

**EMPLOYMENT AT WILL:**

**Neither the TOV's policies nor this Human Resources Manual should be construed by any employee as an express or implied contract guaranteeing the rights of any employee permanently. The TOV reserves the right, without notice to its employees, to unilaterally modify, add to, suspend, interpret or cancel any provisions of this Human Resources Manual and procedures if it is in the best interests of the TOV and its work force as a whole. Accordingly, unless the employee has an executed written contract with the TOV, employment with the TOV is terminable at the will of either the employee or the TOV.**

## INTRODUCTORY STATEMENT

The Town of Vail (TOV) Human Resources Manual is designed to acquaint you with the Town of Vail organization and provide you with information about working conditions, procedures, and the personnel policies affecting your employment. You should read, understand, and comply with all provisions of the manual. It describes many of your responsibilities as an employee. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

No policy manual can anticipate every circumstance or question. The Town of Vail therefore reserves the right to revise, supplement, or rescind, any portion of the manual from time to time as it deems appropriate, in its sole and absolute discretion. Every effort will be made to notify employees of such changes as they occur.

All previous editions are superseded by this publication.

The guidelines set forth in the Human Resources Manual shall be applicable to all employees of the TOV unless otherwise noted. The final responsibility and authority for the implementation and administration of all TOV Guidelines is vested in the Town Manager.

Subject to the TOV Charter and any applicable ordinances and resolutions for regulations and policies of the Town Council, the Town Manager (or his/her designee) has and retains all rights to administer the affairs of the Town, including but not limited to, the exclusive right to:

1. Hire, promote, demote, reclassify, transfer, assign, lay off, and recall employees to work.
2. Reprimand, suspend, discharge, or otherwise discipline employees.
3. Judge the employee's general job performance, including skills, abilities, effectiveness, and efficiency.
4. Determine the starting and quitting times and hours to be worked.
5. Determine the assignment of work and the size and composition of the workforce.
6. Revise, eliminate, combine, or establish new jobs and classifications.
7. Establish, close down, reduce, increase, alter, combine, transfer, or cease any department's operation, equipment, or service.
8. Subcontract and determine the services to be rendered, bought, or sold.

The Town Manager has the authority to make an exception to any TOV Human Resources Policy for the good of the Town.

The Town Manager may amend the Human Resources Manual at his/her discretion for the good of the Town. In addition, the Town Manager may adopt, amend, or rescind any administrative procedure, regulation, or rule for the good of the Town.

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On behalf of the Town Council, Administration and employees, we would like to welcome you as an employee with the Town of Vail. We believe each employee contributes directly to the Town's success, and we hope you will take pride in being a member of our team.

The Town is a values-centric organization. By that I mean, the way in which we do business is governed by the vision, mission and values which you see below. The policies in this manual are measured against these standards. Additionally, each of our departments has developed vision, mission and value statements that support the strategic direction our Council has set for the Town.

I certainly hope you enjoy working for the Town of Vail. If at any time during your employment you have questions regarding policies, benefits, or anything else, please feel free to call or stop by the Human Resources Office.

Once again, Welcome Aboard!!!

Stan Zemler  
Town Manager

## **TOWN COUNCIL VISION**

To be the premier mountain resort community.

## **TOWN COUNCIL MISSION**

We will provide the citizens of Vail and our guests with superior level of environmentally-sensitive services and an abundance of recreational, educational and cultural opportunities.

## **TOV VALUES**

WE

- ◆ Respect the individual
- ◆ Recognize effort and achievement
- ◆ Communicate openly and honestly
- ◆ Encourage innovation and risk taking
- ◆ Commit to excellence in all we do
- ◆ Use teamwork to achieve results
- ◆ Manage our resources to serve the community of today and the future
- ◆ Each take ownership in Vail's future

## 100 NATURE OF EMPLOYMENT

This Human Resources Manual is intended to provide employees with a general understanding of our personnel guidelines. Employees are encouraged to familiarize themselves with the contents of this manual, for it will answer many common questions concerning employment with the TOV.

However, this manual cannot anticipate every situation or answer every question about employment, and is not intended to be all-inclusive. **It is not an employment contract and is not intended to create contractual obligations of any kind.**

In order to retain necessary flexibility in the administration of policies and procedures, the TOV reserves the right to add to, interpret, change, suspend, or eliminate any of the policies, procedures, and/or benefits described in this manual. The only recognized exceptions to and/or deviations from the stated policies are those authorized by the Town Manager.

## **101 EQUAL EMPLOYMENT OPPORTUNITY**

It is the policy of the TOV that employment decisions shall be based on merit, qualifications, and competence. Except where required or permitted by law, employment practices shall not be influenced or affected by virtue of an applicant's or employee's disability, race, color, religion, sex, national origin, age, sexual orientation or any other characteristic protected by law. This policy governs all aspects of employment, promotion, assignment, discharge, and other terms and conditions of employment.

In addition, it is the TOV's policy to provide an environment that is free of unlawful harassment of any kind, including that which is sexual, age-related, racial, or ethnic. Please see policy 702 for further information on sexual and other unlawful harassment.

## 102 HIRING OF RELATIVES

It is the TOV's policy that relatives of persons currently employed by the organization may be hired only if they will not be working directly for or supervising a relative. If a relative is in the direct line of authority, that relative must excuse himself/herself on any and all decisions relating to compensation, promotions, demotions, disciplinary actions, work assignments, transfer opportunities, training and development opportunities, performance evaluations, time off, vacation scheduling, etc.

If already employed, a relative cannot be transferred into such a reporting relationship. If the relative relationship is established after employment, management will decide what is in the best interest of the TOV.

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 (e.g. unmarried partners living together). This would include, but not be limited to, spouses, parents, children, brothers, sisters, aunts, uncles, brothers- and sisters-in-law, fathers- and mothers-in-law, step-parents, step-brothers, step-sisters, and step-children.



### 103 PHYSICAL EXAMINATIONS & MEDICAL EXAMINATIONS

After a job offer is extended, each new candidate in the Police Department, Fire Department, Bus Drivers, and anyone who must possess a Commercial Drivers' License (CDL) shall be required to complete and pass a post job offer physical examination performed at the TOV's expense by a physician selected by the TOV. The job offer and continued employment with the TOV is contingent upon satisfactory completion of the physical examination in accordance with the physical requirements for that position. Each of the above departments shall maintain a list of the current physical requirements for their positions.

A new employee (Police, Fire, Bus Driver, or position requiring a CDL) cannot begin work without satisfactory completion of a physical examination.

The Town Manager may at any time require a job related physical or mental examination of any TOV employee, to be performed at the TOV's expense by an appropriate certified medical examiner selected by the TOV, in conformance with all applicable laws.

#### 104 CONFLICTS OF INTEREST

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 TOV wishes the organization to operate. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation. For further information, please contact the Human Resources Director.

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 this organization'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 (e.g. unmarried partners living together).

If an employee has any situation, which may be an actual or potential conflict of interest, the employee must disclose this in writing to the Town Manager as soon as possible. Failure to disclose a conflict of interest may result in disciplinary action up to and including discharge.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which the TOV 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 TOV. TOV employees must avoid any action which might result in, or create, the impression of using public office for private gain; giving preferential treatment to any person(s), company, or organization; or losing impartiality in conducting TOV business. Employees shall not exercise influence in connection with a TOV contract, purchase, payment, or any other financial or monetary transactions with anyone who has a financial or other substantial personal interest in the transaction. Any such action thereof may result in disciplinary action up to and including discharge.

## 105 OUTSIDE EMPLOYMENT

Employees may hold outside jobs as long as they meet the performance expectations of their job with the TOV. Employees should consider the impact outside employment may have on their job performance with the TOV, their health, and their physical endurance. All employees will be judged by the same performance standards applicable to their position and will be subject to the TOV's scheduling demands, regardless of any existing outside work requirements.

Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals outside the organization for materials produced or services rendered while performing their jobs. Similarly, outside employment is permitted when it does not occur during the assigned/scheduled working hours for the TOV.

In order to pursue outside employment, the employee must request authorization from his/her Department Head, prior to beginning the outside employment.

## 106 NON-DISCLOSURE

The protection of confidential business information is vital to the interests and the success of the TOV. Such confidential information may include, but is not limited to, the following examples:

- Bid amounts prior to awarding of a contract
- Project/engineering estimates
- Pending projects and proposals
- Personal data from personnel files
- Any type of disciplinary action information

Employees who are exposed to confidential information may be required to sign a non-disclosure agreement as a condition of employment. Any employee who discloses confidential business information may be subject to disciplinary action up to and including discharge, even if s/he does not actually benefit from the disclosed information.

The materials, products, designs, plans, ideas, and data of the TOV are the property of the TOV and should never be given to an outside firm or individual except through normal channels and with appropriate authorization. Any improper transfer of material or disclosure of information, even though it is not apparent that an employee has personally gained by such action, constitutes unacceptable conduct. Any employee who participates in such a practice will be subject to disciplinary action, up to and including discharge.

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## 107 DEFENSIVE DRIVING

All Town of Vail employees will complete Defensive Driving training to be eligible to drive TOV Vehicles.

Sworn Police and Transit departments will provide job specific Defensive Driving Programs for employees. All other employees will need to complete the Defensive Driving Program coordinated through the Safety department.

Defensive driving training is designed to improve TOV employee driving skills in order to reduce accidents and control insurance costs.

Departments will schedule employees to defensive driving training. Employees are NOT AUTHORIZED to drive TOV vehicles until training is completed.

Employees must re-train at least every four (4) years.

The Human Resources/Safety Department will audit all department records for compliance.

## 200 EMPLOYMENT CATEGORIES

It is the intent of the TOV to clarify the definitions of employment classifications to allow employees to understand their employment status and benefit eligibility.

Each employee is designated as either NON-EXEMPT or EXEMPT from federal and state wage and hour laws. NON-EXEMPT 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.

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 40 hours per week (the Police Department and the Fire Department work schedules included). With approval of the Town Manager, full time regular 30-hour positions may be authorized for specifically designated job functions (benefit accruals will be pro-rated). In addition, regular full-time employees are entitled to the provisions in accordance with Human Resources Policy 710 - Employee Complaints. A regular full-time employee position **is not guaranteed permanent employment** and is subject to performance appraisals, disciplinary actions, reductions/changes in work force, or any other changes as may be determined by the Town Manager. Human Resources "300" Policies identify the benefits programs available. Please contact the Human Resources Department to determine your eligibility for benefits.

PART-TIME employees are those employees who are regularly scheduled to work a part-time (typically at least 20 hours per week). While they do receive all legally mandated benefits (such as Workers' Compensation insurance and Unemployment Insurance), they are ineligible for the TOV's full-time benefit programs, with the possible exception (dependent upon predetermined number of weekly hours worked and predetermined length of time employee's services) of the wellness/ski pass benefit. A part-time employee position **is not guaranteed permanent employment** and is subject to performance appraisals, disciplinary actions, reductions/changes in work force, or any other changes as may be determined by the Town Manager. Part-time employees do not have the rights of appeal; however, they are entitled to the provisions of Human Resources Policy 710 - Employee Complaints. All part-time employees shall be enrolled in the federally mandated pension program. Please contact the Human Resources Department for specific information regarding pension and benefit eligibility.

SEASONAL employees (full- and part-time) are those who are hired to supplement the work force. Employment assignments in this category are of a limited duration, typically the winter season or the summer season. **Employment beyond the season for which an employee is hired is not guaranteed in any way.** While all Seasonal employees receive all legally-mandated benefits (such as Workers' Compensation Insurance, Unemployment Insurance, and Seasonal TOV Pension), only full-time Seasonal employees are eligible for wellness benefits. All Seasonal employees are ineligible for all of the TOV's other full-time benefit programs. Seasonal employees do not have the rights of appeal; however, they are entitled to the provisions of

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200 EMPLOYMENT CATEGORIES (Continued)

Human Resources Policy 710 - Employee Complaints. Please contact the Human Resources Department for specific information regarding pension eligibility.

ON-CALL employees are those who have established an employment relationship with the TOV but who are assigned to work on an intermittent and/or unpredictable basis. While they receive all legally mandated benefits (such as Workers' Compensation Insurance and Unemployment Insurance), they are ineligible for all of the TOV's other benefit programs. On-call employees are not entitled to the provisions of Human Resources Policy 710 - Employee Complaints.

FIRE DEPARTMENT RESIDENT STUDENTS are those employees accepted into the Fire Department Student Resident program. Residents are not eligible for TOV benefits, however they receive all legally mandated benefits such as Workers' Compensation Insurance and Unemployment Insurance. Residents may receive summer and winter recreation passes. Residents do not have the right to appeal, however they do have the right of complaint in accordance with Human Resources Policy 710 - Employee Complaints.

Service in the Part-Time, Seasonal, On-Call, and Resident job categories cannot be credited in any way toward any TOV benefit, even if the employee is later hired into a benefit-eligible job category.

## 201 INITIAL REVIEW PERIOD

The initial review period is a period of time to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The TOV shall use this period to evaluate employee capabilities, work habits, and overall performance.

All new and rehired employees work on an initial review period for the first 365 calendar days after their date of hire. Employees who are promoted or transferred within the organization must complete an initial review period of the same length with each reassignment to a new position. Any significant absence greater than 30 days will automatically extend a review period by the length of the absence. If the TOV determines that the designated review period does not allow sufficient time to thoroughly evaluate the employee's performance, the review period may be extended for a specified period up to a maximum of 6 (six) months, to be determined by the Department Head and the Human Resources Director.

In cases of promotions or transfers within the organization, an employee who, in the sole judgment of management, is not successful in the new position, can be removed from that position at any time during the initial review period. If this occurs, the employee may be allowed to return to his or her former job or to a comparable job for which the employee is qualified, subject to the availability of such positions and the organization's needs.

Upon receiving a performance appraisal of "Developing" or higher during the initial review period, employees enter the "regular full-time" employment classification.

During the initial review period, new employees are eligible for those benefits that are required by law. They may also be eligible for other TOV provided benefits, subject to the terms and conditions of each benefit program. Employees should contact Human Resources for information regarding benefit eligibility.

If the employee is promoted or transferred during the initial review period, employment status is not changed; however, s/he will begin a new initial review period as described above.



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## 202 EMPLOYMENT REFERENCE CHECKS

It is the policy of the TOV to check the employment and other related references of all applicants.

The Human Resources Department will respond to all reference check inquiries from other employers and other external sources. Responses to such inquiries will confirm only dates of employment, wage rates, and position(s) held. No other employment data will be released without a written authorization and TOV Release and Waiver signed by the individual who is the subject of the inquiry. Such authorization may be obtained from the Human Resources department.

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## 203 PERSONNEL DATA CHANGES

It is the responsibility of each employee to promptly notify the TOV Human Resources Department of any changes in personal data affecting employee records. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, change in marital status, etc., should be accurate and current at all times.

## 204 ACCESS TO PERSONNEL FILES

Personnel files are the property of the TOV, and access to the information they contain is restricted. Managers and Supervisors of the TOV who have a business need-to-know, may review information in a personnel file. With a minimum of 24 hours advance notice, an employee may review material in his or her file but only in the Human Resources Office and in the presence of a Human Resources Department representative. Copies of any documents within a personnel file will be made by the TOV Human Resources Department only, not by the employee or the ex-employee. There will be an administrative charge of \$10.00 (plus \$25.00 per hour over the first hour) for duplication of any materials in a terminated personnel file, or for current employee files if requested by an authorized external source.

The Human Resources Department will not release any personnel file information and/or copies without having received a completed and signed TOV Release and Waiver from the employee or ex-employee.

## 205 JOB VACANCIES, EMPLOYMENT APPLICATIONS, AND SELECTION

TOV job vacancies (internal and external) are usually posted on the bulletin board in the Human Resources Department and on the TOV Intranet. Exceptions can be made by the Human Resources Director, with approval of the Town Manager, for special situations regarding re-employment, intra-departmental promotions, reclassifications, or seasonal employees selected for full-time employment. Job vacancies are generally be posted for a minimum of 5 (five) working days.

All TOV vacancies are open to anyone, regardless of disability, age, sex, race, national origin, religion, color, or any other characteristic protected by law. The TOV is an equal opportunity employer.

The TOV 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 TOV's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

Any person wishing to apply for employment with the TOV must complete an application form and submit it to the Human Resources Department. A completed application does not guarantee an interview. If an applicant is hired by the TOV, his/her application will become a permanent part of his/her personnel file.

Medical Examinations: Refer to Human Resources Policy 103 - Physical Examinations and Medical Examinations.

Re-Employment: A recalculated date of service will be established for all previous employees, rehired into a regular full-time employment category.

206 PAY & PERFORMANCE

This policy describes compensation principles, the TOV pay plan, and the performance appraisal system.

**COMPENSATION PRINCIPLES**

Pay Philosophy:

- Be a competitive payer in our chosen markets
- Establish pay ranges based on those markets
- Compensate employee based on performance and skills
- Position jobs in Range based in the TOV internal equity point factor committee process

Target Markets:

- Non-exempt- Tracks the Vail Valley Regional Market
- Exempt- Tracks the Resort Market
- Emergency Services- Tracks the Denver Front Range (sworn officers)

Compensation Budget:

- The compensation budget is established annually by the Town Manager and approved by Council
- The compensation budget may be changed at any time based on the best interests of the TOV

**PAY PLAN**

Employees are paid within a salary range. Ranges are established based on market data. Employees are compensated within a range based on performance. Length of TOV service, pay relationship to other employees, or relative position in range are not factors in compensation consideration.

Ranges reflect the cost chosen markets are willing to pay, the range minimum being the market floor and the maximum being the market ceiling. Ranges reflect all market factors, including the cost of living. Movement through the range is based strictly upon job performance.

The minimum of the range is generally reserved for less experienced employees new to the job and/or those with less than satisfactory or developing performance. The mid-point of the range represents full qualification based on experience and successful performance. The maximum of the range is intended for highly experienced employees with sustained successful and/or exceptional performance.

