

# Personnel Manual



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Produced by: The Town of Parker Executive Team



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## **TOWN OF PARKER PERSONNEL MANUAL**

### **DEFINITIONS**

**Administrative Regulations:** Written statement established by the Town Administrator for the purpose of enforcement, implementation and interpretation of the Manual.

**AIDS:** Acquired Immune Deficiency Syndrome.

**Appointed Official:** An individual appointed by Town Council pursuant to the Home Rule Charter or the Ordinance of the Town who is not subject to this Personnel Manual.

**ARC:** AIDS Related Complex.

**At-Will:** Refers to the employment relationship where either party is free to terminate the relationship at any time, without cause, and includes but is not limited to any employee of the Town that is not a regular full-time employee.

**Business Days:** Monday through Friday, except holidays as defined in Section 4.3 of this Manual.

**Day:** Equates to eight (8) hours unless otherwise specified.

**Department Director:** The director of a department, or in the case of an office, agency or activity not within an established department, the person authorized by the Town Administrator to administer such office, agency or activity. The position of Department Director includes, but is not limited to, Deputy Town Administrator; Assistant Town Administrator; Chief of Police; Communications Director; Cultural Director; Economic Development Director; Finance Director; Human Resources Director; Information Technology Director; Community Development Director; Public Works Director; ,Parks, Recreation and Open Space Director; and Town Clerk. Department Directors are employed in an “at-will” capacity and are not subject to the policies of this Manual with the exception of the following: Sections 2.1, 2.3 and 2.9; 3.1 and 3.16; and 4.1 through 4.16; and 5.4, 5.6 through 5.12, 5.14, and 5.15 of this Personnel Manual. The definition of Department Director may be modified by an administrative regulation issued by the Town Administrator.

**Elected Official:** An individual elected to office with the Town of Parker as Mayor or Town Councilmember, who is not subject to this Personnel Manual.

**Emergency:** For the purposes of call-out and call-back, an emergency is defined as a situation which places the health and safety of citizen’s “at-risk.” The Department Director or authorized designee will make the judgment call as to whether the affected Department will respond to the emergency.

**Formal Amendment:** Town Council action is required, in the form of an ordinance, for formal amendments of the Manual.

**Job Description or Position Statement:** The official written description, which defines the class and lists the essential functions, key accountabilities and experience and educational standards of the position/job. Job Descriptions or Position Statements are not all-inclusive, rather are intended as general guidelines.

**Manual:** The Town of Parker Personnel Manual.

**Separation:** General term referring to any action ending the employer/employee relationship.

**Shall and Will, May and Can:** Shall and will are mandatory, may and can are permissive.

**State of Emergency:** Situation whereby drastic measures must be taken on a Town-wide basis to ensure the safety of citizens and property from a threat. The Town Administrator, acting by and through the Town Council, is the only person that has the authority to declare this type of emergency.

**Supervisor:** An employee delegated with the authority to direct and control the work of one (1) or more employees.

**Suspension:** Temporary separation from employment with or without pay.

**Termination:** The separation of an employee from employment with the Town of Parker by resignation, retirement, dismissal, lay-off or death.

**Town:** Refers to the Town of Parker, a home-rule municipal corporation of the State of Colorado.

**Town Administrator:** Individual appointed by the Town Council with responsibility for all departments and employees not appointed by Town Council, as provided by ordinance adopted by the Town Council.

**Vacant Position:** An unoccupied position.

### **1.1 – Intent of Personnel Manual**

This Personnel Manual is intended to provide employees with a general understanding of the Town’s personnel policies. Employees are encouraged to familiarize themselves with the contents of this Personnel Manual, for it will answer many common questions concerning employment with the Town.

This Personnel Manual cannot anticipate every situation or answer every question about employment. It is not an employment contract and is not intended to create contractual obligations of any kind. Neither the employee nor the Town is bound to continue the employment relationship if either chooses to end the relationship at any time and for any reason.

In order to retain necessary flexibility in the administration of these policies, the Town reserves the right to change, revise, or eliminate any of these policies and/or benefits described in this Personnel Manual without prior notice. To the extent that any of the policies described herein create an economic impact on the Town, such policies are subject to available funding as well as the annual budget and appropriation of sufficient funds by the Town Council to offset the economic impact that may be created by such policies. The only recognized deviations from the stated policies are those authorized in writing and signed by the Town Administrator.

This Personnel Manual does not apply to elected officials, appointed officials, volunteers, the Town Administrator, the Municipal Court Judge or the Town Attorney, except as otherwise contained in this Personnel Manual. Department Directors are employed “at-will” and are not subject to the policies contained in this Personnel Manual, except for those listed under the Definition Section of this Personnel Manual. Part-time employees are also employed “at-will” and are not subject to the policies contained in this Personnel Manual, except for those listed under the Definition Section of this Personnel Manual. Part-time employees are also employed “at-will” and are not subject to the policies contained in this Personnel Manual, except for those listed under Section 2.2

### **1.2 – Town Administrator’s Authority**

The Town of Parker Home Rule Charter provides that the Town Administrator is the chief administrative office of the Town. Duties of the Town Administrator are established by Ordinance adopted by the Town Council and include the power to appoint, suspend, transfer, and remove Directors as well as all employees of the Town (except as provided by the Town Charter and applicable Town of Parker ordinances) and the power to exercise supervision and control over all departments except for the Municipal Court Judge and Town Attorney. Department Directors of the Town report directly to the Town Administrator or as defined in the Town’s organizational chart.

### **1.3 – Amendments to Policy**

These policies will be in effect until amended by ordinance by the Town Council. The Town Administrator may propose suggested amendments to Council. Suggestions should be forwarded to the Human Resources Director or authorized designee. The Human Resources Director will

**Article 1 – Intent of Personnel Manual, Management Authority, Administration and Amendment of Personnel Policies, and Administrative Regulations**

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include a recommendation with the proposed amendment, and then return it to the Town Administrator. The Town Administrator will consider policy suggestions or substantive amendments to existing policies.

Amendments to the Personnel Manual and Administrative Regulations described herein will be forwarded to each department for distribution to employees. The employee shall acknowledge receipt of such amendment(s) through an electronic document management system.

**1.4 –Administrative Regulations**

The Town Administrator may issue Administrative Regulations for the purpose of enforcement, implementation, or clarification as of the date specified and shall become a part of the Personnel Manual. These Administrative Regulations are open to inspection during the normal working hours.

If regulations in the General Operations Manual, as described in Section 1.5, or in a department manual, conflict with this Personnel Manual or any Administrative Regulation, the Personnel Manual and Administrative Regulation will prevail.

**1.5 – General Operations Manual**

The Home Rule Charter (the “Charter”) provides that the Town Council will approve by ordinance the Personnel Manual. The Charter also provides that the Town Administrator is the chief administrative office of the Town. The Town Council has determined by ordinance that the Town Administrator is responsible for the issuance of general administrative procedures applicable to the different departments and offices that make up the Town, which are all offices and departments of the Town, except the Municipal Court Judge and Town Attorney. The general administrative procedures issued by the Town Administrator are contained in the Town of Parker General Operations Manual. As an employee of the Town, it is your responsibility to review and become familiar with the General Operations Manual and the regulations contained within the General Operations Manual.

## 2.1 – Equal Employment Opportunity

The Town of Parker is committed to a policy of Equal Employment Opportunity. In order to provide equal employment and advancement opportunities to all individuals, employment decisions will be based on merit, qualifications and ability. Except where required or permitted by law, employment practices will not be influenced or affected by an applicant's or employee's race, color, religion, sex, national origin, age, disability, or any other characteristic protected by law.

Any employee with questions or concerns about any type of discrimination in the work place is encouraged to bring these issues to the attention of their Department Director or to the Human Resources Director. Employees can raise concerns and make reports without fear of reprisal. Neither conduct arising to the level of unlawful discrimination, nor retaliation for claims reporting, will be tolerated.

## 2.2 – Employment Classifications

**Probationary Employee:** A period of one (1) year, during which the regular full-time employee's ability to perform the functions of the position is assessed. During this period, the employment relationship is "at-will" and an employee within his/her probationary period is referred to as a "probationary employee." Employees in this employment classification are subject to all policies outlined in this Personnel Manual with the exception of Articles 8 and 9.

**Regular Full-Time Employee/Position:** Is defined as an individual who is regularly scheduled to work a minimum of forty (40) hours per week and is eligible to participate in Town provided benefits, subject to the Patient Protection and Affordable Care Act, except those workweeks that are subject to a Town-wide work reduction. A regular full-time position is anticipated to be held by an employee on a long-term basis because the nature of the work is available, continuous, and stable rather than sporadic, seasonal or temporary.

**Regular Part-Time Employee (benefited position):** As determined by the Department Director and approved through the budgeting process, a regular part-time employee is defined as an employee in a position that is regularly scheduled to work a minimum of 20 hours per week, but less thirty (30) hours per week and is eligible for the following benefits: Vacation accrual as described in Section 4.4 of this manual, participation in the 457 Retirement Plan, Social Security, Workers' Compensation and Unemployment insurance. Regular part-time employees are employed in an "at-will" capacity and are not subject to the policies outlined in this Personnel Manual, except that regular part-time employees are subject to Sections: 1.1, 2.1, 2.2, 2.3, 2.5, 2.6, 2.7, 2.9, 2.10 and 2.11; 3.1, 3.2, 3.3, 3.7, 3.8, 3.9, 3.14, 3.15 and 3.16; 4.4 and 4.7; and 5.1, 5.2, 5.3, 5.4, 5.6 through 5.15 of this Personnel Manual.

**Part-Time Employee (non-benefited position):** Is defined as an employee who is scheduled to work less than twenty (20) hours per week and whose schedule may be sporadic. Part-time employees are employed in an "at-will" capacity and are not subject to the policies outlined in this Personnel Manual, except that part-time employees are subject to Sections: 1.1, 2.1, 2.2, 2.3,

2.5, 2.6, 2.7, 2.9, 2.10 and 2.11; 3.1, 3.2, 3.3, 3.7, 3.8, 3.9, 3.14, 3.15, and 3.16; and 5.1, 5.2, 5.3, 5.4, 5.6, through 5.14.

**Seasonal:** An employee hired into a work assignment, which has a specified time period, normally less than six (6) months. A seasonal employee will not be eligible for any benefits provided under this Personnel Manual, except as otherwise provided by applicable law or regulation.

**Temporary:** An employee hired into a work assignment, which has an unknown specified time period. A temporary employee will not be eligible for any benefits provided under this Personnel Manual, except as otherwise provided by applicable law or regulation.

**Nonexempt Employee:** An employee who is covered by the Fair Labor Standards Act (the “Act”). A nonexempt employee is subject to the overtime pay requirements of the Act. This definition includes partially exempt employees as defined by the Act.

**Exempt Employee:** An employee who is exempt from coverage under the Fair Labor Standards Act. An exempt employee is not subject to the overtime pay requirements of the Act.

### **2.3 – Employment of Relatives/Nepotism**

This policy applies to any relative, higher or lower in the organization, where the hiring, transfer or promotion of a relative would cause this policy to be applied. Relatives eligible for employment under this policy must compete with other applicants according to the Town’s hiring protocols. No special consideration or preference shall be given to relatives.

**Policy Purpose:** The employment of relatives may cause serious conflicts both personal and operational, as well as problems with favoritism, morale, confidentiality and security. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships by relatives. In cases where a conflict between relatives in the organization arises, the conflict may be addressed by modification of job duties, separation by assignment within the organization or termination.

**Definition of Relatives as it Relates to Hiring, Transfer or Promotion:** For the purpose of this policy, relatives are defined to include spouses, ex-spouses, parents, children, brothers, sisters, brothers-and sisters-in-law, fathers- and mothers-in-law, aunts, uncles, stepparents, stepbrothers, stepsisters, stepchildren and persons that reside together and share an intimate relationship.

**Policy Provisions:** Relatives shall not work in the same department if the department has less than twenty-five (25) regular full-time and part-time employees.

