

**TOWN OF CASTLE VALLEY  
EMPLOYMENT POLICY MANUAL  
Amended: June 17<sup>th</sup> 2020**

***Disclaimer:*** This Employment Policy Manual does not create a contract of employment between the Town of Castle Valley and any of its employees, constitute contractual obligations of any kind, or alter the status of at-will employment.

Employment with the Town of Castle Valley is at-will, unless both the Town of Castle Valley and the Employee signs a contract upon commencement of employment which provides certain vested rights in employment after a period of review and successful evaluation

This Manual may be amended or canceled at any time by the Castle Valley Town Council.

### **1. Descriptions of Authority**

The Castle Valley Town Council establishes employment policies and procedures and may alter or amend these at any time.

The Mayor acts as Personnel Administrator for the Town, assuring the implementation of employment policies, identifying and developing job descriptions, managing searches, signing time cards, etc.

With regard to the Town Clerk/Recorder, the Mayor recommends hirings, raises and terminations for Council approval. Only the Council can enter into contracts, agreements or promises of any kind relative to Town Clerk/Recorder.

To the extent that the Mayor makes oral or written promises, they are not enforceable.

With regard to other employees, the Mayor and/or the Director Supervisor have the direct authority for hirings, raises and terminations, although the Council's advice and consent may be sought.

The Council serves as a final appeal board for any employee dispute.

### **2. Employment Non-Discrimination and Openness**

The Town of Castle Valley is an Equal Opportunity Employer. We recruit, hire, and provide conditions of employment without regard to a person's race, color, religion, sex, age, national origin, sexual orientation, disability, marital status or any other legally protected status.

All employees are required to report to their Supervisor, the Mayor or to a member of the Town Council, as appropriate, any act of discrimination that they experience or see. The Town will investigate all such allegations.

The Town does not tolerate retaliation of any kind based on any claim or complaint regarding discrimination.

### **3. Residency and Nepotism**

We prefer that employees be residents or property owners in the Town of Castle Valley, although exceptions may be made on the basis of candidate qualifications.

No employee or public official may recommend for employment or hire a relative or spouse when he/she is also going to be the relative's Supervisor. No one may supervise a relative or spouse or be supervised by one. Exceptions may be granted if (1) the relative or spouse will be employed for four weeks or less; or (2) if the relative or spouse is the only applicant qualified or eligible for the position.

### **4. Non-Hostile Work Environment**

The Town is committed to providing a work environment free of discrimination and unlawful harassment. Actions or words based on an individual's gender, sexual orientation, race, ethnicity, age, religion, family status or other legally protected characteristics will not be allowed or tolerated. It is the Town's policy to prohibit behavior which (1) has the purpose or effect of creating an intimidating, hostile or offensive work environment, (2) has the purpose or effect of unreasonably interfering with an individual's work performance, or (3) otherwise adversely affects an individual's employment opportunities.

Sexual Harassment is based on gender and can be directed toward persons of the opposite or same gender. It is difficult to define but includes unwelcome sexual advances, requests of sexual favors and other verbal or physical conduct of a sexual nature when:

Submission to such conduct is made either explicitly or implicitly a term or condition of employment;

Submission to or rejection of such conduct is used as the basis for personnel decisions (e.g. demotion, promotion, performance evaluation, compensation, etc.);  
or

Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Employees should report any incident of sexual or other unlawful harassment to the Mayor or to a Member of the Town Council. The Town does not tolerate retaliation of any kind based on any claim or complaint sexual or other unlawful harassment.

All reported allegations of harassment will be promptly investigated with sensitivity to the rights of the person who complains, as well as to the rights of the accused. In investigating the allegation, the Town will endeavor to maintain confidentiality to the

extent practical but cannot guarantee confidentiality. When harassment is found to have occurred, the Town will take prompt remedial action up to and including termination. The results of the investigation will be reported to the accuser and the accused.

Anyone engaging in sexual or other unlawful harassment may be terminated from employment.