A promotion is an advancement to a higher pay grade. A job change occurs when an employee is assigned to a new position within the existing pay grade. A performance appraisal will be conducted at the time of either event and will be reviewed, along with the current job appraisal, at the review date.

**PERFORMANCE PLAN**

**Purpose:**

To establish and align goals to assist the Town of Vail in accomplishing desired results as directed by the elected council.

To provide feedback and counseling in order for employees to achieve and sustain successful performance.

To help in allocating rewards and opportunities.

To help in determining employee aspirations and planning developments needs.

**Performance Elements:**

Performance elements are statements of behaviors and results that employees are expected to deliver.

At the Town of Vail, performance elements include values and other job standards set by departments to accomplish town goals.

Values are behaviors required in conducting Town of Vail business. They are:

- Respect the individual
- Recognize effort and achievement
- Communicate openly and honestly
- Encourage innovation and risk taking
- Commit to excellence in all we do
- Use teamwork to achieve results
- Manage our resources to serve the community of today and the future
- Each take ownership for Vail's future

These values should reflect the actions of all Town of Vail employees.

The Values Performance Element will comprise no less than 20% of the annual performance appraisal.

206 PAY & PERFORMANCE (CONTINUED)

Other performance elements will comprise the remainder of the appraisal. These elements may consist of stretch goals, Town of Vail survey results, knowledge and skills, work effectiveness, resource planning, etc. Departments will determine appropriate job elements needed to accomplish their respective mission and results.

Performance evaluations are scheduled approximately every 12 (twelve) months, normally on the anniversary of the employee's hire date or promotion date. Performance evaluations, may be conducted at any time at the discretion of management.

## **PERFORMANCE RATING GUIDE**

### **Overall Rating Guide**

The Overall Rating Guide reflects the specific employee's overall job performance. To determine the Overall Rating, appropriate emphasis must be given to each Performance Element.

Throughout the organization, each Element is important. However, the characteristics of some jobs may cause one or more Elements to be more important. Each performance element will be rated against the following guide:

#### Rating Definitions:

#### EXCEPTIONAL (EXCEEDS 100%)

Employee's performance is the exception in the work force and consistently exceeds standards and requirements of successful performance. Employee nearly always exceeds requirements by taking initiative in performing additional tasks and objectives, improving service delivery, and identifying and proposing solutions to problems. Performance is beyond the expected scope. Work products are completed effectively and on time or ahead of schedule and with no unjustifiable delays. Achievement of this rating normally requires that the employee's performance is exceptional in most performance elements and successful in remaining performance elements throughout the rating period.

- A rating at this level is the EXCEPTION and must be approved by the Town Manger after review by the Department Director and Human Resources Director. Employees should not expect to achieve this level of performance. It is reserved for unusual contribution to the Town of Vail.

206 PAY & PERFORMANCE (CONTINUED)

SUCCESSFUL (80% TO 100%)

Employees make a significant contribution to the success of the work group to Town of Vail's high standards and expectations. Employee provides high-quality services. Performance may sometimes exceed standards and requirements in some areas. Employee may take initiative in performing additional tasks and objectives, improving service delivery, and identifying and proposing solutions to problems. Work Products are completed within acceptable time frames. Achievement of this rating normally requires that the employee's performance is successful or exceptional in all performance elements.

- The purpose of the appraisal process is to assist employees in being fully successful at the Town of Vail. This evaluation rating reflects an outstanding contribution and majority of employees should fall in this category.

DEVELOPING/ NEEDS IMPROVEMENT (70 TO 79%)

Developing is reserved for an individual in his/her first year in a position. The individual is still learning the job. Not all goals are being completed. However, this does not infer poor performance, but indicates that additional training and support may be required to improve performance.

Needs improvement applies to an individual who has been in a position for more than one year and is achieving below an 80% rating in performance elements. A training and support plan will be created with specific goals and time frames for completing these goals. Improvement to achieve successful performance is required.

UNACCEPTABLE PERFORMANCE (Below 70%)

This is an individual who is not meeting performance elements and/or behavioral issues that are affecting work performance or others work performance. Immediate improvement is required.

**LINK TO COMPENSATION:**

The appraisal discussion will focus on work performance. After all Town of Vail appraisals are conducted and approved, a salary allocation will be developed.



## 207 JOB EVALUATION PLAN

The purpose of the Job Evaluation Plan is to:

1. Provide a system of internal equity.
2. Identify employment qualifications.
3. Provide a basis for developing standards of work performance.
4. Provide uniform job titles.
5. Ensure internal and external consistency of essential job elements.
6. Identify training needs.

The maintenance of the Job Evaluation Plan is the responsibility of the Human Resources Director, with the approval of the Town Manager. Supervisors are responsible for completing job questionnaires for all positions, with support from the Human Resources Department.

The Town Manager may direct the Human Resources Director to periodically review the essential duties and responsibilities of any or all positions.

### NEW POSITIONS:

Requests to create new positions and/or revise existing positions must be submitted in writing to the Human Resources Director, with job questionnaires properly completed. The Human Resources Director will identify the appropriate Job Evaluation and the appropriate pay grade.

### RE-EVALUATION:

As job duties change, revised descriptions may be submitted to the Director of Human Resources for reclassification consideration. As appropriate, the Human Resources Director may review the overall job equity system by authorizing the exempt and non-exempt evaluation committees to review internal ranking relationships.

The Town of Vail is the sponsor of the Town of Vail Health Insurance Plan, a group health plan subject to the Health Insurance Portability and Accountability Act (HIPAA) of 1996 and to the medical privacy regulations promulgated by the U.S. Department of Health and Human Services, found at 45 CFR, Parts 160-164.

The Town of Vail privacy officer can obtain “protected health information” (PHI), as defined at section 164.504 of the HIPAA regulations, and other health information; and the HIPAA regulations require that, in order for a group health plan to disclose PHI (for purposes beyond enrollment and disenrollment) to a plan sponsor, the plan documents under which the plan was established and is maintained must be amended to include specific provisions and limitations.

The Plan is hereby amended, effective as of April 14, 2004, to include the following provisions:

1. **Permitted uses and disclosures of PHI:** The HIPAA Privacy Rule allows or requires that PHI be used or disclosed only:
  - a. pursuant to a valid signed Authorization by the individual to whom the PHI pertains, or
  - b. for purposes of “treatment, payment or health care operations” (TPO), or
  - c. directly to the individual to whom the PHI pertains, or
  - d. for certain public health and safety purposes (such as reporting abuse or communicable diseases), where required by law or as part of a legal or regulatory proceeding, or for law enforcement.
2. **Disclosure Permitted only Pursuant to Certification:** Plan will disclose PHI to Plan Sponsor only for purposes of Plan administration (such as payment or health care operations) and only after Plan Sponsor amends the plan document, certifies in writing that plan documents have been amended and agrees to certain conditions regarding the use and disclosure of PHI and the adequate separation between the Plan and Plan Sponsor.
3. **TOV’s Use or Disclosure of PHI:** TOV will not use PHI for any purpose not required by law or allowed by the Plan. Specifically, TOV will not use or disclose PHI obtained from the Plan for decisions relating to employment or in connection with other plans (e.g., disability and workers’ compensation plans), unless pursuant to a valid Authorization from the individual to whom the PHI pertains.
4. **Classes of Employees With Access to PHI:** The following employees (or classes of employees) of, or other persons under the control of, TOV will have access to PHI solely for the purposes specified below, and only for plan administration functions performed on behalf of the Plan. Other employees of the TOV shall not have access to PHI.
  - a. **TOV Benefits Administration:** Employees who work in the TOV Benefits

Administration will have access to PHI to the extent necessary to assist employees and their family members if they request such assistance in getting benefits claims resolved.

- b. Also they will have access to PHI to the extent necessary to determine whether stop-loss payments from the stop-loss carrier were accurately determined and if such payments appropriately reimburse Plan Sponsor for amounts it paid on behalf of the Plan;
    - i. to the extent necessary to work with Plan Sponsor's Subrogation Entity to help the Plan obtain reimbursement when appropriate;
    - ii. for activities related to ceding, securing, or placing a contract for reinsurance of risk relating to claims for health care (including stop-loss and excess of loss insurance);
    - iii. For activities related to the creation, renewal or replacement of a contract for health insurance or health benefits;
    - iv. To the extent necessary to correspond with other group health plans on coordination of benefits issues;
    - v. That is the result of pre-employment physicals requested or required by Employer prior to hiring prospective employees;
  - c. **Legal Department:** Employees who work in the TOV Legal Department will have access to PHI to the extent necessary to respond to, defend against, and provide necessary information to outside counsel for responding to and defending against, lawsuits by Plan participants against the Plan and/or Plan Sponsor, or other lawsuits that also require benefits information of PHI; or to the extent necessary to enforce subrogation provisions in the Plan.
  - d. **Finance Department:** Employees who work in the TOV Finance Department will have access to PHI to the extent necessary to conduct an internal audit of the Plan's expenses and payments of claims.
5. **Sanctions on Employees who Fail to Comply:** If any of the employees or individuals under the Plan Sponsor's control (listed above) fails to comply with these provisions regarding use or disclosure of PHI, Plan Sponsor shall impose reasonable sanctions on such individual(s) as necessary, in Plan Sponsor's discretion, to end such non-compliance.
6. **Plan Sponsor to Notify Plan of Misuse of PHI:** Plan Sponsor will notify the Plan of any misuses or impermissible disclosures of PHI or which it becomes aware.
7. **Plan Sponsor Responsibility re: Subcontractors:** Plan Sponsor will ensure that any of its agents or subcontractors to whom it provides PHI agree to be subject to the same restrictions and conditions in the privacy rules that apply to the Plan Sponsor.
8. **Access to an Amendment of PHI.** Plan participants will be given appropriate access to their PHI, and Plan will amend or correct PHI if requested to do so by the individual, where appropriate under the privacy rules.
9. **Accounting for Disclosures.** Plan Sponsor will track disclosures of PHI, as required by

the privacy regulations (during the prior six years, but not prior to April 14, 2003), and will provide (to plan participants who so request) an accounting of disclosures to third parties that were made *other than* for treatment, payment or health care operations or pursuant to a valid authorization signed by the individual, or to the individual him/herself.

10. **Compliant Resolution:** The following procedures apply for resolving issues of alleged noncompliance with the privacy requirements:  
-In writing to the privacy officer, explain why you believe the Town of Vail has not complied with HIPPA.
11. **Return or Destruction of PHI:** Plan Sponsor will return or destroy, to the extent feasible, all PHI received from the Plan when such information is no longer needed for the purpose for which it was received. If return or destruction is not feasible, Plan Sponsor will limit its uses and disclosures to those purposes that make the return or destruction infeasible.
12. **Cooperation with Health & Human Services .** Plan Sponsor will make its internal practices, books and records regarding use and disclosure of PHI received from the Plan available to Health & Human Services, to the extent required for Health & Human Services to audit to monitor compliance.
13. **Disclosure of Certain Enrollment Information to the Plan Sponsor.** Pursuant to Section 164.504(f)(1)(iii) of the HIPAA Privacy regulations, the Plan may disclose to the Plan Sponsor information about whether an individual is enrolled in the Plan or is disenrolled from a health insurance issuer or health maintenance organization offered by the Plan.
14. **Disclosure of PHI to Obtain Stop-loss or Excess Loss Coverage.** The Plan Sponsor hereby authorizes the Plan, through the Plan Administrator or the Third Party Administrator, to disclose PHI to current and potential stop-loss carriers, excess loss carriers for underwriting and other purposes to obtain and maintain stop-loss coverage related to benefit claims under the Plan. Such disclosures shall be made in compliance with the Privacy regulation.

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### 300 EMPLOYEE BENEFITS

Eligible employees in the TOV are provided a wide range of benefits. A number of the benefits (such as workers' compensation, and unemployment insurance) cover all employees in the manner prescribed by law.

All benefit plans are subject to change and/or elimination at any time. Any changes and/or elimination of a benefit(s) shall be approved by the Town Manager and shall be communicated to eligible employees.

Should the benefit plan documents and the Human Resources Policy Manual differ in any way, the benefit plan documents shall take precedence.

Please contact the Human Resources Department for information on benefits and eligibility.

### **301 VACATION AND HOLIDAY BENEFITS**

Vacation/holiday time off with pay is available to eligible employees to provide opportunities for rest, relaxation, personal pursuits, and recognition of designated holidays. Regular full-time employees are eligible to earn and use vacation/holiday time as described in this policy.

The amount of paid vacation/holiday time employees accrue each year increases with the length of their employment as shown in the following schedule.

#### ACCRUAL SCHEDULE

<u>Completed Years of Service</u>	<u>Accrual Amounts</u>	<u>Carry-over Limit</u>
<b>ALL EMPLOYEES (excluding Fire shift personnel)</b>		
0 – 2+ years	6.46 hrs./pay period 168.00 hrs./year	160 hours
3 – 5+ years	8.00 hrs./pay period 208.00 hrs./year	240 hours
6+ years	9.53 hrs./pay period 248.00 hrs./year	320 hours
<b>FIRE SHIFT PERSONNEL</b>		
0 – 2+ years	9.05 hrs./pay period 235.20 hrs./year	226 hours
3 – 5+ years	11.17 hrs./pay period 290.40 hrs./year	336 hours
6+ years	13.29 hrs./pay period 345.60 hrs./year	446 hours

Note: The above table is calculated on full months of work at 40 hours per week (except fire). Employees working less than 40 hours per week will have a pro-rated accrual. Accrual begins with the first day of work and accumulates each pay period.

An employee's anniversary date may be extended for any significant leave of absence as determined by the TOV, except FMLA and military leave of absence. FMLA and military leave has no effect on this calculation. Employees on a leave of absence or short-term disability are not eligible for vacation/holiday accrual. (See individual leave of absence policies for more information.)

Employees can request use of vacation/holiday time after it is earned. Paid vacation/holiday time can be used in minimum increments of one hour. To take time off, employees should request advance approval from Supervision. Requests will be reviewed based on a number of factors, including business needs and staffing requirements.

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TOV offices are closed on the following six designated holidays:

- |                                    |   |
|------------------------------------|---|
| *New Year's Day (January 1)        | *Labor Day (first Monday in September)      |
| *Memorial Day (last Monday in May) | *Thanksgiving (fourth Thursday in November) |
| *Independence Day (July 4)         | *Christmas (December 25)                    |

Employees whose offices are closed will observe these days utilizing accrued vacation/holiday time. Non-exempt employees required to work on these days will be paid holiday pay of two times the hourly rate (see Human Resources Policy 407-Holiday Pay).

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

As stated above, employees are encouraged to use available paid vacation/holiday time for rest, relaxation, and personal pursuits. In the event that available vacation/holiday time is not used by the end of the calendar year, employees may carry unused time forward to the next year.

The total amount of unused vacation/holiday may exceed the carry over limit amount throughout the calendar year, however, the amount of unused vacation/holiday on record after the last day of the last pay period of each year must be at or below the limit. All unused vacation/holiday above the limit must be used by the end of the first quarter of the following year or will be lost.

There will be no cash payout for unused vacation/holiday except at termination. Upon termination of employment, employees will be paid for unused vacation time that has been earned through the last day of work. Employees will receive payment for salary and accrued vacation leave no later than the next regularly scheduled payday.

### 302 CHILD CARE BENEFITS

The TOV provides child care assistance to all regular full-time employees as a benefit of employment.

Given below is a brief description of child care assistance that is offered. For more detailed information, please contact the Human Resources Department.

**125 FLEX PLAN:** Employees choose benefits (including child care) from a list of options and contribute a part of pre-tax salaries to a child care account. This option allows employees to minimize the federal tax they must pay on wages going toward child care expenses.

**CHILD CARE COUNSELING SERVICES:** Colorado West Mental Health Center offers counseling services to TOV employees to help them identify and anticipate problems related to families. Contact Human Resources for information.

**VAIL CHILD CARE CENTER:** The TOV is a founding partner with the Vail Child Care Center providing special enrollment benefits for TOV children.



### **303 WORKERS' COMPENSATION INSURANCE**

The TOV provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical treatment. Subject to the applicable legal requirements of the State of Colorado, workers' compensation insurance provides benefits to cover medical expenses and lost wages.

#### **WORKERS' COMPENSATION CLAIMS**

An employee who is injured on the job is required to notify his/her supervisor immediately. Employees are to follow the procedures shown below when injured on the job:

1. Notify his/her Supervisor immediately of the injury, and complete a Report of Injury form (available in each Department or Human Resources).
2. Return the Report of Injury form to Human Resources within 24 hours. Injuries will be filed with our insurance carrier within **24 hours**.
3. For any injury that requires medical attention, the employee must go to TOV's Workers' Comp. designated doctor (failure to do so may result in denial of W/C benefit for medical treatment and the employee may be personally liable for medical costs incurred.)

TOV's Designated Workers' Comp. doctors are: (contact HR for details)

- VVMC Occupation Health
  - Doctor's on Call in Avon
  - Vail Valley Medical Center Emergency Room (any doctor), 181 W. Meadow Drive, Vail (EMERGENCY ROOM USE ONLY FOR EVENINGS AND WEEKENDS - OR EXTREME INJURIES). In the case of an emergency, employees may use whichever medical provider is most immediately available. After regular office hours, injuries should be taken to the Vail Valley Medical Center emergency room for treatment.
4. Once an employee has made his/her initial visit to one of our Workers' Comp. doctors, he/she **MUST** continue with that doctor for the entire treatment. If the employee has a problem with the doctor, he/she should discuss the matter with Human Resources. Only then can the designated doctor be changed to someone else. The designated doctor may refer employees to other doctors, but they will maintain status as "doctor of record" and oversee the claim. For any follow-up visits, the employee should go to the designated doctor. In all cases, the follow-up doctor will be the "doctor of record" and complete all follow-up work.
  5. When possible, follow-up medical appointments are to be made before or after work hours.
  6. If the employee is given any prescriptions, he/she should send the receipts to our insurance carrier, which will reimburse the employee in full.
  7. If an employee misses more than 3 days of work due to work related injury or illness (lost time claims), the compensation for missed work will be coordinated by our work comp insurer.