Relatives shall not work in the same department if the department has twenty-five (25) or more regular full-time and part-time employees and (i) one (1) relative would exercise any supervisory, appointment, dismissal or disciplinary authority over another relative; or (ii) one (1) relative would audit, verify, receive, or otherwise be entrusted with monies received, handled or reviewed by the other relative; or (iii) one (1) relative has access to confidential information, including, but not limited to, payroll and personnel records of another relative. In cases where a

conflict between relatives in a department that has twenty-five (25) or more regular full-time and regular part-time employees arises, the relatives may be separated by reassignment or terminated from employment.

Relatives shall not work for the Town if: (i) one (1) relative would exercise any supervisory, appointment, dismissal or disciplinary authority over another relative; (ii) or one (1) relative would audit, verify or otherwise be entrusted with monies received, handled or reviewed by another relative; or (iii) one (1) relative has access to confidential information, including, but not limited to, information technology, payroll and personnel records of another relative.

**Relatives of Elected or Appointed Officials:** Relatives of any elected or appointed Town official or any member of a Town board or commission are not eligible for employment with the Town. In the event an employee's relative is elected or appointed to Town Council or any other Town board or commission, the employee shall be terminated from Town employment during the term of office of the relative. Once the term of office for the relative has ended, the employee may reapply for Town employment as vacancies occur with no guarantee of re-employment.

**Relatives of Department Directors:** Relatives of Department Directors are not eligible for employment with the Town.

#### **2.4 – Probationary Period**

All regular full-time, newly hired, rehired, transferred, demoted and promoted employees are subject to a probationary period of one (1) year during which the employee's ability to meet the job requirements will be assessed. An employee's probationary period may be extended up to an additional ninety (90) days if deemed necessary by the Department Director or Town Administrator. Leave benefits may be earned during this probationary period but are not available to be taken unless approved by the Department Director and Town Administrator. A probationary employee may be dismissed without cause during the probationary period without prior notice or the right to a hearing. Any employee dismissed while on probation shall not have recourse to any procedure except as may be provided otherwise by law.

#### **2.5 – Work Period/ Work Week Defined**

**Employees Other Than Sworn Police Officers:** The normal work hours for full, part-time, temporary and seasonal employees shall be determined by the Department Director, subject to the approval of the Town Administrator and based upon the hours best suited to meeting the needs of departmental operations and providing quality service to the community.

The work week established by the Town for regular full and part-time employees begins on Saturday at 12:01 a.m. and ends the following Friday at 12:00 midnight.

**Sworn Police Officers:** Work hours shall be determined by the Police Chief, subject to the approval of the Town Administrator based upon hours best suited to meeting the needs of departmental operations and providing quality service to the community. For purposes of calculating overtime, the work period established by the Town for sworn police officers begins on Saturday at 12:01 a.m. and ends the second following Friday at 12:00 midnight.

## **2.6 – Recording Hours Worked**

Nonexempt employees are required to clock in and out using the Town’s timekeeper system. Exempt employees are required to document any time-off or leaves of absence and submit their time record to payroll.

## **2.7 – Work Schedule Adjustments / Flex Time**

When there is a need to rest employees who have worked beyond their normal daily work shift(s); because of budget constraints affecting the availability of funds to pay overtime; or to maintain operational staffing levels, the work schedules of employees may be adjusted by the Department Director or Supervisor within that particular work week or work period. When a schedule adjustment/flex time is necessary, employees will be notified of the scheduled time off within the affected work week or work period on an hour-for-hour basis.

## **2.8 – Re-employment**

It is the policy of the Town of Parker to consider all applicants, including those individuals seeking re-employment with the Town.

Prior work records and circumstances under which a former regular full-time or regular part-time employee left the Town will be considered. If a former employee is rehired, they will be subject to the one-year probationary period and all other benefit provisions and policies as outlined in this Personnel Manual.

## **2.9 – Performance Evaluations**

Performance evaluations are important tools for assisting management/ supervisory personnel in assessing the performance of a regular full-time or part-time employee in relation to decisions regarding salary increases, promotions, and transfers. Evaluations also help identify the employee’s performance level, growth potential and developmental needs.

It is the responsibility of the Department Director and the employee to ensure that performance evaluations are completed at least annually. This does not preclude evaluations at any other time by the supervisor. Additionally, supervisors should have regular, informal contact with their employees regarding day-to-day performance. A copy of each completed and signed performance evaluation will be submitted to the Human Resources Department for the employee’s permanent personnel file.

## **2.10 – Personnel Files**

The Human Resources Department maintains the permanent personnel file for each employee, which includes but may not be limited to the application and related materials, salary history, fringe benefits, letters of recommendation or commendation, performance evaluations and disciplinary actions, correspondence and certain records pursuant to state and federal recordkeeping regulations.

Employees may review the contents of their personnel file with the Human Resources Department by appointment. The Human Resources Department will provide a current employee with a complete copy of the employee's personnel file without charge, once annually, by written request of the employee.

The Parker Police Department maintains investigatory files that are compiled for law enforcement purposes, which files may concern members of the Parker Police Department. The Chief of Police or authorized designee may deny or prohibit any employee from reviewing such files in part or in whole on the grounds that such review would be contrary to the public interest.

### **2.11 – Telephone and Address Changes**

It is a requirement of the Town that employees record an accurate address and telephone number with the Human Resources Department and the individual's department at the time of employment. Any change of address or telephone number shall be reported to the affected individual's department and the Human Resources Department within five (5) working days.

Based upon recognition of business necessity in certain departments, any department may require notification within twenty-four (24) hours of any change in address or telephone number.

### **3.1 – Pay and Distribution**

Employees are paid bi-weekly on the Friday following the end of each pay period.

All employees are required to have direct deposit or a “Pay Card that will be replenished on payday. Pay stubs are made available on the Town’s secure website by 7:00 a.m. on payday.

### **3.2 – Breaks and Meal Periods**

**Breaks:** Breaks may be provided to nonexempt employees during their work shift at the discretion of the Department Director, and if provided are considered paid work time.

**Meal Periods:** Nonexempt employees may be provided a meal break during their shift, but meal periods are considered nonwork time and will not be paid. A meal period shall include at least fifteen (15) minutes of uninterrupted time in order to consider the meal time nonwork time.

### **3.3 – Overtime/ Compensatory Time**

For the purpose of computing overtime, only hours actually worked by nonexempt employees shall be used in the computation of overtime. Paid leaves (such as vacation, sick, holiday, or personal leave) are not considered actual hours worked and are not used in the computation of overtime, except as otherwise provided in this section. Employees and supervisory personnel are responsible for assuring that no overtime is worked unless specifically authorized and within the policies established in this Personnel Manual.

**Regular Full-Time Employees:** Actual hours worked by nonexempt, regular full-time employees in excess of forty (40) hours in a work week are considered overtime and will be compensated at one and one-half (1½) times the employee’s regular pay rate. In the event that there is a conflict between this section of the Personal Manual and state law, this section shall apply.

**Sworn Police Officers:** Actual hours worked by nonexempt sworn police officers in excess of eighty (80) hours in the work period is overtime and will be compensated at one and one-half (1½) times the employee’s regular pay rate. In the event that there is a conflict between this section of the Personnel Manual and state law, this section shall apply.

**Compensatory time:** Compensatory time ("comp-time"), may be substituted for overtime pay at the discretion of the employee’s supervisor. Comp-time in lieu of overtime will be calculated at a rate of one and one-half (1½) times the number of overtime hours being converted to comp-time.

Accrued comp-time shall be taken only with the approval of the employee’s supervisor.

Accrued comp-time shall not exceed forty (40) hours. If an employee is at the maximum for accrued comp-time, the employee will be paid for any overtime that is earned in excess of the maximum amount allowed for comp-time. In the event that accrued comp-time has not been taken by December 31, the balance of accrued comp-time will be paid to the employee.

**Authorization Required:** The Department Director or authorized designee will determine the need for overtime and when it will be authorized. All overtime or comp-time must be authorized in advance by the Department Director or authorized designee except, in an emergency situation approval of overtime may be obtained from the Department Director or authorized designee on the next working day.

Exempt employees, as defined by the Act, are expected to be flexible about working other than their regular work schedule and are not entitled to overtime compensation.

### **3.4 On-Call Time**

On-call time is not considered hours worked when the employee is completely relieved from duty, the employee is not required to remain on Town of Parker premises, and is free to engage in his/her own personal pursuits, subject only to the requirement that the employee be able to respond to the Town's premises, which includes, but is not limited to, carrying a pager and having access to a telephone. Employees are required to respond to all pages and calls. If a nonexempt employee is assigned to on-call time status and is actually called in to work, the nonexempt employee will receive "call-back pay."

Nonexempt employees may be eligible to receive on-call pay for on-call time as established by administrative regulation issued by the Town Administrator. To be eligible for on-call pay, a nonexempt employee must:

- have been designated by your supervisor as “on-call time;”
- be accessible by means of a previously designated telephone number or pager and be near enough to the work site that you can respond within a timeframe defined by the Department Director or designee after being called; and
- shall remain in compliance with the Town’s Drug and Alcohol policies.

On-call pay is not provided for hours for which the employee is receiving regular or overtime compensation. On-call time is not used in the calculation of overtime. On-call pay for on-call time will be calculated as follows:

- The on-call rate of pay for regular full-time nonexempt employees is eight (8) hours of additional compensation for a regular fulltime nonexempt employee that is on-call for seven (7) consecutive days, which is calculated using the nonexempt employee’s regular rate of pay.
- The on-call rate of pay for regular full-time nonexempt employees that are sworn police officers is eight (8) hours of additional compensation for a sworn officer that is on-call for seven (7) consecutive days, which is calculated using the sworn officer’s regular rate of pay.

This policy shall not apply to snow removal related activities.

Exempt employees are not eligible for on-call pay.

### **3.5 – Call-Back Pay**

**Unscheduled Call-Back:** A supervisor may require a nonexempt employee to return to work in case of an emergency or if the workload requires a return to work. When a nonexempt employee is called back to work after the end of his/her regular shift, the employee will be paid a minimum of two (2) hours at the regular rate of pay as unscheduled call-back pay. If hours worked exceed two (2) hours, the employee will be compensated for the actual time worked. Travel time to and from the job site will not be compensated, exempt employees are not eligible for call-back pay.

**Overtime Pay Calculation for Unscheduled Call Back:** In the case of an unscheduled call-back to respond to an emergency or if the workload requires a return to work, a regular full-time, nonexempt employee will be paid at their regular rate for the hours actually worked, except that such employee (does not include sworn police officer) will be paid a minimum of two (2) hours as provided in this Personnel Manual. During the work week in which the unscheduled time is worked, the employee will be compensated at one and one-half (1½) times the employee's regular pay rate for those hours in excess of forty (40) hours in that work week, which hours shall include actual hours worked, together with hours charged for pre-approved vacation, pre-approved personal time, approved sick leave, funeral leave, jury duty and holiday leave in that work week. Travel time to and from the job site will not be compensated.

**Scheduled Return to Work:** If any regular, full-time nonexempt employee is requested in advance to report to work early or ahead of their normal shift and/or stay after their regular work schedule, the employee will be paid at their regular rate for hours actually worked and the minimum two-hour call-back provision for "unscheduled call-back pay" will not apply. Additionally, the employee will not be paid for travel to and from the job site.

**Emergency Response Preparedness Pay:** In the case where a regular full-time, nonexempt employee is directed to leave prior to the completion of a scheduled shift because of an impending storm and directed to return to complete that shift on or before midnight of that same day, that employee will be paid at the regular rate of pay for the entire scheduled shift as Emergency Response Preparedness Pay. This rule applies even if the employee is directed not to complete the shift because the impending storm does not materialize. Travel time to and from the job site will not be compensated.

### **3.6 – Grant, Bailiff, Court, Essential Services, and Community Duty Assignments:**

**Grant Pay:** The Town receives certain grants (DUI, seatbelt enforcement, aggressive driving) that allow sworn police officers and certain regular, full-time, nonexempt employees to work hours outside of their normal schedule to perform the objectives of the grant and be compensated at a rate of one and one-half (1½) times their regular rate. Hours worked under these grants will be paid at one and one-half (1½) times the employee's regular rate of pay. Grant hours worked count towards the sworn officer's eighty (80) hour work period and are used in the calculation of overtime.