## **5. Grievances**

We encourage an open workplace and want employees to openly communicate any concerns about their work situation without fear of retaliation or intimidation. Such acts of retaliation are prohibited.

To present a grievance, the employee should write a letter to the Mayor. If the complaint is about the Mayor, the letter should be addressed to a Town Council member. Within a reasonable amount of time, a meeting will be convened by the appropriate officials to resolve the conflict. If the employee is not satisfied with the resolution, he/she should write a letter to all members of the Council and request a meeting. The Council will meet in Executive Session within a reasonable amount of time to discuss the complaint with the employee. The decision of the Council will be final.

## **6. Employee, defined**

All employees who are designated as NON-EXEMPT with regard to federal and state wage and hour laws are eligible for overtime pay if they work over 40 hours per week. A Town employee is permitted to hold another job, but is expected to meet their work obligations to the Town.

An "Employee" of the Town is defined as follows:

Regular Full-Time Employees are those who are regularly scheduled for 35 or more hours per week. These employees are eligible for paid holidays, paid vacation, 30 days of paid jury duty and paid personal leave/ sick leave benefits in addition to the standard benefit package described below.

Regular Part-Time Employees are those who are regularly scheduled for no fewer than 24 hours and no more than 34 hours per week. These employees are eligible for the standard benefit package plus paid personal leave/sick leave benefits.

Part-Time Employees are those who are regularly assigned to work fewer than 24 hours per week. These employees are eligible for the standard benefit package, plus paid personal leave/sick leave benefits.

Temporary Employees are those who are hired as interim replacements to temporarily supplement the work force or assist in the completion of a specific project. Employment is of limited duration. These employees are eligible for the standard benefit package while they are in the employ of the Town.

Volunteers are not employees, but covered by worker's compensation. Volunteers are not eligible for the standard benefit package.

Consultants/Contractors performing work for the Town on a project by project basis are not considered employees of the Town. Consultants and contractors are not eligible for the standard benefit package.

## **7. Job Descriptions**

Each employee will be provided with a Job Description that outlines his/her duties and responsibilities, expected time commitments and availability. These Job Descriptions will be updated as necessary.

## **8. Overtime Compensation**

The Town strongly encourages employees to complete their work within the normal forty-hour work week. Positions that frequently require more than forty hours work per week should be carefully reviewed and adjusted so that work can be accomplished within the normal forty-hour period.

Regular Full-Time Employees shall be paid overtime with compensatory time off in lieu of monetary overtime compensation at a rate of one and one-half hours of compensatory time for each hour of overtime worked. Law enforcement, fire protection, and emergency response, as defined under the Fair Standards Labor Act, may accrue up to 480 hours of comp time; all other Regular Full-Time Employees may accrue up to 240 hours of comp time. A Regular Full-Time Employee must be permitted to use his/her comp time on the date requested unless it would unduly disrupt operations of the Town.

Such time can be accrued from one year to the next but will not be "paid out" at the end of employment.

All other employees are paid overtime at the rate of one and one-half hours for each hour of overtime worked in the form of monetary compensation.

## **9. Hiring**

In making a hiring decision, the Town may conduct personal interviews. It also reserves the right to ask for references and to check with those references regarding the qualifications of the candidate.

## **10. Personnel Files**

The Town maintains a personnel file on each employee, including such information as the employee's job application, resume, job description, documentation of performance evaluation and compensation history. Vacation and leave time will be recorded in these files. Access to these files is restricted. Employees may review the contents of their file in the presence of a Town Official.

Employees are expected to keep the information regarding their address, home phone, etc. current in these files.

No information will be released to others from these files other than dates of employment, wage rates and position held. This can only be done through oral or written authorization from the employee regarding what specifically can be released.

While Town Officials may personally write job recommendations for former employees, they may not do this on behalf of the Town or use Town stationary to do it.

## **11. Performance Evaluations**

While the Town encourages on-going feedback to all employees, it also has an Annual Performance Evaluation Process to be conducted in the first quarter of every year (see Evaluation Form in Appendix). These evaluations – and related notes – become part of the Personnel File.