#### **RETURN TO WORK / MODIFIED DUTY**

The TOV has elected to adopt a return-to-work policy with the intent to utilize eligible injured workers in a productive capacity while they are recovering from an injury. The goal of temporary modified duty is to provide a progression of job duties that will return the injured worker to their regular job. Modified duty assignments are designed to be temporary and transitional in nature.

- Following a WC doctor's appointment, the employee will return all medical paperwork to Human

Resources until released from care. This information including has recovery status and physical restrictions.

- If the doctor of record indicates that the injured employee can return to light duty work, and if the Town of Vail has work available (based off of a list of modified duty tasks), the employee can accept the modified duty assignment or he/she may elect to remain off of work without pay.
- The injured worker will be paid based on the value of the tasks performed, as determined by management. If the injured worker is being paid less than pre-injury wages during modified duty, the WC provider may pay Temporary Partial Disability (TPD) benefits. HR will provide records of wages to the WC provider.
- Modified duty will be allowed as long as it is realistic for the job to continue, until the injured worker receives a release to full duty or reaches maximum medical improvement (MMI).
- The designated coordinator will monitor and document the injured worker's performance while on modified duty.
- As physical restrictions change, the modified duty will be reviewed and job tasks may change.

## LIMITATIONS

If an employee does not follow the requirements and recommendations of this policy, the Town of Vail and/or its workers' compensation insurer has the right to deny all bills incurred by the employee and such bills will then be the full responsibility of the employee.

In the following circumstances, the compensation provided for a workers' compensation claim may be reduced fifty percent (50%):

- (a) The injury is caused by the willful failure of the employee to use safety devices provided by the employer;
- (b) The injury results from the employee's willful failure to obey any reasonable rule adopted by the employer for the safety of the employee;
- (c) Where injury results from the confirmed evidence of alcohol or substance abuse of the employee.

Neither the TOV nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the TOV.

## OTHER

Employees should inform Human Resources of any problems that occur.

If you have any questions or need additional information, please call or stop by the Human Resources Office.

## **304 SICK LEAVE BENEFITS**

The TOV provides paid sick leave benefits to all regular full-time, part-time, seasonal and on-call employees for periods of temporary absence for the following safety or health needs:

- (1) a mental or physical illness, injury, or health condition that prevents work, including diagnosis, treatment, or preventive care;
- (2) domestic abuse, sexual assault, or criminal harassment leading to health, relocation, legal, or other services needs;
- (3) has a family member experiencing a condition described in category (1) or (2); or
- (4) in a Public Health Emergency (PHE) when a public official closed the workplace or the school or place of care of the employee's child. (See also Public Health Emergency Sick Leave below.)

### **EARNING SICK LEAVE AND ACCUMULATION**

Regular full-time employees (non-Fire shift personnel) accrue 3.69 hours per 80 hour pay period not to exceed 1560 hours. Accrual will be prorated for less than 80 hours worked.

Regular full-time Fire shift personnel accrue 4.73 hours per 96 or more hour pay period not to exceed 1560 hours.

Part-time, seasonal and on-call employees accrue 1 hour per 30 hours worked not to exceed 80 hours.

Unused sick accrual balances up to the maximum will carry forward from one year to the next.

Eligible employees may use accrued sick leave for an absence due to their own safety or health needs. In addition, accrued sick leave can be utilized for a period of up to 48 hours (three shifts for fire personnel) for each new and separate safety or health need of a family member. Finally, sick leave of up to 48 hours (three shifts for fire) is available to any employee in the event of the birth of their child or in the event of adoption of a child. (See also Family Medical Leave Policy – 600.)

For the purpose of this policy a family member is defined as:

- (1) a person related by blood, marriage, civil union, or adoption (including parent, spouse, child, in-law or step relation),
- (2) a child to whom an employee stands in loco parentis (acts in place of parent) or a person who stood in loco parentis when the employee was a minor, or
- (3) a person for whom the employee is responsible for providing or arranging health- or safety-related care

It is the employee's responsibility to notify their supervisor each day prior to the beginning of the shift when unable to work due to their own or a family member's illness, injury, medical care, domestic violence, sexual assault, or criminal harassment needs. Also, they must let the manager know when they expect to return to work. In the event of an absence of four or more days, medical or legal documentation may be required. This documentation should indicate that the employee was unable to work due to one of the safety or health reasons listed for themselves or a family member and the length of time this restriction lasted or is expected to last.

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Before returning to work from a sick leave absence of four calendar days or more, an employee may be required to provide a -medical verification that s/he is able to return to work along with any possible restrictions, limitations, and/or accommodations that may be required.

Sick leave benefits will be calculated based on the employee's 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. Sick leave does not count towards hours worked for the purposes of calculating overtime hours/pay.

Sick leave benefits are intended solely to provide income protection in the event of a safety or health reason listed above that the employee or employee's family member is experiencing and may not be used for any other absence. Employees will not be paid for unused sick leave benefits while they are employed or at the termination of employment; however, if an employee is rehired within six months of their termination date, their unused sick accrual balance will be reinstated up to 80 hours.

### **SUPPLEMENTAL PUBLIC HEALTH EMERGENCY (PHE) SICK LEAVE**

In a public health emergency (PHE), that has been declared by a local, state or federal public official or health authority, employees can use supplemental PHE leave of up to 80 hours (up to 96 hours for fire shift personnel) for the following needs:

- (1) self-isolating or work exclusion due to exposure, symptoms, or diagnosis of the communicable illness in the PHE;
- (2) seeking a diagnosis, treatment, or care (including preventive care) of such an illness;
- (3) being unable to work due to a health condition that may increase susceptibility to or risk of such an illness; or
- (4) caring for a child or other family in category (1)-(3), or whose school or child care is unavailable due to the PHE.

During a PHE, employees still earn accrued sick leave according to the schedule above and may use supplemental leave before accrued leave. PHE supplemental leave can be used until four weeks after the PHE ends.

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305 TIME OFF TO VOTE

The TOV encourages employees to fulfill their civic responsibilities by voting. If an employee is unable to vote in a statewide or national election during his or her non-working hours, the TOV will grant up to two hours of paid time off to vote. Employees should request time off to vote from Supervision at least two working days prior to the election day so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule.

If an employee has difficulty making arrangements for time off to vote, s/he should see his/her Supervision to make arrangements for early voting or absentee voting.

### 306 JURY DUTY

The TOV encourages employees to fulfill their civic responsibilities by serving on jury duty in any municipal, county, state, or federal court, or when required to serve as a summonsed witness (from the performance of his or her job) in any such court.

Employees may request paid jury duty leave for the extent of the jury service. Jury duty pay will be calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day(s) of absence from work minus any payment from the court for jury service.

Employees must show the jury duty summons to Supervision as soon as possible in advance so that the Supervision may make arrangements to accommodate the employee's absence. Of course, the employee is expected to report for work whenever the court schedule permits.

Jury pay vouchers/receipts must be submitted to the TOV prior to payment of Jury Duty pay.

Accrual for benefits calculations, such as vacation, sick leave, or holiday benefits, will not be affected during the jury duty leave period. Medical/dental insurance premiums will be continued (TOV and employee) throughout extended jury duty leave.

307 WITNESS DUTY

The TOV encourages employees to appear in court for witness duty when subpoenaed to do so.

If the employee has been subpoenaed as a witness by the TOV, s/he will receive paid time off for the entire period of witness duty. Employees will also receive paid time off for witness duty when subpoenaed as a result of his or her official capacity for the TOV.

Employees will be granted unpaid time off to appear in court as a plaintiff or defendant in a personal case and as a witness when requested by a party other than the TOV. Employees are free to use any available paid vacation leave to receive compensation for the period of this absence.

The subpoena should be shown to the employee's Supervision immediately after it is received so adjustments can be made to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits.

### 308 BENEFITS CONTINUATION (COBRA)

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the TOV's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events that may result in loss of coverage 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 dependant child no longer meeting eligibility requirements.

It is essential that each employee inform Human Resources whenever there is a qualifying event or change in personal circumstances that may affect coverage.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the employer's group rates plus an administration fee.

The TOV will provide each eligible employee with a written notice describing rights granted under COBRA when the employee notifies Human Resources of a qualifying event. The notice contains important information about the employee's rights and obligations. If you have any questions concerning COBRA, please contact the Human Resources Department.



309 EXEMPT/ADMINISTRATIVE TIME OFF

Employees, who are exempt from overtime as defined by the Fair Labor Standards Act (FLSA), are expected to work hours as necessary to complete job duties. However, the extent to which exempt employees exceed 80-hours in a payroll period, administrative time-off may be earned as follows: one (1) hour off for every two (2) hours worked, for such hours in excess of 80 in the payroll period. Department Directors retain approval authority, including scheduling of time off.

The maximum accrual and use of exempt time off is 80 hours per calendar year. Exempt employees are responsible for tracking used exempt time off to ensure they do not use more than the allowed 80 hours per year.

Any exempt administrative time off not used by 31 December, must be taken by the end of the first quarter of the following year or any accumulated time is lost. There will be no cash payout for unused exempt time off nor will there be any compensation for exempt administrative time off at the end of employment with the TOV.

### 310 EMPLOYEE BONUS PROGRAM

The purpose of the Employee Bonus Program is to recognize and reward performance and behavior that brings positive benefit to the TOV organization, TOV employees, and the community as a whole.

The Bonus Card program is designed to enable each employee to recognize and reward her/his co-workers for work over and above expectations for the job. Full-time regular and part-time regular employees will receive four (4) Bonus Card vouchers each year. The vouchers have a cash value of \$10.00. When an employee would like to recognize and reward one of her/his co-workers for exceptional work, the employee will present the voucher to the recognized employee with the reason stated on the back of the voucher. The receiver of the voucher may cash it at the Finance Department for \$10.00. All TOV employees (full time, part-time, seasonal) are eligible to receive a voucher.

The criteria for receiving a Bonus Card voucher are as follows:

1. The rewarded performance/behavior must be of positive benefit to the TOV, the department, co-workers, etc.
2. The rewarded performance/behavior must be over and above the expectations for the employee's job.
3. Employees may not give vouchers to themselves.

Examples might include the following: Helping a co-worker complete a special project; cleaning a dirty refrigerator; going out of his/her way to help a citizen or guest; etc.

Bonus vouchers will be distributed through supervisors each January. Human Resources will keep a list of voucher numbers by department. Employees receiving cash will sign the voucher as evidence of receipt of cash.

Vouchers not used during the calendar year will be invalid the following year.

## **311 TRAINING AND EDUCATION REIMBURSEMENT**

### **JOB SPECIFIC TRAINING AND DEVELOPMENT**

Any training that is required for a job and is funded in the budget will be paid for in-full by the Town of Vail. Each Department Head shall determine required training for all positions within the department.

In addition, the Department Head may authorize payment for training or development that is job related but not job required. All job related training must be funded in the budget by the department. This decision will be based in part on how closely the activity is specifically related to the job and the availability of funds within the department and specific department policies.

### **EDUCATION TUITION REIMBURSEMENT**

The Town of Vail encourages employees to continue their learning and take advantage of educational courses offered at accredited colleges, universities and trade schools. In support of this philosophy the town offers a tuition reimbursement program for its employees.

Employees eligible for this benefit shall include all regular full-time and regular part-time employees who have successfully completed 1 year of employment with the town and who are not in a disciplinary status at the time of reimbursement application.

The elements of the Town of Vail Tuition Reimbursement Plan are as follows:

1. Reimbursement for a course may only be approved if the course is determined to be related to the employee's current job responsibilities, anticipated or potential job responsibilities, or which may lead to improving the employee's work performance, efficiency, or effectiveness.
2. Requests for reimbursement of educational reimbursement must be made in advance to the start of the course, by completing the tuition reimbursement form, and submitting it to the Director of Human Resources.
3. The Town of Vail provides up to \$3,000 a year per employee for undergraduate courses and \$4,000 a year per employee for graduate courses.
4. Payment for this training will be made after receipt of documented successful completion of the training (with a grade of "C" or better for university courses) and will be paid according to the following schedule:

Years of Service	Reimbursed by Town of Vail
Less than 4 years of service	50%
4 + years of service	66%

5. As a condition to receiving TOV payment for any training and development activity, the employee must provide relevant documentation of course completion including the final grade.
6. If the employee leaves their employment within one year of receipt of such reimbursement, they must re-pay the amount of tuition reimbursement that they received within that year.

## 312 SICK BANK

The TOV has implemented a Sick Bank to provide a source of sick leave for an employee who sustains catastrophic illness/injury and does not have sufficient sick leave accumulated to cover the period of time s/he is unable to work. The Sick Bank also applies to time off required to care for a serious illness/injury to a spouse or dependent child living with the employee.

All full-time regular employees are eligible to participate in the Sick Bank and become a member by donating one day of their sick leave to the bank. Full-time regular employees may join the Sick Bank within 30 days of their employment or during open enrollment each June.

The Sick Bank is not intended to cover all types of absences for which an employee has insufficient accumulated leave. Rather, it is for catastrophic illness and/or injury. Employees receiving or eligible to receive Worker's Compensation, Long Term Disability, or other lost-time benefits are not eligible to use the Sick Bank.

An employee may be granted a maximum of 60 days of Sick Bank leave for any one illness/injury, and are only eligible for the number of days they have in their personal sick leave account at the beginning of the illness. In order to use the Sick Bank, an employee must have used all his/her sick leave and have no more than 80 hours of accumulated vacation. Employees will not accrue sick leave while using the Sick Bank leave. Any employee withdrawing from the Sick Bank and/or terminating employment with the TOV may not withdraw contributed days.

### Application for Sick Bank Leave:

1. Employees must complete a Sick Bank leave request form and submit it to the Human Resources Department.
2. A letter from the attending physician must accompany the request form and must state the individual is not able to perform his/her normal duties, the seriousness and duration of the illness, and when the employee may be expected to return to work.
3. The request form and accompanying documentation will be submitted to the Sick Bank Board for review and a decision. At the discretion of the Sick Bank Board, the employee may be asked to submit to a physical examination by a physician chosen by the Board. If required, this examination will be at the expense of the TOV.
4. The Human Resources Department will communicate the decision of the Sick Bank Board to the employee and his/her Department Head.

The Sick Bank Board will be comprised of the Human Resources Director, the Finance Director, and one Department Head at Large. The Board will determine the eligibility of the request, the beginning of the illness, the eligibility of the applicant, and the number of days leave to be granted.

If the balance of the Sick Bank drops below 65 days, employees who are members will be asked to donate an additional day to retain their membership in the Sick Bank.

### **313 SKI PASS / FITNESS PROGRAM**

The TOV is committed to promoting an active lifestyle of the employees and their families. The program is open to all full-time regular and part-time regular employees. The program offers employees a choice of one of the following: Vail Resorts ski pass; membership in a health club; cash option. Please contact the Human Resources Department for specific eligibility requirements, costs, and benefits.

**REMINDER: There are potential tax implications for receiving some benefits. Please consult your tax advisor if you have any questions.**

Each employee may choose one of the options above each calendar year. Under no circumstances will an employee be allowed to use more than one option each year. Payment will be made directly to the respective organization (VRI, Cascade, recreation center, etc.) by the TOV. If an employee cancels his/her membership or contract with any of the provider organizations, all refunds will be made to the TOV only. No employee may terminate any option and receive cash.

Employees who leave TOV employment must forfeit any monies they have paid to that date and must return any passes, ID cards, etc., to Human Resources. In the event an employee has chosen and been provided (or paid) the elected option, this money (prorated) must be returned to the TOV. If the employee fails to reimburse the TOV for any monies and/or passes owed, the cash value will be deducted from the employee's final paycheck.

In addition to the benefits listed above, the TOV also offers recreational passes for golf, tennis, and ice skating. Please contact the Human Resources Department for eligibility, further information, and/or to sign-up for these passes.



### **314 EMPLOYEE SERVICE RECOGNITION PROGRAM**

The purpose of the Employee Recognition Program is to provide maximum recognition and visibility for long service TOV employees. The objectives of the program are as follows:

1. To recognize length of service for TOV employees.
2. To present a symbolic reward for each milestone of service (5, 10, 15, 20, 25, 30, 35, & 40 years) to the employee.
3. To communicate this recognition.

5 years: employees reaching 5 years of service will receive a \$25 gift certificate.

10 years: employees reaching 10 years of service will receive a \$150 gift certificate.

15 years: employees reaching 15 years of service shall be presented with a \$1000 bonus.

20 years: employees reaching 20 years of service shall be presented with a \$2000 bonus.

25 years: employees reaching 25 years of service shall be presented with a \$3,000 bonus.

30 years: employees reaching 30 years of service shall be presented with a \$4,000 bonus.

35 years: employees reaching 35 years of service shall be presented with a \$5,000 bonus.

40 years: employees reaching 40+ years of service shall be presented with a \$6,000 bonus.



## **315 RETIREMENT**

In an effort to award retirees with significant length of service to the TOV, the following criteria has been set:

All full-time regular employees, except Fire and Police:

59-1/2 years minimum age  
Minimum ten (10) years service with TOV

All sworn Fire and Police officers:

55 years minimum age  
Minimum ten (10) years service with TOV

Additionally, the following values will be received by retiring employees. These values can be received by employees through check or gift, but with the ceiling established as so noted.

10 - 15 years	\$1,000
15 - 20 years	\$2,000
20 - 25 years	\$3,000
25 - 30 years	\$4,000
30+ years	\$5,000

### **316 DISABILITY BENEFITS**

The Town of Vail provides the following disability benefits:

#### Short-Term Disability (STD)

All regular full-time employees are eligible for Short-term disability the first of the month following 90 days of continuous employment. Short-term disability (STD) provides the employee with income while out of work due to an injury or illness with a doctor's certification stating that they are not able to work. STD is a benefit paid for by the Town of Vail.

