



**AGENDA for a Regular Meeting
of the Board of Trustees of the Town of Fairplay, Colorado
Monday, March 4, 2024, at 6:00 p.m.**

Fairplay Town Hall Meeting Room, 901 Main Street, Fairplay Colorado
[Click here to join the TEAMS meeting](#) (ID: 284 371 533 670 / Passcode: VGZt3w)

I. CALL TO ORDER & PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. APPROVAL OF AGENDA

IV. CONSENT AGENDA *(This item is intended to streamline the Board Meeting grouping routine, non-controversial business. The public or the Board Members may ask that an item be removed from the Consent Agenda for individual consideration.)*

A. APPROVAL OF EXPENDITURES – Approval of paid bills for all Town Funds from February 3, 2024 to February 29, 2024 in the amount of **\$130,349.33**.

V. CITIZEN COMMENTS *(This item allows for the public to sign up to address the Board on matters that are not on the agenda – Sign-up can be done prior to, or at the start of a meeting, on the required form.)*

VI. OLD BUSINESS

A. SECOND READING - Should the Board of Trustees Approve the Adoption of Resolution No. 4, Series of 2024, entitled, **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO APPROVING A TEMPORARY LEASE AGREEMENT BETWEEN THE TOWN OF FAIRPLAY AND THE SOUTH PARK FOOD BANK FOR USE OF SPACE AT 501 MAIN STREET.”**? *The Board will consider a resolution approving a lease agreement with the South Park Food Bank for continued use of space at the 501 Main Street building.*

VII. NEW BUSINESS

A. FIRST READING – Should the Board of Trustees for the Town of Fairplay adopt Resolution No. 12, Series of 2024, entitled **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, ADOPTING THE RECOMMENDED EMPLOYEE PAY SCHEDULE RESULTING FROM A COMPENSATION STUDY.”**? *The Board will consider adoption of a new pay schedule for all full-time Town staff positions.*

B. FIRST READING – Should the Board of Trustees for the Town of Fairplay adopt Resolution No. 13, Series of 2024, entitled **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, ADOPTING AN AMENDED PERSONNEL HANDBOOK.”**? *The Board will consider approving recommended updates to the Town Personnel Handbook.*

C. Consideration of Approval of Letter to Park County Commissioners requesting a Moratorium on new development applications in Mining Districts until Land Use Code update process is completed. *The Board will discuss whether or not to issue a letter to Park County requesting a Moratorium on High Impact land use applications in any Mining District until the public process for updating the Park County Land Use Regulations is complete.*

VIII. PUBLIC HEARINGS

A. SECOND READING – Should the Board of Trustees Approve the Adoption of Ordinance No. 2, Series of 2024, entitled, **“AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AMENDING CHAPTER 18 BUILDING REGULATIONS TO INCREASE THE DESIGN SNOW LOADS FOR STRUCTURES?”**. *The Board will reconsider adoption of an ordinance to increase snow loads for new structures in the Town of Fairplay.*

IX. STAFF AND BOARD OF TRUSTEE REPORTS

X. ADJOURN TO EXECUTIVE SESSION – Pursuant to C.R.S. Section 24-6-402(4)(e) For the purpose of determining positions relative to matters that may be subject to negotiation, developing strategy for negotiations, and/or instructing negotiators and to discuss a purchase, acquisition, lease, transfer, or sale of real, personal, or other real property interest under C.R.S. 24-6-402(4)(a) and the following additional details are provided for identification purposes: potential real property acquisition and negotiating parameters surrounding same.

XI. RECONVENE REGULAR MEETING AND ADJOURNMENT.

Upcoming Meetings/Important Dates

Board of Trustees Regular Meeting
Board of Trustees Regular Meeting

March 18, 2024
April 1, 2024



MEMORANDUM

TO: Mayor and Board of Trustees

FROM: Jennie Danner, Treasurer

RE: Paid Bills

DATE: February 29th, 2024

Attached is the list of the invoices paid between February 3rd, 2024 and February 29th, 2024. Total expenditures: \$130,349.43. Upon motion to approve the consent agenda, the expenditures will be approved. Please note \$15,216 was paid to McDonald Farms for sludge removal. I have also attached 2023 sales tax and lodging tax revenues.

Recent activities: provided information for CIRSA payroll audit, attended "governmental accounting series session 2", troubleshooting new payroll system and data upload system for utilities, worked with Mayberry the week of the 26th to conduct 2023 fiscal audit. The audit findings will be reported upon completion.

Report Criteria:

Detail report type printed

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
02/22/2024	20028	Boys & Girls Club	donation-chili cookoff	1	02/22/2024	1,000.00	105175
Total 200:						1,000.00	
02/07/2024	19974	Caselle, Inc	Software Support	1	02/01/2024	729.00	105060
02/07/2024	19974		Software Support	2	02/01/2024	729.00	517206
Total 334:						1,458.00	
02/07/2024	19975	Cash	cash mardi gras and prizes	1	02/07/2024	550.00	105166
Total 340:						550.00	
02/22/2024	20035	O'Rourke Media Group, LL	mardi gras ad	1	02/15/2024	126.50	105166
02/22/2024	20035		legal ads	2	02/15/2024	43.86	106125
02/07/2024	19994		mardi gras ad	1	01/31/2024	63.25	105166
Total 868:						233.61	
02/07/2024	19985	Galls, LLC	PD uniforms	1	01/02/2024	343.20	105410
02/07/2024	19985		PD uniforms	1	01/04/2024	374.88	105410
02/07/2024	19985		PD uniforms	1	01/12/2024	835.12	105410
02/07/2024	19985		PD uniforms	1	01/17/2024	437.36	105410
02/07/2024	19985		PD uniforms	1	01/19/2024	57.20	105410
02/07/2024	19985		PD uniforms	1	01/23/2024	113.98	105410
02/07/2024	19985		PD uniforms	1	01/26/2024	69.92	105410
02/07/2024	19985		PD uniforms	1	01/26/2024	164.00	105410
02/07/2024	19985		PD uniforms	1	01/26/2024	66.88	105410
02/07/2024	19985		PD uniforms	1	01/30/2024	88.88	105410
02/14/2024	20015		PD uniforms	1	02/01/2024	69.48	105410
02/14/2024	20015		PD uniforms	1	02/02/2024	119.10	105410
02/14/2024	20015		PD uniforms	1	02/02/2024	106.80	105410
02/14/2024	20015		PD uniforms	1	02/02/2024	75.68	105410
02/14/2024	20015		PD uniforms	1	02/02/2024	399.79	105410
02/14/2024	20015		PD uniforms	1	02/02/2024	64.25	105410
02/14/2024	20015		PD uniforms	1	02/02/2024	66.88	105410
Total 994:						3,453.40	
02/22/2024	20036	Postal Pros Southwest, Inc	water billing	1	02/12/2024	67.31	517218
Total 1699:						67.31	
02/22/2024	20039	USABlueBook	Testing supplies for plant	1	02/07/2024	927.25	517475
Total 2176:						927.25	
02/07/2024	20001	Utility Notification Center	RTL Transmissions	1	01/31/2024	16.77	517455
02/07/2024	20001		RTL Transmissions	1	01/31/2024	16.77	517650
Total 2194:						33.54	
02/07/2024	20004	Xcel Energy	901 main	1	01/23/2024	273.18	105023
02/07/2024	20004		fairplay sign	1	01/23/2024	14.89	105640

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
02/07/2024	20004		1190 castello	1	01/23/2024	115.86	105650
02/07/2024	20004		200 2nd st	2	01/23/2024	107.87	517470
02/07/2024	20004		157 6th St	3	01/23/2024	85.23	105640
02/07/2024	20004		156 5th st	4	01/23/2024	12.69	105640
02/07/2024	20004		589 platte dr	5	01/23/2024	12.69	105841
02/07/2024	20004		419 front st	6	01/23/2024	13.24	105640
02/07/2024	20004		747 bogue st	1	01/23/2024	17.50	105841
02/07/2024	20004		fairplay sign	1	01/23/2024	36.56	105640
02/07/2024	20004		fairplay sanitation	1	01/24/2024	4,157.92	517680
02/07/2024	20004		1800 beaver creek	1	01/24/2024	811.58	517495
02/07/2024	20004		117 silverheels rd	1	01/24/2024	12.69	105841
02/07/2024	20004		fairplay chlorinator	1	01/24/2024	153.08	517470
02/07/2024	20004		fairplay st lights	1	02/01/2024	1,888.72	105640
Total 2296:						7,713.70	
02/07/2024	19999	South Park Ace & Lumber	locate paint	1	01/25/2024	13.98	517455
02/07/2024	19999		extension chords shop	2	01/25/2024	139.98	105630
02/07/2024	19999		ice melt town hall	3	01/25/2024	33.98	105025
02/07/2024	19999		parts for lift station	4	01/25/2024	67.55	517636
02/07/2024	19999		trash bags	5	01/25/2024	24.99	105134
02/07/2024	19999		water repair	6	01/25/2024	54.51	517480
02/07/2024	19999		mardi gras jars	7	01/25/2024	19.99	105166
02/07/2024	19999		batteries	8	01/25/2024	51.98	517260
02/07/2024	19999		snow shovels	9	01/25/2024	57.98	105670
Total 2405:						464.94	
02/07/2024	19991	Laser Graphics	mardi gras menu	1	01/31/2024	32.00	105166
Total 2437:						32.00	
02/07/2024	19990	KONICA MINOLTA BUSIN	C368 Town Hall	1	01/29/2024	354.33	105032
02/14/2024	20017		C450I	1	02/14/2024	19.49	105130
Total 2448:						373.82	
02/07/2024	19984	Family Support Registry	14882492	1	02/07/2024	252.00	102265
02/07/2024	19984		15890460	1	02/07/2024	254.30	102265
Total 2456:						506.30	
02/07/2024	19973	AmeriGas	1800 beaver creek rd prop	1	01/24/2024	948.17	517495
02/07/2024	19973		501 main propane	1	01/25/2024	1,009.77	105195
02/07/2024	19973		propane 1800 beaver cree	1	01/24/2024	220.25	517495
02/22/2024	20026		1800 beaver creek rd prop	1	02/14/2024	460.21	517495
Total 2468:						2,638.40	
02/22/2024	20030	CARD SERVICES	grant wrkshop and IIMC co	1	02/01/2024	2,590.00	105015
02/22/2024	20030		office supplies	2	02/01/2024	388.19	105030
02/22/2024	20030		postage	3	02/01/2024	270.59	105035
02/22/2024	20030		esri software	4	02/01/2024	550.00	105060
02/22/2024	20030		cml workshop rd	5	02/01/2024	149.00	105110
02/22/2024	20030		domain renewal fees	6	02/01/2024	35.98	105130
02/22/2024	20030		cccma membership js	7	02/01/2024	200.00	105140
02/22/2024	20030		mardi gras decorations	8	02/01/2024	619.60	105166

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
02/22/2024	20030		cmca dues	9	02/01/2024	137.38	105350
02/22/2024	20030		vehicle maintenance	10	02/01/2024	130.90	105420
02/22/2024	20030		training materials	11	02/01/2024	211.88	105426
02/22/2024	20030		office furniture, food	12	02/01/2024	841.75	105480
02/22/2024	20030		medals	13	02/01/2024	77.90	105497
02/22/2024	20030		car wash	14	02/01/2024	22.00	105625
02/22/2024	20030		tools	15	02/01/2024	36.16	105630
02/22/2024	20030		co rural water assoc registr	16	02/01/2024	175.00	105635
02/22/2024	20030		records request	17	02/01/2024	5.88	105670
02/22/2024	20030		membership	18	02/01/2024	49.68	106130
02/22/2024	20030		lunch	19	02/01/2024	47.04	517010
02/22/2024	20030		office supplies	20	02/01/2024	16.76	517214
Total 2503:						6,555.69	
02/07/2024	19972	American Legion Post #17	mardi gras hall rental	1	02/07/2024	200.00	105166
Total 2526:						200.00	
02/07/2024	19993	NAPA Auto Parts	truck maint and grader hydr	1	01/31/2024	533.79	105625
02/07/2024	19993		PD supplies	2	01/31/2024	17.96	105445
Total 2608:						551.75	
02/14/2024	20012	Black Cat Pumping, LLC	pump manhole 3 loads fro	1	02/07/2024	950.00	517636
Total 2687:						950.00	
02/07/2024	19980	Colorado Natural Gas, Inc.	san office	1	02/05/2024	398.80	517234
02/07/2024	19980		sewer treatment plant	1	02/05/2024	3,133.53	517680
02/07/2024	19980		901 Main Street	1	02/05/2024	355.55	105023
02/07/2024	19980		Public Works Shop	1	02/05/2024	1,214.75	105650
Total 2728:						5,102.63	
02/22/2024	20032	Frank Just	mardi gras food	1	02/16/2024	4,086.91	105166
02/22/2024	20032		chair repair parts	2	02/16/2024	293.00	105030
Total 2754:						4,379.91	
02/22/2024	20034	Mobile Record Shredders	record shredding	1	02/16/2024	13.20	105030
Total 2793:						13.20	
02/07/2024	19977	Chaffee County Waste	6 yd weekly	1	02/05/2024	258.00	105650
02/07/2024	19977		2 yd biweekly	2	02/05/2024	86.00	517675
Total 2801:						344.00	
02/22/2024	20029	Bullock, Scott	mardi gras poster and men	1	02/22/2024	200.00	105166
Total 2825:						200.00	
02/14/2024	20013	Colorado Analytical Lab	water testing	1	12/12/2023	296.00	517475
02/07/2024	19978		waste water testing	1	01/22/2024	403.00	517665
02/07/2024	19978		water testing	1	02/02/2024	54.00	517475
02/22/2024	20031		waste water testing	1	02/16/2024	403.00	517665