**Bailiff:**

Hours worked for bailiff will be paid at one and one-half (1½) times the officers' regular rate of pay. Bailiff hours worked count towards the sworn officer's eighty (80) hour work period and are used in the calculation of overtime.

Employees cannot use two types of pay for the same hours. Example: You take vacation for a day then volunteer to come work off-duty hours; your vacation will be reduced to put your hours at a total of your normal work day.

**Court:**

Hours worked for Court will be paid a minimum of two hours.

**Essential Services Pay:** Essential services include snow operations, storm water/flooding events, storm damage mitigation, and other extraordinary events as determined by the Department Director, as well as Town supported or sponsored special events, as determined by the Town Administrator or designee. During the work week (or work period for sworn police officers) in which emergency services are performed by regular, full-time, nonexempt employees, the employee will be compensated at one and one-half (1½) times the employee's regular pay rate for those hours in excess of forty (40) hours in that work week (eighty (80) hours in the work period for sworn police officers), which hours shall include actual hours worked, together with hours charged for pre-approved vacation, pre-approved personal time, pre-approved sick leave, funeral leave, jury duty and holiday leave.

**Community Duty Assignments Premium Pay:** Community duty assignments, as established by the Town Administrator, for regular, full-time, nonexempt employees is paid, as provided herein. Hours worked for community duty assignments may be compensated at one and one-half (1½) times the employee's regular rate of pay, regardless of the number of hours worked in a work week or work period for sworn police officers.

**3.7 – Time Spent in Training or Meetings**

**Nonexempt Employees** shall only be compensated for time spent in training directly related to the employee's current job and approved in advance by the Department Director.

Employees shall not be compensated for time in which the employee voluntarily attends lectures, meetings or training programs on topics that are not directly related to the employee's specific job that occur outside the employee's regular working hours and during which the employee does not perform productive work.

In addition, if the Town offers a program of instruction corresponding to courses offered by other agencies on Town premises or under Town sponsorship, which are outside of normal working hours and attendance is voluntary, even if they are directly related to an employee's job and are paid for by the Town, the employee shall not be compensated.

### **3.8 – Travel Time**

In cases of a call back, travel time from home to work and work to home is not considered time worked. Out-of-town travel is covered by two (2) sets of rules, depending on whether the assignment is for one (1) day or requires an overnight stay. If an employee is given a one-day assignment in another city that does not require an overnight stay, all the time spent traveling between cities is counted as time worked. However, time spent traveling between the employee's home and the airport, train station, bus terminal (during the employee's departure or return) is not considered to be work time, because it is the equivalent of travel between home and work.

In the event the employee's out-of-town assignment requires an overnight stay, time spent traveling to the other city is counted as hours worked, only to the extent that it coincides with the employee's regular work day. Travel that occurs during hours of the day in which the employee normally works is counted as work time, even if it falls on a day that is normally a nonworking day for the employee (for example, a Saturday or Sunday). On the other hand, if the travel occurs during the hours that are outside the employee's regular work day, it need not be counted as hours worked, unless, of course, the employee actually performs work for the employer while traveling during these regularly unscheduled hours. Only travel time, as described in this paragraph, and actual hours worked will count as work hours. Hours for other time spent out of town, such as meals, entertainment and sleep, shall not count as work time.

### **3.9– Pay for Performance Program and Merit/Pay Increases**

The Town of Parker, subject to annual budget and appropriation by the Town Council, may provide for pay increases according to a pay plan approved by the Town Administrator.

### **3.10 – Promotions**

When an employee has been promoted or reassigned to a job having a greater position value, and thus, a higher salary range than their former job, the Town considers this a promotion. A promotional increase recognizes the performance that led to the promotion, and provides employees with an incentive to assume greater responsibilities.

A promotional increase must place the employee to at least the minimum pay rate of the salary range of the new job, but generally not over the midpoint of the range.

### **3.11 – Transfers and Demotions**

In cases where an employee accepts a lateral transfer to a position in the same salary range, there is not an automatic pay change. If the transfer is to a position in a lower salary range (demotion), it may result in a lower pay rate. A decrease, if it occurs, will be effective at the time of the transfer. Salary considerations outlined in the promotion section should be considered with any demotion as well

### **3.12 – Reclassification**

Periodically, positions may require review through a reclassification process. Department Directors will be responsible for the development and/or revision of any position descriptions to be reviewed for reclassification. A written justification, along with a new position description, should be submitted to the Human Resources Director for review. Once a decision has been made regarding the reclassification of a position, the Human Resources Director will submit a final recommendation to the Finance Director, and the Deputy Town Administrator for approval and will share the decision with the Department Director.

### **3.13 – Temporary Assignment to a Higher Level Position**

At the Director’s discretion an employee who is assigned, either voluntarily or involuntarily, to fill in for a higher level position may be compensated for the temporary assignment at five percent (5%) above the employees current pay rate commencing on date of the temporary assignment. Compensation higher than five percent (5%) requires prior approval from the Town Administrator. A temporary assignment can be made by the Town Administrator or a Department Director.

### **3.14 – Changes in Status**

When an employee changes from part-time to full-time status or vice versa and remains in the same position, typically there will not be a pay change.

Any pay increase will require a written recommendation by the Department Director and review by the Human Resources Director. Final approval is required by the Deputy Town Administrator.

### **3.15 - Emergency Disruption or Closure of Town Facilities**

#### **PURPOSE**

To establish policy that is applicable to all full-time and part-time benefited employees of the Town that is intended to address those situations when the normal operating services of the Town are disrupted or the closure of Town facilities is necessary due to adverse weather conditions or other emergencies.

#### **POLICY**

Application of this policy to nonbenefited, part-time employees is at the discretion of the Department Director subject to Town Administrator approval. Depending on the circumstances surrounding the emergency event, the Town Administrator may apply this policy to all Town facilities (as in the case of a major snow storm) or to specific Town facilities (for example, closing the recreation center due to a chlorine spill). This policy does not apply to specific facilities that are closed by the Department Director, unless authorized by the Town Administrator.

**Article 3 – Compensation**

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The Town Administrator may choose to suspend this policy, during a declared disruption or closure, when it is in the best interest of the Town (for example, when the emergency event is so severe that Town facilities could be closed over long periods of time). Decisions made by the Town Administrator in the application and interpretation of this policy are final.

**Disruption:** When the Town Administrator determines that it is necessary to disrupt normal operating services in the Town because of adverse weather conditions or other emergencies.

When a disruption is declared, nonessential employees will be excused from work duties and may choose to leave work early or not report to work. Essential employees should report to work as scheduled or directed. Department Directors will determine whether their employees are essential or nonessential.

**Payroll**

*Nonessential, nonexempt employees*

- An employee who chooses not to report to work or leave early must use their available accumulated leave if necessary to reach forty (40) hours for the week.
- Leave without pay may be used only if all accumulated leave is exhausted. Accumulated leave shall be used in the following order: (1) comp time; (2) vacation; (3) personal leave; and (4) sick leave.

*Essential, nonexempt employees*

- At the employee's option, pre-approved leave (vacation, sick, sick personal, comp-time) that falls within the work week containing an emergency disruption will be paid even if the total hours for the work week exceed forty (40) hours; however, the employee will not be paid pre-approved leave in addition to hours worked on the same day. The leave must have been approved prior to a disruption declaration to be considered pre-approved.
- An employee declared essential must work during the disruption in order to benefit from this policy section.
- Overtime will be calculated using only hours actually worked.

*Nonessential, exempt employees*

- An employee that chooses not to report to work or leave early must use their available accumulated leave if necessary to reach forty (40) hours for the week.
- If all accumulated leave is exhausted, leave will still be charged to the employee's vacation leave bank, resulting in a negative balance to be applied against future leave accrual.

*Essential, exempt employees*

- Employees will be paid their regular salary.

**Closure:** When the Town Administrator determines that it is necessary to close one or more Town facilities due to adverse weather conditions or other emergencies.

When a closure is declared, nonessential employees will be excused from work duties and are encouraged to and should leave work early or not report to work. Essential employees should

report to work as scheduled or directed. Department Directors will determine whether their employees are essential or non-essential.

Payroll

*Nonessential, nonexempt employees*

- Employees will be paid at their regular pay rate for the duration of the closure for the hours they would have normally worked based on their normal work schedule, provided these hours do not cause the employee to exceed forty (40) hours for the work week.
- Employees will not be required to utilize leave (sick, sick personal, vacation or comp-time) for the hours that the closure is in effect and can only use leave to reach a total of forty (40) hours in a work week.
- Nonessential employees who choose to work during a closure will only be paid for the hours worked and will not be paid the additional number of hours that is paid to those employees who did not work.
- Overtime will be calculated using only hours actually worked.

*Essential, nonexempt employees*

- Employees will be paid at their regular pay rate for the duration of the closure for the hours worked.
- At the employee's option, pre-approved leave (vacation, sick, sick personal, comp-time) that fall within the work week containing a closure will be paid even if the total hours exceed forty (40) hours; however, the employee will not be paid pre-approved leave in addition to hours worked on the same day. The leave must have been approved prior to an anticipated closure declaration to be considered pre-approved.
- As special consideration for working during a closure, employees will receive an additional number of hours of pay that correspond to the closure period. The number of hours granted under this provision will be determined by the Town Administrator and will not exceed eight (8) hours per day at the employee's regular rate of pay.
- Overtime will be calculated using only hours actually worked.

*Nonessential, exempt employees*

- Employees will be paid their regular salary.
- Employees will not be required to utilize leave (sick, sick personal, vacation or comp-time) for the hours that the closure is in effect.
- Nonessential, exempt employees who choose to work during a closure will only receive their regular salary and will not be considered for additional pay.

*Essential, exempt employees*

- Employees will be paid their regular salary.
- Employees will not be required to utilize leave (sick, sick personal, vacation or comp-time) for the hours that the closure is in effect.
- As special consideration for working during a closure, employees may receive premium pay. Employees who receive this premium pay and the amount of premium pay will be determined by the Town Administrator.

Note: For purposes of this policy, substitute forty (40) hours with eighty (80) hours and work week with work period for nonexempt, sworn police officers. Town Administrator means the Town Administrator or designee.

### **3.16 – Garnishments/Wage Adjustments**

The Town of Parker considers your financial affairs your personal business; however, the Town is legally obligated to comply with state and federal laws governing wage garnishments, tax liens or any other wage attachments.

#### **4.1– Insurance and Retirement Benefits**

The Town offers various insurance and retirement benefit plans to eligible employees. Subject to the terms and conditions of those plans and the summary plan descriptions, below is a list of the Town’s current benefits, which are subject to annual budget and appropriations by Town Council.

- Medical Insurance
- Dental Insurance
- Voluntary Vision Insurance
- Short-Term Disability Insurance
- Long-Term Disability Insurance
- Life and AD&D Insurance
- Voluntary Term Life Insurance
- 401 (a) Retirement Plan – mandatory contribution plan
- 457 (b) Retirement Plan – voluntary contribution plan

Questions about these benefits can be answered by reviewing the benefit summary descriptions or by contacting a Human Resources Representative.

#### **4.2– Continuation of Benefits**

Continuation of health coverage is a requirement under the Consolidated Omnibus Budget Reconciliation Act of 1985 ("COBRA"), as amended, and the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), as amended.

Health continuation information will be provided to eligible employees by the Human Resources Department or the Town’s designated vendor upon termination. Please consult a Human Resources Representative for further information regarding continuation of benefits.

#### **4.3– Holidays**

All regular full-time employees will receive the following paid holidays. A schedule of the holidays will be released annually by the Human Resources Department.