1. STD will be paid for a disability resulting from injury or sickness after the greater of either three consecutive days off work or after exhausting all time off benefits except for 80 hours of vacation (sick, comp time, admin time, sick bank, vacation > 80 hours, etc.). STD pays 80% of the employee's base pay up to \$1,230 per week. The employee may elect to use the 80 hours of vacation to offset the 20% or to hold until their return to work.
2. Employees will need to complete a disability application with Doctor's certification.
3. STD does not count towards hours worked for purposes of calculating overtime hours/pay. STD benefits cannot exceed the employee's normal weekly earnings.
4. STD maximum limit is 26 weeks (180 days) per disabling condition. The 26 week period includes any paid time off (sick, vacation, etc.) used as outlined in section 1 above. After that time, the employee may be eligible for Long-Term Disability (LTD). See LTD section.
5. Deductions for medical and dental, and/or vision insurance will continue while on STD.
6. While on STD sick and vacation accruals will stop for the duration of the disability.
7. No STD benefit will be payable for any disability that is due to: any intentionally self-inflicted injury, illegal act, work-related injury/illness (either TOV or other outside employment), war (or act of war), or participation in a riot.
8. STD will be coordinated with the Family Medical Leave (FMLA) policy.

For more information, please see the plan summary description.

#### Long-Term Disability (LTD)

Long-term disability (LTD) goes into effect when an employee reaches the 181<sup>st</sup> day of disability. LTD is a benefit paid for by the Town of Vail.

1. Upon determination of the employee's total disability, 66.6% of the current base salary will be paid to the employee for loss of earnings up to a maximum benefit of \$3,000 per month starting on the 181<sup>st</sup> day of disability to age 65. Employee's retirement contributions will continue to be paid until age 65 up to limits as stated in the summary plan description.
2. The Standard Company pays the LTD benefit directly to the employee. The employee is no longer eligible for TOV benefits.
3. Continuation of medical/dental benefits through COBRA will be offered to the employee. For detailed information on the LTD insurance, please see the summary plan description.

For detailed information on the LTD insurance, please see the summary plan description.

### 317 HOUSING ASSISTANCE PROGRAMS

In order to assist full-time regular employees in securing a lease or purchasing a residence, the TOV makes available Rental Advance and Down Payment Assistance programs. These programs are for residential rentals and purchases only and must be occupied as the employee's primary place of residence. Only rentals and purchases within 50 miles of Vail qualify for this program. This benefit is a loan only, not a gift or compensation, and must be paid back to the TOV.

#### Rental Advance Program

The TOV will pay (dual payee to landlord and employee) an amount not to exceed two thousand dollars (\$2,000.00). This benefit is limited to 50% of amount needed to secure the property (IE: first month's rent, and/or the last month's rent, and/or the security deposit).

Payroll deductions set up for repayment of the advance must be sufficient for payment in full over a period no greater than six months or the term of the lease if the lease is for less than six months. The amount advanced (loaned) by the TOV must be repaid to the TOV by the employee. The full amount of the advance will be repaid to the Town through bi-weekly payroll deductions or as stipulated in the promissory note. Any balance of the employee's advance which remains due upon the employee's termination of employment, will be deducted from the final paycheck or any other amount due from the TOV. If any balance remains unpaid thereafter, such amount becomes due immediately and shall be paid in accordance with the Promissory Note.

To apply for the benefit, the employee must deliver a completed and signed Rental Assistance Program Application (see attached) along with a copy of the employee's lease to Human Resources for approval. A promissory note will be prepared for the employee to sign if the application is approved.

#### Employee Home Ownership Program (EHOP)

The EHOP program is an Equity Share Mortgage loan to assist employees in purchasing a primary residence within 50 miles of the Town of Vail. Applicants must be full-time TOV employees with 6 months of service. Applicants must own no other real estate except as outlined in the program summary.

Assistance through Town of Vail EHOP for properties within the Town of Vail limits are eligible for the maximum\* in assistance. Properties outside the Town limits but within 50 miles of the Town are eligible for up to 50% of the maximum\* in assistance. Properties within or outside the Town limits that are deed restricted properties are eligible for assistance up to 10% of the purchase price.

\*The maximum assistance level for 2009 is \$80,000 for purchases within the Town of Vail limits (or \$40,000 within 50 miles of Vail).

The Equity Share Mortgage may be repaid at any time within the 15 year term. Repayments will include principal plus a pro rata share of the recognized appreciation (if any) based upon the percentage of the EHOP equity share to the original purchase price. The loan also becomes due and payable upon sale, refinancing, and other situations outlined in the guidelines.

All homebuyers purchasing in the area for the first time will be given priority. EHOP loans will be processed on a first-come, first-served basis as long as funding for the program is available. Employees must have no other outstanding debt to the TOV to be eligible (other than pension loans).

## TOV RENTAL ASSISTANCE PROGRAM APPLICATION

Employee Name: \_\_\_\_\_ Department: \_\_\_\_\_

**Program details:**

This program is for residential rentals only and must be occupied as the employee's primary place of residence. Only rentals within 50 miles of Vail qualify for this program. This benefit is a loan only, not a gift or compensation, and must be paid back to the TOV. This benefit is limited to 50% of amount needed to secure the property up to a maximum of \$2,000. Payroll deductions set up for repayment of the advance must be sufficient for payment in full over a period no greater than six months or the term of the lease if the lease is for less than six months.

- o Rental Assistance \$ \_\_\_\_\_ Amount of loan requested (Max \$2,000)
- \$ \_\_\_\_\_ Total required upon lease signing/move in

*Property & Lease Details:*

Property Address: \_\_\_\_\_  
\_\_\_\_\_

Landlord name: \_\_\_\_\_ Phone number: \_\_\_\_\_

Date of move-in: \_\_\_\_\_ Length of lease: \_\_\_\_\_ (date ends)

Monthly lease amount: \$ \_\_\_\_\_ Deposit amount required: \$ \_\_\_\_\_

Number of payroll deductions: \_\_\_\_\_ (Max 13 = six months)

Employee mailing address: \_\_\_\_\_  
\_\_\_\_\_

**Employee Acknowledgement:**

I understand any money advanced to me in helping secure the above referenced residence is a loan from the Town of Vail and I will be required to sign a Promissory Note in accordance with Town policy. I also acknowledge that I have completed the above information to the best of my knowledge and that I must occupy this property as my primary residence.

**Employee signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**DIRECTIONS:** Deliver this form (completed and signed) along with a copy of the employee's lease to Human Resources for approval. If approved, a check request and promissory note will be prepared.

#### 400 TIMEKEEPING

Accurately recording time worked is the responsibility of every employee. Time worked is all the time actually spent on the job performing assigned duties.

Non-exempt employees should accurately record the time they begin and end their work, as well as the length of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Time should be kept to the closest 15 minute interval. Overtime work must always be approved by Supervision before it is performed.

Tampering, altering, or falsifying time records, or recording time on another employee's time record, may result in disciplinary action, up to and including discharge.

All time should be recorded including: time worked, sick, vacation, compensatory time, etc. Time cards and/or sheets should be filled out in ink to prevent unauthorized changes. Corrections should be done with a single cross-out line and the correction next to it. No whiteout.

It is the employee's responsibility to sign his or her time card and/or time sheet to certify the accuracy of all time recorded. Supervision shall review and then initial the time record before submitting it for payroll processing. In addition, corrections or modifications made by Supervision to time cards or time sheets must be communicated to the employee not later than the next pay period.

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#### 401 PAYDAYS

All employees are paid in their department on a biweekly basis (every other Friday). Each paycheck will include earnings for all work performed through the end of the previous payroll period.

In the event that a regularly scheduled payday falls on a TOV designated holiday, employees shall receive pay on the last day of work before the regularly scheduled payday.

#### TERMINATING EMPLOYEE PAYCHECKS

Final paychecks for terminating employees (except involuntary discharges) will be paid with the regular payroll cycles. In the even of an involuntary discharge, the employee's final paycheck will be issued immediately or by the business day following termination. All accrued, vested benefits that are due and payable at termination will be paid in the final paycheck.

Prior to receiving the final paycheck, it is the employee's responsibility to clear any and all debts owed to the TOV and turn in all TOV manuals, equipment, uniforms, etc. to Supervision. Failure to do so may result in monies owed to the TOV being deducted from the final paycheck.

## 402 PAY ADVANCES

In the event of an unforeseen personal emergency, regular full-time employees and regular part-time employees are eligible for a maximum of two (2) payroll advances each calendar year. Seasonal employees are eligible for one (1) payroll advance per season. **The complete pay advance must be repaid in full from the next paycheck.**

The employee requesting an advance should submit a written request for a payroll advance to the Department Head indicating the nature of the emergency involved. If approved, the Department Head will sign the payroll advance form. The form will then be taken to the Human Resources Department for approval by a Human Resources Representative and subsequently forwarded to Finance for processing.

If a regular payday falls during an employee's vacation, the employee may receive his or her earned wages before departing for vacation if a written request is submitted at least one week prior to departing for vacation. This will be counted as a pay advance.

#### 403 PAY ADJUSTMENTS & CORRECTIONS

The TOV takes all reasonable steps to ensure employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled paydays.

In the event there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the Payroll Administrator in Finance so corrections can be made as quickly as possible.

Once underpayments are identified, they will be corrected in the next regular paycheck.

Overpayments will also be corrected in the next regular paycheck or in a series of repayments proposed by the employee and approved by the TOV. In that case, the TOV will attempt to arrange a schedule of repayments with the employee to minimize the inconvenience to all involved. In any event, overpayments must be repaid on the approved payment schedule.



Town of Vail

#### 404 PAYROLL DEDUCTIONS

The law requires that the TOV make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes.

The TOV offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their pay checks to cover the costs of participation in these programs, including the following examples: TOV pension, Flex Plan, Deferred Compensation, Cancer Insurance, Vision Plan, etc.

If you have questions concerning why deductions were made from your paycheck or how they were calculated, please contact the Payroll Technician in the Finance Department.

#### 405 COMPENSATORY TIME

Full-time regular non-exempt employees who work time in excess of a 40-hour workweek, may be eligible for compensatory time. Compensatory time shall be paid at one and one-half times the hours earned and must be recorded on the timesheet. Operational considerations and approval by the Supervision is required in advance of working the Compensatory time.

The accumulated balance of comp time may never exceed 80 hours at any given time. All hours earned from January 1st to December 31st of each year must be used by December 31st or be paid as overtime on December 31st. Employees shall be allowed to be paid for the accumulated time by requesting reimbursement from their Supervision, and noting the hours on the timesheet for payout on the next payday.

An employee may use his/her accumulated compensatory time off provided the scheduling of the time off does not "unduly disrupt" department operations; therefore, the employee and the Supervision shall meet to determine a mutually acceptable schedule of time off. Employees must be permitted to use compensatory time within a "reasonable period" as defined by FLSA after making their request for time off.

When a non-exempt employee leaves the employment of the TOV, any comp time earned must be paid at the employee's pay rate at the time of termination.

## 406 HOLIDAY PAY

The following days are holidays the Town offices are officially closed. These are the ONLY holidays qualified for holiday pay:

New Year's Day  
Memorial Day  
Independence Day

Labor Day  
Thanksgiving Day  
Christmas Day

\* New Year's Eve – 9:00PM to midnight only

- 1) An employee who is scheduled by Supervision to work on one of these days will be paid at double time. If an employee chooses (but is not required) to work, s/he is paid at straight time.
- 2) If an employee is scheduled to work a normal shift on a holiday, but is asked to work extra hours, or if an employee is called back into duty, the extra time is paid at double time and one-half. (Example: John is scheduled to work 9:00 a.m. - 6:00 p.m., but is asked by Supervision to work until 8:00 p.m. John will be paid double time for the 9:00 a.m.- 6:00 p.m. hours, but will be paid 2-1/2 time for 6:00 p.m.- 8:00 p.m.)
- 3) Worked holiday hours count toward an employee's 40-hour workweek for purposes of calculating overtime compensation.
- 4) If an employee's work week runs over 40 hours, then the employee will receive time and one-half of his/her normal hourly rate for hours over 40.
- 5) Holiday pay is **ONLY** paid for the 24 hours of the holiday, which means from 12:00 midnight to 12:00 midnight of that day unless otherwise approved by the Town Manager. If an employee's work schedule is 10:00 p.m. of the holiday to 3:00 a.m. of the day after, then s/he is paid for two hours at holiday pay and the rest at his/her normal hourly rate.
- 6) If an employee uses sick time during the week of a holiday, but still reports for work on the holiday, s/he will still receive the holiday pay for that day. Sick time and time off during the week of these holidays does not affect holiday pay (double and double and one-half pay), only the overtime pay for hours over 40 per week.
- 7) For holidays that fall on a Saturday, TOV offices will close of the Friday before the holiday. For holidays that fall on a Sunday, TOV offices will close on the Monday after the holiday. Only employees who work on the actual holiday are eligible for holiday pay.

Samples of holiday pay calculations:

The samples shown below are for a 40-hour workweek plus 12 hours overtime. On the holiday, the employee was asked to work an extra 30 minutes over his scheduled shift.

10 HOUR SHIFT:                   30.0 hrs. regular time  
                                      10.0 hrs. 2X holiday time  
                                      40.0 hrs.  
                                      .5 hr. 2-1/2X holiday time  
                                      11.5 hrs. overtime  
                                      52.0 hrs. total worked time

8 HOUR SHIFT:                   32.0 hrs. regular time  
                                      8.0 hrs. 2X holiday time  
                                      40.0 hrs.  
                                      .5 hr. 2-1/2X holiday time  
                                      11.5 hrs. overtime  
                                      52.0 hrs. total worked time

The sample shown below is for an 8 hour shift employee who had 1 hour of sick time, 1 hour of overtime, and 8 hours of vacation in a week where a holiday was worked. The employee was also required to stay 2 hours over his normal shift on the holiday.

8 HOUR SHIFT:                   23.0 hrs. regular time  
                                      1.0 hr. sick (doesn't count toward the 40 hrs. worked to calculate overtime)  
                                      8.0 hrs. vacation  
                                      8.0 hrs. 2X holiday time  
                                      40.0 hrs.  
                                      2.0 hrs. 2-1/2X holiday time (hrs. worked beyond the scheduled shift)  
                                      1.0 hr. overtime (paid at straight time because of sick hour used)  
                                      43.0 hrs. total hours paid  
  
                                      42.0 hrs. total worked time  
                                      1.0 hr. sick time used

Please remember holiday pay does not affect exempt employees; only non-exempt regular full-time and seasonal employees are affected.

## Town of Vail

### 500 SAFETY

The Town of Vail is dedicated to providing a safe workplace for all employees, suppliers and visitors. The TOV has established a Safety Committee that has responsibility for implementing, administering, monitoring, and evaluating this program. The TOV Safety Committee provides direction in reviewing potential safety and health hazards and safe work practices and procedures to eliminate or minimize hazards. The success of the Safety program depends on the alertness, the concentration, and the participation of every employee. Through the Safety Committee, Department Safety Representatives are employees who take time to implement the daily health and safety policies and procedures; they also develop basic skills to approach and resolve safety concerns.

The TOV provides information to employees about workplace safety and health issues through monthly safety meeting, newsletters, bulletin board postings, memos, and other written communications. The TOV has a safety library that includes videos, posters, and written communication materials.

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, with a Safety Committee member, Department Safety Rep, or the Safety Coordinator.

Each employee is expected to obey safety rules and exercise caution in all work activities. Employees must report immediately any unsafe conditions, to their Supervisor.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear employees should immediately notify their Supervisor and complete a REPORT OF INJURY FORM. The Department Secretary has the forms and can assist in completing it. This form is then forwarded to Human Resources. Such reports are necessary to initiate worker's compensation benefits coverage and allow the TOV to investigate the cause of the injury to prevent similar injuries in the future.

## 501 WORK SCHEDULES

In order to serve the community, the TOV administrative offices will be open to the public five (5) days per week, from 8 AM until 5 PM. Departments will establish schedules as appropriate to meet the needs of the Town's commitments.

The work period for all Police employees is 171 hours in a 28 day period.

The work period for all Fire employees is 212 hours in a 28 day period.

The work period for all other employees is 40 hours a week (Monday, 12:00a.m. to midnight Sunday). Specific authorization for 30 hour per week positions may be approved by the Town Manager.

Supervision shall advise employees of the times employee 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. Only the Department Head or his/her assignee must authorize any work over and above the department standard work schedule in advance. Employees may be required to work overtime when necessary.

Trading schedules: An employee may substitute or trade hours of work with another employee. The trade or substitution must be voluntary and should benefit the employees involved. The hours traded or substituted must be recorded on the respective employees' timesheets and must not result in overtime. Any trading or substitution must be approved in advance by the Supervision(s).

Alternative Work Schedules: With the approval of the Town Manager, Department Heads can implement alternative work schedules based on work demands/needs.

## 502 USE OF ELECTRONIC MEDIA

Whether on Town equipment or doing Town business on other equipment, employees have an obligation to use their access to the Internet, e-mail, fax, telephones, program software, and other electronic media in a responsible and informed way, conforming to network etiquette, customs and courtesies, and representing the Town in a positive manner. Use of these electronic media constitutes acknowledgement of this policy, as well as those in any other policies that relate to the topics included in this document.

This policy is to ensure that security and legal issues concerning Internet and other forms of electronic media including e-mail, electronic fax, bulletin boards, television, access channels, electronic subscriptions services, and any other electronic communications forums are addressed and guidelines are established to ensure proper use.

This policy addresses access to and disclosure of e-mail sent or received by Town employees through the use of the Town's electronic mail or Internet access. As used herein, e-mail shall refer to both the Town and Internet electronic mail systems. This document also sets forth policies and procedures on the proper use of e-mail consistent with the goals and objectives of the Town, as defined by the Town Council and the Town Manager.