Supervisors and employees shall fill out the Evaluation Form and discuss it. Supervisors are encouraged to check with others—e.g. Council members, other employees, members of the public—in preparing the Evaluation Form. Following discussion between the Supervisor and employee, a final form is prepared by the Supervisor and signed by both parties. Goals for the coming year and ways to improve job performance should be established.

## **12. Education and Training**

The Town supports and encourages employee education and training and will financially support education and training when it is work-related and deemed valuable for work performance. This policy will generally apply to regular full-time and regular part-time employees and be subject to availability of funds.

## **13. Employment at Will**

All employment with the Town is based on mutual consent and is non-contractual, unless both the Town of Castle Valley and the employee signs an express contract upon commencement of employment which provides certain vested rights in employment after a period of review and successful evaluation.

Both employees and the Town have the right to terminate employment at will, with or without cause, at any time, unless otherwise provided by express contract signed by both parties upon commencement of employment.

Although it is not required, employees are requested to provide at least two weeks' written resignation notice, and the Town shall give two weeks' notice of termination except upon a finding of employee fraud, dishonesty, discrimination/sexual harassment which creates a hostile work environment, or verified drug or alcohol use in violation of this Policy.

Employees will receive their final pay in accordance with applicable state law. Termination materials will be filed in the employee's Personnel File.

#### **14. Standard Benefit Package**

The Standard Benefit Package for Town employees includes:

Legally mandated benefits: Social Security/Medicare, Worker's Compensation  
Unpaid Jury Duty Leave (up to 30 days)  
Unpaid Military Leave

Unpaid Bereavement Leave (up to 2 weeks)  
Unpaid Sick Leave and/or Family Medical Emergency Leave (up to 12 weeks)

#### **15. Paid Personal Leave/Sick Leave Benefits**

Regular Full-Time Employees and Regular Part-Time Employees will accrue paid personal leave/sick leave benefits at the rate of 4 hours per month worked. Part-Time Employees will accrue paid personal/sick leave benefits at the rate of 2 hours per 80 hours worked.

Such leave can be used in minimum increments of one hour. Eligible employees may use these benefits for medical problems or for other personal business.

Unused paid personal/sick time can be accrued from one year to the next, but it shall not be "paid out" at the end of employment.

#### **16. Absence without Leave**

No employee should be absent from duty without notifying and receiving permission of his/her Supervisor. In case of emergency or if the employee will be more than two hours late, the employee is required to notify the supervisor as soon as possible and a pattern of unexplained or unexcused absences shall lead to discipline or termination.

#### **17. Vacation Benefits**

Regular Full-Time Employees are eligible for paid vacation time based on the following schedule regarding length of service:

<u>Service</u>	<u>Paid Vacation Days</u>
Up to 1 Year	0 days
1 Year – 2 Years	5 days
2 Years – 5 Years	10 days
Over 5 years	15 days

Paid vacation time can be used in minimum increments of one hour. Employees are required to schedule their vacation time in advance with their supervisors. Holidays are not vacation time if a paid holiday occurs during an employee's vacation period.

Unused vacation cannot be accrued from one year to the next nor shall it be “paid out” at the end of employment.

Employees may take unpaid vacation time with the permission of their supervisor.

### **18. Paid Holidays**

The Town offices grants paid holiday time off to Regular Full-Time Employees on the following holidays

- New Year’s Day (Jan)
- Independence Day (July)
- Labor Day (Sept)
- Thanksgiving (Nov)
- Christmas (Dec)

In addition, Regular Full-Time Employees may take two additional paid holidays, with advance notice to their supervisor.

Employees other than Regular Full-Time Employees may choose not to work on holidays but are expected to meet their time/ job obligations to the Town during a holiday week.

### **19. Employee Pay Raise Policy**

Upon each anniversary of an employee’s employment start date, the Town shall pay said employee a 2% pay increase. The 2% pay increase shall be applied each year during the anniversary month of their original hire date.