- (1) New Year's Day
- (2) Martin Luther King's Birthday
- (3) Presidents’ Day
- (4) Memorial Day
- (5) Independence Day
- (6) Labor Day
- (7) Veterans’ Day
- (8) Thanksgiving Day
- (9) Day after Thanksgiving
- (10) Christmas Eve Day
- (11) Christmas Day

**Holidays that Fall on a Weekend:** Holidays falling on a Saturday will be observed the preceding Friday, and holidays falling on a Sunday will be observed on the following Monday. When a holiday falls during an employee's scheduled vacation, the employee will be paid for the holiday at the regular rate of pay. The holiday will not be counted as vacation time.

**Employees Required to Work on an Observed Holiday:**

Full-time, nonexempt personnel who are scheduled to work on an observed holiday will be paid at their regular rate of pay for actual hours worked, plus they will receive eight (8) hours holiday pay at their regular rate of pay. Employees are not eligible to take the holiday at a later date.

**4.4 – Vacation**

**Regular Full-Time Employees Accrue Vacation as Follows:**

Upon completion of: Hours per pay period/annually:

1 Year of Service	4.62 x 26 = 120.00 hours
2 Years of Service	5.23 x 26 = 136.00 hours
5 Years of Service	6.15 x 26 = 160.00 hours
10 Years of Service	6.77 x 26 = 176.00 hours
15 Years of Service	7.69 x 26 = 200.00 hours
20 Years of Service	8.31 x 26 = 216.00 hours

*(Actual accruals are based on hours worked.)*

At the discretion of the Department Director, Managers/Key Professional Staff who meet the following criteria may accrue four (4) weeks' vacation (accrual rate of 6.15 hours x 26 = 160 hours per year) beginning upon hire through year nine (9). Upon completion of ten (10) years of service, the regular full-time employee vacation schedule will apply.

- Must have served in a Management/Professional position with a minimum of 10 years experience in the same or higher position for which the employee is being hired.
- Must report directly to a Department Director, or in rare cases, be in a professional position that typically poses great difficulty in recruitment and/or requires a specific licensure or certification. This decision will be made at the discretion of the Department Director.
- Must be in an exempt position.

**Regular Part-Time (Benefited) Employees Accrue Vacation as Follows:** Two (2) hours per pay period or fifty-two (52) hours per year. Since part-time employees are not eligible for other leave accruals, vacation can be used for illness, for personal time or to cover a holiday.

**Vacation Leave Prior to Completion of 1 Year of Service:**

Full and part-time (benefited) employees who wish to take a vacation before it is earned may take paid leave as described below in this section with the approval of the Department Director or, where applicable, the Town Administrator.

At the discretion of the Department Director, an employee may take up to one (1) week of their accrued vacation leave after three (3) months of employment. This is provided that the employee's performance for the first three (3) months is "Competent" or better, based on the Town's Performance Evaluation system. Granting such vacation leave in no way obligates the Town to retain the employee.

The Department Director as part of the hiring process has the discretion to allow the new hire to take accrued paid or unpaid time off for a pre-scheduled vacation.

**Vacation During an Unpaid Leave:** Vacation will not be accrued during any unpaid leave of absence.

**Scheduling and Approval Process:** Vacations shall be approved and scheduled in advance with the employee's supervisor and shall not conflict with the work requirements or departmental operations. Employees are encouraged to take their vacation each year, as it is not the intent of this policy that vacation be accumulated beyond one (1) year.

Accrued vacation time is not available for use by any employee for the two week period prior to an employee's effective date of termination and or separation from the Town.

Employees shall not use any accrued vacation following the submittal of a written resignation.

Supervisors shall not approve vacation after an employee has submitted a written resignation.

**Maximum Accrual for Regular Full-Time Employees:** Employees are encouraged to use their vacation leave during the calendar year in which it is earned. The maximum accrual of vacation days shall not exceed two hundred sixteen (216) hours or twenty-seven (27) days. Any vacation leave in excess of one hundred sixty (216) hours will be removed from the employee's leave balance if not used by the employee by the last pay period or partial pay period of the calendar year.

**Maximum Accrual for Regular Part-Time Employees:** The maximum accrual of vacation days shall not exceed eighty (80) hours or ten (10) days as of December 31<sup>st</sup> of each year.

**Status Change from Regular Full-Time to Regular Part-Time or Part-Time to Full-Time:** Employees whose status changes from regular full to regular part-time will accrue vacation leave in accordance with the part-time accrual schedule beginning the effective date of the change. Employees whose employment status changes from regular part-time to regular full-time will accrue vacation in accordance with the regular full-time vacation schedule based on the number of consecutive years that the employee worked at least one thousand forty (1,040) hours each year for the Town, immediately preceding the employment status change, without any break in employment status with the Town.

Nonprobationary employees whose employment status changes from regular full-time to regular part-time shall have the option to have their vacation hours paid out or can carry over up to eighty (80) hours.

**Separation of Service:** Upon separation from the Town, employees will be paid for any unused portion of their accumulated vacation leave after one (1) year of service has been completed.

This amount may not exceed two hundred sixteen (216) hours for full-time and eighty (80) hours for part-time at the employee's base rate of pay at the time of separation.

#### **4.5– Sick Leave**

Regular full-time employees shall earn paid sick leave at the rate of twelve (12) days per year, (accrual of 3.7 hours per pay period is based on hours worked). Sick leave may be used for regular full-time employees or their immediate family member's illness, injury, temporary disability, medical circumstances, or medical appointment. Approval must be granted by the Department Director if an employee wishes to utilize sick leave beyond three (3) days for the illness or injury of an immediate family member. For purposes of this policy immediate family is defined as: spouse, child or parent.

If the leave is foreseeable, the employee must provide thirty (30) days' written notice to the Town. If leave is not foreseeable, the employee must provide notice as soon as practicable.

Sick leave is earned, accrued, and available for use during any probationary period. Sick leave will not be earned during an unpaid leave of absence. Sick leave may not be used on a work day which is not a regularly scheduled work day for an employee unless approved in writing by the Department Director, or when applicable, the Town Administrator.

For all employees hired after December 31, 2015, the annual maximum sick leave accrual will be 480 hours. The annual maximum sick leave accrual for employees hired prior to December 31, 2015 will stay at 896. Accruals are allowed to go over the employee's maximum amount and any unused hours over the maximum are removed from the employee's sick leave bank at the end of the calendar year.

**Medical Documentation:** If an employee is absent for three (3) or more consecutive work days or shifts, a supervisor or the Department Director may require that the employee furnish medical documentation prior to returning to work, stating that the employee's absence was medically necessary. If the employee fails to furnish medical documentation as requested, they may be subject to disciplinary action up to and including termination of employment.

**Sick Hours in Balance Upon Separation of Service:** After five (5) years of service, full-time employees are paid one-half of the balance of their accrued sick leave up to a maximum of one hundred sixty (160) hours when they separate from service, at the rate of pay of the employee at the time of separation. This payment is made after separation of service, whether due to retirement, death, disability, resignation, layoff or dismissal.

**Abuse of Sick Leave:** An employee who abuses the sick leave policy, or evidences a pattern of excessive or unexcused absences, shall be subject to disciplinary action. Upon evidence that an employee is abusing the sick leave policy or demonstrating a pattern of absences, a Department Director may require the employee to produce medical documentation for any absence.

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

If an employee qualifies for family and medical leave, the employee's accrued sick, vacation, personal leave, or qualifying injury leave shall be taken concurrently with family and medical leave.

**Eligibility Requirements:** The amount of time available under the FMLA per employee will be based upon the 12-month period prior to the date of that employee's request for leave. Any employee that has worked for the Town for at least twelve (12) months and for at least one thousand two hundred fifty (1,250) hours during the preceding twelve (12) months is entitled to take up to twelve (12) weeks of leave in any 12-month period for any of the following reasons:

- For the birth of a child;
- To care for the newborn child;
- For placement with the employee of a child for adoption or foster care;
- To care for the employee's spouse, child or parent with a serious health condition;
- Because of a serious health condition that makes the employee unable to perform the functions of the employee's job.

#### **Military Family Leave Entitlements:**

Eligible employees with a spouse, child or parent, or next of kin on active duty or call 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, as provided under the FMLA.

Next of kin is the nearest blood relative, other than the covered service member's spouse, parent or child, in the following order of priority: blood relatives granted legal custody, brothers and sisters, grandparents, aunts and uncles, first cousins.

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, to the extent provided by the FMLA.

FMLA also includes a special leave entitlement that permits eligible employees to take up to twenty-six (26) weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has incurred a serious injury or illness in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation or therapy, or is in outpatient status, or is on the temporary disability retired list.

#### **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 the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two (2) visits to a health care provider or one (1) 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, to the extent provided by the FMLA.

**Intermittent Leave:** The employee cannot take intermittent leave or a reduced leave schedule unless it is medically necessary.

**Notification Requirements:** If the leave is foreseeable, the employee must provide thirty (30) days' written notice to the Town. If the employee fails to provide notice when it is foreseeable, the employee may not be granted leave until thirty (30) days' notice is provided to the Town. If the leave is not foreseeable, the employee must provide notice as soon as practicable.

**Elimination Period:** Employees shall utilize up to fourteen (14) days of sick leave before a leave of absence will officially be declared as FMLA. If sick leave is not available, accrued vacation leave shall be utilized.

**Medical Certification Requirements:** If leave is taken because of the employee's or a family member's serious health condition, the employee must provide a medical certification of the employee's or the family member's serious health condition.

The Town, at its expense, may require the employee to obtain a second opinion. If the second opinion differs from the original medical certification, the Town may again, at its expense, require the employee to obtain a third opinion. The third opinion shall be final. The employee may also be required to provide a medical re-certification and a statement of his/her intent to return to work every thirty (30) days until the leave is completed.

**Insurance Benefits While on Leave:** While the employee is on leave the Town will continue the employee's health insurance on the same terms as if the employee were not on leave. Once an employee has exhausted his/her leave benefits and the leave becomes unpaid, he/she is required to pay their insurance premiums. Employees shall make payment arrangements by contacting the Human Resources Department.

**Leave Benefits While on FMLA:** Employees shall utilize their sick or vacation benefits while on paid leave until exhausted, except that an employee may reserve up to forty (40) hours of vacation leave for use after the family and medical leave has ended. While the employee is on leave, sick and vacation benefits will not accrue.

**Reinstatement Requirements:** At the end of the leave period, the employee is entitled to reinstatement to his/her position or to an equivalent position with equivalent benefits, pay, status, and other terms and conditions of employment. The leave provided under this section is to be interpreted consistently with the Federal Family and Medical Leave Act.

**FMLA Extension:** If the initial family and medical leave is insufficient, the Town will consider a request for no more than a 60-day extension. The employee must comply with the notice requirement, the medical certification, the medical recertification and the statement of intent to

return to work provided in this section. The Town Administrator shall only grant an extension if the anticipated work load, staffing considerations and the operation of the Town permit the employee to remain absent during this time. The Town Administrator may also take into consideration the employee's attendance and performance record.

Subject to the terms, conditions, and limitations of the applicable health insurance plan, the Town will provide health insurance benefits during the first month of the requested extension. After this time, the employee shall be responsible for the full cost of the insurance plans they are currently participating in.

The Town does not guarantee that if an extension is granted that an employee will be reinstated to his/her position or to an equivalent position with equivalent benefits, pay, status, and other terms and conditions of employment.

#### **4.7– Personal Leave**

The Town of Parker provides leaves of absence with or without pay to regular full-time and regular part-time (benefited) employees who wish to take time off from work to fulfill personal obligations of a nonmedical/illness nature (“personal leave”). Regular full and part-time employees (including those who are probationary) are eligible to request personal leave as described in this policy.

**Eligibility Requirements for Regular Full and Part-Time (Benefited) Employees that are not Probationary:** Must have completed twelve (12) months of employment and at least one thousand two hundred fifty (1,250) hours during the preceding twelve (12) months to be eligible to request the personal leave. As soon as eligible employees become aware of the need for a personal leave, they should request personal leave from their Department Director and, where appropriate, the Town Administrator.

Personal leave may be granted for eligible full-time and part-time employees for an initial period of up to thirty (30) calendar days in each 12-month period. Leave must be continuous, as intermittent leave will not be allowed. If this initial period of absence proves insufficient, consideration will be given in a written request for a single extension of no more than thirty (30) calendar days. With the Department Director's and, where appropriate, the Town Administrator's approval, an employee may take available vacation leave as part of the approved period of leave.