This policy applies to all Town employees and consultants at the Town of Vail who utilize e-mail, the Internet, and other forms of electronic media, either on Town equipment or other equipment.

The resources available to the Town of Vail employees from the Internet, e-mail and other forms of electronic media will be used to further the goals and objectives of the Town, as defined by Town Council, the Town Manger, the Management Team, and the Town departments' missions. The Town Manger, or his/her designee, has the responsibility and authority to approve the dissemination of information over the Internet and other computer media to meet the following goals and objectives:

### Professional Development

Electronic media and the Internet may be used to pursue professional and career development goals. Examples of appropriate use include: communication with members of professional organizations, collaborating on articles and other writing, reviewing information on career and educational opportunities, and participating in reading electronic mail discussion groups on professional or career development topics.

### Policy Development and Decision Making

Electronic media and the Internet can provide employees with electronic, immediate access to research material, technical and professional information, and provide a forum for electronic correspondence. This ready access to local/national/international information will help staff decision making and Town policy development.

### Citizen/ Community Participation

All forms of electronic media and the Internet can provide forums to encourage citizen involvement in and understanding of local issues. Two-way communications between elected officials, staff, and citizens can provide a venue for feedback and decision making.

## Service Delivery

The Town's infrastructure and access to the Internet and other forms of electronic media can be used to provide service of the highest quality to citizens, provide efficient cost effective communications, and promote and facilitate innovation in providing services and information to the Vail community.

## E-mail as Public Records

Correspondence in the form of electronic mail and other forms of electronic media (i.e. documents, spreadsheets, etc.) may be a public record under the public records law and may be subject to public inspection under Section 24-72-203, Colorado Revised Statutes.

Whenever a request is made for E-mail records, pursuant to C.R.S. § 24-72-203, any such request must be made in writing. No employee may disclose, forward, reproduce, audit or in any way make accessible a public record without following the procedure described below.

Any request for E-mail records and other forms of electronic media shall be submitted to the Town Clerk and reviewed by the Town Attorney as well as the department head from which the record originates. The Town Attorney shall make the final determination as to whether the requested document(s) and/or record(s) are discoverable. No record shall be disseminated without first going through this process.

As far as this policy is concerned, there is no distinction between internal, external or Internet E-mail. One is treated the same as the other.

## Access to E-mail and Passwords

The Town of Vail reserves the sole and exclusive right to access and to disclose any e-mail messages sent or received by employees.

When deemed necessary, Department Managers have access to all e-mail files and communications of an employee. The Town shall have sole and exclusive right to delete or retain any or all e-mail messages or computer files of a person who is no longer employed by the Town.

There is no right to privacy in e-mail message sent or received by employees. Employees are advised of the following: messages they prepare could be forwarded by the recipient to others without knowledge of the sender, Department Managers and Supervision may have access to messages, and any message prepared, whether or not delivered, may be published in any form through any medium.

In order to assure the security of the e-mail system, the Town provides employees who have access to e-mail with passwords protection. Employees shall not share their passwords with any other individual except for legitimate business reasons.

The Town Manager authorizes Information Services Department (IS) members to have the ability to access all employees' e-mail. IS personnel have the right to inspect all e-mail files of employees to correct service problems, ensure system security, retrieve records or transition work when responsible personnel are unavailable, or for other legitimate business reasons.

## Misaddressed E-mail



Any misaddressed e-mail shall be sent back to the original sender with a message that the message has been misaddressed, and shall not be saved by receiving party.

#### Retention of E-mail

E-mail is not preserved on a permanent basis. E-mail will be retained a minimum of twelve months and then purged on a schedule established by IS.

Employees are responsible for retaining e-mail documents consistent with retention guidelines identified in the Colorado Municipal Records Retention Schedule with the assistance of the Town Clerk. Employees must determine whether a message is retained, and exercise judgment in retaining e-mail in the same manner as they would in retaining paper documents or other electronic records. Employees may archive any e-mail messages, provided however; that storage of such messages is not otherwise in violation of this policy. If employees determine that an e-mail message should be retained, they may archive it, save it unto their personal computer storage media, print it out in hard copy form or save it in Laserfiche, the Town's electronic record keeping system.

E-mail messages that are not listed in the Town's retention schedules, e.g. announcements of meetings, routine exchanges of information or that have no informational value should be deleted as soon as they have served their purpose.

#### E-mail Etiquette

Employees should treat e-mail like written memorandums, understanding that messages not appropriate for sending via written memorandum are likewise not appropriate for e-mail.

Employees shall not use e-mail to send messages of a threatening, harassing obscene, vulgar or profane nature or to violate any law or criminal statute.

Employees shall not engage in "electronic snooping or tampering" and any such violation subjects the offender to disciplinary and/or legal action. "Electronic Snooping" is the unauthorized entry to or attempt to use another employee's password, computer files and communications, or entering encrypted storage of email messages without the employee's consent. "Electronic Tampering" is the unauthorized interference with or changing of another employee's password, computer files, or e-mail, or encrypted storage of e-mail messages.

#### Privacy and Confidential Information

Employees should have no expectations of privacy in both sending and receiving electronic messages and information on the Internet or other electronic media. If privacy or confidentiality is important in any correspondence, use other forms of communications. Employees shall not intentionally seek information on, obtain copies of, modify files, or modify data or passwords belonging to other users, or represent themselves as another user unless expressly authorized to do so.

Internet and e-mail are not necessarily a secure communication network, and personal or privileged information sent via these media could potentially be read by others, Employees must follow Town policies and procedures regarding the distribution of confidential Town information.

Privacy and Confidential Information as stated above applies to all Town business conducted on the Internet or other electronic media regardless of the owner of the equipment being utilized.

3/15/2002  
Updated 1/1/2010

### Copyright Laws

Employees must comply with copyright and licensing laws for materials, software, and other media.

### Violation of Policy

Employees may be disciplined for any conduct that is prohibited by or otherwise in violation of this policy.

In addition, employees should obtain appropriate approval prior to making information available on the Internet, e-mail, or other forms of electronic media especially in the event that the information will be viewed by the general public.

Transmitting any material in violation of any U.S., state or local law, ordinance or regulation is prohibited.

503 SMOKING

In accordance with TOV Ordinance Number 11, Series of 1988, smoking of any kind is prohibited in any building or motor vehicle owned or operated by the TOV. In addition, no cigarette vending machines or cigarette sales shall be allowed in buildings owned by the TOV.

Smoking means the lighting of any cigarette, cigar or pipe, or the possession of any lighted cigarette, cigar or pipe, regardless of its composition.

Any violation of this ordinance may result in disciplinary action up to and including discharge. In addition, a violation of the town ordinance can result in a fine of not more than \$100 in civil court.

#### 504 WORK BREAKS AND MEAL BREAKS

With the exception of the Police and Fire Departments, each workday, regular full-time and seasonal full-time non-exempt employees are provided with two work breaks not to exceed 15 minutes in length each. To the extent practical, work breaks 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 work break time. Work breaks may not be accumulated and the scheduling of work breaks shall be based on work schedules. The Department Head or designee thereof shall determine the work break schedules.

With the exception of Police and Fire, all full-time and part-time regular employees are provided with one meal period of at least 30 minutes in length each workday. Supervision shall schedule meal periods to accommodate operating requirements. Employees shall be relieved of all active responsibilities and restrictions during meal periods and shall not be compensated for that time.

Because of their unique scheduling requirements, work breaks and meal breaks for the Police and Fire Departments will be determined by the respective Chief or designee thereof.

## **505 OVERTIME**

When operating requirements or other needs cannot be met during regular working hours, employees will be given the opportunity for overtime work assignments. All overtime must be approved in advance by the Department Head or his/her designee. Overtime assignments will be determined by Supervision and distributed as equitably as practical to all employees qualified to perform the required work. Each department will have a posted overtime assignment process so each employee qualified to perform the work will have an equal chance to obtain the overtime and no individual(s) shall receive more than their fair share of overtime work. Employees may be required to work overtime when necessary.

Overtime compensation is paid to all non-exempt employees in accordance with federal and state wage and hour restrictions. Overtime pay is based on actual hours worked and will not include time off for sick leave, vacation/holiday time off, compensatory time off, or other leave of absence.

In general, overtime shall be paid at the following rates:

1. With the exception of Police and Fire Departments, all non-exempt employees will be paid at a rate of time and one-half for all hours worked over forty (40) hours per week.
2. Fire Department Shift Personnel (non-exempt): will be paid at a rate of time and one-half for all hours worked over 212 hours in a twenty-eight (28) day work period.
3. Police Department Sworn Personnel (non-exempt): will be paid at a rate of time and one-half for all hours worked over eighty (80) hours per pay period (2 weeks).
4. Emergency Closings: non-exempt employees who work when TOV operations are closed for emergency reasons will be paid at a rate of time and one-half.
5. Call in: All employees are subject to emergency call-in. Non-exempt employees called-in to non-scheduled emergency work shall be compensated at the overtime rate of 1.5 times the employee's hourly rate, and at 2.5 times if called in on a TOV recognized holiday. An additional hour of "call-in" pay will be compensated for non-exempt employees when subject to emergency call-in.

If an employee's schedule is changed to begin work immediately in advance of a regular shift or is changed to continue working immediately after a regular shift, normal overtime provisions will apply and the "call-in" provisions will not apply.

Call-in assignments can be accepted only if employees are fit for duty as established by TOV policy #701 Drug and Alcohol use.

Failure to work scheduled overtime, or overtime worked without prior authorization from supervision, may result in disciplinary action, up to and including discharge.

An employee may substitute or trade hours of duty with another employee; however the traded hours WILL NOT count toward overtime. The trade of hours must be done voluntarily and it must benefit the employees, not the TOV. All hours traded must be recorded as straight time and any trade of hours must be approved by supervision prior to the actual trade.

Compensatory time in-lieu of overtime or call-in may be approved by supervision (see TOV policy #406 Compensatory Time).

## 506 USE OF EQUIPMENT AND VEHICLES

When using TOV vehicles, equipment and other property, employees are expected to exercise reasonable care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Please notify your Supervision if any equipment, machine, tool, or vehicle appears 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. Your Supervision can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

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

TOV employees shall not use any TOV property, equipment, vehicles, or any other TOV owned or leased items for personal use without prior approval from their Supervision. **Please refer to TOV Policy #509 regarding personal use of TOV property.**

## 507 EMERGENCY CLOSINGS

Emergency conditions, such as severe weather, fire, flood, or avalanche, can disrupt TOV operations and interfere with work schedules, as well as endanger employees' well-being. These extreme circumstances may require the closing or modification of TOV operations. In the event such an emergency occurs during non-working hours, closure or work schedule modifications will be announced.

Non-exempt employees who work on a day when operations are officially closed for emergency reasons will be paid at a rate of time and one-half. Employees who fail to report for work when operations have not been closed will not be paid for the time off.

Town of Vail

508 SAFETY GLASSES

- I. Purpose and Benefit of Program
  - a. To prevent eye injury.
  
- II. Eligibility
  - a. Full-time regular employees who work in an environment where there is exposure to hazards that may cause eye injury.
  
- III. Administration
  - a. Departments will provide personal protective equipment (PPE) including non-prescription glasses and protective frames to place over personal eyewear for all employees irrespective of status and visitors.
  
  - b. Where non-prescription protection will not suffice, the Town of Vail will reimburse full-time regular employees based on an approved schedule. Employees are responsible for all costs above the reimbursement schedule.
  
  - c. A prescription safety glasses request form must be approved by 1) supervisor and 2) HR / Safety & Risk before purchasing glasses or visiting an approved TOV Eye Care professional. Forms are available in the Human Resources/Risk office.
  
  - d. Only authorized TOV Eye Care professionals may be used in order to insure quality standards.
  
  - e. If eligible for prescription glasses, the employee will receive an initial pair. Initial lenses and frames may be replaced in the event of damage or changes in vision prescription.



## Town of Vail

### 509 Personal Use of Tools, Equipment, and Facilities

#### A. Purpose

This policy was developed to address the conditions for use of Town of Vail (TOV) tools, equipment and facilities by **full time regular, and full time seasonal** TOV employees. Full time seasonal employees must have completed two full seasons with the TOV and have the approval of their immediate Supervision before being permitted to participate.

#### B. Standards of Conduct

All TOV employees must be aware of the public scrutiny we receive as employees of TOV. We must be fully committed to our organizational values and we must also realize that there are also very high expectations by the residents and guests of Vail for public employees maintaining high ethical standards of conduct when performing our various departmental missions. This includes on the job and off of the job. It is especially important when we are using TOV tools, equipment and facilities which are provided by the taxpayer and the perception associated with the use of such when they do not enjoy the same privilege. With this in mind it is critical that any use of TOV tools, equipment or facilities stand the following common sense tests for appropriateness:

- ⊖ There is no added cost to the taxpayer.
- ⊖ There is no fraud, waste or abuse associated with the personal use of TOV tools, equipment or facilities.
- ⊖ Employees shall not use their position, TOV identification cards or badges for illegal personal or financial gain or for obtaining privileges not otherwise available to them as citizens.

#### C. Foundation for this Policy

All full time regular and full time seasonal employees must read, understand, and comply with this policy with the understanding that the personal use of TOV tools, equipment and facilities, as outlined, is a **PRIVILEGE** and not a right. Any abuse or misuse of this privilege by individuals could result in the suspension of their use or the elimination of this policy as determined by the Town Manager.

#### D. Tools, Equipment, and Facilities

1. Employee safety is our first priority. Employees are personally responsible for the prudent and safe use of any tool, piece of equipment or facility. The same reasonable concern and care is expected that you would use if you were using your own personal tools, equipment or facility.

509 Personal Use of Tools, Equipment, and Facilities (Continued)

2. Employees will be responsible for any repair/replacement costs for damaged TOV tool(s), piece(s) of equipment, or facilities when used for personal use.
3. The personal use of any TOV tool, equipment or facility is at the employees risk and no liability will accrue to the TOV in the misuse/unsafe use of any equipment, tool, or facility. It is the responsibility of the employee to know and understand the proper use of, and any danger associated with, a particular tool or piece of equipment.
4. Employees may not remove from TOV property for personal use any electronic, diesel or gasoline powered, equipment, tools, or heavy equipment. However, a department director, division head, or supervisor may use his or her discretion in allowing the use of a piece of equipment, except heavy equipment, or tool they believe can be loaned out.
5. Any personal use of electronic machines, equipment, tools or facilities during regular business hours is prohibited.
6. Use of any TOV facility is on a "space available" basis only. As an example, repairs to TOV vehicles, buses and equipment have the highest priority. Employees using the facility for personal use will be required to stop work to accommodate the town priorities when they occur.
7. Employees using facilities after regular business hours will be responsible for ensuring the facility is secured after they have finished. This includes turning lights and equipment off, locking doors and windows, etc., etc.
8. Employees will be responsible for cleaning up facilities and returning tools and equipment to their proper location if they were used/moved and clean up facilities after they have finished.
9. Employees **may not perform any work for hire or profit** using TOV tools, equipment or facilities.
10. Normal, routine or regular TOV purchasing process' shall not be utilized for the purchase(s) of goods and services for personal use. Separate invoicing, in the name of the individual, is required, and all appropriate sales taxes must be shown on the invoice and paid by the individual. Employees may choose to use TOV vendors, however, shopping around for price, quality, service, etc., is suggested.
11. Violation(s) of this policy by an employee is subject to disciplinary action up to and including termination.

## Town of Vail

### 509 Supplement to Town of Vail Policy for Employee Use of Tools, Equipment and Facilities for All Administrative Services

#### A. Purpose

This policy serves as a supplemental guide to the overall generic Town of Vail (TOV) Policy for Personal Use of Tools, Equipment, and Facilities. The purpose, standards of conduct, and foundation as outlined in sections A, B, and C of the Town of Vail policy are implied as part of this document.

#### B. Tools, Equipment, and Facilities

1. Employees are personally responsible for the prudent and safe use of any tool, equipment, or facility they may use. In treating these as if they were your own, use reasonable care and concern.
2. The following user fees and conditions of understanding shall be as follows:
  - a. Copier - .05 cents per copy
  - b. Fax - employee credit card charge or \$1 charge per page
  - c. The honor system will be employed and there will be no assignment of personnel time to monitor personal use
  - d. There will be no work done on TOV property for hire
  - e. TOV does not encourage nor will it be responsible for personal property breaking in the TOV administrative area nor will TOV assume responsibility for equipment used in the home environment to do TOV work after hours.
  - f. TOV equipment will not be allowed to be removed from Town property.
  - g. Items such as lap top computers which are used by certain employees after hours, and with the approval of the TOV, may leave the TOV premises.
  - h. Use of equipment such as the Town Saabs is to be used in an official business manner that is reasonable and normal.
  - i. No personal long distance calls billed to TOV lines are allowed. Personal long distance calls must be billed to a personal employee credit card.

## Town of Vail

### 509 Supplement to Town of Vail Policy for Employee Use of Tools, Equipment and Facilities for All Public Works and Transportation

#### A. Background

The development of the Public Works and Transportation (PW/T) supplement to the Town of Vail (TOV) shop use policy is the result of our departmental action team. Their research, user involvement, brainstorming, writing and re-writing plus their hard work over many months has resulted in this. Their objective was to produce a clear, understandable policy that was simple to use and follow. Like all quality improvement initiatives, your feedback and suggestions for improvement are always welcome. The team will review this policy on a continuing periodic basis and will recommend necessary changes as required.

#### B. Purpose

This supplemental policy is intended to provide specific information regarding the use of Department of Public Works and Transportation tools, equipment, and facilities. This supplemental policy may be more restrictive than the general TOV policy. If there are any conflicts between the two policies, they will be resolved by the Director of Public Works and Transportation and/or the Town Manager. This policy is subject to change or modification by the Director of Public Works and Transportation at any time.