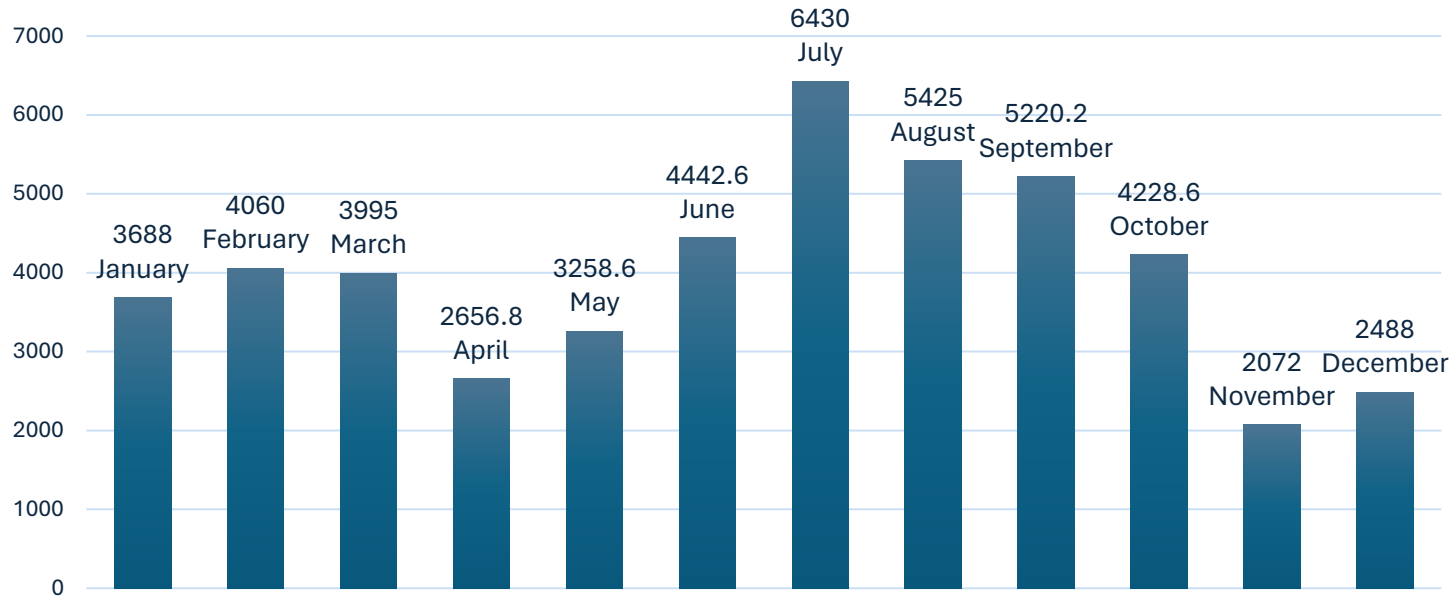
Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
02/14/2024	20013		water testing	1	02/08/2024	24.00	517475
Total 2864:						1,180.00	
02/07/2024	20000	Tolin Mechanical	troubleshoot and repair fur	1	01/31/2024	320.00	517655
02/22/2024	20038		parts for furnance	1	02/22/2024	318.29	517260
Total 2867:						638.29	
02/14/2024	20019	Promark Industries, LLC	vehicle maintenance	1	02/13/2024	216.27	105420
Total 2887:						216.27	
02/07/2024	19998	Shirley Septic Pumping, In	cohen park	1	02/02/2024	215.80	105842
02/07/2024	19998		visitor center	2	02/02/2024	411.80	105120
02/14/2024	20021		cohen park	1	01/19/2024	215.80	105842
02/14/2024	20021		visitor center	2	01/19/2024	411.80	105120
02/22/2024	20037		visitor center	1	02/16/2024	196.00	105120
02/07/2024	19998		cohen park	1	01/19/2024	215.80	105842
Total 2893:						1,667.00	
02/07/2024	19981	Continental Divide Producti	mardi gras sound productio	1	02/07/2024	650.00	105166
Total 3123:						650.00	
02/14/2024	20016	Hunn Planning & Policy, LL	planning fees-bill back-mus	1	02/12/2024	225.00	105107
02/14/2024	20016		planning fees-bill back-dea	2	02/12/2024	112.50	105107
02/14/2024	20016		planning fees	3	02/12/2024	1,562.50	105105
Total 3183:						1,900.00	
02/07/2024	19987	Infinity Certified Welding	helium for mardi gra balloo	1	02/02/2024	1,128.64	105166
Total 3297:						1,128.64	
02/07/2024	19982	Ernst, Sarah	cell phone reimburse	1	02/07/2024	50.00	105065
02/14/2024	20014		cell phone reimburse	1	02/14/2024	50.00	105065
Total 3313:						100.00	
02/07/2024	19995	Park County Government	monthly internet	1	02/01/2024	52.50	517226
02/07/2024	19995		monthly internet	2	02/01/2024	52.50	105065
02/07/2024	19995		monthly internet	3	02/01/2024	105.00	105455
Total 3381:						210.00	
02/07/2024	20002	Warm Springs Consulting	contract watersystem overs	1	02/01/2024	4,500.00	517417
02/07/2024	20002		contract wastewater operat	1	02/01/2024	5,000.00	517627
Total 3463:						9,500.00	
02/07/2024	19986	Hayes Poznanovic Korver	legal fees-water case 22cw	1	02/02/2024	1,108.00	517360
Total 3518:						1,108.00	
02/07/2024	20003	Wilson Williams LLP	town attorney gen counsel	1	01/31/2024	2,950.50	105057

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
02/07/2024	20003		legal-bill back-mustang ridg	1	01/31/2024	137.50	105107
Total 3586:						3,088.00	
02/07/2024	19989	Kleinschmidt, Sean	reimburse snow shift meal	1	02/07/2024	63.66	105630
02/22/2024	20033		pw clothing	1	02/22/2024	144.97	105680
Total 3590:						208.63	
02/07/2024	19983	Excell Pump Services	pump out lift station	1	01/24/2024	1,860.50	517636
Total 3594:						1,860.50	
02/07/2024	19976	CCOM Frisco	pre employment physical	1	02/07/2024	70.00	105480
Total 3653:						70.00	
02/07/2024	20005	Colorado Tents & Events	table and chair rental mardi	1	02/07/2024	1,876.69	105166
Total 3694:						1,876.69	
02/14/2024	20022	Timberline Motosports	utv servicing side x side	1	02/06/2024	473.51	105625
Total 3703:						473.51	
02/07/2024	19988	JOC Construction	501 main renovation-phase	1	02/01/2024	44,054.23	105196
Total 3758:						44,054.23	
02/14/2024	20018	Personnel Evaluation, Inc.	PEP test	1	01/31/2024	35.00	105480
Total 3773:						35.00	
02/07/2024	19996	Plante Moran	financial review services	1	01/31/2024	2,565.00	105070
Total 3774:						2,565.00	
02/07/2024	19971	A NOTCH ABOVE PROPE	officer recruiting	1	02/07/2024	3,100.00	105480
02/14/2024	20010		propane reimbursement	1	02/14/2024	349.68	105480
Total 3787:						3,449.68	
02/07/2024	19979	Colorado Municipal Clerks	CMCA dues- sciacca	1	02/01/2024	130.00	106130
Total 3790:						130.00	
02/06/2024	19970	Faricy Boys	battery replacement F250	1	02/06/2024	497.54	105625
Total 3798:						497.54	
02/07/2024	19997	READING TRUCK EQUIP	plow for f350	1	01/29/2024	135.00	105625
Total 3799:						135.00	
02/07/2024	19992	MCDONALD FARMS	sludge removal	1	09/18/2023	2,084.00	517660
02/07/2024	19992		sludge removal	1	09/18/2023	5,256.50	517660
02/07/2024	19992		sludge removal	1	09/21/2023	5,641.50	517660

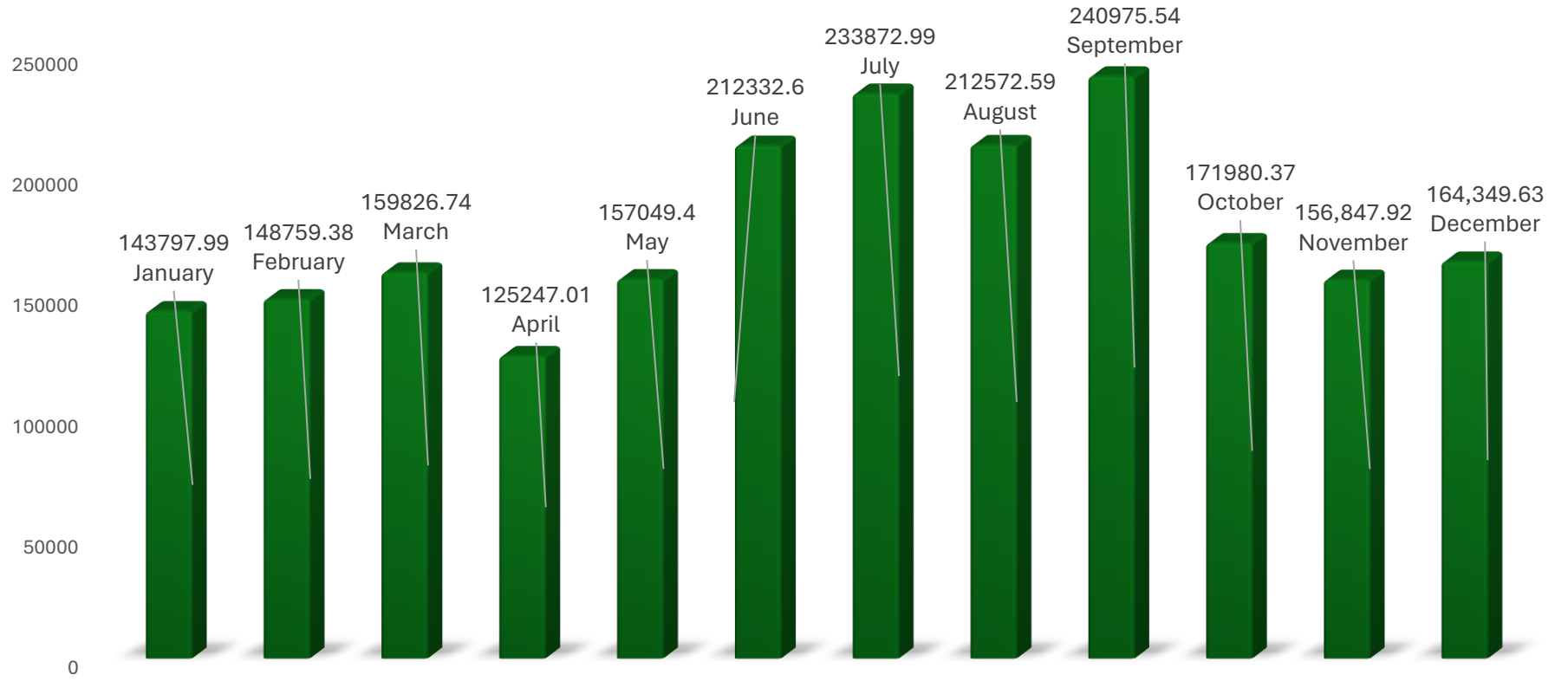
Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
02/07/2024	19992		sludge removal	1	09/21/2023	2,234.00	517660
Total 3800:						15,216.00	
02/14/2024	20020	Salt Licking Goat Clothing	mardi gras royalty	1	02/09/2024	219.00	105166
Total 3801:						219.00	
02/14/2024	20011	Berlanga, Steve	wellness reimbursement	1	02/14/2024	30.00	105010
Total 3802:						30.00	
02/22/2024	20027	AUTO GLASS UNLIMITED	new windshield 2019 F250	1	02/20/2024	393.00	517242
Total 3803:						393.00	
Grand Totals:						130,349.43	

Report Criteria:
Detail report type printed

Lodging Tax 2023



Sales Tax 2023





Town of Fairplay
400 Front Street • P.O. Box 267
Fairplay, Colorado 80440
(719) 836-2622 phone
(719) 836-3279 fax
www.fairplayco.us

STAFF REPORT

TO: Mayor and Board of Trustees

FROM: Janell Sciacca, Town Administrator

RE: Old Business Item A – South Park Food Bank Lease for 501 Main
Resolution No. 4, Series of 2024

DATE: March 4, 2024

BACKGROUND/ANALYSIS:

The Town originally approved a 1 year lease in 2019 with the South Park Food Bank for use of space at 501 Main. The agreement has been renewed for subsequent years and Staff is recommending it be renewed again for calendar year 2024, but with changes recommended by the Board of Trustees. Specifically, the amount of area occupied is increased to reflect usage of about 2,400 s.f., the annual rent fee is increasing to \$100.00 and the amount of utilities to be paid is increasing from 10% to 25%.

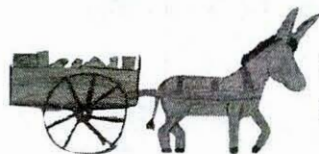
The Food Bank is a desirable and low-maintenance tenant and provides a very important service to the Town of Fairplay and Park County. Food Bank representatives have submitted the attached letter agreeing to the new terms, but asking for approval to remain in the current location of the building for 18-24 months. While Staff appreciates that there may be some difficulty in moving to a different location in the building, the space they currently occupy is one of the only remaining portions of the building that receives heat from the boiler system. That section of the building has also been identified as the best space for a culinary kitchen and a community meeting room. Therefore, while Staff supports renewal of the lease with the updated terms for FY2024, Staff cannot recommend the Board commit to allowing the Food Bank operations to remain in the exact same space as they currently occupy. Shifting their operations to another section of the building could provide a separate entrance/exit, and with removal of some non-load bearing walls, new flooring and a bit of painting, they could have the wide open space they have said they need to better accommodate their operations and allow them to stay in the building longer while they get title to property and build their own facility. There is no way to predict when the Town will be able to afford to begin Phase II, but Staff is actively pursuing funding options and will need the flexibility to relocate the Food Bank if and when the time comes.

