawful harassment must immediately advise the Human Resources Office or any member of management so it can be investigated in a timely and confidential manner. Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment.

803 ATTENDANCE AND PUNCTUALITY

Effective Date: ##/##/####

Revision Date:

To maintain a safe and productive work environment, the Town expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the Town. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence.

Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment.

804 PERSONAL APPEARANCE

Effective Date: ##/##/####

Revision Date:

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image the Town presents to customers and visitors.

During business hours or when representing the Town, you are expected to present a clean, neat, and tasteful appearance. You should dress and groom yourself according to the requirements of your position. This is particularly true if your job involves dealing with customers or visitors in person.

Your supervisor or department head is responsible for establishing a reasonable dress code appropriate to the job you perform. If your supervisor feels your personal appearance is inappropriate, you may be asked to leave the workplace until you are properly dressed or groomed. Under such circumstance, you will not be compensated for the time away from work. Consult your supervisor if you have questions as to what constitutes appropriate appearance. Where necessary, reasonable accommodation may be made to a person with a disability.

Without unduly restricting individual tastes, the following personal appearance guidelines should be considered:

- a) Shoes must provide safe, secure footing, and offer protection against hazards as appropriate for your work environment.
- b) Shorts should not be worn in the office setting but are permissible dependent upon job function and safety guidelines.
- c) Mustaches and beards must be clean, well-trimmed, and neat.
- d) Offensive body odor and poor personal hygiene is not professionally acceptable.
- e) Jewelry should not be functionally restrictive, dangerous to job performance, or excessive.
- f) Facial jewelry, such as eyebrow, nose, lip, and tongue piercings, is not professionally appropriate and must not be worn during business hours.
- g) Visible offensive tattoos and similar body art must be covered during business hours.

805 DISCIPLINE

Effective Date: ##/##/####

Revision Date:

It is the responsibility of all employees to observe all the regulations, policies and procedures adopted to ensure the efficient, effective and safe operation of the Town. A violation of these regulations, policies and procedures will result in appropriate disciplinary action including the possible dismissal of employment.

Employees shall be informed of any performance problems and/or work rule violations subsequent to the incident. Employees will be given the opportunity to read and respond to any written disciplinary actions. An employee's signature on such records signifies only that the record has been received and examined by the employee.

The Town favors progressive disciplinary action; however, the level of discipline to be imposed for infractions shall be that which the Town, through its Town Manager, deems appropriate under the circumstances. Use of progressive discipline shall in no way limit or restrict the Town's employment at-will powers. Town management retains the right to determine in its discretion, that any of the following disciplinary actions is appropriate without using lower levels of discipline:

Oral Warning or Reprimand

The employee is orally counseled as to the unsatisfactory areas of work, and methods of improvement. A notation of the date and reason for reprimand may be made to the employee's personnel file.

Written Reprimand

The employee is issued a written reprimand which includes a statement of the problem and a notation to the effect that the problem was discussed with the employee. A copy of the reprimand may also place the employee back in an introductory period for a specified time.

Suspension with or without Pay

An employee is suspended from employment for any number of days which shall be accompanied by a written statement, signed by the employee and his or her supervisor, setting forth the fact of the suspension, the reason for the suspension and the duration of the suspension. Depending on the seriousness of the problem, the suspension can be without pay.

Disciplinary Demotion

The employee is placed into a position with a lower compensation rate for disciplinary reasons which must be reflected by a written statement placed in the demoted employee's personnel file stating that the demotion was for disciplinary purposes and setting forth the reason for the discipline.

Discharge

The employee is discharged from employment.

806 GRIEVANCES

The grievance procedure is available to any employee for the resolution of complaints, disputes, or concerns regarding the interpretation or application of Town policies regarding discipline. Any such dispute, complaint, or concern may be raised as a grievance pursuant to the grievance procedure. The grievance procedure shall not apply to disciplinary suspensions without pay, demotions or discharge decisions. The availability of the grievance procedure shall in no way limit or restrict the Town's employment at-will powers.

The grievance procedure is intended to provide a formal process for the resolution of grievances. It is not, however, intended to be a substitute for healthy and appropriate communication between employees and supervisors, nor is it intended that the grievance procedure be used to harass supervisors or interfere with the operations of the Town. Before the grievance procedure is started, employees should attempt to resolve disputes, complaints, and concerns with their immediate supervisors by discussing such matters informally.

The grievance procedure shall consist of the following steps:

Step 1

An employee may present a written complaint to his or her immediate supervisor setting forth the subject of the grievance, identifying the policy or policies at issue, and requesting consideration pursuant to this procedure. The employee and the supervisor shall confer on the matter and the supervisor shall respond to the complaint, orally or in writing, within two (2) working days. All supervisors shall immediately advise the Town Manager of the filing of any grievance.

Step 2

If the grievance is not resolved at Step 1, the employee may, within five (5) working days of the supervisor's response, request in writing that a meeting be held between the employee and the next higher level supervisor. Such request shall also specify the nature of the grievance and the policy or policies at issue. The employee and the next higher level supervisor shall meet as soon as is practicable thereafter and the next higher level supervisor shall respond to the grievance in writing within two (2) working days of that meeting, circumstances permitting.

Step 3

If the grievance is not resolved at Step 2, the employee may, within five (5) working days after receiving the Step 2 response, request in writing that a meeting be held between the employee and the Town Manager. The employee and the Town Manager shall meet as soon as is practicable and the Town Manager shall respond to the grievance within two (2) working days, circumstances permitting. The decision of the Town Manager shall be final.

Any grievance not pursued to the next step within the time specified shall be considered resolved. The time limits for taking any action under this policy may be extended by agreement. The failure of any Town supervisor to respond to a grievance within the time limits specified in the policy or agreed upon should be reported to the next higher level supervisor. An employee filing a grievance shall have the sole right to determine whether to pursue a grievance from one step to the next. An employee supervised by the Town Manager shall be able to utilize Step 1 of this grievance procedure only.

807 RETURN OF PROPERTY

Effective Date: ##/##/####

Revision Date:

Employees are responsible for all Town property, materials, or written information issued to them or in their possession or control.

Employees must return all Town property immediately upon request or upon termination of employment. Where permitted by applicable laws, The Town may withhold from the employee's check or final paycheck the cost of any items that are not returned when required. The Town may also take all action deemed appropriate to recover or protect its property.

808 POLITICAL ACTIVITIES

Town employees may participate in political or partisan activities of their choosing provided that Town resources and property are not utilized, and the activity does not adversely affect the responsibilities of the employees in their positions. Employees may not campaign on Town time or in a Town uniform or while representing the Town in any way. Employees may not allow others to use Town facilities or funds for political activities.

Any Town employee who meets with or may be observed by the public or otherwise represents the Town to the public, while performing his/her regular duties, may not wear or display any button, badge or sticker relevant to any candidate or ballot issue during working hours. Employees shall not solicit, on Town property or Town time, for a contribution for a partisan political cause.

Except as noted in this policy, Town employees are otherwise free to fully exercise their Constitutional First Amendment rights.