#### C. Town Shops (includes Fleet Maintenance, Streets and Roads, Bus Barn, and Parking Structures areas)

##### 1. General Policy

- a. No alcohol or smoking is permitted on or in TOV property or facilities at any time.
- b. Safety first.
- c. Use of the Town Shops is on a space available basis only. Repairs to TOV vehicles, buses, and equipment have the highest priority. Employees using the shop for personal use will be required to stop work and remove their vehicle from the shop to accommodate these priorities when they occur.
- d. A Waiver of Liability and a Letter of Release (attached) must be signed and be on file at the Fleet Maintenance office before personal use of any Public Works and Transportation facility will be granted. This protects the TOV against claims resulting from non-work related accidents and puts responsibility upon the individual to take prudent and reasonable care in using TOV equipment, tools, and facilities for their personal use.

509 Supplement to Town of Vail Policy for Employee Use of Tools, Equipment and Facilities for All Public Works and Transportation (Continued)

- c. A yearly, one time, facility user fee of **\$25** will be assessed to each TOV employee who chooses to use Public Works and Transportation tools, equipment, or facilities. This fee is a once a year fee and is non-refundable and non-transferable. No pay = No use! The usage fee must be paid to the Fleet Maintenance office which will forward the collections to the TOV Finance office where it will be credited to the General Fund. These funds will be used to offset the use of the facilities; i.e., purchase of minor expendable supplies, water, heat, lights, shop rags, fair wear and tear on equipment, etc.
- f. Each person choosing to use Public Works and Transportation tools and equipment will be given a ***Certificate of Training/Shop Qualification Card*** by the Fleet Maintenance Division Chief. Each certificate will contain the name of the employee, information regarding date and type of equipment trained on, to include safety training associated with the tool or piece of equipment.
- g. Any personal use of the fleet maintenance shop is prohibited during regular work hours of 7 a.m. to 5:30 p.m., Monday through Friday. Exceptions may be approved by the Fleet Maintenance, Streets, or Transportation Division Supervisor, depending on the area to be used. Usage is also permitted after regular work hours from 5:30 p.m. to midnight during the week and from 7 a.m. to midnight on weekends and holidays.
- h. Work on any vehicle owned by other than TOV employees and their immediate family is prohibited.
- i. TOV vehicles/equipment larger than a pickup truck which are parked in the maintenance bays shall not be moved by personnel not authorized to operate it. TOV vehicles, regardless of size, moved for personal work, will be returned to the same bay from which they were moved. Any TOV vehicle that is dead lined or “red tagged” will not be moved by anyone except fleet maintenance staff.  
**Vehicles that are impounded in the shop(s) for police investigation will not be moved or tampered with.**
- j. Night shift and weekend employees only may park their vehicles inside the Fleet Maintenance or Streets Division shop area on a space available basis only. If parked inside, the keys must be left inside the vehicle in case the space must be used. There will be no parking of a privately-owned vehicle in the bus barn or the parking structure(s).

509 Supplement to Town of Vail Policy for Employee Use of Tools, Equipment and Facilities for All Public Works and Transportation (Continued)

2. Shop Tools and Equipment

- a. No employee shall be allowed to operate any shop equipment or special tools; i.e., tire changer, wheel balance, drill press, air/pneumatic jack, hydraulic lift, seal press, welding equipment, etc. without first being properly trained on its use and safety of operation. Training arrangements on specific equipment/tool can be made by setting up an appointment with the Fleet Maintenance Division Supervisor. A listing of employees and equipment trained on will be maintained in the Fleet Maintenance office and will become part of the record for issuance of the Certificate of Training and Shop Usage.
- b. Employees will be responsible for providing their own hand tools, wrenches, sockets, bits, etc.
- c. Special hand tools; i.e., air impact wrench, wheel puller, tap and die, etc., may be used from the tool cage but must be available for mechanics use when needed.

3. Parts and Materials

- a. Parts in the parts room are for use on TOV vehicles only and will not be used for any personal use.
- b. Parts used on personal vehicles shall be privately purchased. If using TOV vendors for parts purchases, you must have a separate purchase invoice that includes payment of any sales taxes.
- c. All Petroleum, Oil, and Lubricants (POL) for personal use must be provided by the employee. This includes engine oil, transmission fluid, antifreeze, windshield washer solvent, etc. All used POL products, such as oil filters, engine oil, spills, etc. will be treated as hazardous waste and disposed of properly.
- d. Old/used tires and batteries must be disposed of properly. There will be a **\$4 disposal fee** charged for each tire to be disposed of by Fleet Maintenance. Tires will be stacked with those set aside to be discarded. There is no charge for battery disposal. Discarded batteries must be placed in the battery room.

509 Supplement to Town of Vail Policy for Employee Use of Tools, Equipment and Facilities for All Public Works and Transportation (Continued)

4. Car Washing

- a. Employees may only use the Fleet Maintenance, bus wash, or Streets Division “Hotsy” high pressure washers. Low pressure water hoses may also be used at those locations.
- b. All employees desiring to use this equipment must receive instruction on the proper and safe use of the high pressure washer before being allowed to use it.

5. Enforcement

- a. The intent of this policy is for it to be *self policing*. It is critical that all employees know about the rules, to follow them to take the initiative to correct or inform others when someone is not following them. Remember that the use of TOV tools, equipment and facilities is a privilege that can be taken away if the policies are not adhered to.
- b. Abuse of this policy may result in discipline up to and including discharge.

TOWN OF VAIL  
PERSONAL USE OF TOOLS, EQUIPMENT, AND FACILITIES

WHEREAS, in consideration of the Town of Vail permitting its full time and full time seasonal Town of Vail employees to use Town of Vail tools, equipment and facilities; and

WHEREAS, such use is provided as a privilege; and

WHEREAS, employee is personally responsible for the prudent and safe use of any tool, equipment, or facility which they use; and

WHEREAS, employee accepts any associated risk of injury from such use of any tool equipment or facility; and

WHEREAS, employee by signing this liability release expressly indicates they are sufficiently trained in the use of such tool, equipment, or facility and assume any risk of such use; and

WHEREAS, employee hereby assures that when using such tools, equipment and facilities they will treat the same as if they were their own.

NOW THEREFORE, I \_\_\_\_\_, the undersigned employee being 18 years of age or older, in consideration of having been permitted to use of Town of Vail tools, equipment, and/or facilities hereby assume all risks associated with such use. I am fully aware of the inherent dangers and risks incumbent in the use of such tools, equipment, and facilities and agree that such use may be hazardous.

I hereby forever release and discharge the Town of Vail, its respective subsidiaries, committees and affiliates, elected officials, officers, directors, agents, servants, and employees of and from any and all liability for injuries, including death, that may arise out of or relate to any loss, damage, or injury sustained by me while using Town of Vail tools, equipment, and/or facilities.

I agree that, by signing this Liability Release, the Town of Vail shall be indemnified by me for any injury to other person(s) or property which I may cause as a result of such use. I further agree that this liability release shall be binding upon my assignees, subrogors, distributees, heirs, next of kin, executors, and administrators and may be plead by the Town of Vail as a complete bar and defense against any claim, demand, action, or cause of action brought by me or on my behalf.

I acknowledge and understand that while being permitted to use the Town of Vail tools, equipment, and facilities for my own benefit that I: 1) shall receive no compensation for my time spent in such personal endeavor from the Town of Vail; and 2) shall not be entitled to receive employment benefits from the Town of Vail including, but not limited to Workers' Compensation insurance; and 3) I am acting on my own personal behalf and not on behalf of the Town of Vail.

**I HAVE CAREFULLY READ THE FOREGOING LIABILITY RELEASE,  
UNDERSTAND IT'S CONTENTS AND SIGN IT WITH FULL KNOWLEDGE OF IT'S SIGNIFICANCE.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
WITNESSED:

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

509-8



TOWN OF VAIL  
LIABILITY RELEASE

**PLEASE READ CAREFULLY BEFORE SIGNING. THIS IS A RELEASE OF LIABILITY AND WAIVER OF CERTAIN LEGAL RIGHTS.** I, the undersigned guest upon the premises and/or facilities of the Town of Vail, in consideration of accompanying a Town of Vail employee who is engaged in the use of Town of Vail tools, equipment, and/or facilities hereby assume all risks associated with being on such premises or participating in the use of such tools, equipment, and facilities. I am fully aware of the inherent dangers and risks involved in this pursuit and understand and agree that such use and presence upon the premises may be hazardous.

I hereby forever release and discharge the Town of Vail, its respective subsidiaries, committees and affiliates, elected officials, officers, directors, agents, servants, and employees of and from any and all liability for injuries, including death, that may arise out of or relate to any loss, damage or injury sustained by me while engaged in these activities for my personal benefit.

I agree that, by signing this Liability Release, the Town of Vail shall be indemnified by me for any injury to other person(s) or property which I may cause as a result of the use of such tools, equipment, and facilities. I further agree that this Liability Release shall be binding upon my assignees, subrogors, distributees, heirs, next of kin, executors and administrators and may be plead by the Town of Vail as a complete bar and defense against any claim, demand, action or cause of action brought by me or on my behalf.

I acknowledge and understand that I: 1) shall receive no compensation for my time spent in such pursuits for my own benefit from the Town of Vail; and 2) shall not be entitled to receive employment benefits from the Town of Vail including, but not limited to Worker's Compensation insurance; and 3) I am acting on my own behalf and not on behalf of the Town of Vail.

**I HAVE CAREFULLY READ THE FOREGOING LIABILITY RELEASE, UNDERSTAND IT'S CONTENTS AND SIGN IT WITH FULL KNOWLEDGE OF IT'S SIGNIFICANCE.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature of parent if individual is under age of 18

\_\_\_\_\_  
Address

WITNESSED BY:

\_\_\_\_\_  
Telephone Number

## **600 FAMILY AND MEDICAL LEAVE**

### **Family and Medical Leave (FMLA Leave)**

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

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

### **Military Family Leave Entitlements**

Eligible employees with a spouse, son, daughter, or parent on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

Eligible employees may also take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty. The injury or illness must make the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

### **Benefits and Protections**

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

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

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave. As with other types of unpaid leaves, paid leave will not accrue during the unpaid leave. Holidays, funeral leave, or employer's jury duty pay are not granted on unpaid leave. A leave of absence is without pay when available paid leave options are exhausted. Accruals for benefit calculations, such as vacation, sick leave, holiday benefits, etc., will continue only when using available paid leave. After such time, all accruals will be suspended for the remainder of the leave and will resume upon return to active employment.

### **Eligibility Requirements**

Employees are eligible if they have worked for the TOV for at least 12 months, for 1,250 hours over the previous 12 months, and if they work at a work site with at least 50 employees within 75 miles.

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

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves

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

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive full calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

### **Use of Leave**

The maximum time allowed for FMLA Leave is either 12 weeks in the 12-month period, or 26 weeks as explained above. The TOV used the 12-month period measured forward from the first day of an employee's leave.

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

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

The TOV may require the employee to take all 12 weeks at one time for the birth of a child, adoption, or foster care. In situations wherein both employee and spouse work for the TOV, the aggregate total to which both may be entitled is 12 weeks for childbirth, adoption, or foster care.

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

The TOV requires employees to use any accrued paid time off for which they are eligible (sick leave, comp time, and/or vacation/holiday pay) during any Family or Medical Leave of Absence. All paid time off (sick, vacation/holiday pay, etc.) will be used in accordance with the respective policies governing such benefits. FMLA leave is without pay when paid leave benefits are exhausted. Both paid and unpaid portions of FMLA will be counted toward the employee's annual FLMA leave entitlement.

### **Employee Responsibilities**

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

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

Employees also may be required to provide a certification and periodic recertification supporting the need for leave. The TOV may require second and third medical opinions at the TOV's expense. Documentation confirming family relationship, adoption or foster care may be required. If notification and appropriate certification are not provided in a timely manner, approval for leave may be denied. Continued absence after denial of leave may result in disciplinary action in accordance with the TOV's attendance guideline. Employees on leave must contact the Human Resource Department and their supervisor at least two days

before their first day of return. Employees returning from medical leave are required to provide a physician's verification of the employee's fitness to return to work. If an employee fails to report to work promptly at the end of the medical leave, employment with the TOV will be terminated.

### **The Organization's Responsibilities**

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

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

### **Unlawful Acts**

FMLA makes it unlawful for the TOV to:

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

### **Enforcement**

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

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

## 601 PERSONAL LEAVE

Personal leave without pay is available to regular full-time employees who wish to take time off from work duties to fulfill personal obligations.

Employees may request personal leave only after having completed one year of service in an eligible employment classification.

Personal leave may be granted for a period of up to 30 calendar days every two years. If this initial period of absence proves insufficient, consideration will be given to a written request for a single extension of no more than 30 calendar days. Accrued unused vacation/holiday pay must be taken during the leave period.

Requests for personal leave are generally evaluated on a number of factors, including anticipated operational requirements and staffing considerations during the proposed period of absence. The decision to grant personal leave will be made by the Supervisor, the Department Head, and the Human Resources Director, with final approval by the Town Manager.

Subject to the terms, conditions, and limitations of the applicable plans, the TOV will continue to provide health insurance benefits until the end of the month in which the personal leave begins. At that time, employees will become responsible for the COBRA premiums for health insurance benefits. The TOV will resume payment of the costs of these benefits when the employee returns to active employment. Please see Human Resources Policy 600 - Family and Medical Leave for further information specifically concerning family and medical leave.

Accruals of benefit calculations, such as vacation, sick leave, holiday benefits, etc., will be suspended during the unpaid leave and will resume upon return to active employment.

When personal leave ends, the employee will return to the same position or to a similar one for which qualified, if available. If the previous position or a comparable one is not available, an effort will be made to offer another position that is available and suitable. Although every reasonable effort will be made to place an employee at the end of a personal leave, the TOV cannot guarantee reinstatement in all cases.

If an employee fails to report to work at the expiration of the approved leave period, employment with the TOV will be terminated.

## 602 EDUCATIONAL LEAVE

Educational leave without pay is available to regular, full-time employees who wish to take time off from work duties to pursue course work that is directly related to their job duties with the organization.

Employees who have completed one year of service in an eligible employment classification may request educational leave for a period of up to nine months every one year. Requests will be evaluated based on a number of factors, including anticipated operational requirements and staffing considerations during the proposed period of absence. The decision to approve an educational leave will be made by the Department Head, the Human Resources Director, and the Town Manager.

Employees on an educational leave may continue health insurance benefits by paying the COBRA premium for the designated level of coverage.

Accruals of benefit calculations, such as vacation, sick leave, holiday benefits, etc., will be suspended during the leave and will resume upon return to active employment.

When educational leave ends, the employee will return to the same position or to a similar one for which qualified, if available. If the previous position or a comparable one is not available, an effort will be made to offer another position that is available and suitable. Although every reasonable effort will be made to place an employee at the end of an educational leave, the TOV cannot guarantee reinstatement in all cases.

If an employee fails to report to work at the end of the approved leave period, employment with the TOV will be terminated. See Section 311 for information on Tuition Reimbursement.

## **603 MILITARY LEAVE**

A military leave of absence will be granted for employees to attend scheduled drills or training or if called to active duty with the U.S. armed services. During such times of military service, employees will only be compensated when required by law. Employees granted a military leave of absence are reinstated and paid in accordance with the laws governing veterans' re-employment rights.

Subject to the terms, conditions, and limitations of the applicable plans for which the employee is otherwise eligible, the TOV will continue to provide health insurance benefits until the end of the month in which the active duty military leave begins. At that time, employees who wish to continue their coverage will become responsible for paying the COBRA premiums for such benefits. The TOV will resume payment of these costs when the employee returns to active employment.

According to Colorado statutes, the TOV will grant service members military leave without loss of wages for up to 15 days in the leave year established by the TOV. The TOV also will maintain status, paid time-off accruals, insurance, and other benefits of the service member for those 15 days. Should military leave extend beyond 15 days, the provisions of other veteran statutes, including federal laws governing the rehire of veterans, will continue to apply.

After 15 days, the accrual of benefits such as pension, vacation, holidays, or sick leave will be suspended during the active duty leave and will resume upon the employee's return to active employment.

Employees on two-week active duty training assignments or inactive duty training drills are required to return to work for the first regularly scheduled shift after the end of training, while allowing reasonable travel time.

Every reasonable effort will be made to return eligible employees to their previous position or a comparable one. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service, such as the rate of vacation accrual.

If an employee fails to return to work at the end of the military leave, employment with the TOV will be terminated.





#### 604 BEREAVEMENT LEAVE

If an employee wishes to take time off due to the death of an immediate family member, the employee should notify Supervision immediately. Up to three (3) days of paid bereavement leave shall be provided to regular full-time employees.

In cases of unusual circumstances, two (2) additional days of bereavement leave may be granted with the approval of the Department Head.

**FIRE DEPARTMENT:** Fire Department shift personnel will be granted one (1) shift of bereavement leave and may be granted one additional shift of bereavement leave with the approval of the Department Head.

Bereavement pay is calculated based on the base rate at the time of absence.

The TOV defines "immediate family" as the employee's spouse, children, parents, grandparents, brothers, sisters, aunts, uncles, mothers- or fathers-in-law, brothers- or sisters-in-law, grandmothers- or grandfathers-in-law, and sons- or daughters-in-law.

If an employee fails to return to work after a bereavement leave, employment with the TOV will be terminated.

## 700 EMPLOYEE CONDUCT AND WORK RULES

To assure orderly operations and provide the best possible work environment, the TOV expects employees to follow rules of conduct that will protect the interests and safety of all employees, guests and community members, and the TOV organization.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. Therefore, please consult the Human Resources manual and/or talk with Supervision, Department Head, and/or the Human Resources Department if you have any questions on this subject.