### **20. Safety**

Each employee is expected to exercise caution in all work activities. Employees should immediately report any unsafe condition to the appropriate supervisor.

In the case of accidents that result in injury, regardless of how insignificant the injury may seem, employees should immediately notify the appropriate supervisor and a written report should be generated specifying details of the accident. Such reports are necessary to comply with laws and initiate insurance and worker’s compensation benefits procedures.

### **21. Alcohol and Drugs**

Smoking is prohibited in the Town Building.

All employees are expected to come to work in a condition fit to perform their duties. Accordingly, and to protect its employees, the Town adopts the following alcohol and drug policies:

GENERAL ALCOHOL AND DRUG POLICY. The manufacture, possession, distribution, transfer, purchase sale, use or otherwise being under the influence of alcohol or illegal drugs in the office or while on duty is strictly prohibited. Any employee whose work performance or behavior is adversely affected by the use of alcohol or illegal drugs will be subject to disciplinary action, which may include termination.

ZERO TOLERANCE ALCOHOL AND DRUG POLICY. Driving impaired while affected by alcohol and/or drugs has a serious effect on driver and passenger health and safety. Accordingly, the Town has adopted the following Zero Tolerance Policy for violations while driving during employment, either in an employee's personal vehicle or the Town's vehicle or equipment.

Policy Declaration:

The Town has Zero Tolerance for employees working with equipment and/or driving under the influence of alcohol, illegal drugs, or legal drugs known to cause impairment, where an employee is either:

1. Acting in an official capacity for the Town (or otherwise acting in the course of his or her employment) and operating his or her personal vehicle; OR
2. Operating the Town's vehicle or other motorized equipment, whether or not he or she is acting in an official capacity,

in which case, said employee shall:

- a. Obey all applicable laws, including those related to driving under the influence of alcohol, illegal drugs, or legal drugs known to cause impairment; OR
- b. Not consume alcohol, illegal drugs, or legal drugs known to cause impairment within eight hours of scheduled employment.

Definitions:

3. "Vehicle" shall mean an automobile, truck, ATV or UTV, or other motorized transport.
4. "Motorized Equipment" shall mean motorized tools and devices, including but not limited to dump-trucks, backhoes, tractors, mowers, and graders.

Procedures:

5. In the event of an accident in or out of a personal vehicle driven by an employee acting in an official capacity for the Town (or otherwise acting in the course of his or her employment) or the Town's vehicle or motorized equipment, whether or not the employee is acting in an official capacity, that results in an injury to a person that requires medical treatment, an accident report, or an insurance claim, the employees' supervisor may request, in his or her sole discretion, an alcohol and drug test will be administered within 1 hour or as soon as practically possible if said supervisor has a reasonable suspicion or proof of violation hereunder. If the test is ordered by a supervisor but refused by an employee, the test shall be considered positive

6. If a Supervisor or other employee notices behavior that indicates an employee may be affected by the use of alcohol or drugs while on the job as listed above or in a different manner, he/she must report it to the Lead Supervisor or Mayor immediately.
  
7. If an alcohol and drug test administered hereunder is positive for alcohol or drugs, his or her employment will be terminated immediately and the employee shall not be eligible for rehire for a period of one (1) year.

## **22. Use of Town Equipment**

All e-mails and files created, accessed or stored on a Town computer are Town property. Employees are advised that there is no right to privacy when using a Town computer.

Employees should use the internet for only work purposes. Employees who use Town computers to visit sites with offensive material (e.g. sites with sexual, racist or violent content) may be disciplined.

Employees should use discretion in making local calls with Town telephones or doing personal e-mailing on Town computers, i.e. no more than 10 minutes per day. Personal long-distance and toll-calling is prohibited.

Personal use of Town printers/copiers is prohibited unless employees pay the same fee for use as other citizens. Personal use of Town office supplies is prohibited.