STAFF RECOMMENDATION

Staff recommends the Board approve Resolution No. 4, Series of 2024 as presented by a motion, second and roll call vote as presented.

Attachments:

- Food Bank Letter Dated February 14, 2024
- Resolution No. 4, Series of 2024 and Exhibit A - Lease Agreement



SOUTH PARK FOOD BANK

NEIGHBORS CARING FOR NEIGHBORS

February 14, 2024

Town of Fairplay
PO Box 267
Fairplay, CO 80440

Hand Delivered
RECEIVED FEB 22 2024
[Signature]

Dear Mayor and Board of Trustees,

We would like to thank the Town of Fairplay, and the Mayor and Board of Trustees specifically, for your support of and partnership with the South Park Food Bank over the last decade – from the Plein Air Art Auctions, the TGIFairplay Concerts, and the Mardi Gras Event, to the current use of the Town Building at 501 Main Street, we have truly benefitted from your generosity. This has allowed us to develop as an organization and solidify our service to the community.

We heard the concerns you expressed about the Food Bank and its use of the space at 501 Main, which gave our organization an opportunity to reflect on our mission, our current set-up and our future needs. As we discussed the situation with our core group of volunteers, a most amazing thing happened! A generous couple from the community offered to donate a vacant lot in the Town for us to build a permanent home for the South Park Food Bank. In addition, we have been gifted a generous amount of funding towards the building of this facility. This will kickstart our grant and fundraising efforts.

We hope that the Board will continue to lease us the current space we occupy at 501 Main Street while we go through the planning, fundraising and building of this exciting project! We anticipate needing this space for another 18-24 months but will certainly have better numbers as we start the planning process.

We have been informed that the Lease will be \$100 per year and approximately \$300 per month for utilities and agree to that amount. It would be very difficult for us to move to a different part of the building as has been suggested and would request that, if possible, we are able to stay in our current location in the building until we are able to move to our new facility.

Thank you for your consideration. Please contact our Board President, Kenny Shaw, at (719) 836-2770 with any questions.

Sincerely,

South Park Food Bank Board of Directors

✓ Kenny Shaw, President

Doug Botkin

Tina Darrah

Kim Green

Terri Joyner

TOWN OF FAIRPLAY, COLORADO

RESOLUTION NO. 4

(Series of 2024)

A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO APPROVING A LEASE AGREEMENT WITH THE SOUTH PARK FOOD BANK FOR USE OF A PORTION OF 501 MAIN STREET.

WHEREAS, the Town agreed to a temporary lease agreement with the South Park Food Bank for use of a portion of the Town’s building located at 501 Main Street: and

WHEREAS, the Board of Trustees has determined that it is in the best interests of the citizens of Fairplay and surrounding communities in Park County to continue to allow for the use of this building for storage and distribution of food by the Food Bank to those in need; and

WHEREAS, the Board of Trustees desires to enter into a subsequent lease agreement with the South Park Food Bank.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO that:

SECTION 1. The lease agreement attached hereto and fully incorporated herein as Exhibit A, is approved and the Mayor and/or Town Administrator are authorized to execute same on behalf of the Town.

RESOLVED, APPROVED, AND ADOPTED this 4th day of March, 2024.

TOWN OF FAIRPLAY

(Seal)

By: _____
Mayor

ATTEST:

Town Clerk

LEASE AGREEMENT

THIS LEASE AGREEMENT ("Lease") is entered into this 4th day of March, 2024 by and between the **TOWN OF FAIRPLAY, COLORADO**, a Colorado municipal corporation whose address is 901 Main Street, PO Box 267, Fairplay CO 80440 ("Lessor") and the **SOUTH PARK FOOD BANK**, a Colorado nonprofit corporation whose address is 501 Main Street, PO Box 2068, Fairplay, CO 80440 ("Lessee").

1. **Leased Premises.** Subject to the terms and conditions set forth herein, Lessor leases to Lessee, and Lessee agrees to lease from Lessor, the premises described and/or depicted in Exhibit A attached hereto and incorporated herein consisting of approximately 2,400 square feet of office space located at 501 Main Street, Fairplay, Colorado 80440 (the "Leased Premises")
2. **Term and Rent.** Lessor leases the Leased Premises for a term of one (1) year commencing on March 4, 2024 and terminating on February 28, 2025, at the rental rate of One Hundred Dollars (\$100.00) for the rental term payable upfront. All rental payments shall be made to Lessor, at the address specified above provided, however, should Lessee cease to exist this Lease shall terminate.
3. **Use.** Lessee shall use and occupy the Leased Premises solely for the purpose of continuing operations of the South Park Food Bank and storing materials and supplies needed for said operations. Lessor represents that the premises may lawfully be used for such purpose.
4. **Care and Maintenance of Leased Premises.** Lessee acknowledges that the Leased Premises are in good order and repair, unless otherwise indicated herein. Lessee shall, at its own expense and at all times, maintain the interior of the Leased Premises in good and safe condition and shall surrender the same at termination hereof, in as good condition as received, normal wear and tear excepted. Lessee shall be responsible for all repairs required, excepting the roof, exterior walls, structural foundations, and parking area. Lessor shall be responsible for maintenance and repair of the portion of the building not included in the Leased Premises and well as the building grounds. Prior to execution of this lease, Lessor and Lessee have conducted a walk through to determine the exact condition of the facility and have documented any damage to the facility existing prior to the date of this lease. Lessee agrees not to disseminate combination to facility door to non-essential Food Bank personnel.
5. **Alterations.** Lessee shall not, without first obtaining the written consent of Lessor, make any alterations, additions, or improvements, in, to or about the Leased Premises, other than non-structural alterations reasonably necessary to the uses of the Leased Premises identified in paragraph 3 above. Lessor's approval of requested alterations shall not be unreasonably withheld.
6. **Ordinances and Statutes.** Lessee shall comply with all statutes, ordinances and requirements of all municipal, state and federal authorities now in force or which may hereafter be in force, pertaining to the Leased Premises, occasioned by or affecting the use thereof of the Lessee.
7. **Assignment and Subletting.** Lessee shall not assign this Lease or sublet any portion of the Leased Premises without prior written consent of the Lessor, which shall not be unreasonably

withheld. Any such Assignment or subletting without consent shall be void and, at the option of the Lessor, may terminate this Lease.

8. **Utilities.** Lessee shall pay to Lessor on a monthly basis twenty five percent (25%) of the actual cost of utilities to the building which are not separately metered or billed to the Leased Premises including sewer, water, gas, and electricity.
9. **Entry and Inspection.** Lessee shall permit Lessor or Lessor's agents to enter upon the Leased Premises at reasonable times and upon reasonable notice, for the purposes of inspecting the same, and will permit Lessor at any time within sixty (60) days prior to the expiration of this Lease to place upon the Leased Premises any usual "To Let" or "For Lease" signs, and permit persons desiring to lease the same to inspect the Leased Premises thereafter. Lessor shall use all reasonable efforts to coordinate any such inspections with Lessee in order to minimize the impact on Lessee's regular business activities.
10. **Possession.** If Lessor is unable to deliver possession of the Leased Premises at the commencement hereof, Lessor shall not be liable for any rent until possession is delivered. Lessee may terminate this Lease if possession is not delivered within five days of the commencement of the term hereof.
11. **Liability.** Lessor shall not be liable for any damage or injury to Lessee, or any other person, or to any property, occurring on the Leased Premises or any part thereof, (but not including the portion of the building not leased by the Lessee or the outside of grounds of the building) and Lessee agrees to hold Lessor harmless from any claim for damages. Nothing herein contained shall be deemed or construed to waive any of the protections afforded to Lessor by the Colorado Governmental Immunity Act, C.R.S. § 24-10-101 et sq. (the "GIA").
12. **Insurance.** Lessee, at his expense, shall maintain public liability insurance covering the Leased Premises, including bodily injury in an amount not less than the limits of liability contained in the GIA as it may be amended from time to times. Lessee shall provide the Lessor with a Certificate of Insurance showing compliance with this paragraph. The Certificate shall provide for a then-day written notice to Lessor in the event of Cancellation or material change of coverage. To the maximum extent permitted by insurance policies which may be owned by Lessor or Lessee, Lessee and Lessor, for the benefit of each other, waive any and all rights of subrogation which might otherwise exist. Lessor shall maintain casualty insurance covering the value of the building and the value of any contents owned by Lessor. Lessee shall maintain insurance adequate to cover any personal property or fixtures owned by it.
13. **Taxes.** Lessee shall pay any and all personal property taxes and other taxes attributable to Lessee's use and occupancy of the Leased Premises. Real property taxes shall be paid by Lessor as Lessors sole expense.
14. **Attorney's Fees.** In case suit should be brought for recovery of the Leased Premises or for any sum due hereunder, or because of any act which may arise out of the possession of the Leased Premises, by either party, the prevailing party shall be entitled to all costs incurred in connection with such action, including reasonable attorney's fees.

15. **Notices.** Any notice which either party may, or is required to give, shall be given mailing same, postage prepaid, to Lessee at the Leased Premises, or Lessor at the address shown below, or at such other places as may be designated by the parties from time to time.
16. **Heirs, Assigns, Successors.** This Lease is binding upon and inures to the benefit of the heirs, successors in interest to the parties.
17. **Non-appropriation.** As required by Article X, Section 20 of the Colorado Constitution, any financial obligations of Lessor not to be performed during the current fiscal year contained in this Lease are subject to annual appropriation of sufficient funds by the Fairplay Board of Trustees. Should the Board of Trustees, in any year during the term of this lease, not appropriate sufficient funds for the performance of its obligations herein contained the Leased Premises shall be vacated and possession returned to the Lessor on the last day for which a valid appropriation exists.
18. **Entire Agreement.** The foregoing constitutes the entire agreement between the parties and may be modified only in a writing signed by both parties.

LESSOR
TOWN OF FAIRPLAY

LESSEE
SOUTH PARK FOOD BANK

Frank Just, Mayor

Kenny Shaw, President

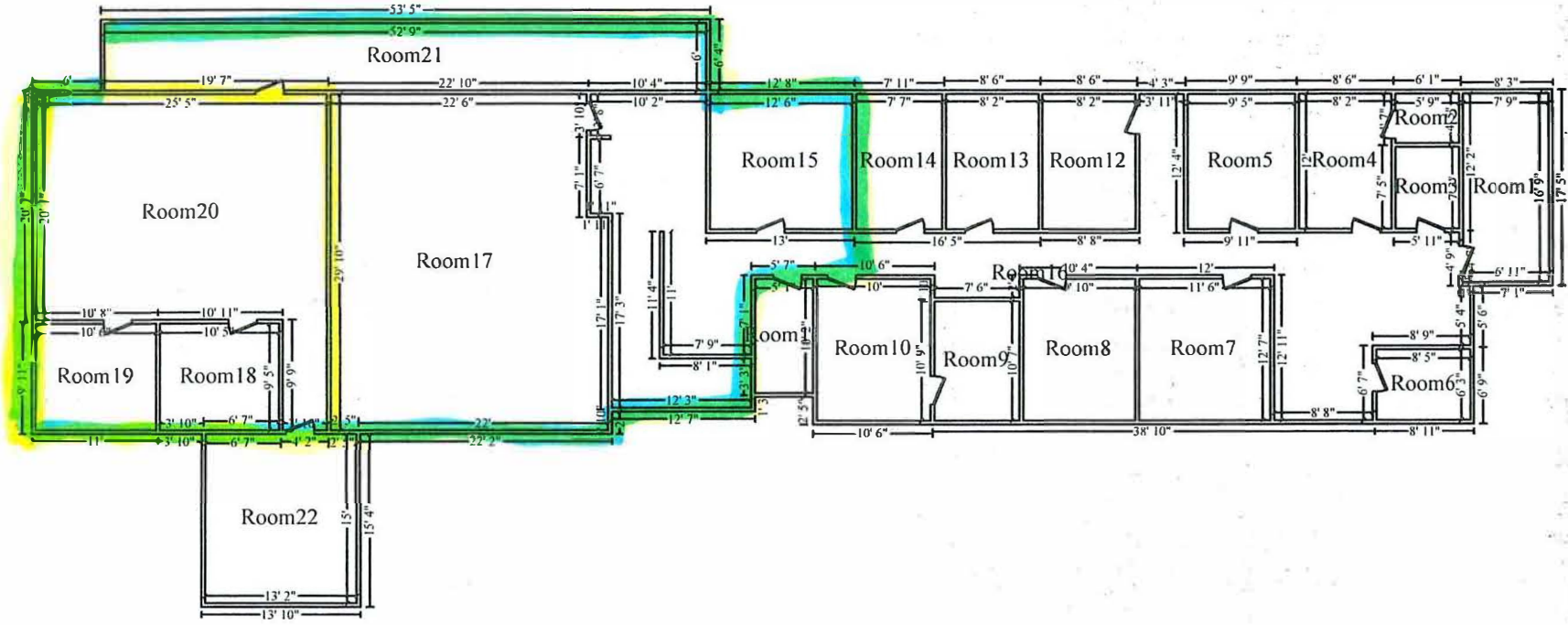
ATTEST:

Janell Sciacca, Town Clerk

Ground

EXHIBIT A - Resolution No. 4, Series of 2024

 Designates Used Space - Approximately 2,400 s.f.