**Eligibility Requirements for Regular Full or Part-Time (Benefited) Probationary Employees:** Eligible probationary employees may request personal leave for a period of up to eighty (80) hours, from their Department Director and, where appropriate, the Town Administrator. Leave must be continuous, as intermittent leave will not be allowed. An extension of personal leave will generally not be granted to a probationary employee. With the Department Director's and, where appropriate, the Town Administrator's approval, an employee may take available vacation leave as part of the approved period of personal leave.

**Management Considerations:** Requests for personal leave will be evaluated based on a number of factors, including anticipated work load requirements, staffing considerations during the proposed period of absence and the employee's attendance and performance history.

**Insurance Benefits While On Leave:** Subject to the terms, conditions, and limitations of the applicable plans, the Town will provide health insurance benefits until the end of the month in which the approved personal leave begins. At that time, employees will become responsible for the full cost of these benefits if they wish coverage to continue. When the employee returns from personal leave, the Town will resume health insurance benefits in accordance with benefit plan provisions.

**Leave Accruals While on Leave:** Vacation, sick leave or holiday benefits, will be suspended during the personal leave and will resume upon return to active employment.

**Returning From Leave:** It is the employee's responsibility to notify their Department Director in advance of the date of expected return from personal leave. When a personal leave ends, every reasonable effort will be made to return an employee to the same position, if it is available, or to a similar available position for which the employee is qualified. However, the Town cannot guarantee reinstatement in all cases.

If an employee fails to report to work promptly at the expiration of the approved leave period, the Town will assume the employee has resigned.

#### **4.8– Funeral Leave**

Full-time and part time benefited (only during the time frame that they would have been scheduled to work) employees may be granted up to twenty-four (24) hours of paid time in the event of death of a family member. For purposes of this policy, a family member is defined as spouse, children, step children, parents, step parents, brothers, sisters, grandparents, grandchildren, mother and father-in-law, sons and daughters-in-law, step brothers and sisters, aunts, uncles, nieces, nephews and your spouse's grandparents, brothers- and sisters-in law, and persons who reside together and share an intimate relationship.

Requests for funeral leave must be made to the Department Director and, where appropriate, the Town Administrator as soon as practicable.

Funeral leave paid time cannot be used if an employee is already on another type of leave.

In addition, full time employees may request the use of accrued sick, vacation, or unpaid time to grieve for the loss of a loved one (family members or nonfamily members), subject to approval by the Department Director and, where appropriate, the Town Administrator.

#### **4.9– Military Leave**

Employees enlisted or drafted for military services are covered under veterans' reemployment rights. They are granted unpaid military leaves of absence subject to Veterans' laws. If an employee is in the Reserves or National Guard and is called for training, all employee benefits are retained. The training time will not be charged to the employee's vacation time. Seniority, job status, vacation/sick leave accruals and other Town benefits will continue. While on military leave, the Town shall pay the employee the difference between the amount received for such required duty and the employee's salary, if the salary paid by the Town is greater.

Employees that are no longer on probationary status that are involuntarily called to active duty shall continue to receive their regular rate of pay, offset by military pay, while on active duty. Employees on active duty will continue to receive the benefits provided for in this Manual for up to a maximum amount of one hundred eighty (180) days or six (6) months.

#### **4.10– Jury Duty**

The Town encourages employees to fulfill their civic responsibilities by serving jury duty when required. Employees will be paid their regular rate of pay while serving on jury duty. The employee shall provide the Town any payment the employee receives for serving on jury duty.

Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor can make arrangements to accommodate their absence. Employees are expected to report to work whenever the court schedule permits.

The Town will continue to provide health benefits for the full term of the approved jury duty absence. Vacation, sick leave and holiday benefits, will continue to accrue during paid jury duty leave.

Part-time employees will be paid their regular rate of pay while serving on jury duty, but only for those hours that the employee was scheduled to work while on jury duty.

#### **4.11– Witness duty**

The Town encourages employees to appear in court for witness duty when subpoenaed to do so. If the Town has subpoenaed an employee as a witness due to the employee's position with the Town, the employee will be paid for the entire period of witness duty. Examples include, but are not limited to, a police officer being called to testify about an accident, or an engineer called to testify about the operation of signal lights. The employee shall provide the Town any payment the employee receives for serving as a witness.

Employees will be granted time off to appear in court as a witness when subpoenaed in a court action which is not related to the employee's position with the Town. Employees shall use any available vacation or personal leave to receive compensation for the period of this absence. A copy of the subpoena should be presented to the employee's supervisor immediately after it is received so that operating requirements can be adjusted, when necessary, to accommodate the employee's absence. The employee is expected to report to work whenever the court schedule permits.

#### **4.12– Election/Voting Time**

The Town of Parker encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. As required by the Colorado Revised Statutes, the Town provides paid election leave for employees who are registered voters if employment hours on Election Day are such that there are not two (2) or more hours between the time of opening and the time of closing of the polls available to employee to vote. Should this occur, up to two (2) hours paid leave will be

provided during the hours of voting for the purpose of voting. Prior approval of the immediate supervisor must be obtained.

#### **4.13– Educational Assistance Program**

The Town of Parker provides an educational assistance program to regular full-time employees who have completed their probationary period, subject to the Town Council budgeting and appropriating sufficient funds for such a program as a part of the Town’s annual budget and appropriation process. The educational assistance program, if provided by the Town, shall be administered by the Human Resources Department. See a Human Resources Representative for program rules.

#### **4.14– Employee Assistance Program**

The Town provides an Employee Assistance Program (EAP) as a benefit for regular full-time employees and their family members. The Town’s EAP Program exists to assist employees and their family members for the purpose of resolving situations in their lives that may affect the workplace.

The Human Resources Director or authorized designee will be responsible for the administration of the EAP. If an employee or family member exhausts the EAP benefits, it is the employee’s responsibility to determine if the Town’s insurer provides further counseling and referral services.

An employee may be required to utilize the EAP as part of a disciplinary action or development plan. In such cases, the Town may, on a case by case basis, request on behalf of the employee EAP information concerning counseling and referral services that are applicable to the employee’s specific disciplinary action or development plan.

#### **4.15– Health Insurance Waiver Program**

The Town provides a health insurance package for the benefit of all regular full-time employees. Health Insurance refers to medical insurance coverage provided by the Town.

Regular full-time employees may waive coverage of the health insurance as provided by the program provisions maintained by the Human Resources Department. These program provisions are subject to amendment from time to time.

#### **4.16– Workers’ Compensation**

Workers’ Compensation Insurance pays for an employee’s medical expenses for injuries incurred while on the job.

**Reporting Requirements:** An employee or supervisor must report any injury to their supervisor immediately. Within twenty-four (24) hours of an injury report, the supervisor must submit the accident and investigation report to the Risk Management Department for submission of the claim.

**Return to Work Requirements:** An injured employee may not return to work without a written release from the Town's designated physician stating that the employee may resume the essential duties and responsibilities of his/her position. The written release must be forwarded to the Risk Manager and the Department Director.

**Injury Leave:** Any employee unable to work due to one (1) or more on-the-job injuries or job-related illnesses may be granted injury leave by the Town Administrator. Leave shall be paid at a straight hourly rate of pay or salary, for a period not to exceed ninety (90) calendar days for each on-the-job injury or job-related illness based on medical necessity and verified by the Town's designated physician. During such time, the Town receives reimbursement for any compensation received by an employee in accordance with Colorado statutes governing Workers' Compensation. Injury leave, which also qualifies as a serious health condition under the Family and Medical Leave Act, shall be subject to concurrent leave under the Family and Medical Leave provisions of Section 4.6.

**Leave Benefits While on Injury Leave:** An employee absent from work as the result of a job-related injury or illness will not be charged with use of sick or vacation leave for any period for which the Town is receiving reimbursement from Workers' Compensation. Vacation and sick leave will not accrue during injury leave even where said leave is taken concurrent with Family and Medical Leave.

**Insurance Benefits While on Leave:** While the employee is on leave the Town will continue the employee's insurance benefits on the same terms as if the employee were not on leave. Once an employee has exhausted his/her leave benefits and the leave becomes unpaid, he/she is required to pay their insurance premiums. Employees shall make payment arrangements by contacting the Human Resources Department.

**Maximum Leave Time:** After ninety (90) days, paid injury leave will be discontinued and the provisions of Workers' Compensation, as contained in the Colorado Revised Statutes regarding payment made directly to the injured worker, will apply. The 90-day period may be extended at the sole discretion of the Town Administrator or authorized designee.

Upon discontinuation of paid injury leave, the Risk Manager, the Human Resources Director and the Department Director will review the employee's status. Based upon this review and subsequent findings, subject to the approval of the Town Administrator, the employee may be placed on leave of absence without pay for up to a maximum of ninety (90) calendar days, not including the first ninety (90) days of disability. If placed on leave of absence without pay, all provisions of FMLA, Section 4.6, will apply.

**Fraudulent Claims:** It is a class five (5) felony, punishable in accordance with C.R.S. § 18-1.3-401, to willfully make a false statement or representation about a workers' compensation claim.

**Status of Probationary Employees While on Leave:** The probationary period for any probationary employee shall be extended for the period of time that the employee is on paid injury leave.

#### **4.17– Colorado Family Care Leave**

In addition to the "Family and Medical Leave" described in Section 4.6 of this Manual, an eligible employee is entitled to FMLA leave to care for a person who has a serious health condition, as that term is defined in the FMLA, if the person:

- (a) Is the employee's partner in a civil union, as defined in Section 14-15-103(5), C.R.S.; or
- (b) Is the employee's domestic partner and:
  - (I) Has registered the domestic partner with the municipality in which the person resides or with the state, if applicable; or
  - (II) Is recognized by the employer as the employee's domestic partner.

For purposes of confirming the employee's relationship to the employee's partner in a civil union or as the employee's domestic partner for whom the employee is requesting FMLA leave, the Town may require the employee to provide reasonable documentation; a written statement of family relationship, in accordance with the FMLA.

FMLA leave taken by an employee pursuant to this Section runs concurrently with leave taken under the Section 4.6 of the Manual, and this Section does not increase the total amount of leave to which an employee is entitled during a 12-month period under Section 4.6 of the Manual, this Section, or both, unless the employee takes leave under this Section of the Manual before taking leave under Section 4.6 of the Manual, in which case the employee may be able to take up to 12 weeks under this Section and another 12 weeks under Section 4.6 of the Manual in a 12-month period. However, if an employee takes leave under Section 4.6 of the Manual prior to taking leave under this Section, the employee will be limited to a total of 12 weeks of leave during a 12-month period under Section 4.6 of the Manual, this Section, or both.

### **5.1 – Personal Conduct and Appearance**

It is the duty of Town employees to serve customers in a courteous and efficient manner. The Town expects employees to observe the highest standards of conduct and integrity in the performance of duties. Creating and maintaining good relations with the public is of primary importance.

Employees are also expected to act and dress safely, appropriately and in a professional manner that, in the opinion of the Town, reflects favorably upon the Town. Department Directors may establish appearance policies for their specific department.

### **5.2– Attendance and Punctuality**

To maintain a safe and productive work environment, the Town expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the Town. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, he/she should notify the supervisor as soon as possible in advance of the anticipated tardiness or absence. Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action up to and including termination.

### **5.3 – No Call/No Show**

Any employee absent from their normal work schedule for three (3) consecutive days or shifts, without having contacted his/her supervisor, or requested a leave, shall be considered to have abandoned their position and will be terminated from employment with the Town.

### **5.4– Tobacco Policy**

In keeping with the Town's intent to provide a safe and healthy work environment, any use of tobacco or tobacco substitutes, including but not limited to smoking, chewing tobacco or e-cigarettes is prohibited in all Town buildings, vehicles or equipment and within one hundred (100) feet of any Town Building. Tobacco use is only allowed in designated areas. This policy applies equally to all employees.