Personal use of all Town Road Department, Building maintenance and Grounds keeping tools and equipment is prohibited. Use of road equipment on private property owned by any employee or elected official of the Town for the sole purpose of Town drainage work, shall require the same documentation as is required for all other property owners and no road equipment should remain on private property after the end of the work day. Should the Town Road Department acquire a vehicle for staff use a policy will be created specifically for the use of that vehicle and an agreement to the policy will be signed by said staff.

## **23. Travel Reimbursements**

Mileage reimbursement of personal vehicles for Town travel, both in-Grand County and out-of-Grand County, is paid at the current federal I.R.S. rate.

Lodging expenses cannot exceed \$100.00 per night except under extenuating circumstances. Family members/ significant others cannot be included in lodging costs.

Meals and gratuities are reimbursed only during travel out of Grand County. Receipts must be presented for reimbursement and there is a daily cap of \$40.00 per day for these expenses. Such expenses for family members/significant others will not be reimbursed.

When traveling out of Grand County, business telephone calls shall be reimbursed and personal telephone calls shall be reimbursed up to a total of \$5.00 upon submission of written proof of the same.

**24. Solicitations**

While we encourage employees to play an active role in community life, employees may not solicit or distribute literature concerning their activities during working time or at the Town's facilities.

**25. Recycling**

The Town supports environmental awareness by encouraging recycling and good waste management practices. Employees are encouraged to act in accordance with this commitment and to develop creative ideas for ways that the Town can live up to this tenet.

**26. Emergency Preparedness**

The Town is actively working towards being prepared for natural hazards and emergencies. To be better prepared the town requires all employees to take FEMA's National Incident Management System (NIMS) course: IS-700.A.

ACKNOWLEDGMENT OF RECEIPT AND REVIEW

I have received a copy of the Employment Policy Manual on the date signed below, have read the same, and am aware of its contents.

Employee: \_\_\_\_\_ Date \_\_\_\_\_

**TOWN OF CASTLE VALLEY**  
**Employee Performance Evaluation Form**

**Name of Employee:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Competency/ Duty	1* Unaccept- able	2*	3 Meets Standards	4	5	Not Applicable
Fulfills responsibilities of job						
Communicates well						
Shows initiative						
Deals well with others						
Manages money/ budget well						
Uses time efficiently						
Has met Goals that were established						

\* Ratings below 3 must be explained in an attached commentary.

This rating represents my best judgment of the employees' performance.

Supervisor: \_\_\_\_\_ Date \_\_\_\_\_

I have received a copy on this date. My signature does not necessarily indicate agreement.

Employee: \_\_\_\_\_ Date \_\_\_\_\_

*Employees may attach comments. Supervisor and employee should agree on Goals to be achieved before the next Evaluation. These should also be attached.*

**TOWN OF CASTLE VALLEY  
Employee Discipline/Incident Report Form**

**Name of Employee:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**DESCRIPTION OF EVENT(S):**

Date:

Time:

Location:

**VIOLATION OF JOB DESCRIPTION:**

*Such misconduct violates employee's Job Description provided on \_\_\_\_\_ and signed on \_\_\_\_\_.*

**VIOLATION OF POLICY AND PROCEDURE SECTION \_\_\_\_\_:**

*Such misconduct violates Employment Policy Manual provided on \_\_\_\_\_ and signed on \_\_\_\_\_ as follows:*

[Repeat Language of Section Violated Here]

**HISTORY OF PRIOR WARNINGS:**

*Verbal Warning:* \_\_\_\_\_ *Date:* \_\_\_\_\_  
*By:* \_\_\_\_\_

*Written Warning:* \_\_\_\_\_ *Date:* \_\_\_\_\_  
*By:* \_\_\_\_\_

**ACTION TAKEN BY SUPERVISOR:**

Supervisor: \_\_\_\_\_ Date \_\_\_\_\_

I have received a copy on the date signed below and discussed its contents with Supervisor. My signature does not necessarily indicate agreement.

Employee: \_\_\_\_\_ Date \_\_\_\_\_

*Employees may attach comments. Supervisor and employee should agree on Goals to be achieved before the next Evaluation. These should also be attached.*