Ground



Town of Fairplay
 400 Front Street • P.O. Box
 267 Fairplay, Colorado
 80440
 (719) 836-2622 phone
 (719) 836-3279 fax
 www.fairplayco.us

STAFF REPORT

TO: Mayor and Board of Trustees

FROM: Janell Sciacca, Town Administrator

RE: New Business Item A – Resolution No. 12, Series of 2024 New Employee Salary

Structure **DATE:** March 4, 2024

BACKGROUND/ANALYSIS:

Per State Statute and the powers vested in a municipality, the Board has the power to establish compensation for its officers, agents and employees. In Budget discussions for the 2023 Budget, it was discovered that the current Town Employee Pay Schedule was implemented in December of 2009 via Resolution No. 23. Over the years, the schedule has been updated during the Budget process with the approval of COLA, merit-based, or other similar actions of the Board of Trustees. But no true comprehensive market analysis was done. In 2023, Staff was given direction to update the Town's pay schedule and subsequently engaged Employers Council of Colorado (ECC) for this process. Job descriptions were updated by Staff and then sent to ECC for review and additional updating. Those descriptions were then used for the Compensation Project.

Diana Portillo-Burger was the ECC Consultant that worked with Town Staff on this project and will appear remotely to present the attached report and findings as well as answer any questions the Board may have. Following her presentation and questions from the Board, Staff will be recommending approval of the new job-structured Compensation Schedule and routine updates.

STAFF RECOMMENDATION

To approve Resolution No. 12, Series of 2024, adopting adopt the new Salary Structure for Town employees as presented by motion, second and roll call vote.

Attachments:

- ECC Project Report
- Resolution No. 12, Series of 2024
- Exhibit A – Salary Structure
- Exhibit B – Job Structure Analysis

Town of Fairplay

Compensation Project Report

Diana Portillo-Burger – January 22, 2024

Content

- Summary
- Research the Market
- Salary Structure
- Market Pricing Results
- Recommendations

Summary

- Town of Fairplay (Fairplay) engaged Employers Council to conduct a Compensation study:
 - Identify the market
 - Match Fairplay jobs to jobs in the market
 - Review and update salary structure
 - Review employees pay under the new structure
 - Recommendations

Research Market

- Identify The Market:
 - Fairplay, Colorado
- Surveys Used:
 - Colorado Municipal League: CML Various 04/17/2023
 - Payfactors: Industry: Government / Employees: <25 / City: Fairplay, CO
 - Payfactors: Peer Global Network
- Survey data was aged to January 1, 2024, using a 4.0% aging factor

Job Matching Process

- Each job was reviewed for duties, qualifications, and experience
- The job was then compared to the jobs in the surveys
- All job matching was approved by Fairplay
- The market data was collected from each survey
 - The median (50th percentile) reflects the middle of the market
 - The 10th, 25th, and 75th percentiles set the market distribution
 - When there are multiple data points for a job, it is averaged out and used to create the salary range
- The results of the research is detailed in the Job Match and Market Report in Microsoft Excel

Salary Structure Definition

- Pay ranges are created to provide flexibility to pay according to the organization's strategies and philosophy
- Salary structures are created using a set of ranges with a minimum and maximum
 - Minimum – 25th percentile, lowest rate of pay for a job
 - For individuals who are new to a position, and need to develop required skills, or are in training
 - Mid-point – 50th percentile, middle of the market
 - For individuals who have the required skills, experience, and can fully perform in the position
 - Maximum – 75th percentile, normally
 - For high performers who have above average skills and experience
- Depending on an organization's compensation philosophy, it targets to pay its employees at the mid-point, or at 100% Comp ratio
 - Comp-ratio is calculating employee's salary against the salary range midpoint for their positions.

Types of Salary Structures

There are three types of structures. Grade, Broadband, and Job-Market. Grade and Job-market are the two more common salary structures.

Grade Structure is:

- Driven by aggregating similar market jobs for each grade
- Combine the jobs together to create the midpoint for each grade
- It is a traditional way of doing structures
- With the combination, some jobs may fall out of their own range
- It does not represent a clear picture for employees/managers

Job-Market Is:

- The range is set to be precise to market per job
- Still have the flexibility of picking a spread percentage, or use a market percentile for each job
- It is more common to use this method for smaller organizations
- Closely aligned to the market (specially if you use the market percentiles)
- Easier to understand for employees/managers

Salary Structure

- Fairplay has decided to go with Job structure based on Market data
- The job structure was build using the 25th (minimum), 50th (Midpoint) and 75th (Maximum)
 - There were three exceptions to the Job Structure where 10-25-50 range was used:
 - Crew Chief
 - Chief of Police
 - Town Administrator
- The structure is in the Job Structure with Employee Analysis Report in Microsoft Excel in detail

Market Pricing Results

- 14 unique jobs were market priced
- 18 employees were included in the study
- Average comp ratio for employees is 96.59%
- 9 employees are below the minimum however, they are all new hires in the probation phase

Recommendations

- After the probation phase is over with, review employees' salary and move employees to at least the minimum
- Review jobs each year to make sure Fairplay salaries are competitive with Market

Reports Included in Project

- Job Match and Job Market 01.18.2024
- Job Structure and Employee Analysis 01.22.2024

TOWN OF FAIRPLAY, COLORADO

**RESOLUTION NO. 12
(Series of 2024)**

A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, ADOPTING THE RECOMMENDED PAY / SALARY STRUCTURE RESULTING FROM A COMPENSATION STUDY.

WHEREAS, the Town of Fairplay, Colorado (the “Town”) is a statutory town, duly organized and existing under the laws of the State of Colorado;

WHEREAS, the Board of Trustees (the “Board”) on behalf of the Town of Fairplay, has the power to prescribe by resolution to establish and reestablish compensation of all officers, agents, and employees;

WHEREAS, the last formal action taken by the Board of Trustees (the “Board”) regarding the establishment of a compensation schedule appears to have been in 2009; and

WHEREAS, Board of Trustees (the “Board”) desires to formally approve an updated Salary Structure based on comprehensive market analysis and furthermore determine that annual updates shall be conducted as part of the formal budget adoption process;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY:

Section 1. The foregoing recitals are hereby incorporated as conclusions, determinations, facts, and findings of the Board of Trustees (the “Board”).

Section 2. The Salary Structure Schedule attached hereto as “Exhibit A” is adopted and will be annually updated as part of the formal budget adoption process from this date forth.

Section 3. This Resolution shall be effective upon approval and adoption,.

RESOLVED, APPROVED, AND ADOPTED this 5th day of March, 2024.

TOWN OF FAIRPLAY, COLORADO

Frank Just, Mayor

ATTEST:

Janell Sciacca, Town Clerk

EXHIBIT A



Salary Structure	Pay Market	Marketdata Based On	Currency	Rate
25 - 75th Percentile	Denver, CO	Base50 - 25/75 Percentile	USD	Annual

Department	Job Code	Job Title	Min	Mid	Max	\$ Range	# EEs	Avg Comparatio	Avg Base Salary	EEs < Min	EEs > Max	NOTES
Public Works	PW_Maint_Tech_I	Public Works WW Op Pks, Bldgs & Grnds Maint, Tech I	39,900	43,300	48,200	8,300	1	107.39	46,500			
Public Works	Spec_Event_Coord_PW_A	Special Event Coord/PW Admin Asst	49,300	49,900	64,700	15,400	1	112.22	56,000			
Public Works	PW_Maint_Tech_II	Public Works WW Op Pks, Bldgs & Grnds Maint Tech II	46,500	50,000	53,200	6,700	1	104	54,500			
Administration	Deputy_Town_Clerk	Deputy Town Clerk/Municipal Court Clerk	47,900	51,800	54,000	6,100	1	100.39	52,000			
Administration	Special_Projects_Coord	Special Projects Coordinator	58,000	62,400	68,400	10,400	1	100.16	62,500			
Public Works	Crew_Chief	Crew Chief	59,800	66,200	72,100	12,300	1	86.1	57,000			Range is 10-25-50
Administration	Grant_Admin	Grant Manager	57,400	68,600	79,400	22,000	1	99.13	68,000			
Administration/Finance	Treasurer	Treasurer	62,500	75,100	76,200	13,700	1	95.87	72,000			
Police Department	Police_Officer	Police Officer I	72,600	77,500	83,600	11,000	5	92.9	71,223	5		
Administration	Town_Clerk	Town Clerk	69,500	77,500	82,400	12,900	0					
Police Department	General_Crimes_Det	General Crimes Detective	69,800	81,200	95,000	25,200	0					
Police Department	Police_Sergeant	Police Sergeant	81,000	87,900	95,600	14,600	3	91.01	80,000	3		
Police Department	Chief_Police	Chief of Police	77,700	101,600	122,500	44,800	1	98.43	100,000			Range is 10-25-50
Administration	Town_Admin	Town Administrator	102,100	109,900	120,400	18,300	1	97.36	107,000			Range is 10-25-50



Town of Fairplay
 901 Main Street • P.O. Box 267
 Fairplay, Colorado 80440
 (719) 836-2622
 www.fairplayco.us

STAFF MEMO

TO: Board of Trustees for the Town of Fairplay

FROM: Janell Sciacca, Town Administrator

RE: New Business Item B. Resolution No. 2024-13 – Adoption of Updated Personnel Handbook

DATE: March 4, 2024

SUMMARY/BACKGROUND:

The attached Town of Fairplay Personnel Handbook has been reviewed by both Employers Council of Colorado and the Town Attorney's Office. As you will see, there have been quite a few recommended changes and updates, and they are very difficult to track.

There are several changes that the Town Attorney asked for input on and there are several changes that Staff would also like the Board's input on. We will go over this document on March 4 and can continue it to March 18 if the Board would like additional time to review, digest and format input all the different amendments.

RECOMMENDATION:

Staff recommends the Board review, discuss, and provide direction on the amended handbook, and either move to approve Resolution No. 2024-13 adopting the updated Town of Fairplay, Personnel Handbook with an effective date of March 4, 2024 or move to continue consideration to March 18, 2024 by motion, second, and a roll call vote,

ATTACHMENTS:

1. Resolution No. 2024-13
2. Exhibit A -Town of Fairplay Personnel Handbook With Markups

TOWN OF FAIRPLAY, COLORADO

**RESOLUTION NO. 13
SERIES OF 2024**

A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO APPROVING AND ADOPTING A REVISED PERSONNEL HANDBOOK FOR THE TOWN OF FAIRPLAY.

WHEREAS, the Town of Fairplay has been advised by its insurance carrier CIRSA (Colorado Intergovernmental Risk Sharing Agency) that a Personnel Handbook is an effective and necessary loss control measure; and

WHEREAS, Personnel Handbooks serve as an essential communication tool and compliance component for organizations and employees; and

WHEREAS, the Board of Trustees previously approved an updated Personnel Handbook for the Town on February 7, 2022 with the adoption of Resolution 6, Series of 2022; and

WHEREAS, the Board of Trustees recognizes that laws and rules change and the Town's written policies and procedures regarding employment and conduct must be amended to comply with evolving State and Federal guidelines; and

WHEREAS, both the Town Attorney and Employers Council of Colorado reviewed the Fairplay Personnel Handbook for compliance and alignment with current laws and regulations;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO THAT:

Section 1. The revised and updated Town of Fairplay Personnel Handbook attached hereto as "EXHIBIT A" and dated March 4, 2024, is adopted and shall be distributed to each and every Town employee

Section 2. This resolution shall become effective immediately upon adoption.

RESOLVED, APPROVED, and ADOPTED this 5th day of March, 2024.

TOWN OF FAIRPLAY, COLORADO

Frank Just, Mayor

ATTEST:

Janell Sciacca, Town Clerk

EXHIBIT A



TOWN OF FAIRPLAY
PERSONNEL HANDBOOK

Effective March 4, 2024

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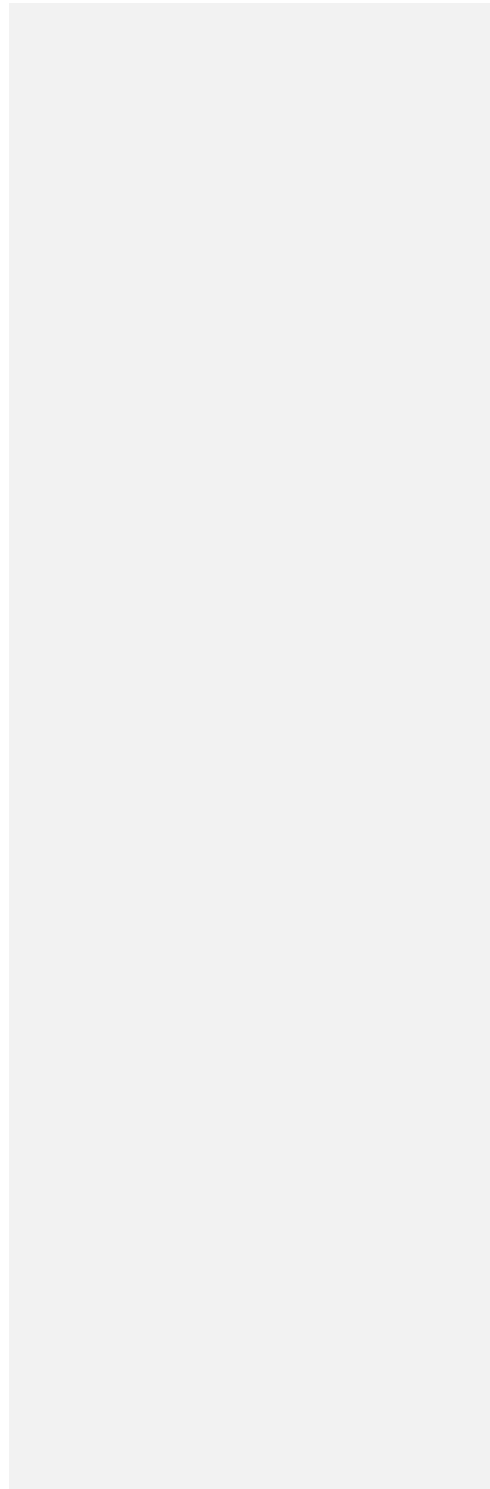
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INTRODUCTION

Welcome!