## 701 DRUG AND ALCOHOL USE

Drug and alcohol use is highly detrimental to the safety and productivity of employees in the workplace. No TOV employee shall be under the influence of, have possession of an open container of, consume, manufacture, or use, any alcoholic beverage on any property either owned or leased by the TOV, or while using any TOV equipment, vehicles, or facilities. The following exceptions apply:

1. At employee housing units or residential quarters.
2. At events occurring on liquor licensed premises or for which a special events liquor license has been obtained.
3. At official TOV events. For the purposes of this policy, an official TOV event is defined as an event approved in advance by the Department Head and the Town Manager, or whoever has the authority to act in the Town Manager's absence.  
The Department Head and the Town Manager shall designate not less than one Supervisor or Manager to supervise each official event. The designated Supervisor or Manager shall attend the official event while alcohol is being served. The service of alcoholic beverages shall not begin and should cease immediately if the designated Supervisor or Manager is not in attendance.
4. Police Department activities approved in advance by the Police Chief, including situations involving evidence, Nystagmus Class Lab, or training courses.

Please see Human Resources Policy 708 for further information on Drug and Alcohol Testing for CDL and safety-sensitive employees.

No TOV employee shall be under the influence of, possess, manufacture, consume, use, traffic, distribute, or sell any illegal drug or intoxicant while working, driving a TOV vehicle (owned or leased), or using TOV equipment, vehicles, or facilities at any time.

No TOV employee shall use a TOV vehicle - owned or leased - (with the exception of those vehicles which are provided to certain TOV employees for their personal use as part of said employee's compensation package) to purchase or deliver alcoholic beverages, except for officially sponsored events with the consent/approval of the Manager who has responsibility for the event.

No TOV Supervisor or Manager should knowingly authorize or permit any employee to take any of the prohibited actions set forth in this policy.

Employees who voluntarily admit to having drug or alcohol problems that have not resulted in disciplinary action may be eligible for unpaid time off to participate in a rehabilitation program. Such a leave may be granted if the employee abstains from use of the problem substance while on leave, abides by all organizational policies, rules, and prohibitions relating to conduct in the work place, and if the organization will not suffer an "undue hardship" as a consequence of granting the leave.

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701 DRUG AND ALCOHOL USE (Continued)

The employer recognizes that employees may wish to seek professional assistance in overcoming drug or alcohol problems. Please contact the Human Resources Director for more information about the benefits potentially available under the employee medical benefit plans and the Employee Assistance Plan (EAP).

## 702 SEXUAL AND OTHER UNLAWFUL HARASSMENT

The TOV is committed to providing a work environment that is free of unlawful discrimination and harassment.

### SEXUAL HARASSMENT:

It is against the policies of the TOV, and illegal under state and federal law, for any employee, male or female, to sexually harass another employee. The TOV is committed to providing a workplace free from this unlawful conduct. It is a violation of this policy for an employee to engage in sexual harassment.

#### What is "sexual harassment?"

Sexual harassment is a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (1) Submission to that conduct is made either explicitly or implicitly a term or condition of employment;
- (2) Submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual; or
- (3) The conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of sexual harassment include, but are not limited to, the following, when such acts or behavior come within one of the above definitions:

- > Either explicitly or implicitly conditioning any term of employment (e.g. continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
- > Touching or grabbing a sexual part of an employee's body;
- > Touching or grabbing any part of an employee's body after that person has indicated, or it is known, that such physical contact was unwelcome;
- > Continuing to ask an employee to socialize on or off-duty when that person has indicated s/he is not interested;
- > Displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters if it is known or should be known that the behavior is unwelcome;
- > Continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;
- > Referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior;

702 SEXUAL AND OTHER UNLAWFUL HARASSMENT (Continued)

- > Regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior;
- > Retaliation of any kind for having filed or supported a complaint of sexual harassment (e.g. ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering that person's duties or work environment, etc.);
- > Derogatory or provoking remarks about or relating to an employee's sex or sexual orientation;
- > Harassing acts or behavior directed against a person on the basis of his or her sex;
- > Off-duty conduct which falls within the above definition and affects the work environment.

What the TOV will do if it learns of possible sexual harassment

In the event the TOV receives a complaint of sexual harassment, or otherwise has reason to believe that sexual harassment is occurring, it will take all necessary steps to ensure that the matter is promptly investigated and addressed. The TOV is committed, and required by law, to take action if it learns of potential sexual harassment, even if the aggrieved employee does not wish to formally file a complaint. Every Supervisor is responsible for promptly responding to, or reporting, any complaint or suspected acts of sexual harassment. Supervisors should report to the Human Resources Director, or to the Town Manager. Failure by a Supervisor to appropriately report or address such sexual harassment complaints or suspected acts shall be considered to be in violation of this policy.

Care will be taken to protect the identity of the person with the complaint and of the accused party or parties, except as may be reasonably necessary to successfully complete the investigation.

It shall be a violation of this policy for any employee who learns of the investigation or complaint to take any retaliatory action which affects the working environment of any person involved in this investigation.

If the allegation of sexual harassment is found to be credible, the TOV will take appropriate corrective action. The TOV will inform the complaining person and the accused person of the results of the investigation and what actions will be taken to ensure that the harassment will cease and that no retaliation will occur. Any employee, supervisor, or agent who has been found by the TOV to have harassed another employee will be subject to sanctions appropriate to the circumstances, ranging from a verbal warning up to and including dismissal.

702 SEXUAL AND OTHER UNLAWFUL HARASSMENT (Continued)

If the allegation is not found to be credible, the person with the complaint and the accused person shall be so informed, with appropriate instruction provided to each, including the right of the complainant to contact any of the state or federal agencies identified in this policy notice.

What you should do if you believe you have been harassed

Any employee who believes that s/he has been the target of sexual harassment, or who believes s/he has been subjected to retaliation for having brought or supported a complaint of harassment, is encouraged to directly inform the offending person or persons that such conduct is offensive and must stop. If the employee does not wish to communicate directly with the alleged harasser or harassers, or if direct communication has been ineffective, then the person with the complaint is encouraged to report the situation as soon as possible to his or her supervisor, or to the Human Resources Director, or to the Town Manager.

If the complainant is dissatisfied with the TOV's action, or is otherwise interested in doing so, s/he may file a complaint by writing or calling the following federal agency:

**Equal Employment Opportunity Commission**, 303 East  
17th Avenue, Suite 510, Denver, CO 80203, phone:  
1-800-669-4000 (voice), (303) 866-1950 (TDD).  
Complaints must be filed within 300 days of the  
most recent occurrence.

This agency can conduct impartial investigations, facilitate conciliation, and if it finds that there is probable cause or reasonable grounds to believe sexual harassment occurred, it may take the case to court. Although employees are encouraged to file their complaint of sexual harassment through the TOV's complaint procedure, an employee is not required to do so before filing a charge with these agencies.

In addition, a complainant also has the right to hire a private attorney, and to pursue a private legal action in state or federal court.

Reasonable accommodations will be provided for persons with disabilities who need assistance in filing or pursuing a complaint of harassment, upon advance request.

OTHER TYPES OF HARASSMENT:

- Verbal or written harassment - derogatory or vulgar comments regarding a person's race, sex, religion, ethnic heritage, disability, or distribution of written or graphic material having such effects.
- Physical harassment - hitting, pushing, or other aggressive physical conduct, or threats to take such action.

702 SEXUAL AND OTHER UNLAWFUL HARASSMENT (Continued)

Every Supervisor is responsible for promptly responding to, or reporting, any complaint or suspected acts of harassment. Supervisors should report to the Human Resources Director, or to the Town Manager. Failure by a Supervisor to appropriately report or address such harassment complaints or suspected acts shall be considered to be in violation of this policy.

Any employee who believes that s/he has been the target of harassment, or who believes s/he has been subjected to retaliation for having brought or supported a complaint of harassment, is encouraged to directly inform the offending person or persons that such conduct is offensive and must stop. If the employee does not wish to communicate directly with the alleged harasser or harassers, or if direct communication has been ineffective, then the person with the complaint is encouraged to report the situation as soon as possible to his or her supervisor, or to the Human Resources Director, or to the Town Manager.



### 703 ATTENDANCE AND PUNCTUALITY

To maintain a safe and productive work environment, the TOV expects employees to be reliable and to be punctual in reporting for scheduled work. Employees who are unable to report to work as scheduled for any reason, must notify supervision as soon as possible. Please see your departmental rules and regulations concerning advance notice of absence.

Regular and prompt attendance is a basic requirement for all TOV employees. Your presence on the job is an essential function of your position.

Unauthorized and/or excessive absenteeism and tardiness is subject to discipline up to and including discharge. Failure to call in when absent for three consecutive days will result in termination of employment.

## 704 PERSONAL APPEARANCE

Dress, grooming, and personal cleanliness standards will affect the professional image we present to the public and to our guests. Each TOV employee is asked to use discretion and care in selecting her/his wardrobe for work.

Employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for the time away from work. Uniform requirements and/or dress requirements for safety reasons will be communicated by each department to the respective employees.

The following standards apply to all TOV employees:

**Hair:** All hairstyles must be clean, neat in appearance, and trimmed appropriately. All hairstyles may not create a safety hazard when operating equipment, machinery, etc. Moustaches and beards are allowed; however, they must be neatly trimmed. Employees required to use respirators in their work must ensure proper fit of the equipment and personal safety, which may make facial hair unfit. Extreme hairstyles are not acceptable.

**Personal Hygiene:** Due to the close contact with other employees, the public, and our guests, personal body odor must be kept at a minimum. This may necessitate daily baths/showers and the daily use of a deodorant or antiperspirant prior to coming to work. Similarly, clothes worn at work should be cleaned regularly and should be free of body odor, the smell of smoke, etc. Excessive use of cologne, perfume, after shave, etc., should be minimized as these products may have a negative impact on co-workers, citizens, and guests.

**Shorts:** Wearing shorts while working for the TOV is permitted if doing so does not contradict department dress requirements for uniforms and/or safety reasons. Only "walking or hiking shorts" may be worn and the cuff/hem of the shorts may be a maximum of 3 inches above the top of the knee.

**Miscellaneous:** Specific dress requirements will be determined by each Department and communicated to all employees. Uniforms, jackets, vests, shirts, hats, etc., issued by and paid for by the TOV are not to be worn for personal use. Any clothing bearing the TOV logo and/or the spelling "Town of Vail" may not be worn while consuming alcoholic beverages at any time. All clothing must be clean, free of holes and/or tears. Footwear such as flip-flops are not considered to be appropriate for work.

Each employee is asked to dress in a manner that presents a positive, professional image to our guests, our co-workers, and to the citizens of Vail.

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705 RETURN OF PROPERTY

Employees are responsible for all TOV items issued to them or in their possession or control. Such items may include, but is not limited to the following:

- Credit cards
- Equipment
- Identification badges
- Keys
- Manuals
- Protective equipment
- Passes - ski, golf, tennis, parking, etc.
- Tools
- Uniforms
- Vehicles
- Written materials

All property must be returned by employees on or before their last day of work. If TOV property is not returned as signed for, the TOV retains the right to withhold any monies due.

706 RESIGNATION

Resignation is a voluntary act initiated by the employee to terminate employment with the TOV. Although advance notice is not required, the TOV requests at least two weeks' written notice of resignation from non-exempt employees and four weeks' notice from exempt employees.

Prior to an employee's departure, it is the employee's responsibility to schedule and complete an exit interview with the Human Resources Department. The final paycheck will be available to the resigning employee no later than the next scheduled payday.

## 707 SOLICITATION

In an effort to assure a productive and harmonious work environment, people not employed by the TOV may not solicit or distribute literature in the workplace at any time for any purpose.

The TOV recognizes employees may have interests in events and organizations outside the workplace. However, employees shall not solicit or distribute literature concerning these activities during working time. Working time does not include lunch periods, work breaks, or any other periods in which employees are not on duty.

In addition, the posting of written solicitations on TOV bulletin boards is very limited. These bulletin boards display important legal information, and employees should consult them for information regarding the following:

- Employee announcements
- Job openings
- Organization announcements
- Payday notice
- Workers' compensation insurance information
- State disability insurance/unemployment insurance information

## **708 DRUG AND ALCOHOL Policy for CDL License & Safety-Sensitive Positions**

It is the policy of the Town of Vail that the use, sale, purchase, transfer, possession or presence in one's system of any controlled substance excluding medically prescribed drugs by any driver while on Town premises, engaged in Town business, while operating company equipment, or while under the authority of the Town is strictly prohibited. Federal Highway Administration (FHWA), states that mandatory testing must apply to every person who operate a commercial motor vehicle in interstate or intrastate commerce and is subject to the CDL licensing requirement.

The execution and enforcement of this policy will follow set procedures to substance abuse testing, conduct breath testing, and or search all driver applicants for alcohol and drug use, and those drivers suspected of violating this policy who are involved in a U.S. Department of Transportation (DOT) reportable accident or who periodically or randomly selected pursuant to these procedures. These procedures are designed not only to detect violations of this policy, but to ensure fairness to each driver. Every effort will be made to maintain the dignity of drivers or driver applicants involved. Disciplinary action will, however, be taken as necessary.

### **PURPOSE**

The purpose of this administrative guide is to set forth the procedures for the implementation of controlled substances and alcohol use and testing of driver applicants and current drivers pursuant to this Alcohol and Drug Abuse Policy. These procedures are intended as a guide only, and are in no way intended to alter any existing relationship between the TOV and any driver.

The Town of Vail's alcohol and drug program administrator designated to monitor, facilitate, and answer questions pertaining to these procedures is the DOT Coordinator in the Transit Department.

### **DEFINITIONS**

When interpreting or implementing these procedures, or the procedures required by the Federal Highway Administration (FHWA) controlled substance testing regulations, the following definitions apply:

“Alcohol” means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

“Alcohol concentration (or content)” means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this part.

“Collection site” means a place where individuals present themselves for the purpose of providing breath, body fluid, or tissue samples to be analyzed for specified controlled substances. The site must possess all necessary personnel, materials, equipment, facilities and supervision to provide for the collection, security, temporary storage and transportation or shipment of the samples to a laboratory.

“Controlled substance” has the meaning assigned by U.S.C. 802 and includes all substances listed on Schedules I through V as they may be revised from time to time (21 CFR 1308).

“Driver” means any person who operates a commercial motor vehicle. This includes, but is not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors who are either directly employed by or under lease to an

employer or who operate a commercial motor vehicle at the direction of or with the consent of an employer. For the purposes of pre-employment/pre-duty testing only, the term “driver” includes a person applying to an employer to drive a commercial motor vehicle.

“FHWA” means the Federal highway Administration, U.S. Department of Transportation.

“Owner-Operators(s)” means a driver(s) who has been contracted for services with the Town. Although not considered an employee, owner-operators will adhere to the Drug and Alcohol Abuse Policy.

“Medical review officer” (“MRO”) means a licensed M.D. or D.O. with knowledge of drug disorders that is employed or used by a motor carrier to conduct drug testing in accordance with this part.

“Safety-sensitive function” means any of those on duty functions set forth in CFR 49 section 382.107.

## **SUBSTANCES PROHIBITED INCLUDING PRESCRIPTION MEDICATIONS**

Alcohol use means the consumption of any beverage, mixture, or preparation, including any medication containing alcohol which, when consumed, causes an alcohol concentration in excess of those prescribed in the Alcohol Prohibitions section.

Controlled Substances: In accordance with FHWA rules, urinalysis will be conducted to detect the present of the following substances:

Marijuana	Amphetamines
Cocaine	Phencyclidine (PCP)
Opiates	

Detection levels requiring a determination of a positive result shall be in accordance with the recommendations established by the 49 CFR Part 40.

Prescriptions Medications: Drivers taking legally prescribed medications issued by a licensed health care professional familiar with driver’s work-related responsibilities must report such use to their immediate supervisor or dispatcher, and may be required to present written evidence from the health care professional which describes the effects such medications may have on the driver’s ability to perform his/her tasks.

A driver may be removed from a safety-sensitive position if deemed appropriate by the alcohol and drug program administrator, Supervisor or Human Resources.

## **PROHIBITIONS**

### Alcohol Prohibitions (49 CFR part 382.201 – 382.211)

The alcohol rule prohibits any alcohol misuse that could affect performance of a safety-sensitive function, including:

1. Use while performing safety-sensitive functions.
2. Use during the 4 hours before performing functions.
3. Reporting for duty or remaining on duty to perform safety-sensitive functions with an alcohol concentration of 0.04 or greater.
4. Possession of alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over the counter), unless the packaging seal is unbroken.

5. Use during 8 hours following an accident, or until he/she undergoes a post-accident test.
6. Refusal to take a required test.
7. A driver found to have alcohol concentration of 0.02 or greater but less than 0.04 shall not perform, nor be permitted to perform, safety-sensitive functions for at least 24 hours.

Controlled Substance Prohibitions (49 CFR part 382.213)

The regulations prohibit any drug use that could affect performance of safety-sensitive functions, including:

1. Use of any drug, except by doctor's prescription, and then only if the doctor has advised the driver that the drug will not adversely affect the driver's ability to safely operate a commercial motor vehicle.
2. Testing positive for drugs; and
3. Refusing to take a required test.

All drivers will inform the alcohol and drug program administrator of any therapeutic drug use prior to performing a safety-sensitive function.

**DRIVER APPLICANT AND CURRENT DRIVER TESTING**

Under all circumstances, when a driver is directed to provide either a breath test or urine sample in accordance with these procedures, he/she must immediately comply as instructed. Refusal and/or non-cooperation will constitute a positive result, and the driver will be immediately removed from the safety-sensitive function, and will be subject to further discipline, up to and including termination.

Post-offer/Pre-employment Testing: All drivers applicants will be required to submit to and pass a urine drug test as a condition of employment. Job applicants who are denied employment because of a positive test, may reapply for employment after six months.

Offers of employment are made contingent upon passing the Town's medical review, including the alcohol and drug test. Driver applicants who have received firm employment offers are to be cautioned against giving notice at their current place of employment, or incurring any costs associated with accepting employment with the Town until after medical clearance has been received. Under no circumstances may a driver perform a safety-sensitive function until a confirmed negative result is received.