### **5.5 – Outside Employment**

Full-time employees must notify their Department Director and, where appropriate, the Town Administrator, of any paid employment outside of the Town's employment. Paid employment outside of a regular full-time employee's position with the Town is permissible if the outside employment is not in conflict with the following statements:

- a) The outside employment must not require such commitment that it would tend to prevent the employee from rendering effective performance to the Town.
- b) The outside employment must not represent a conflict of interest with the Town or employee's position with the Town.

- c) Any injury received while engaged in outside employment or business activities must be reported to the employee's supervisor prior to the employee's next scheduled working shift or sooner, if possible.

An employee will not be granted injury leave for an injury arising from outside employment or outside business activities.

If the Department Director determines that outside employment is interfering with the employee's position or employment relationship with the Town, the employee may be required to terminate either the outside employment or employment with the Town of Parker. Department Directors may establish additional requirements governing outside employment subject to approval of the Human Resources Director prior to implementation.

Subject to the requirements of the Fair Labor Standards Act, a regular full-time, nonexempt employee may voluntarily work part-time for another department of the Town doing jobs other than the employee's normal work duties at a rate of pay that will not accrue as overtime with the approval of the Department Directors from both departments involved and the Human Resources Director. Further, the rate of pay for the part-time employment will be accrued at a second rate of pay appropriate to the part-time position.

#### **5.6– Conflict of Interest**

Employees may not use privileged information gained as result of their employment for personal gain or benefit, or to benefit relatives, friends or acquaintances.

If an employee or employee's family has any interest (including, but not limited to, serving as partner, stockholder, manager or employee), in any business that sells products or services to the Town or if an employee has access to Town information that may be used for private gain, the employee must advise the Department Director and, where appropriate, the Town Administrator of such interest in writing. The Department Director and, where appropriate, the Town Administrator will determine whether a conflict of interest exists and will then advise the employee, the employee's supervisor and the Human Resources Director.

If such a conflict is found to exist, the employee may be given the option of terminating either employment with the Town or interest in the business. Failure to comply with these provisions may result in immediate dismissal.

#### **5.7– Political Activity**

All Town employees are free to participate in any political affiliations, activities, and campaigns, while off duty, away from any Town premises, and by using only personal funds. Likewise, all Town employees are also free to refrain from participating in political activities, while off duty, away from any Town premises. All employees are encouraged to exercise their constitutional right to express a choice through voting in all elections.

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Employees shall refrain from any political activities that give the impression of being endorsed by the Town. No Town employee shall, during his or her tenure as a Town employee, be a candidate for any Town elected office or for any position appointed by Town Council.

Employees shall not distribute, while on duty or on any Town premises, any political information, including, but not limited to, badges, pamphlets, dodgers, or handbills of any kind favoring or opposing any candidate for Town office or regarding any Town ballot issues. A Town employee shall at all times refrain from improperly using any political influence in any way for or against any legislation or policy under consideration by the Town Council.

**On Premises or On Duty**

While on any Town premises, while on duty, or during any time that the employee is receiving compensation from the Town for his or her time:

- a) No employee may wear any campaign buttons or other distinctive clothing or marking indicating support for or against any candidate for any Town office, or for or against any ballot issue appearing on a Town ballot.
- b) No employee may initiate or encourage the asking of questions or commencement of discussion regarding matters that appear on the Town ballot. However, an employee may briefly and appropriately provide a factual response to questions about Town candidates or Town ballot issues if the employee has not solicited the question and provided that the employee does not advocate for or against any candidate or ballot issue appearing on a Town ballot.
- c) No employee may knowingly allow Town money to be spent in support of or opposition to any candidate or ballot issue appearing on a Town ballot.
- d) No employee may advocate for or against any ballot issue or candidate for election to Town office, nor shall the employee disseminate any information regarding an official Town position regarding any candidate or ballot issue.
- e) No employee may contribute to or solicit financial contributions for any candidate for office or for any political action committee or issue committee, nor shall any employee gather signatures on any petition seeking to place any issue on any ballot in any future election.

**Off Premises and Off Duty**

Town employees, when off Town premises and off duty may participate in political and election activities in their capacities as private citizens as follows.

- a) Employees may vote for any candidate or for or against any national, state, county or local matter for which the employee is eligible.

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- b) Employees may contribute money to national, state, county, or local candidates or to national, state, county, or local issue committees of their choice.
- c) Employees may sign petitions regarding any matter of public concern.

Prior to engaging in any of the following activities or any related activity when off Town premises and off duty, an employee shall affirmatively disclaim any suggestion that the employee is appearing in his or her official Town capacity or that he or she is conveying an official endorsement by the Town. Further, when engaging in the following activities, the employee shall not appear in a Town uniform.

- a) Endorse and work on campaigns for any candidate or for or against any national, state, county or local ballot issues.
- b) Make speeches or presentations on matters of public concern, including matters related to candidates or ballot issues.
- c) Write letters for or against any national, state, county, or local candidates or for or against any national, state, county, or local ballot issues.
- d) Distribute campaign literature, including flyers and handbills, on behalf of any candidate for national, state county, or local office or in favor of or opposed to any national, state, county, or local ballot issue.

No employee shall be subject to pressure or coercion to participate in any political activity. Violations of this policy should be reported to the Human Resources Department or to the Town Administrator.

Any violation of this section may subject the employee to disciplinary action up to and including termination.

**5.8 – Harassment**

The Town is committed to maintaining a work environment that is free from harassment. In keeping with this commitment, the Town will not tolerate harassment of Town employees by anyone, including any supervisor, co-worker, vendor, client, councilmember, commissioner, or customer of the Town.

"Harassment" means unwelcome conduct, including physical, verbal, or written conduct, that (a) constitutes race/color harassment, national origin harassment, gender harassment, sexual harassment, religious harassment, disability harassment, age harassment, veteran harassment, or marital/family status harassment; (b) that constitutes harassment based on other protected status under the equal employment opportunity laws, including, but not limited to, protection against retaliation for activities such as opposing a practice made unlawful by an equal employment opportunity law or participation in an investigation or other proceeding under the equal employment opportunity laws, or association with a protected individual or (c) that creates an intimidating, hostile or offensive environment.

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Examples of harassment include, but are not limited to: slurs, jokes, degrading comments, degrading pictures, degrading symbols, or other written, verbal or physical conduct, based on race/color, national origin, gender, sex, religion, disability, age, veteran status, or marital/family status, which has the purpose or effect of unreasonably interfering with an individual's work performance, creates an intimidating, hostile or offensive work environment, results in a tangible employment action, or is sufficiently severe or pervasive to alter the conditions of employment.

**Examples of unacceptable conduct of a sexual nature:**

Sexual harassment, whether male or female, refers to conduct which is offensive to the individual, harms morale, and/or interferes with the effectiveness of job performance. Sexual harassment includes any unwelcome or unwanted conduct of a sexual nature (verbal or physical) when: (1) submission to such conduct is a term or condition of a person's employment; (2) submission to or rejection of this conduct by an individual is used as a factor in decisions affecting hiring, evaluation, promotion or other aspects of employment; or (3) this conduct substantially interferes with an individual's employment or creates an intimidating, hostile or offensive work environment.

Examples of unacceptable conduct include, but are not limited to:

- Threats or promises of benefits in exchange for sexual favors;
- Unwanted sexual jokes, flirtations, advances or propositions or obscene comments or gestures;
- Graphic or verbal commentary or abuse about an individual's body, dress, sexual prowess, sexual deficiencies or of any sexual nature or the use of sexually degrading words to describe an individual;
- Unwanted or suggestive touching, leering, whistling, pinching or insulting; or
- The display of sexually suggestive objects or pictures, including nude photographs.

These types of behavior are unacceptable in the work environment, on business trips and at a Town-sponsored social event for Town employees. All employees have a responsibility for keeping the environment free of harassment.

All Town employees are responsible for helping to ensure that harassment is avoided. Employees who believe they have experienced or witnessed harassment should file a report with the Human Resources Director. The Town forbids retaliation against anyone who has reported harassment.

**Responsibility of Supervisors/Management:** The immediate supervisor is responsible for conduct between co-workers and the conduct of nonemployees in the workplace where the supervisor has knowledge of harassing conduct. This responsibility includes taking immediate action to report allegations of harassment and to correct such behavior. Harassment is extremely serious misconduct and may result in disciplinary action, up to and including termination of employment.

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Harassment may also subject the harasser to personal, legal and financial liability. In addition, any individual who intentionally makes a false claim of discrimination or harassment is subject to discipline, up to and including termination.

**Reporting Harassment:** If an employee believes he/she has been subjected to harassment or observes harassment of another employee and has been unsuccessful in or uncomfortable addressing the issue directly with the person initiating the unwelcome behavior, he/she should report the incident to his/her supervisor, the Department Director or the Human Resources Director or authorized designee. An employee should not attempt to resolve incidents observed or heard about from others, but it is expected first to report the matter promptly. Any supervisor or Department Director who receives a report shall relay it to the Human Resources Director or authorized designee immediately.

If a complaint of discrimination or harassment is brought to the Town's attention, the Town's policy is to investigate all such complaints. To the extent possible, an investigation will be handled in confidence. However, the Town cannot promise anonymity to persons who report harassment.

**No Retaliation for Complaining of Discrimination or Harassment:** No employee should be subject to any form of discipline or retaliation for reporting any incident or situation involving discrimination or harassment, or otherwise participating or cooperating in any investigation of a complaint of discrimination or harassment. Retaliation is a serious violation of the Town's equal employment opportunity policy and any retaliation also should be reported immediately. Any person found to have retaliated against another individual for reporting discrimination or harassment will be subject to disciplinary action, up to and including termination.

If an employee has any questions concerning this policy, he/she is responsible for contacting his/her supervisor, the Department Director, or the Human Resources Director.

**5.9 – Drug and Alcohol Free Workplace**

It is against Town policy for an employee to use, possess, or be under the influence of any alcoholic beverage, drug or controlled substance (as defined by C.R.S. §18-18-102(5) and 21 USC §812 and, in the event of a conflict, the more restrictive shall apply) while on the job, while driving a Town vehicle, or while driving a personal vehicle on Town business. For the purposes of this policy, "on the job" includes all periods of time when an employee is compensated. An employee is considered under the influence when the ability to perform his/her job is impaired, or the ability to function effectively in the work place is impaired in the opinion of the Town, or the ability to perform the job and function safely as to himself/herself, fellow workers, or the public is impaired.

Employees who are suspected of being under the influence of alcohol, drugs or a controlled substance may be compelled by the Town to take a blood test, a hair sample, a urine test, a breath test or any combination of the four (4). An employee who fails to take the ordered test will be subject to disciplinary action up to and including termination. An employee found to be under the apparent influence of alcohol, drugs or a controlled substance while on the job will be subject to disciplinary action up to and including termination. An employee who tests positive for

alcohol, drugs or controlled substances, as a result of an ordered test, including a random test, will be considered to be under the influence for purposes of this policy.

If an employee needs to take prescribed drugs under a physician's direction that may affect that employee's ability to perform his/her job in a safe and productive manner, the Town requires for the employee's safety and that of others, that the employee's supervisor be informed that he/she is taking such drugs and their affect on his/her work. Failure to inform the supervisor may subject the employee to disciplinary action up to and including termination. A "prescribed drug" under this Section does not include written documentation provided by a physician to a patient, as these terms are defined by Colo. Const. Art. XVIII, Section 14.

Refer to Section 6 (Safety/Risk Management) of the Town's General Operations Manual for substance abuse and drug testing programs including, but not limited to, safety-sensitive employees and CDL licensing of Town employees as approved by the Town Council.

### **5.10 – Gifts**

No employee of the Town (or their family members) may solicit, receive or accept, directly or indirectly, any gift, gratuity, reward, favor, entertainment (including tickets to sporting events, concerts and performances), remuneration, services, loans or any other thing of monetary value, from any person who has, or is seeking to obtain, a contractual, business, financial, or other relationship with the Town.