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

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

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

Sincerely,

Janell Sciacca
Town Administrator

ORGANIZATION AND ADMINISTRATION

The Town operates under a Mayor – Council form of government with an appointed Town Administrator. The Board of Trustees provides strategic leadership, goal setting and policy-making authority, and employs the Town Administrator who is responsible for the day-to-day management, financial and technical support to ensure equitable, efficient and effective implementation of government services to our citizens.

The Town provides a full range of public services, including a Police Department, Municipal Utilities (water and wastewater), Infrastructure (streets, public buildings, and sidewalks), and parks and recreation areas.

The Town Staff is organized into various departments. The Town Administrator exercises supervision and control over departments. The current departments are Administration, Public Works, and Police Department. Each department is led by a Director. Some departments include other supervisory positions, which are delegated responsibility in these Employee Policies. Depending on the responsibilities of the department and specific employee roles, additional policies and procedures may be developed and implemented by the Director. Those departmental policies will not contradict Town policies but may provide clarification for specific work areas.

PUBLIC PERCEPTION AND CUSTOMER RELATIONS

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

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

DISCLAIMER

IMPORTANT INFORMATION ABOUT THE EMPLOYEE HANDBOOK

THIS HANDBOOK [AND ANY APPLICABLE STATE SUPPLEMENT] IS DESIGNED TO ACQUAINT EMPLOYEES WITH THE TOWN OF FAIRPLAY AND PROVIDE SOME INFORMATION ABOUT WORKING HERE. THE HANDBOOK IS NOT ALL-INCLUSIVE, BUT IS INTENDED TO PROVIDE EMPLOYEES WITH A SUMMARY OF SOME OF THE TOWN'S GUIDELINES AND OUR EXPECTATIONS REGARDING YOUR CONDUCT. THIS EDITION SUPERSEDES AND REPLACES ALL PREVIOUSLY ISSUED EDITIONS AND ANY INCONSISTENT VERBAL OR WRITTEN POLICY STATEMENTS ISSUED PRIOR TO THIS HANDBOOK.

Deleted: '

Deleted: COMPANY

Deleted: COMPANY'S

EXCEPT AS MAY BE REQUIRED BY STATE LAW, EMPLOYMENT WITH THE TOWN OF FAIRPLAY IS AT-WILL. EMPLOYEES HAVE THE RIGHT TO END THEIR WORK RELATIONSHIP WITH THE TOWN, WITH OR WITHOUT ADVANCE NOTICE, FOR ANY REASON. THE TOWN HAS THE SAME RIGHT. THE LANGUAGE USED IN THIS HANDBOOK, ANY BENEFIT PLAN, AND ANY VERBAL STATEMENTS MADE BY MANAGEMENT ARE NOT INTENDED TO CONSTITUTE A CONTRACT OF EMPLOYMENT, EITHER EXPRESS OR IMPLIED; NOR ARE THEY A GUARANTEE OF EMPLOYMENT FOR A SPECIFIC DURATION. NO REPRESENTATIVE OF THE TOWN, OTHER THAN THE ELECTED OFFICIAL OR AGENCY HEAD HAS THE AUTHORITY TO ENTER INTO AN AGREEMENT OF EMPLOYMENT FOR ANY SPECIFIED PERIOD AND SUCH AGREEMENT MUST BE IN WRITING, SIGNED BY THE ELECTED OFFICIAL OR AGENCY HEAD AND THE EMPLOYEE.

Deleted: _____

Deleted: COMPANY

Deleted: COMPANY

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Deleted: [PRESIDENT/OWNER/EXECUTIVE DIRECTOR OR HIS OR HER AUTHORIZED REPRESENTATIVE],

Deleted: [PRESIDENT/OWNER/EXECUTIVE DIRECTOR OR HIS OR HER AUTHORIZED REPRESENTATIVE]

NO EMPLOYEE HANDBOOK CAN ANTICIPATE EVERY CIRCUMSTANCE OR QUESTION. AFTER READING THE HANDBOOK, EMPLOYEES WHO HAVE QUESTIONS SHOULD TALK WITH THEIR IMMEDIATE SUPERVISOR OR THE HUMAN RESOURCES DEPARTMENT. IN ADDITION, THE NEED MAY ARISE TO REVISE, DELETE, OR ADD TO THE PROVISIONS IN THIS HANDBOOK [AND ANY APPLICABLE STATE SUPPLEMENT]. EXCEPT FOR THE AT-WILL NATURE OF THE EMPLOYMENT, THE TOWN RESERVES THE RIGHT TO MAKE SUCH CHANGES WITH OR WITHOUT PRIOR NOTICE. NO ORAL STATEMENTS OR REPRESENTATIONS CAN CHANGE THE PROVISIONS OF THIS EMPLOYEE HANDBOOK.

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SECTION 1: EMPLOYMENT

101. EQUAL EMPLOYMENT OPPORTUNITY/UNLAWFUL HARASSMENT.

Effective Date: Sept. 1, 2020

Revision Date: March 4, 2024

The Town is dedicated to the principles of equal employment opportunity. We prohibit unlawful discrimination against applicants or employees on the basis of age 40 and over, race (including traits historically associated with race, such as hair texture and length, protective hairstyles), sex, color, religion, national origin, disability, genetic information, sexual orientation, gender identity, gender expression, military or veteran status, or any other applicable status protected by state or local law. This prohibition includes unlawful harassment based on any of these protected classes. Unlawful harassment includes verbal or physical conduct which has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. Prohibited behavior may include but is not limited to the following:

- Written form such as cartoons, e-mails, posters, drawings, or photographs.
- Verbal conduct such as epithets, derogatory comments, slurs, or jokes.
- Physical conduct such as assault, or blocking an individual's movements.

This policy applies to all employees, including managers, supervisors, co-workers, and non-employees such as customers, clients, vendors, consultants, etc.

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

ADA and Religious Accommodation

The Town is committed to complying fully with the Americans with Disabilities Act (ADA), as amended, and ensuring equal opportunity in employment for qualified persons with disabilities. The Town will make reasonable accommodation for qualified individuals with known disabilities and employees whose work requirements interfere with a religious belief unless doing so would result in an undue hardship to the Town or cause a direct threat to health or safety. The Town will make reasonable accommodation for employees whose work requirements interfere with a religious belief, unless doing so poses undue hardship on the Town.

This policy is neither exhaustive nor exclusive. The Town is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state, and local laws. This policy governs all aspects of employment, including, but not limited to, application, selection, job assignment, compensation, discipline, termination and access to benefits and training.

Pregnancy Accommodation

Employees have the right to be free from discriminatory or unfair employment practices because of pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth.

Employees who are otherwise qualified for a position may request a reasonable accommodation related to pregnancy, a health condition related to pregnancy or the physical recovery from childbirth. If an employee requests an accommodation, the Town will engage in a timely, good-faith, and interactive process with the employee to determine whether there is an effective, reasonable accommodation that will enable the employee to perform the essential functions of her position. A reasonable accommodation will be provided unless it imposes an undue hardship on the Town's business operations.

The Town may require that an employee provide a note from her health care provider detailing the medical advisability of the reasonable accommodation. Employees who have questions about this policy or who wish to request a reasonable accommodation under this policy

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Deleted: 5 In order to provide equal employment and advancement opportunities to all individuals, employment decisions at the Town will be based on merit, qualifications, and abilities. The Town does not discriminate in employment opportunities or practices on the basis of race, creed, color, religion, sex, national origin, ancestry, age, disability, sexual preference, gender identity or expression, marital or military status, or political affiliation, or any other characteristic protected by law, subject to reasonable requirements of the Town as may be permitted by law. ¶

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

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should contact [the Town Administrator](#).

Deleted: their Human Resources representative [or insert name/contact details for appropriate company representative or department].

The [Town](#) will not deny employment opportunities or retaliate against an employee because of an employee's request for a reasonable accommodation related to pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth. An employee will not be required to take leave or accept an accommodation that is unnecessary for the employee to perform the essential functions of the job.

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Sexual Harassment

The [Town](#) strongly opposes sexual harassment and inappropriate sexual conduct. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

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- Submission to such conduct is made explicitly or implicitly a term or condition of employment.
- Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment.
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

All employees are expected to conduct themselves in a professional and businesslike manner at all times. Conduct which may violate this policy includes, but is not limited to, sexually implicit or explicit communications whether in:

- Written form, such as cartoons, posters, calendars, notes, letters, e-mails.
- Verbal form, such as comments, jokes, foul or obscene language of a sexual nature, gossiping or questions about another's sex life, or repeated unwanted requests for dates.
- Physical gestures and other nonverbal behavior, such as unwelcome touching, grabbing, fondling, kissing, massaging, and brushing up against another's body.

Complaint Procedure

If you believe there has been a violation of the EEO policy or harassment based on the protected classes listed above, including sexual harassment, please use the following complaint procedure. The [Town](#) expects employees to make a timely complaint to enable the [Town](#) to investigate and correct any behavior that may be in violation of this policy.

Deleted: Pay Transparency Policy Statement¶

The (Company) will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as a part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with the contractor's legal duty to furnish information. 41 CFR 60-1.35(c).¶

[Employees should](#) report the incident to [their supervisor, Department Head, or the Town Administrator](#) who will investigate the matter and take corrective action. [Employee complaints](#) will be kept as confidential as practicable. [Employees who would prefer not to go to any of these individuals with their complaint should report the incident to the Mayor](#).

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The [Town](#) prohibits retaliation against any employee for filing a complaint under this policy or for assisting in a complaint investigation. If you believe there has been a violation of our EEO or retaliation standard, please follow the complaint procedure contained in the sexual harassment policy.

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If the [Town](#) determines that an employee's behavior is in violation of this policy, disciplinary action will be taken, up to and including termination of employment.

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Deleted: (Specify person by job title. The Employer should name no less than two persons in authority, preferably one male and one female, such as, Manager, Human Resources Director, President, Executive Director, in-house counsel, Board of Directors, or Management Committee, etc. This is especially important for companies with remote work site locations or no central Human Resources Department.)

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102 EMPLOYEE RELATIONS

Effective Date: Sept. 1, 2020

Revision Date:

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

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

103 BUSINESS ETHICS AND CONDUCT

Effective Date: Sept. 1, 2020

Revision Date:

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

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

Compliance with this policy of business ethics and conduct is the responsibility of every Town employee. Disregarding or failing to comply with this standard of business ethics and conduct may lead to disciplinary action, up to and including possible termination of employment. Town employees shall abide by C.R.S. §24-18-104, "Rules of conduct for all public officers, members of the general assembly, local government officials, and employees."

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Deleted: 105 DISABILITY ACCOMMODATION ¶

¶ Effective Date: Sept. 1, 2020 Revision Date:¶
The Town is committed to complying fully with the Americans with Disabilities Act (ADA), as amended, and ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis and employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual. Reasonable accommodations are available to all employees where a disability affects the employee's performance of job functions, subject to reasonable requirements of the Town as may be permitted by law unless doing so doing so would result in an undue hardship to the Town.¶

Deleted: This policy is neither exhaustive nor exclusive. The Town is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state, and local laws. This policy governs all aspect of employment, including, but not limited to, application, selection, job assignment, compensation, discipline, termination and access to benefits and training.¶

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104. CONFLICTS OF INTEREST

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Effective Date: Sept. 1, 2020

Revision Date:

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

1. Town employees shall not place their personal or business interests above the best interests of the Town's constituents. Accordingly, in addition to any other prohibitions established by ordinance or other applicable law, employees of the Town shall not:

- a) Engage in a substantial financial transaction for private business purposes with another employee whom they supervise;
- b) Take any official action directly and substantially affecting their economic benefit, a business or other undertaking in which they have a substantial financial interest or business arrangement;
- c) Disclose or use confidential information acquired in the course of their official duties to further personal financial interests; or
- d) Accept a gift of substantial value or a substantial economic benefit which might tend improperly to influence an employee in the discharge of their responsibilities, or which could be construed as a reward for action taken in the course of official duties.
- e) Employee must comply with Colorado Law limiting the amount of gifts that a public employee may receive each year.

Substantial financial interest means an interest owned or held by an employee which is:

- a) An ownership interest in a business;
- b) A creditor interest in a business;
- c) An ownership interest in real or personal property;
- d) A loan or any other debtor interest;
- e) A directorship or officership in a business.

An employee shall be presumed to have a substantial financial interest in any of the above-mentioned interests owned, held or controlled by such officer's spouse or dependent children.

2. No Town employee shall be directly or indirectly interested in any contract with the Town without first fully disclosing such interest to and obtaining the written approval of the Board. Likewise, no Town employee or member of an appointed or elected board shall have any interest in any enterprise or organization doing business with the Town which might interfere with the unbiased discharge of his/her duty to the public in the best interests of the Town without first fully disclosing such interest to and obtaining the written approval of the Board. In the event a question arises as to a possible conflict of interest between any Town employee, or member of an elected or appointed board, and any enterprise or organization doing business with the Town, the question must be presented to the Board for review, investigation, and a final decision.

3. The requirements of this section are in addition to applicable conflict of interest requirements of Federal or State law, or Town ordinances.

105. JOB POSTING

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Effective Date: Sept. 1, 2020

Revision Date: March 4, 2024

Generally, job openings will be posted at Town Hall and disseminated through the email system. Each job posting notice will include the dates of the posting period, job title, department, location, job summary, essential duties, qualifications (required skills and abilities), [job compensation, and benefits](#).