Driver applicant drug testing shall follow the collection, chain-of-custody and reporting procedures as set forth in CFR 49 Part 40.

Suspicion-Based Testing:

It is the Town's policy that all employees are subject to fitness-for-duty evaluation consisting of a drug and alcohol test when there is reason to suspect the employee is under the influence of alcohol or drugs on duty. A referral for testing will be made when a trained supervisor can articulate and substantiate physical, behavioral and performance indicators of probable drug use or alcohol misuse by observing the appearance, behavior, speech or body orders of the employee.



The Federal Transit Administration requires that all employees in safety-sensitive positions will be tested for on or off duty drug use when there is reasonable suspicion of such impairment or use. Reasonable suspicion testing of employees in safety-sensitive positions must be based on specific and timely observations concerning the appearance, behavior, speech, body orders, or direct observations of drug or alcohol use. In accordance with Town policy, employees in non-safety-sensitive position may be subject to the same criteria as employees in safety-sensitive positions, except that employees in non-safety-sensitive shall only be tested for reasonable suspicion of on duty drug or alcohol use or impairment.

#### Post-Accident Testing:

All drivers are required to provide a breath test and urine specimen to be tested for use of controlled substances as soon as practical after an accident. The driver shall remain readily available for such testing or may be deemed by the alcohol and drug program administrator to have refused to submit to testing.

No alcohol may be consumed for 8 hours after the accident or until a test is conducted. If the driver is seriously injured and cannot provide a specimen at the time of the accident, he/she shall provide the necessary authorization for obtaining hospital reports and other documents that would indicate whether there were any controlled substances in his/her system.

An accident is defined by FHWA regulations as an accident which results in the death of a human being or bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or which has had one of the vehicles towed from the scene of the accident. Except for a fatality accident, verification of the driver's responsibility in the above accident scenario must be established by a citation to the driver.

Adherence by drivers to post-accident specimen collection requirements is a condition of continued employment.

#### Random Testing:

The Town will conduct random testing for all covered drivers as follows:

- a. The selection of drivers for random testing shall be made by a valid random computer-based method. Each driver shall have an equal chance of being selected each time selections are made.
- b. The random testing, once begun, will provide for the alcohol testing of at least ten percent (10%) , and for drug testing of at least fifty percent (50%) of all covered drivers.
- c. The random testing will be reasonably spaced over the calendar year.
- d. Once notified, a driver must proceed immediately to the assigned collection site and provide photo identification.

#### Return-to-Duty/Follow-up Testing:

All employees who test positive for drugs and/or alcohol, and who are allowed to return to work after engaging in conduct prohibited by this policy and/or 49 CFR Part 40 subpart O, must do the following:

- Be evaluated by a Substance Abuse Professional (SAP) and complete all recommended treatment.
- Undergo a return to duty alcohol test with a result of less than a 0.02 BAC or receive a confirmed negative result from a controlled substance urinalysis test.
- Subject to unannounced follow-up testing at the employer's discretion in addition to the employee's selection for testing under the random testing program.
- Complete any other requirements identified by the Town as a condition of continued employment.

Failure to adhere to any of these conditions is grounds for immediate termination.

## **TESTING METHODOLOGY**

Procedures for specimen collection, chain of custody of specimens, laboratory analysis procedures, and quality control requirements will be in accordance with the United States Department of Health and Human Services (DHHS) Mandatory Guidelines for Federal Workplace Drug Testing Programs, Final Guidelines, and the provisions set forth in 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs to assure a high degree of accuracy and reliability.

## **CONSEQUENCES & APPEAL OF TEST RESULTS**

Alcohol and drug abuse may not only threaten the safety and productivity of all employees at the Town of Vail, but causes serious individual consequences to those who use them. Any confirmed actions prohibited by Town policy, while performing a safety-sensitive function or refusing to take a breath test, will be grounds for disciplinary action up to and including termination.

A driver testing positive for alcohol or drug use is subject to disqualification. Refusal to submit to testing and/or non-cooperation will also be considered a positive.

Refusal may be defined as not providing a breath sample or urine as directed, neglecting to sign appropriate control forms, using alcohol within 8 hours of an accident, or engaging in conduct that clearly obstructs the testing process (i.e.: tampering, adulterating, or substituting a specimen.)

Any driver testing positive for the presence of a controlled substance will be contacted by the MRO. The driver will be allowed to explain and present medical documentation to explain any permissible use of drug. All such discussions between the driver and the MRO will be confidential. The Town will not be a party to, or have access to matters discussed between the driver and the MRO. If medically supportable reasons exists to explain the positive result, the MRO will report the test result to the town as a negative.

Within 72 hours after the driver has been notified of a positive test result for drugs, he/she may request a retest of the split sample. This signed request will be provided to the MRO in writing, who will then initiate the new laboratory analysis. If a different result is detected by the subsequent laboratory, the test will be voided by the MRO, and the TOV alcohol and drug program administrator will be notified. A retest may be initiated as appropriate.

## **CONFIDENTIALITY**

Unless required or authorized by law, the Town will not disclose alcohol or drug testing information or results for any employee or applicant without authorization from the applicable employee.

Drivers are entitled, upon request, to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substance tests.

Collection of breath and urine samples must always be documented and sealed with a tamper-proof sealing system in the presence of the driver, to insure that all tests can be correctly traced to the driver.

Drug test analysis from the DHHS approved laboratory will forwarded directly to the Medical Review Officer assigned by alcohol and drug program administrator.

Alcohol and drug test results will be forwarded by the MRO to the alcohol and drug program administrator for confidential record keeping.

## **NOTIFICATION OF CRIMINAL OR DRIVING WHILE INTOXICATED CONVICTION**

The Town policy requires the employee to notify the alcohol and drug program administrator of all convictions or violations under a criminal drug statute and/or the loss of driver's license due to drugs or alcohol by State or local law enforcement. This notification must occur within five (5) days of conviction or violation. Failure to report such conviction, or violation, will result in disciplinary action up to and including discharge. The Town of Vail is a Drug Free employer.

## **709 DISCIPLINE**

Employees at all times must comply with TOV expectations for work, performance, and conduct. Failure to do so may result in any or all of the following actions, as the TOV deems appropriate:

- \* termination
- \* suspension
- \* demotion
- \* written warning
- \* reprimand
- \* counseling

TOV management will decide in its judgment which of the above is the appropriate remedy for the problem. You will be advised of the action when this occurs.

In the event of termination, the full-time regular employee will be suspended without pay and provided with a written notice advising him/her of the impending action with an explanation of the evidence supporting such action. The employee can then present his/her side of the story within five (5) business<sup>1</sup> days of having received such notice. This explanation must be in writing to the employee's Department Head. Within three (3) business days of having received a timely explanation from the employee, the Department Head shall provide a written decision to the employee as to what action will be taken.

Subject to the limitations in the final paragraph of this policy, in the event the decision of the Department Head is to terminate, the employee may request a meeting with the Town Manager. A request for consideration by the Town Manager must be made in writing to the Town Manager within five (5) business days of receipt of the decision from the Department Head. The Town Manager will then schedule a meeting with the employee, his/her Supervisor, and the Department Head within three (3) business days of having received the written request from the employee. At that meeting, the employee will have the opportunity to present his/her side of the story orally or in writing. The Town Manager will advise the employee of his/her decision in writing within two (2) business days of the conclusion of the meeting.

The fact that the TOV has or has not utilized any of these actions does not set any precedent and should not be relied upon in future disciplinary situations by any TOV employee.

Employees in their original review period or in an extension of their original review period have no rights to a pre-termination opportunity to be heard by the Department Head or a right to appeal to the Town Manager, as set forth above.

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<sup>1</sup>A business day is Monday through Friday that is not a Town of Vail recognized holiday.

## 710 EMPLOYEE COMPLAINTS

Employees and Supervisors are expected to make every effort to resolve problems informally and on a timely basis. When this fails, the following procedures for complaints and appeals must be utilized. Please note these procedures are not available to review policy matters (wages, salaries, benefits, etc.), terms and conditions of employment, individual employee performance evaluations, or disciplinary actions.

### EMPLOYEE COMPLAINTS

Eligibility - all regular full-time, part-time, temporary, and seasonal employees are eligible to present a complaint in response to the following:

1. Any perceived inconsistency in the application of any personnel policy, rule, or procedure.
2. Unsafe working conditions.
3. An alleged violation of State or Federal non- discrimination or harassment laws.

Procedure - An employee must present his/her complaint according to the following procedures:

1. Informal Discussion - any employee who feels s/he has a complaint must discuss the matter with his/her immediate Supervisor. This discussion should take place immediately and should focus on the facts and/or circumstances of the complaint.

If this does not solve the dispute or problem satisfactorily, the employee may file a written complaint.

2. Written Complaint - the written complaint shall be given to the immediate Supervisor within 5 regularly scheduled working days after the employee knew, or reasonably should have known, of the situation upon which the complaint was based. The Supervisor or his/her designee will investigate the complaint and present a written decision to the employee within 7 regularly scheduled working days after receiving the written complaint.

Information to be included in a written complaint:

- A. The event, activity, behavior, etc., in dispute.
- B. The date of occurrence.
- B. The specific section of the Human Resources Policies, rules, and/or procedures, and/or the TOV Charter allegedly misapplied or inconsistent.
- D. The disposition or resolution sought by the employee.

710 EMPLOYEE COMPLAINTS (Continued)

- E. The signature of the employee.
- F. The date of the complaint.

If the complaint is not settled at the immediate Supervisor level to the satisfaction of the employee and the employee wishes to pursue the complaint, the employee shall present the complaint to successive levels of supervision up to and including the Town Manager (typically Supervisor, Division Head, Department Head, then Town Manager). Each successive level of supervision shall have 10 regularly scheduled working days to present a written decision to the employee. The decision of the Town Manager shall be final and is not subject to appeal.

In the event the complaint directly involves the employee's immediate Supervisor and/or the employee feels awkward or threatened by presenting the complaint to his/her immediate Supervisor, the complaint should skip the supervisory level and begin at whatever level of supervision/management the employee feels most comfortable.

If the employee fails to proceed to successive levels of supervision within the time period specified (within five regularly scheduled working days after each decision), the employee shall be conclusively deemed to have waived and abandoned the complaint. This is not subject to appeal. Conversely, if any Supervisor or Manager fails to render a decision within the time period specified above, the employee shall appeal to the next level of supervision within the time limits specified.

If an eligible employee resigns or is terminated from employment with the TOV for any reason, any complaint previously filed by the employee or which is in-process at the time of resignation/termination shall also be terminated. This is not subject to appeal.

711 OPEN DOOR POLICY

The TOV is strongly committed to establishing a work environment where people are challenged, recognized, and rewarded for their efforts. In addition, the TOV firmly believes that it is essential to maintain effective communication throughout the organization. To this end, the TOV has an open-door policy wherein any employee can talk with any level of supervision and/or management about a problem, issue, situation, etc.

For specific employee complaints and appeals, TOV employees are asked to use the procedures identified and explained in Human Resources Policy 710 - Employee Complaints.

It is the TOV's hope the open door policy will provide another communication avenue for employees.

## **712 POLITICAL ACTIVITY**

TOV employees shall not engage in the publication or distribution of any materials approving, supporting, disapproving, or in any other manner commenting on a candidate or ballot issue during work time. An employee shall not engage in any activity furthering or hindering the interests of any candidate for elected office during work time or using TOV resources. No campaigning or circulation of stickers, buttons, or the like for public offices other than those so stated is to occur during working hours, at a worksite, or on a TOV operated facility.

Employees seeking public office must notify their department head upon public declaration of their candidacy and/or the commencement of any campaign activities taking place on their behalf. Employees seeking public office may not engage in any political activity during work time or using TOV resources/facilities and must comply with all requirements under the Fair Campaign Practices Act. Employees elected to public office with the Town of Vail, Eagle County, or a special district within the TOV must resign their position with the TOV upon assuming office.

Nothing in this policy shall be construed to interfere with the right of an employee to enjoy freedom from interference in voting in municipal and all other elections. Further, nothing herein stated shall be construed to interfere with the right of an employee to become a member of any political club or organization, to attend political meetings, to express an opinion on political subjects, and to exercise any right of political activity regarding any level of government other than the TOV or any special district managed by the TOV. Any employee whose position is funded by a federal program and/or monies shall be subject to the provisions of the United States Code, Section 1501, et. seq., as amended, commonly known as the Hatch Act.

No person shall be employed with the TOV while serving as an elected official of the TOV, Eagle County, or a special district within the TOV.



712 POLITICAL ACTIVITY

TOV employees shall not engage in the publication or distribution of any materials approving, supporting, disapproving, or in any other manner commenting on a candidate for nomination to a TOV office or special district managed by the TOV during work time. An employee shall not engage in any activity furthering or hindering the interests of any candidate for a TOV office or any special district managed by the TOV. No campaigning or circulation of stickers, buttons, or the like for public offices other than those so stated is to occur during working hours, at a worksite, or on a TOV operated facility.

Employees seeking public office with the Town of Vail, Eagle County, or a special district managed by the TOV will be required to take an unpaid leave of absence upon public declaration of their candidacy and/or the commencement of any campaign activities taking place on their behalf through the conclusion of the election or withdrawal from the election. Employees elected to public office with the Town of Vail, Eagle County, or a special district managed by the TOV must resign their position with the TOV upon assuming office.

Nothing in this policy shall be construed to interfere with the right of an employee to enjoy freedom from interference in voting in municipal and all other elections. Further, nothing herein stated shall be construed to interfere with the right of an employee to become a member of any political club or organization, to attend political meetings, to express an opinion on political subjects, and to exercise any right of political activity regarding any level of government other than the TOV or any special district managed by the TOV. Any employee whose position is funded by a federal program and/or monies shall be subject to the provisions of the United States Code, Section 1501, et. seq., as amended, commonly known as the Hatch Act.

No person shall be hired for any employment with the TOV while serving as an elected official of the TOV, Eagle County, or a special district which is managed by the TOV.

## Town of Vail

### 713 LOST AND FOUND

All property, clothing, materials, money, etc., found by a TOV employee during the course of his/her work shall be reported and delivered to the Police Department immediately. All Lost and Found items will be stored at the Police Department. No TOV employee will store or keep any found property, clothing, materials, money, etc.

Disposal of found property, clothing, etc.: After the appropriate waiting period to be determined by the Police Department, all unclaimed found property will be auctioned to the general public by the Police Department. Any remaining found property shall be donated to a local charity as designated by the Town Manager.

Disposal of money: After the appropriate waiting period to be determined by the Police Department, all unclaimed monetary funds shall be transferred to the General Fund of the TOV.

Disposal of found financial instruments: after the required legal waiting period and investigation by the Police Department, any unclaimed found financial instruments shall be destroyed.

714 WORKPLACE THREATS AND VIOLENCE

1. Purpose:
  - a. To establish policies and procedures to prevent or minimize the potential for workplace violence at Town facilities or to Town employees while acting within the course and scope of Town employment.
  - b. To convey to all employees the Town of Vail policy dealing with workplace threats and violence.
  
2. Scope:
  - a. This directive applies to all Town employees while acting on Town business.
  - b. Violence is defined as the infliction of any bodily injury or harmful physical contact or the destruction or abuse of property. Examples of violent acts include, but are not limited to, intimidating, threatening or hostile behaviors; physical abuse including intentional bodily injury and homicide; damage or destruction of Town property; unlawful use or unauthorized carrying of weapons; and other acts which are inappropriate in the workplace. Violence may be committed by Town employees, personal acquaintances, or the general public.
  - c. A threat is defined as a declaration of an intention or determination to inflict violence at a Town workplace or to a Town employee. Threats may be direct, conditional, or veiled. Threats of violence may be committed by Town employees, personal acquaintances, or the general public.
  
3. Policy:
  - a. The Town of Vail is committed to a safe, healthy, productive workplace for all employees. As such, our policy is to maintain a work environment which is free from intimidation, harassment, threats, and hostile or violent acts of any kind.
  - b. The Town of Vail will not tolerate threatening, intimidating, or hostile behavior; verbal or physical abuse; weapons possession or use while on duty or on Town property by any employee who is not a sworn police officer or otherwise authorized by the employee's department head to possess such weapons; vandalism; arson; or any other act against person or property which management believes is inappropriate in the workplace.
  - c. The Town of Vail has established a Threat and Violence Assessment Team (TVAT) to assist management in identifying potential sources of violence, reporting and investigating procedures for threats of violence, developing plans to reduce the risk of violence and/or preventing acts of violence; and developing response, trauma, and recovery plans to deal with a violent incident.
  - d. Manager and supervisors have a responsibility to report any instance of inappropriate behavior as defined above, or concerns about specific employees, to the Threat and Violence Assessment Team for evaluation and actions to be taken.
  - e. Employees who feel they have been subjected to, have observed, or have knowledge of any violation of this policy have a responsibility to report immediately the behavior or incident to their supervisor, Human Resources

representative or TVAT member as soon as possible. Employees are empowered to report threats to the Town of Vail Police Department or other applicable law enforcement agency if they believe a serious or imminent danger situation exists, or violation of law exists.

- f. The Town of Vail has established a Threat and Violence Prevention Program which consists of the following components:
  - i. Zero Tolerance Threat and Violence Policy in the workplace.
  - ii. Screening applicants for Town positions, within legal restraints, to avoid hiring potentially violent employees.
  - iii. Procedures for Reporting Threats of violence to appropriate Town officials.
  - iv. Investigation and assessment of threats of violence by the Threat and Violence Assessment Team (TVAT) including recommendations for disciplinary or corrective actions.
  - v. Post-Incident Procedures after any violent event including provisions for professional counseling, media communications, and post-incident analysis.
  - vi. Training to inform employees, supervisors, and the TVAT of the provisions of the Threat and Violence Prevention Program.