Employees may accept honorariums from speaking or similar engagements if the service has been provided on the employee's own time. Employees may be permitted to accept food and refreshments in the ordinary course of a business lunch or dinner meeting, or during an inspection tour where an employee is properly in attendance. Employees may be permitted to accept promotional material such as pens, pencils, note pads, calendars and other items of nominal value that have not been solicited by the employee, as long as such materials and items do not have a substantial value as provided in C.R.S. § 24-18-104(3).

### **5.11 – Use of Town Vehicles and Equipment**

It is general practice that Town vehicles will not be taken to an employee's residence. However, occasionally there are circumstances when it is appropriate and in the best interest of the Town to permit an employee to take a Town vehicle to the employee's home, provided the employee receives prior approval from the Department Director or authorized designee.

Employees may not appropriate or utilize any Town property for their own use. They are responsible for the proper care, maintenance and condition of any Town property assigned to them. Loss of or damage to such property must be reported to the appropriate supervisor within twenty-four (24) hours of said loss or damage. The employee may be responsible for the reimbursement of such loss or damage pending an investigation by the Risk Manager.

Under no circumstance shall a Town vehicle or piece of Town equipment be used as a direct benefit to employees or private individuals. Refer to Section 6 of the Town's General Operations Manual for more specific information about the use of Town vehicles and equipment.

### **5.12 – Life-Threatening Communicable Diseases**

In order to assure a safe and healthy working environment for all employees and the general public, the Town will handle situations in which an employee is known to have a life-threatening communicable disease (*i.e.*, AIDS/ARC, Hepatitis B, and other communicable life-threatening diseases as they are identified by reliable medical authorities) in the following manner:

As a general rule, an employee with a life-threatening communicable disease may continue to attend work and perform the duties of the assigned position with the approval of the employee's private physician, the Town's medical provider and subject to considerations of public health, safety and welfare. Life-threatening communicable diseases will be treated like any other disabling condition and persons will be employed as long as they remain qualified for and capable of performing their jobs as determined by the Town. Cases involving life-threatening communicable diseases will be treated on a case-by-case basis. Refer to the Town's General Operations Manual, Section 6, for more specific rules and regulations concerning this policy.

### **5.13– Traffic Violations including Loss of Required Driver's License**

All employees whose positions require the possession and maintenance of a valid Colorado driver's license of any class shall maintain a valid license. The appropriate driver's license shall be carried with the employee at all times while driving on Town business. Employees who drive Town vehicles or personal vehicles on Town business must notify his/her supervisor and the Risk Manager immediately about all moving violations that occur during working hours or in a Town vehicle, and the suspension or revocation of the license, including those in his/her personal vehicle for personal use, within twenty-four (24) hours of the violation or next business day if the violation occurred on a weekend or holiday. Failure to notify the supervisor and the Risk Manager shall result in disciplinary action up to and including termination of employment.

Immediately upon receiving a suspension or revocation, the employee is prohibited from driving and operating any Town vehicle or equipment, or driving on Town business.

Upon notification of suspension or revocation, the Department Director may examine the alternatives, if any, available for the reassignment of an employee whose license has been suspended or revoked.

If no alternatives are available, disciplinary action will be taken, up to and including termination of employment.

### **5.14– Violence-Free Workplace**

It is the policy of the Town of Parker to maintain a work environment free from intimidation, threats or violent acts.

The Town of Parker will not tolerate intimidating, threatening or hostile behaviors, physical abuse, vandalism, arson, sabotage, use of dangerous and deadly weapons or carrying dangerous or deadly weapons onto Town property except as otherwise allowed as a requirement of the job and except for concealed handguns that are in the possession of those employees that have a

current, duly issued permit to carry a concealed handgun, as authorized by CRS Section 18-12-214.

Examples include, but are not limited to:

- Jokes or comments regarding violent acts, which are reasonably perceived to be a threat of imminent harm;
- Physical assaults or threats of physical assault, whether made in person or by other means such as in writing, by phone, fax or e-mail;
- Verbal conduct that is intimidating and has the purpose or effect of threatening the health or safety of a manager, supervisor, or co-worker;
- Possession of firearms or any other lethal weapon on Town property, in any Town-owned facility, or at a work-related function. Police officers who are on duty and carry a weapon as a requirement of their job are excluded from this section only; or
- Any other conduct or act which management believes represents an imminent or potential danger to work place safety/security.

An employee who is subjected to any form of workplace violence may report the incident or situation to his/her supervisor, Department Director or Human Resources Director. Each reported incident will be investigated. If there is a reasonable suspicion that an employee has engaged in conduct listed above, the Town reserves the right to conduct without notice, searches and inspections of employees' personal belongings or employer-provided materials/equipment. This includes, but is not limited to such things as vehicles, purses, bags, backpacks, lunch containers, lockers, desks, personal computer files and file drawers which are subject to confiscation and public scrutiny.

Based on the results of the investigation, employees who are found to be in violation of this policy will be subject to disciplinary action as appropriate, up to and including termination. Employees in violation of this policy may also be subject to civil or criminal liability for any violation of this policy that may also constitute violations under federal, state or local laws.

### **5.15 – Employer's Right To Search**

The Town reserves the right to inspect and search, with or without notice, all employee work areas and personal items contained in Town-owned vehicles or facilities, contents of offices and desks, employer provided equipment and materials and any other property considered to be within public domain, and as such, is subject to search, confiscation and public scrutiny.

### **6.1 – Safety Message from the Town Administrator**

In all of its operations, the Town of Parker is guided by an established accident-prevention policy. This policy is based on a sincere desire to eliminate occupational injuries and illnesses, damage to equipment and property, as well as to protect the general public.

Managers, supervisors and employees are all charged with the responsibility of preventing the occurrence of incidents or conditions that could lead to occupational injury or illness. Success in occupational safety depends on several key factors. Active participation in job safety by all Town employees is one of those factors.

While the ultimate success of a safety and health program depends upon the full cooperation of each individual employee, it is management's responsibility to see that effective training and educational programs are focused to our best advantage at the operational levels of the organization. It is the responsibility of supervisors to see that safety policies and procedures are carried out in our daily operations. And, last but not least, employees have the responsibility to work safely, follow safety rules and to watch out for the safety of other employees.

The prevention of accidents and injuries takes precedence over expedience. Every supervisor will be held accountable for the safety performance demonstrated by employees under his/her supervision.

Safety for our employees will always be a prime concern, and I want to take this opportunity to reaffirm my support of a strong safety program which will provide a safe place for all employees to work. The Town of Parker will establish and maintain the philosophy that our employees are our most important asset. Therefore, their protection is one of management's highest priorities.

The Risk Manager for the Town of Parker is the primary contact for safety-related matters. All employees will receive an orientation to the safety rules and policy of the Town upon initial employment, and are encouraged to bring to the attention of their immediate supervisor any unsafe conditions or practices.

Supervisors will communicate these concerns to the Risk Manager, who will respond to any concern within twenty-four (24) hours.

Violation of any adopted safety practices, rules or regulations may result in disciplinary action up to and including termination. Employees are responsible to practice and observe the safety requirements as set forth in any instruction, whether verbal or written. Refer to the Town's General Operations Manual, Section 6 (Safety/Risk Management), for specific safety rules and regulations, or contact your supervisor or the Risk Manager.

### **6.2 – On-the-Job Accidents and Injuries**

The primary consideration in the event of an accident is the welfare of the injured party. If the injury is such that medical attention is required, the employee will be taken to one of the Town's designated medical providers, or medical assistance should be summoned immediately, or if it is after hours go to any emergency room.

Within twenty-four (24) hours of receipt of notice of injury, the supervisor must submit the “First Report of Injury” form to the Risk Management office for submission of the claim. If the receipt of notice of injury is received on a weekend or holiday, the “First Report of Injury” form must be submitted by noon of the next business day. The employee will complete the “Employee Accident Report” within twenty-four (24) hours after the injury. The supervisor will investigate the accident and complete the “Supervisor’s Investigation Report” within five (5) days of the accident and submit both reports to the Department Director for review. The Department Director will then forward the reports to Risk Management. The injured employee is responsible for scheduling and meeting all follow-up medical appointments with the Town’s designated medical provider. Refer to the Town’s General Operations Manual, Section 6, for specific information on Injury Management.

### **6.3 – Medical Examinations**

If an employee's health appears, in the Town's opinion, to be adversely impacting the employee's job performance or the assigned duties could be detrimental to the employee's health, the Department Director in conjunction with the Human Resources Director, and where appropriate, the Town Administrator may schedule a medical examination for the employee with a Town of Parker designated medical provider. An employee may be put on leave with pay pending the results of such examination. The Human Resources Director will be responsible for distributing the results of said examination to the appropriate parties. All employee medical examinations requested/required by the Town of Parker will be paid for by the Town of Parker.

### **7.1 – Resignation**

An employee wishing to leave employment with the Town should submit a written resignation to his/her immediate supervisor at least two (2) weeks in advance of the effective date of termination.

Accrued vacation time is not available for use by any employee for the two week period prior to an employee's effective date of termination and or separation from the Town.

Employees shall not use any accrued vacation following the submittal of a written resignation.

Supervisors shall not approve vacation after an employee has submitted a written resignation.

### **7.2 – Reduction in Workforce/Layoffs**

In the event that a reduction in force is deemed necessary by the Town Administrator, he/she may require layoffs of specific positions within the Town. These layoffs shall be based on the recommendations and analyses conducted by the Department Director, in conjunction with the Human Resources Director and Town Administrator and authorized designees. A reduction in force may involve several departments or may be limited to a department, division, program area or service as determined by the Town Administrator.

A layoff may be necessitated by a number of circumstances to include, but are not limited to:

- Budgetary or related economic decisions, restraints or restrictions;
- Reduction or deletion of programs, projects or services;
- Changes in priority of services being provided or required to be provided; and
- Reduction in local government service levels.

### **7.3 – Dismissal/ Termination**

Regular full-time employees who are dismissed or terminated from employment are paid for any accrued but unused vacation leave, compensatory time, and sick leave (if applicable and in accordance with Section 4.5 of this Personnel Manual), and for any time worked until the time of dismissal.

### **8.1 – Disciplinary Action**

It is the responsibility of all employees to observe all the regulations, policies and procedures adopted to ensure the efficient, effective and safe operation of the Town of Parker.

Employees should be informed of any performance problems and/or work rule violations subsequent to the incident. Employees will be given the opportunity to read and respond to any written disciplinary actions. An employee's signature on such records signifies only that the record has been received and examined by the employee. All disciplinary actions except termination are subject to the employee grievance procedures outlined in this Personnel Manual. The nature and scope of the infraction will determine the disciplinary action to be invoked.

Situations which may result in disciplinary actions, which may include termination, include but are not limited to, the following:

- Insubordination, including failure to comply with instructions of a supervisor, Department Director or Town Administrator;
- Incompetence or inefficiency in performance of job duties;
- Offensive conduct or language toward the public, co-workers or supervisors;
- Theft, destruction, waste or negligent use of Town monies or property, including vehicles;
- Abuse or harassment of co-workers;
- Use of Town position or authority for personal gain;
- Falsification of employment application information;
- Abuse of employee benefits or leave;
- Disclosure, alteration, falsification or destruction of confidential Town records;
- Possession of, or being under the influence of, or having a detectable amount in one's system of, alcohol, drugs or controlled substances while on the job, as provided in this Manual or the Operations Manual;
- Conviction of a felony or misdemeanor which, in the opinion of the Department Director, violates the common decency and morality of the community and/or which has a harmful effect on Town operations or the employee's ability to perform;
- Other acts or omissions which negatively affect Town operations or performance of job duties;
- Failure to comply with established departmental policies, procedures and directives, including, but not limited to, the Town of Parker General Operations Manual;
- Unauthorized absence from work;
- Repeated tardiness; and
- Abuse of overtime regulations, including claiming time not actually worked, failure to accept authorized overtime assignments or working unauthorized overtime.

This list is not intended to be inclusive, but only to provide examples of some of the behaviors that may result in discipline. Failure to follow disciplinary procedures may result in disciplinary action of supervisory and administrative personnel, but does not affect the validity of the underlying action.