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Deleted: Employees may indicate their interest in open positions and advance within the Town according to their skills and experience. To be eligible to apply for a posted job, employees should have performed competently for at least 365 calendar days in their current position. Employees who have a written warning on file or are on probation or suspension may not be eligible to apply for posted¹¹ jobs. Eligible employees can only apply for those posted jobs for which they possess the required skills, competencies, and qualifications.¹²

To apply for an open position, employees should submit a job posting application to the appropriate hiring party or Department Head

listing job-related skills and accomplishments. It should also describe how their current experience with the Town and prior work experience and/or education qualifies them for the position.

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

106. ELIGIBILITY FOR REHIRE

Effective Date: Sept. 1, 2020

Revision Date: February 7, 2022

Former employees who left employment with the Town of Fairplay in good standing may be considered for rehire, absent an applicable agreement to the contrary. Former employees who were dismissed for disciplinary reasons may not be considered for rehire. A former employee who is rehired will be considered a new employee from the date of re-employment, except where otherwise required by law. Length of service for the purpose of benefits is governed by the terms of each benefit plan. Employees who retire may be eligible, in certain circumstances, to be considered for rehire.

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107. HIRING OF RELATIVES

Effective Date: Sept. 1, 2020

Revision Date: February 7, 2022

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

For purposes of this policy, a close relative is anyone, whether by birth or adoption, a spouse, civil union or domestic partner and any individuals related by blood or adoption. This policy applies to all employees without regard to the gender or sexual orientation of the individuals involved.

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

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

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

No person related to the Mayor or a Board of Trustee member by blood, marriage, civil union or domestic partnership within the first or second degree shall be appointed to any full-time or part-time office, position, employment or duty. A relationship in the first degree shall include parents, spouses and domestic partners, children, spouse or domestic partner of children, and siblings. A relationship in the second degree shall include grandparents, grandchildren, uncles, aunts, cousins, nieces and nephews. Such related person may be appointed to seasonal and temporary employment positions. An employee whose relative is elected or appointed to office subsequent to such employee's commencement of full-time or part-time employment may retain the current position.

No person, including those applying for full-time or part-time, seasonal, or temporary employment, shall be interviewed, appointed, or hired within a first or second degree of relationship to the Town Administrator.

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108. OUTSIDE EMPLOYMENT

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Effective Date: Sept. 1, 2020

Revision Date: March 4, 2024

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

A letter must be submitted by the employee of officer to be placed in their personnel file stating the type of job, location and hours worked.

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

SECTION 2: EMPLOYMENT STATUS AND RECORDS

201 EMPLOYMENT CATEGORIES

Effective Date: Sept. 1, 2020

Revision Date: March 4, 2024

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

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

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

OFFICERS: This is a position appointed by the Board of Trustees per Colorado Revised Statutes and the Fairplay Municipal Code. Town Officers include the Town Administrator, Town Clerk, and Town Treasurer

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

PART-TIME: These are positions that are regularly scheduled to work less than 32 hours per week. While they do receive all legally mandated benefits, they are ineligible for most of the Town's other benefit programs, except where required by law.

TEMPORARY OR SEASONAL: These are positions that are filled by employees hired for a specific period of time or for a specific project and are not eligible for benefits, except as outlined in other sections of this Handbook or as except where required by law.

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202 ACCESS TO PERSONNEL FILES

Effective Date: Sept. 1, 2020

Revision Date:

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

Personnel files are the property of the Town, and access to the information they contain is restricted, subject to the Colorado Open Records Act. Generally, only supervisors and management personnel of the Town who have a legitimate reason to review information in a file are allowed to do so. All personnel records are maintained in compliance with the laws related to public records. No documents shall be released from a personnel record, except as required by the Colorado Open Records Act, without a written request from the employee designating the documents to be released and the person or entity to which the release is to be made, and indemnifying and holding harmless the Town from liability, claims, and demands resulting from such release.

Employees who wish to review their own file should contact the Town Treasurer. With reasonable advance notice, employees may review their own personnel files, except for any previous employer recommendations or references contained therein, in the Town's offices and in the presence of a Town representative. An employee shall have the opportunity to submit a letter to the file, responding to or rebutting information contained in his/her file.

203 EMPLOYMENT REFERENCE CHECKS

Effective Date: Sept. 1, 2020

Revision Date:

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

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

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

204 PERSONNEL DATA CHANGES

Effective Date: Sept. 1, 2020

Revision Date:

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

205 PERFORMANCE EVALUATION

Effective Date: Sept. 1, 2020

Revision Date:

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, ongoing basis. Formal performance evaluations are generally conducted at the end of an employee's initial period (6 months) in any new position. This introductory period allows the supervisor and the employee to discuss the job responsibilities, standards, and performance requirements of the new position. Additional formal performance evaluations are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals. The performance of all employees is generally evaluated according to an ongoing 12-month cycle. Nothing in this policy should be construed as granting employees a right to an evaluation. Merit-based pay adjustments or bonuses may be awarded by the Town in an effort to recognize outstanding employee performance. The decision to award such an adjustment is dependent upon numerous factors, including, but not limited to, the information documented by this formal performance evaluation process.

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

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206 JOB DESCRIPTIONS

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Effective Date: Sept. 1, 2020

Revision Date:

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

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

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

207 SALARY ADMINISTRATION

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Effective Date: Sept. 1, 2020

Revision Date:

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

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

208 OPEN RECORDS AND CONFIDENTIALITY

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Effective Date: March 4, 2024

Revision Date:

[The Town of Fairplay is governed by the Colorado Open Records Act \(See C.R.S. 24-72-201 et seq.\) which states that it is the public policy of the State of Colorado that all public records will be open for inspection by any person at reasonable times. Notwithstanding the general policy, the law provides that some records are not open to public inspection and are to be kept confidential. Examples of such "non-public" records include but are not limited to: individual medical and mental health records; employee personnel files and reference letters; deliberative work product information; law enforcement investigation and intelligence records; privileged information and confidential commercial and financial data.](#)

[Employees of the Town of Fairplay may work with, have access to, or gain knowledge of records or information that belongs to the Town, its employees, citizens and/or suppliers and which is not open to public inspection. Town employees shall maintain the confidentiality of and shall not sue, disclose or in any way make available to anyone else, either outside or within the City, any confidential, non-public records or information at any time, except as directed by the Town Administrator and/or in the proper performance of duties as an employee of the Town of Fairplay. If an employee has any doubt or concern as to whether a particular record or item of information is open to the public or whether a particular disclosure is appropriate, the employee should contact the Town Administrator for direction.](#)

SECTION 3: BENEFIT PROGRAMS

301 EMPLOYEE BENEFITS

Effective Date: Sept. 1, 2020

Revision Date: February 7, 2022

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

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

302 HEALTH, DENTAL, AND VISION INSURANCE

Effective Date: Sept. 1, 2020

Revision Date:

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

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

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

303 WORKERS' COMPENSATION INSURANCE

Effective Date: Sept. 1, 2020

Revision Date:

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

Employees who sustain work-related injuries or illnesses should inform their supervisor as soon as practicable, following the accident, no matter how minor an on-the-job injury may appear. Employees shall cooperate in a timely manner with written reports, forms and other requests required by the supervisor, the Board of Trustees or its agents, insurance companies, or other authorities.

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

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

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304 LIFE INSURANCE

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Effective Date: Sept. 1, 2020

Revision Date:

Life insurance offers you and your family important financial protection. The Town provides a basic life insurance plan for full-time employees.

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

305 RETIREMENT SAVINGS PLANS

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Effective Date: Sept. 1, 2020

Revision Date:

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

401 (a) Retirement Plan – Based on your salary, the Town contributes to a 401(a)-retirement plan on your behalf; details are available at Town offices.

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

457 Defined Contribution Plan – Employees may contribute to a tax-deferred retirement account. This is a voluntary plan that the Town does not contribute to.

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

306 SHORT/LONG-TERM DISABILITY

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Effective Date: Sept. 1, 2020

Revision Date:

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

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

Details of the STD/LTD benefits plan including benefit amounts, when they are payable, and limitations, restrictions, and other exclusions are described in the Summary Plan Description provided to eligible employees. Sworn Police Officers who qualify are eligible for disability benefits under the Colorado Fire & Police Pension Association. Contact the Town Treasurer for more information about STD/LTD benefits.

SECTION 4: LEAVE

Effective Date: Sept. 1, 2020

Revision Date: February 7, 2022

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

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

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

401 PAID TIME OFF (PTO)

Effective Date: Sept. 1, 2020

Revision Date: March 4, 2024

Deleted: February 7, 2022

Paid time off (PTO) is the policy of the Town for vacation and/or sick leave. It is the intent of the Town to provide for and allow employees to use accrued PTO for any approved personal matter, whether it is used for vacation, sick leave, personal leave or for any other paid time off that the employee requested and is approved.

Recognizing the varying work schedules of Town employees and employees' diverse needs for time away from work, the Town provides a general Paid Time-Off (PTO) leave program for its employees. Paid Time Off is accrued by all employees to use for vacations; a mental or physical illness, injury, or health condition that prevents them from working; preventive medical care, or to get a medical diagnosis, care, or treatment of any mental or physical illness, injury or health condition; care for a family who has a mental or physical illness, injury, or health condition or who needs care, medical diagnosis, or treatment of same; the employee or the employee's family member having been a victim of domestic abuse, sexual assault, or criminal harassment, and needing leave for related medical attention, mental health care or other counseling, victim services (including legal services), or relocation; or due to a public health emergency, a public official having closed either the employee's place of business or the school or place of care of the employee's child, requiring the employee needing to be absent from work to care for the child. PTO is provided in an amount of hours and with sufficient pay, for all the same purposes, and under all the same conditions as the Colorado Healthy Families and Workplace Act (HFWA) and applicable rules. This includes, but is not limited to, accrual, use, payment, annual carryover of unused accrued leave, notice and documentation requirements, and anti-retaliation and anti-interference rights. Additional HFWA leave will not be provided if an employee uses all of their available PTO for non-HFWA-qualifying reasons (for example, vacation), except when a public health emergency is declared after usage of PTO, requiring supplemental leave.

Effective on appointment, PTO is accrued monthly according to the following schedule:

- Each full-time officer or employee having less than one year of continuous service with the Town and up to five years of continuous service with the Town shall accrue PTO leave at the rate of twenty hours per month.
- Each full-time officer or employee having more than five years of continuous service with the Town but less than ten years of continuous service with the Town shall accrue PTO leave at the rate of twenty-four hours per month.
- Each full-time officer or employee having more than ten years of continuous service with the Town shall accrue PTO leave at the rate of twenty-eight hours per month.

Deleted: <#>Each full-time officer or employee having less than one year of continuous service with the Town shall accrue PTO leave at the rate of sixteen hours per month.¶

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- Part-time, temporary and seasonal employees shall be entitled to accrue PTO at a rate of one (1) hour for every thirty (30) hours worked, not to exceed forty-eight (48) hours annually.

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PTO hours will be paid at an employee's base pay rate, with no additions for overtime or any special forms of compensation such as incentives, commissions, bonuses, or shift differentials. Time on vacation is not counted toward or paid as overtime for nonexempt employees.

Notification of PTO Use/Vacation Scheduling

Notification of use of PTO should be requested at the earliest possible time. Vacation scheduling can be difficult during certain times of the year. Vacations are scheduled at the discretion of the employee's supervisor and the Town. Vacation requests will be considered in the order they are received. In case of conflicting vacation requests, the first submitted request will be given scheduling priority. To apply for vacation or advanced leave requests, employees must ask the Town Treasurer for a Vacation/Advance Leave Request Form, fill it out, have their supervisor approve it, then submit it to the Town Treasurer with their timesheet.

Effect of Holidays on Vacation

When a paid legal holiday falls during an employee's scheduled vacation, such holiday shall not be considered vacation time.

Maximum Accumulation of PTO/Compensatory Time

Officers and employees may not accumulate more than the following schedule:

- One – five years = 240 hours
- Five – ten years = 288 hours
- Over ten years = 336 hours

Deleted: <#>One month – one year = 192 hours¶

PTO Cash Out Provisions

- Full time employees and officers may, in a calendar year, cash out up to a maximum of 120 hours of accrued but unused Personal Time Off.
- Employees wishing to exercise this Town cash out option may not reduce their PTO leave balance below a minimum level of 120 hours.
- Employees may use the cash out provision two (2) times in a calendar year and requests must be submitted on a form provided by the Town Treasurer for such purpose.

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Opportunity for Leave and Waiving of Vacations

Every officer and employee shall be afforded the opportunity to take annual vacation. No officer or employee shall lose any PTO to which he/she is entitled when Town operations require his/her presence on the job. No officer or employee shall be permitted to waive vacation leave for the purpose of receiving extra compensation, except as stated in the PTO Buy-Back Provisions.

Unused Accrued Paid Time Off Paid Upon Termination

Upon termination of employment from the Town, an officer or employee shall be paid at their current regular hourly rate for all PTO hours accumulated but not used, to the date of termination, not to exceed the maximum accumulated days provided for in this Section. In the event of the death of the employee, unused paid time off is payable to the employee's estate, not to exceed the maximum accumulated days provided for in this Section.

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402 UNSCHEDULED PAID TIME OFF (PTO)

Effective Date: Sept. 1, 2020

Revision Date: February 7, 2022

Unscheduled PTO should be requested as soon as an employee knows that illness or any other emergency will require absence from work, preferably one day in advance, if possible. An employee should personally communicate this fact to the supervisor or his/her designee, as early as reasonably possible. Such notification should be made each time a scheduled work shift will be missed unless authorization has been granted by the supervisor for a prolonged absence of a specified duration.

Verification of Need for Unscheduled PTO – In the event of an unplanned absence of four or more consecutive workdays, reasonable medical or legal documentation/certification is required as soon as the employee can provide it after returning. This documentation/certification should indicate that the employee was unable to work due to one of the reasons listed in Section 401, as well as the length of time this restriction lasted. In the case of any unscheduled use of PTO due to personal illness or injury, the Town may require medical confirmation that the employee is fit to return to work.

403 LEAVE OF ABSENCE WITHOUT PAY

Effective Date: Sept. 1, 2020

Revision Date: February 7, 2022

Department Heads, with the approval of the Town Administrator, may grant leave without pay to a full-time employee for a period not to exceed one year. Officers may be granted leave without pay by the Town Board of Trustees. Such leave shall only be granted when the employee submits a written request setting forth the reasons for the proposed absence, and when it is desirable to retain the services of the employee for the future. Such leave shall be granted after the use of any accrued annual leave. During the officers or employee's absence on extended leave without pay, the vacant position may be filled by a new appointment, temporary promotion, or temporary assignment. On expiration of the approved leave, the officer or employee shall be reinstated to the position he vacated, or to any other vacant position in the same grade for which he qualifies. PTO benefits do not accrue during an absence of leave without pay, nor will the Town make any contributions during that period for retirement, health benefits or any other town paid benefits. Holidays that fall within this period are not paid. However, the officer or employee may participate in group insurance programs during the period of extended leave without pay, provided that he deposits with the Town the amounts necessary to cover the total cost of his/her premium.

404 HOLIDAYS

Effective Date: Sept. 1, 2020

Revision Date:

The Town will grant paid holiday time off to all full-time employees on the holidays listed below during the benefit year (calendar). Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) for ten hours per holiday for employees working 10 hour shifts and for eight hours per holiday for employees working 8 hour shifts. Police Department holidays may vary.

- New Year's Day (January 1)
- Martin Luther King, Jr. Day (third Monday in January)
- Presidents' Day (third Monday in February)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Juneteenth (June 19)
- Labor Day (first Monday in September)
- Veterans' Day (November 11)
- Thanksgiving Day and Friday following (fourth Thursday & Friday in November)
- Christmas and Day Prior of After Christmas (December 25, and December 24 or 26 by Town Administrator Decision)

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

Deleted: <#>Day before or after Christmas/Town Administrator decision¶

The Town Administrator, in conjunction with Department Heads, may make such changes that are necessary for public accommodation, providing there are no changes to the overall approved holiday hours provided to employees.

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

Paid time off for holidays will not be counted as hours worked for the purposes of determining overtime. The Board of Trustees reserves the right to amend any of these holidays.

405 BEREAVEMENT LEAVE

Effective Date: Sept. 1, 2020

Revision Date:

Full-time employees who wish to take time off due to the death of an immediate family member should notify their supervisor immediately. The supervisor may, in his/her discretion, grant up to five (5) days with pay.

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

The Town generally defines "immediate family" as the employee's spouse, parent, child, sibling, grandparents, or grandchildren; and the parents, siblings, or children of the employee's spouse. The Town Administrator, in conjunction with Department Heads, may grant bereavement leave in other cases as deemed appropriate.

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

406 PAID MATERNITY LEAVE²⁷

Commented [ER1]: Janell, can you take a look at the two comments below and let us know your thoughts and if you want us to make changes? Thanks!

Effective Date: Sept. 1, 2020

Revision Date:

The Town provides a paid Maternity Leave benefit (STD) to full-time employees after twelve (12) months of full-time employment with the Town. Temporary employment does not count toward the twelve (12) months requirement. Maternity leave is for a period of two hundred forty (240) regularly scheduled work hours.

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An employee will receive 50% of normal salary during the regularly scheduled work hours of maternity leave. After the onset of the 60% maternity leave benefit,²⁸ remaining PTO, Prior Sick Leave, and compensatory time may be used to supplement the maternity leave benefit to equal an employee's regular pay during the maternity leave.

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

While off work during maternity leave, an employee will not accrue PTO. If a declared holiday falls within an employee's period of

²⁷ How does this coordinate if the employee participates in your STD policy? Offering this will discourage participation in a voluntary STD benefit. Or is this additional time for baby bonding only? If so, suggest allowing fathers the same benefit so as not to discriminate based on gender. I see that fathers can use family leave, but that's less time. May want to change the title of this to "Parental Leave"

²⁸ This is confusing. When is 50% paid, and when does the 60% benefit begin? Please clarify.

maternity leave, the employee will receive a holiday leave benefit in accordance with the holiday leave provisions in Section 405 of this Handbook.

407 PAID FAMILY LEAVE

Effective Date: Sept. 1, 2020

Revision Date: February 7, 2022

Only employees designated as full-time employees are eligible for additional paid family leave after twelve (12) months of regular Town employment. Any time as a temporary or seasonal employee does not count toward the twelve (12) months requirement for family leave. Family leave is available for a maximum of eighty (80) regularly scheduled work hours.

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

- a) Father's attendance at the birth of his child²⁹
- b) Parent's care of a newborn after the birth of his or her child³⁰
- c) Placement of a son or daughter with the employee for adoption or foster care
- d) To care for an immediate family member who has a serious health condition, as defined by the Family Medical Leave Act

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

An employee will receive 50% of normal salary during the regularly scheduled work hours of family leave. After the onset of the 60% family leave benefit³¹, remaining PTO, Prior Sick Leave, and compensatory time may be used to supplement the family leave benefit to equal an employee's regular pay during the family leave or extend the paid family leave with prior supervisor approval.

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

408 LEAVE OF ABSENCE – FAMILY AND MEDICAL LEAVE

Effective Date: Sept. 1, 2020

Revision Date:

Employees may be eligible for unpaid leave per year for the following reasons:

- a) To care for the employee's spouse, domestic, or civil union partner, son or daughter, or parent, who has a serious health condition.
- b) Serious health condition that makes the employee unable to perform the essential functions of his or her position.
- c) Because of a serious injury or illness incurred in the line of duty of employee's spouse, son, daughter, parent, or next of kin who is a current member of the Armed Forces, including a member of the National Guard or Reserves.

Eligibility for Leave

Eligibility for leave is as follows:

- a) Any employee who has been employed by the Town at least 12 months and has worked at least 1,250 hours during the 12 months preceding the commencement of leave of absence is eligible for Leave if certain conditions are met.

²⁹ See comments on leave for fathers under Maternity Leave section

³⁰ How does this coordinate with Maternity Leave?

³¹ See notes in Maternity Leave section regarding clarifying how the 50% vs 60% payment work.

Commented [ER2]: Janell, same question on this and the next two footnotes. Do you want us to clarify these or leave them as is?

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

Definition of a Serious Health Condition

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

Leave Duration

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

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

Benefits During Leave

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

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

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

Return from Leave

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

Reduced Work Schedule/Intermittent Leave

In a limited circumstance as described below, an employee who is eligible for Leave may request and be permitted to work on a

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

409 MILITARY LEAVE

Effective Date: Sept. 1, 2020

Revision Date:

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

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

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

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

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

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

Eligible employees may also take up to 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 is receiving medical treatment, recuperation or therapy or is in outpatient status, or is on temporary disability retired list for a serious illness or injury. A serious injury or illness is one that is incurred by a service member in the line of duty or active duty that may cause the service member to be medically unfit to perform job duties. A serious injury or illness includes injuries and illnesses that existed before active duty and that were aggravated by active duty service. When combined with other qualifying leave, total leave may not exceed 26 weeks during the single 12-month period. The single 12-month period begins on the first day an eligible employee takes leave to care for the injured service member.

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Contact the Town Treasurer for more information or questions about military leave.

410 JURY DUTY/COURT TIME

Effective Date: Sept. 1, 2020

Revision Date:

A full-time employee who is summoned for jury duty or subpoenaed in connection with his/her employment during a regularly scheduled work time shall be compensated for the scheduled hours. A copy of the subpoena or order requiring such duty must be submitted with a leave request in order for such compensation to be paid. As a condition of the receipt of such pay, any stipend paid to the employee for jury service or as a witness fee must be paid to the Town or an equivalent amount deducted from the employee's pay.

411 VOTING

Effective Date: Sept. 1, 2020

Revision Date:

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

412 NURSING MOTHERS

Effective Date: Sept. 1, 2020

Revision Date:

The Town will provide a private space and time will be permitted for nursing mothers to express milk during the workday. Employees requiring this accommodation should contact the Town Treasurer.

413 COLORADO FAMILY CARES ACT ("CFCA")

Effective Date: March 4, 2024

Revision Date:

Under CRS § 8-13.3-201, an employee is eligible for leave under the Colorado Family Care Act if he or she meets the eligibility requirements described in the federal Family and Medical Leave Act ("FMLA"), including those governing length of service and number of hours worked. Employees may use Colorado Family Care Act leave to care for a person who has a serious health condition, as defined under the FMLA, if that person is:

- A. The employee's partner in a civil union (as defined under state law); or
- B. The employee's registered domestic partner and has registered the partnership with a municipality or the state. [NOTE: the employer may also simply recognize the partnership for purposes of Colorado Family Care Act eligibility]

An eligible employee may take up to 12 weeks of unpaid leave in the designated 12-month period to care for his or her partner in a civil union or domestic partner in accordance with state law.

Employees seeking leave under this policy must comply with the eligibility, notice, certification and other requirements described in the Town's Family and Medical Leave policy and will be required to provide reasonable documentation of the family relationship.

If you require leave under this policy or have questions about eligibility, please contact the Town Treasurer.

An eligible employee is provided up to 12 weeks of unpaid leave to care for his or her civil union or domestic partner with serious health

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conditions.³⁴ If you believe you may be eligible for leave under the CFCA, please contact the Town Treasurer.

414 PUBLIC HEALTH EMERGENCY LEAVE

Effective Date: February 7, 2022

Revision Date:

Public Health Emergency Leave

- Definition of "Public Health Emergency." Act of bioterrorism, pandemic or epidemic for which an emergency is declared by a federal, state or local public health agency; an emergency declared by the governor; or a highly infectious illness or agent with epidemic or pandemic potential for which a disaster emergency is declared by the governor.
- The Town must provide public health emergency leave at the time a Public Health Emergency is declared, through four weeks after the expiration of said emergency.
- Public Health Emergency Leave Use. Up to 80 hours of this leave may be used for: experiencing applicable symptoms; quarantining or isolating due to exposure; seeking diagnosis care or treatment; preventative care such as vaccines or care for a family member due to these reasons; or if an employee cannot attend their workplace because it is closed, they are deemed a danger (including exposure or symptoms), or to care for a family member whose childcare or school is closed to in-person learning; or if the employee is at risk due to the public health condition.
- The Town cannot require the use or exhaustion of PTO prior to the use of public health emergency leave.

Deleted: This leave does not count against the employee's entitlement to federal FMLA leave because partners in civil unions and domestic partners are not considered

Deleted: spouses under the FMLA. However, FMLA leave runs concurrently with and "counts against" an employee's entitlement to leave under the Colorado Family Care Act during the relevant 12-month period. -

³⁴ Remove since your employees are not covered under FMLA. You could add information about whether this counts against the Towns Medical Leave policies.

SECTION 5: TIMEKEEPING/PAYROLL/WORK HOURS

501 TIMEKEEPING

Effective Date: Sept. 1, 2020

Revision Date: TBD

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

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

An employee certifies that the time report is accurate when they submit their time record to their supervisor. Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment. Employees must report any errors in time records to the Director as soon as discovered.

WE WILL UPDATE THIS SECTION UPON FINALIZATION OF MOVE TO ADP WORKFORCE NOW

502 OVERTIME

Effective Date: Sept. 1, 2020

Revision Date:

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

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

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

- a) Forty (40) hours in a seven (7) day week; or
- b) 80 hours within a 14-day work period for sworn law enforcement officers.

Full-time and part-time employees may receive Compensatory Time (Comp Time) in lieu of pay for overtime earned at a rate of one and one-half times their hourly rate. ³⁵Seasonal employees are paid out overtime at a rate of one and one-half times their hourly rate.

Working overtime without receiving prior authorization from the employee's supervisor will not be tolerated.

There may be rare situations (for a police officer, as an example) when overtime must be incurred in order to provide essential public safety functions and it is not possible to gain prior approval from a supervisor. Supervisors are expected to anticipate such situations and have a protocol to handle this when relevant to their department.

Commented [ER4]: Janell, do we want to include temporary employees or not? If not, I will add a sentence that says temporary employees are not entitled to comp time.

³⁵ [What about Temporary employees?](#)

503 COMPENSATORY TIME

Effective Date: Sept. 1, 2020

Revision Date:

Compensatory Time – Non-exempt Full-time Employees

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

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

Exempt Employees

It is recognized that due to the nature of their employment, it is sometimes necessary for exempt employees to adjust their schedules to avoid excessive amounts of overtime. For example, if an exempt employee needs to report to work late after attending an evening meeting or leaves early on Friday after an extra heavy week of work this is acceptable upon notification to their staff and the Town Administrator. If the Town Administrator or any member of the Board asks for justification for not reporting to work on time or for leaving early, the employee shall provide this justification. Exempt employees characteristically work in excess of forty hours per workweek and are generally paid at a higher salary than non-exempt employees to compensate them for this; therefore, flextime is not monitored on an hour for hour basis and exempt employees should not expect hour for hour flextime compensation. Flextime is not accruable and therefore must be used within one month. Abuse of this privilege will not be tolerated. The Town Board encourages its exempt employees to keep their schedule reasonable and flexible so that they are not consistently working over forty hours per week.