## **8.2 – Verbal Reprimand**

Whenever management believes that discipline is warranted, and it is determined that more severe action is not immediately necessary, the Department Director or Supervisor may verbally communicate to the employee the nature of the substandard or unacceptable performance. This is an informal notice from the supervisor to the employee, the purpose of which is to communicate a positive expectation of change. Along with this warning, the supervisor should inform the employee that failure to remedy the situation might result in a more serious form of disciplinary action. A verbal reprimand is not a prerequisite for a written reprimand or any other disciplinary action.

## **8.3 – Written Reprimand**

A Department Director may initiate a written reprimand when a verbal reprimand has not resulted in the desired change or when, in the opinion of the Department Director, the situation warrants. The written statement should contain a description of the problem or incident, including documentation of any previous warnings or reprimands, and the time period in which the employee must accomplish corrective action. The appropriate form to record the reprimand should be obtained from the Human Resources Department. A copy of the reprimand, signed by the employee to indicate receipt, should be forwarded to the Human Resources Department immediately following the discussion with the employee for inclusion in the employee's personnel file. The employee may respond to the reprimand in writing.

Prior to taking action, the Department Director shall advise the Human Resources Director or authorized designee of his/her proposed course of action before meeting with the employee.

## **8.4 – Administrative Leave**

An employee may be placed on Administrative Leave with or without pay pending an investigation involving a policy violation or significant performance issue. The Department Director, in consultation with the Human Resources Director, will determine whether to place an employee on Administrative Leave with or without pay based on the nature, scope and severity of the alleged violation. The determination to place an employee on administrative leave with pay shall not necessarily be deemed a disciplinary action within the meaning of Article 8 of this Personnel Manual.

An employee may be placed on Administrative Leave without pay when criminal charges are filed against the employee, provided such charges must be for a misdemeanor or felony which, in the opinion of the Town, violates the common decency and morality of the community and/or has a harmful effect on Town operations or the employee's ability to perform, or for any felony. In the event an employee is placed on Administrative Leave without pay, said employee's insurance benefits shall continue, but the employee shall not accrue any other benefits such as vacation, holidays, sick leave, holiday or retirement. Any employee that is placed on an unpaid Administrative Leave will be responsible for paying their portion of any insurance premium to include any dependent coverage. Payment arrangements shall be made with the Human Resources Department and payments must be made in a timely manner to avoid cancellation.

### **8.5 – Suspension**

In the event that the Department Director determines that a major infraction has occurred, or when other disciplinary action has not corrected the situation, a nonexempt, or exempt, employee may be suspended with or without pay (in accordance with FLSA regulations) by the Department Director. Prior to taking action, the Department Director shall review his/her proposed course of action with the Human Resources Director.

On or before the effective date of the suspension, the employee should be presented with a written notice, obtained through the Human Resources Department, stating the reason for the action. The Department Director shall meet with the employee. At such meeting, the Department Director shall provide the employee with the opportunity to respond to the allegations and present information regarding mitigating circumstances. It is not intended that this meeting constitute a formal hearing, but to give the employee notice of the proposed action and give him/her the opportunity to meet and exchange information with the Department Director. No formal procedural requirements are permitted for this meeting, including employee representation, meeting recordation, or witness examination.

In the event the suspension is sustained after the meeting, the employee shall be provided notice of the dates of suspension and further disciplinary action to be taken. A copy of the suspension notice must be submitted to the Human Resources Department for inclusion in the employee's personnel file. If officially exonerated, the employee will be compensated for unpaid suspension.

If the suspension is for a period of time of more than eighty (80) hours without pay, a regular full-time employee may appeal the decision to the Town Administrator for a full evidentiary hearing. Regular full-time employees requesting such hearings must notify the Town Administrator in writing within ten (10) days after written notification of a decision is provided by the Department Director so that a hearing date may be arranged. There is no appeal if the suspension is for a period of time less than eighty (80) hours.

Notwithstanding anything to the contrary contained herein, only a regular full-time employee is entitled to the process described herein for a suspension.

### **8.6 – Demotion**

Demotion may occur as a result of specific unacceptable behavior or as a result of inability or unwillingness to perform the duties required of the position or when the Department Director determines that demotion is in the best interest of the Town.

Prior to an employee's demotion, a written report shall be prepared by the Department Director, describing the circumstances and the specific reasons for the proposed demotion. This report is forwarded to the Human Resources Department for review prior to the meeting with the employee.

The Department Director shall provide the employee a summary of the written report and shall then meet with the employee. At such meeting, the Department Director shall present the information and give the employee an opportunity to respond to the allegations or present

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information regarding mitigating circumstances. It is not intended that this meeting constitute a formal hearing but only provide the employee notice of the proposed action and give him/her an opportunity to meet and exchange information with the Department Director.

No other formal procedural requirements are permitted for this meeting, including employee representation, meeting recordation or witness examination. In the event the employee fails to appear at the meeting, the employee will be deemed to have waived his/her right to appear at the meeting and may be immediately demoted in the manner provided below.

The Department Director should notify the affected employee in writing, with a copy to the Human Resources Department, as soon as is practicable as to whether the affected employee is demoted. The Department Director may request additional information before a decision is made.

The demotion of a regular full-time employee by the Department Director may be appealed to the Town Administrator for a full evidentiary hearing. Regular full-time employees requesting such hearings must notify the Town Administrator in writing within ten (10) days after written notification of a decision is provided by the Department Director so that a hearing date may be arranged.

Failure to follow these procedures is grounds for disciplinary action of supervisory and administrative personnel but does not affect the validity of the underlying demotion action. All Department Directors should ensure that demotion procedures are closely adhered to and are not inconsistent with disciplinary procedures within this Personnel Manual. If a Department Director has any questions concerning this or any other processes, he/she should immediately contact the Human Resources Department.

In order to receive a demotion, a lower level position must be vacant and the employee must be capable, in the Department Director's opinion, of performing the duties of that position.

Written notice of the demotion will be given to the employee and the Human Resources Department on or before the effective date of the change. An employee demoted for disciplinary reasons may not be eligible for promotional vacancies for one hundred twenty (120) days following the effective date of the demotion.

Notwithstanding anything to the contrary contained herein, only a regular full-time employee is entitled to receive the process described for a demotion.

**8.7 – Dismissal**

When the Department Director determines that a serious infraction has occurred, unsatisfactory performance has continued, or when previous disciplinary action has not resulted in the desired behavior, a regular full-time employee may be dismissed from employment with the Town of Parker.

Prior to an employee's dismissal, a written report shall be prepared by the Department Director, describing the circumstances and the specific reasons for the proposed dismissal. This report is

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forwarded to the Human Resources Department for review prior to the meeting with the employee.

The Department Director shall provide the employee a summary of the written report and shall then meet with the employee. At such meeting, the Department Director shall present the information and give the employee an opportunity to respond to the allegations or present information regarding mitigating circumstances. It is not intended that this meeting constitute a formal hearing but only provide the employee notice of the proposed action and give him/her an opportunity to meet and exchange information with the Department Director.

No other formal procedural requirements are permitted for this meeting, including employee representation, meeting recordation or witness examination. In the event the employee fails to appear at the meeting, the employee will be deemed to have waived his/her right to appear at the meeting and may be immediately dismissed from employment with the Town in the manner provided below.

The Department Director should notify the affected employee in writing, with a copy to the Human Resources Department, as soon as is practicable as to whether the affected employee is dismissed from employment with the Town of Parker. The Department Director may request additional information before a decision is made.

The dismissal of a regular full-time employee by the Department Director may be appealed to the Town Administrator for a full evidentiary hearing. Regular full-time employees requesting such hearings must notify the Town Administrator in writing within ten (10) days after written notification of a decision is provided by the Department Director so that a hearing date may be arranged.

Failure to follow these procedures is grounds for disciplinary action of supervisory and administrative personnel but does not affect the validity of the underlying dismissal action. All Department Directors should ensure that dismissal procedures are closely adhered to and are not inconsistent with disciplinary procedures within this Personnel Manual. If a Department Director has any questions concerning this or any other processes, he/she should immediately contact the Human Resources Department.

Notwithstanding anything to the contrary contained herein, only a regular full-time employee is entitled to the process described for a dismissal.

### **9.1 – Grievance Procedure Introduction**

The Town of Parker provides a grievance and appeals procedure whereby a regular full-time employee who feels that personnel policies and/or practices are not being followed or properly applied, is encouraged to have his/her grievance reviewed.

Employees are assured freedom from restraint, interference, discrimination or reprisal in the presentation of their grievances. The Town has established procedures to be followed in the grievance and appeals procedure.

The employee grievance and appeals procedure will identify what steps an employee must follow in order to present grievances for resolution. The Town has determined that for the grievances described in Section 9.4 below, the Department Director will make the final decision and that for the grievances described in Section 9.3 below, the Town Administrator will make the final decision.

Notwithstanding anything to the contrary contained herein all employees are eligible for the grievance process concerning Section 9.3(e) described below.

### **9.2 – Issues Eligible for Grievance Process**

Grievances shall be restricted to matters in which the Town Administrator has authority, and shall not include matters specifically regulated by Town Charter, ordinances, personnel policies, and general wage levels established by the Town's classification and compensation plans.

### **9.3 – Grievances Appealable to the Town Administrator**

The following grievances shall be subject to final review and decision of the Town Administrator:

- (a) Failure of a Department Director to follow the Town of Parker Personnel Manual;
- (b) Loss or damage to Town property/equipment as described in Section 5.11 of this Personnel Manual;
- (c) Conflict of interest as described in Section 5.6 of this Personnel Manual;
- (d) Political activity as described in Section 5.7 of this Personnel Manual; and
- (e) Forms of harassment as described in Section 5.8 of this Personnel Manual.

### **9.4 – Grievances Appealable to the Department Director**

Grievances that are not specifically defined in Section 9.3 above shall only be appealed to the Department Director of the employee. These grievances include, but are not limited to: hiring decisions, transfers, promotions, appointments, evaluations and merit increases, outside employment, verbal reprimand and written reprimand.

### **9.5 – Grievance Steps**

**STEP 1:** The employee submits a grievance in writing to the immediate supervisor within ten (10) business days of the incident that gives rise to the grievance. The employee shall attempt to resolve the grievance with the immediate supervisor. The employee shall not attempt to circumvent this process by written (including copies) or oral communication to any person beyond the immediate supervisor. The immediate supervisor shall notify the employee of his/her decision in writing within ten (10) business days of receipt of the employee's written grievance.

**STEP 2:** If the grievance is not satisfactorily resolved by the employee's immediate supervisor, the employee may present a written appeal to the Department Director within five (5) business days after receiving a written decision from the employee's immediate supervisor or within five (5) business days after the immediate supervisor should have issued a written decision.

The appeal should state the nature and circumstances of the employee's grievance with appropriate documentation. The Department Director may request additional information from the employee, the supervisor or other relevant parties. The Department Director should notify the employee of his/her decision in writing within ten (10) business days of receipt of the employee's appeal. In the event of a claim of harassment, the employee may go directly to the Human Resources Director, Department Director or Town Administrator as is appropriate. All decisions of the Department Director related to grievances described in Section 9.4 of this Article shall be final. If the allegation of sexual harassment is by a Department Director against the Town Administrator, the Department Director may go directly to the Municipal Court Judge.

**STEP 3:** An employee may only appeal decisions of the Department Director to the Town Administrator for problems which are described in Section 9.3 of this Article. If a problem described in Section 9.3 of this Article is not satisfactorily resolved at the Department Directors' level, the employee may submit a written appeal to the Town Administrator. The Town Administrator may appoint a designee to investigate the facts giving rise to the problem and subsequent reviews. The Town Administrator then reviews all relevant information concerning the situation and communicates a final decision in writing to all parties concerned within a reasonable period of time.

**APPENDIX**

**TOWN OF PARKER EMPLOYEE GRIEVANCE FORM**

Employee Name: \_\_\_\_\_ Job Title: \_\_\_\_\_

Department: \_\_\_\_\_ Date: \_\_\_\_\_

**Statement of Grievant:**

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**Action Requested:**

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