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Accumulated Compensatory Time

Non-exempt employees shall be allowed to accumulate no more than 60 hours of unused compensatory time. Any non-exempt employee may be directed to use accrued but unused compensatory time where he or she has accumulated the maximum permissible number of hours or, in the alternative, the employee may be precluded from earning additional compensatory time until hours are used (and will be paid at 1.5 times regular wages for any additional hours of overtime). The Town Administrator may, depending on available revenues, reimburse employees for accrued but unused compensatory time over 40 hours at the overtime rate in effect when earned. Non-exempt employees shall use compensatory time accrued within ninety (90) days of earning it whenever possible.

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

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

504 PAYDAYS

Effective Date: Sept. 1, 2020

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

Employees are strongly encouraged to participate in Direct Deposit. For more information, please contact our Town Treasurer. The Town Treasurer can direct deposit an employee's paycheck in any United States banking institution, up to a maximum of 5 accounts. Pay stubs will be distributed on the Wednesday preceding a Friday payroll by email or in person, in the same manner as a paycheck. The Town Treasurer keeps on file the appropriate Direct Deposit and payroll payment forms, which each employee signs at the time of employee orientation. The Town does not accommodate requests for an advance on an employee's pay.

START HERE

505 SEPARATION FROM EMPLOYMENT

Effective Date: Sept. 1, 2020

Revision Date: March 4, 2024

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

Resignation

Resignation is a voluntary act of separation from employment initiated by the employee. If you desire to end your employment relationship with the Town, we ask that you notify us as soon as possible of the intended separation. Notice generally allows sufficient time to transfer work, cover shifts, return Town property, review eligibility for continuation of insurance, and make arrangements for your final pay. The last day of employment must actually be a workday and not a PTO or paid holiday.

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An employee, who, without authorization, fails to report for work for three (3) consecutive working days, will be separated as of the end of the third consecutive day. The Department Head shall provide written notice to the employee of the separation and the position has been declared vacant.

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Reduction in Force

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

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

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

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

Discharge

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

The Town Treasurer will provide separating employees with an exit questionnaire and overview outlining the separation process and requirements, including the return of Town issued property. Employees are responsible for paying for any lost, destroyed, or damaged items. Unless the separation is involuntary, final paychecks (including PTO, required premiums, etc.) will be processed on the next regularly scheduled payroll date. An employee who fails to return Town property upon separation, may be subject to criminal charges.

Deleted: may have the estimated cost of the property reduced from his or her final check³⁹ and

506 ADMINISTRATIVE PAY CORRECTIONS

Effective Date: Sept. 1, 2020

Revision Date:

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

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507 PAY DEDUCTIONS AND SETOFFS

Effective Date: Sept. 1, 2020

Revision Date:

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

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

If you have questions concerning why deductions were made from your paycheck or how they were calculated, contact the Department Head or Town Treasurer.

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

508 ON CALL POLICY

Effective Date: Sept. 1, 2020

Revision Date: March 4, 2024

Public Works On-Call Policy requires Public Works staff to participate in a rotating on-call schedule to ensure weekend coverage in case of emergency. The on-call employee must remain within approximately 30 minutes of travel time from the Town of Fairplay, within cell phone range and not be under the influence of any intoxicating substances.

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SECTION 6: WORK CONDITIONS

601 SAFETY

Effective Date: Sept. 1, 2020

Revision Date:

To assist in providing a safe and healthful work environment for employees, customers, and visitors, the Town follows an established workplace safety program as provided by the Town’s insurance provider. This program is a top priority for the Town. The Town Treasurer and Department Heads have the responsibility for implementing, administering, monitoring, and evaluating the safety program. Its success depends on the alertness and personal commitment of all.

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

Employees and supervisors receive periodic workplace safety training. The training covers potential safety and health hazards and safe work practices and procedures to eliminate or minimize hazards.

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

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

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

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602 WORK SCHEDULES

Effective Date: Sept. 1, 2020

Revision Date: March 4, 2024

The normal work schedule for all general employees will include a 40 hour work week. Supervisors will advise employees of the times their schedules will normally begin and end. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

You may be required to work overtime. For purposes of calculating overtime, the workweek begins Sunday at 12:00 a.m. and ends at 11:59 p.m. the following Saturday.⁴⁰

Commented [ER5]: Janell, is this how Fairplay does their work week? If not, we should adjust this and add this sentence in.

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

⁴⁰ You should include information on the workweek so employees know how overtime will be calculated. Adjust this section to comply with your workweek start and end times.

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603 SMOKING

Effective Date: Sept. 1, 2020

Revision Date:

In keeping with Town's intent to provide a safe and healthful work environment, smoking and use of any tobacco or marijuana products, including e-cigarettes, are prohibited throughout the workplace, including Town vehicles. This policy applies equally to all employees, customers, and visitors.

604 REST AND MEAL PERIODS

Effective Date: Sept. 1, 2020

Revision Date:

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

All full-time employees are provided with one meal period of 30 minutes in length each workday. Supervisors will schedule meal periods to accommodate operating requirements. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time.

605 USE OF EQUIPMENT AND VEHICLES

Effective Date: Sept. 1, 2020

Revision Date:

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

Employees shall notify the supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. Equipment or vehicle accidents, with or without injury or damage, must be reported to the supervisor immediately on appropriate forms.

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

Seat belts must be used at all times while operating a Town vehicle.

⁴¹ 606 CREDIT CARD POLICY

Effective Date: Sept. 1, 2020 Revision

Date:

The Town of Fairplay credit card may be used for small office equipment, supplies, and services. All purchases made with the credit card must be for expenses associated with official Town business. Use of the credit card for inappropriate or personal items may result in appropriate disciplinary action up to and including termination.

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⁴² The meal information is very procedural. Can this be removed and provided to employees in a different way in order to shorten the handbook?

Deleted: ⁴¹ Suggest removing this policy and providing this information only to those who are issued a credit card.¶

Sales Tax Exemption The Town of Fairplay is sales tax exempt. All in state and many out-state suppliers honor this exemption. Cardholders must advise vendors of our tax-exempt status prior to placing an order. If required by the vendor a copy of the Town's tax-exempt certificate may be provided.

Limitations Specific to Your Card All Cards have a limit of \$3,000. The Town Treasurer may adjust the limits upward when appropriate justification is provided.

How to use the Credit Card The Cardholder is liable to the Town of Fairplay for the proper use of the card. Making unauthorized purchases may result in disciplinary action (including, but not limited to, revocation of your card and/or termination of employment). All requests to use the Credit Card shall be made to the Department Head. Department Heads should establish an internal procedure for documenting credit card usage. It is recommended that a check out sheet be used indicating the employees name, the date, and where the card is being used.

Purchases Determine whether the Credit Card is the most appropriate tool to use for this purchase. Be certain that the total amount (including all shipping, handling, postage, freight, etc.) will not exceed your card's limit. Take reasonable steps to determine that the price quoted is the best you can obtain. Advise vendor that the Town is tax exempt. Cardholders are responsible to make certain taxes are not charged. Obtain a detailed receipt at the time of purchase clearly identifying each item purchased. Follow purchasing policy & procedures regarding obtaining proper approvals and verifying sufficient budget dollars prior to making any purchases. When receiving the goods, whether via direct delivery or in person, always retain all boxes, containers, special packaging, packing slips, etc. until you are certain you are going to keep the goods. The Cardholder is responsible for verifying quantity and condition of the goods upon arrival. When making purchases by fax or online retain a copy of the order as faxed the fax confirmation (if available) or a print screen and for your records.

Required Documentation A receipt or substitute documentation must support each purchase. If a receipt shows a limited amount of information or only has part numbers, added information from the Cardholder is required. The preferred documentation is listed below in order of preference:

1. An original receipt or invoice from the vendor including:
 - a. Vendor Name
 - b. Transaction Amount
 - c. Date
 - d. Itemized description of item(s) purchased.
2. Copies or facsimiles of the original receipt.
3. A packing slip or other documentation received from the vendor.
4. A screen-print or order confirmation e-mail, when making Internet purchases, or a copy of an order form that was mailed to a vendor to request an item.
5. If a cardholder is unable to obtain the above-listed preferred documentation, a written signed statement documenting the transaction and verifying it was for official business.

Transactions Requiring Special Documentation or Approval

- Alcoholic Beverages - At times there are legitimate expenditures for alcohol-related to the promotion of the Town's interests. A statement explaining this expenditure must be provided for each purchase of alcohol products.
- Food for Human Consumption - If food is purchased for a Town sponsored event/meeting and less than 10 people are attending, the names of those people must be listed. If 10 or more are in attendance only the group name is necessary. The purpose of the event/meeting must also be provided.
- Incidental Expenses - Unusual items that do not have an obvious Town purpose including, for example, flowers, personal convenience items, holiday decorations, and greeting cards must have a statement explaining the purchase.

Penalties for Credit Card Abuse/Misuse/Theft Cardholders are responsible for and accountable to the Town for all purchases made with the credit card and they must adhere to all Town and department policies regarding its use. All credit card purchases should be for official Town business only. Any employee who fails to use the credit card properly or abuses the use of the credit card shall be subject to personnel disciplinary action, up to and including dismissal. The Town will seek restitution for any inappropriate purchases

Deleted: Obtaining a Card All Department Heads are eligible to obtain a Town of Fairplay Credit Card. The Department Head may request a full-time permanent Town employee on their staff be authorized to receive a credit card. The request should be in writing to the Town Treasurer and the Town Administrator.¶

¶ **Keeping Your Card Secure** Always keep your card in a secure place. Just as you would your personal credit card, treat it as if it were cash. Each cardholder is directly responsible for the physical security of the card.¶

made with the card. The collection may be accomplished through payroll deduction or any other collection process. The Town reserves the right to refer instances of abuse to the appropriate law enforcement agency. All cases of misuse or abuse of the credit card will be documented, and the Town Administrator shall be informed in writing.

607 BUSINESS TRAVEL EXPENSES

Effective Date: Sept. 1, 2020

Revision Date: [March 4, 2024](#)

It is the policy of the Town of Fairplay to reimburse employees for all necessary and reasonable expenses incurred while on authorized town business, within the guidelines of this policy. Both Out-of-state and local travel is expensive due to related costs (per diem and accommodations as well as time away from department operations). As such, out of state travel shall be justified and approved prior to incurring the travel expense.

The Town of Fairplay employees may incur expenses while conducting official business, or while enhancing professional skills and qualifications through attending schools, training programs, conferences or professional meetings. These expenses may be reimbursed in accordance with provisions set forth in these procedures.

Employees on town business are representatives of the town and are expected to maintain a high level of professionalism and follow all town policies. The employee is expected to use town funds with discretion and only to the extent necessary to enhance and further the goals of the town.

NOTE: No employee will be compensated for hours past normal working hours while attending training or traveling unless required by the FLSA.

The Department Head must approve any travel in advance. Employees should provide an itinerary prior to leaving. Registrations, meals, and mileage (if applicable) may be requested in advance using the [Authorization to Travel Form](#) and at least one week prior notice to the Treasurer's Office.

Employees are expected to obey all driving and parking regulations. In keeping with this expectation, employees are responsible for moving violations incurred while they are driving a town-owned vehicle, rental, or personal vehicle for business purposes. Parking violations are also the employee's responsibility.

Employees will be reimbursed at the IRS allowable mileage reimbursement rate for any work-related miles driven with the employee's personal vehicle. Personal business use of vehicles, and travel to and from work is not reimbursable; this includes travel to Board of Trustees meetings.

If an employee uses a personal vehicle for town business, the employee's personal insurance policy is primary. The town's liability insurance coverage is secondary, and does not relieve the employee of his/her responsibility to maintain statutory coverage. Any accident or incident involving an employee during working hours or on town business shall be reported to the Town Administrator within 24 hours of the accident/incident.

Note: CIRSA will only provide liability insurance and limits equal to the employee's insurance.

Deleted: The cost of local meals for Town employees will be considered a reimbursable expense, if reasonable and work related. Allowable meal reimbursement expenses: working lunches, business meals, and other qualified meals as described below. All meal reimbursements are subject to the guidelines noted below and the [Request for Reimbursement Form](#) (available in the Treasurer's Office) is required

Deleted: to be turned in with the appropriate receipts. The employee may elect to use the per diem rate in lieu of being reimbursed for the actual meal expense. The Town of Fairplay follows the IRS standards for per diem rates. These rates are published on the U.S. General Services Administration website and can be found at www.gsa.gov. Per diems must be requested in advance using the [Request for Reimbursement Form](#); receipts are not required.¶

¶ **Working staff meals** – if, due to time constraints or scheduling issues, staff is **required** to meet during a meal time in a town facility and food is brought in (or catered) this is a working staff meal. A [Request for Reimbursement Form](#) (available in Treasurer's Office) indicating the circumstances of the meal and the names of those persons attending is required. A receipt must also be attached to the form.¶

¶ **Business meals** – Meals at a restaurant which include Town staff and "outside" individuals (vendors, other agency staff, etc.) and are for the purpose of discussing town business. Completion of a [Request for Reimbursement Form](#) (available in Treasurer's office) indicating the business nature of the meal and the names of those persons attending is required. A receipt must also be attached to the form. The employee may elect to use the per diem rate in lieu of being reimbursed for the actual meal expense. The Town of Fairplay follows the IRS standards for per diem rates. These rates are published on the U.S. General Services Administration website and can be found at www.gsa.gov. Per diems must be requested in advance using the [Request for Reimbursement Form](#); receipts are not required.¶

¶ **Meeting, training, conference or seminar meals** – If an employee is attending a meeting or involved with training, conferences, or seminars which require staff members to be away from the office during the lunch break, a meal is reimbursable. Completion of a [Request for Reimbursement Form](#) (available in Treasurer's office) indicating the meeting, training, conference or seminar attended and the name(s) of those employees whose meals are being reimbursed is required. A receipt must also be attached to the form. The employee may elect to use the per diem rate in lieu of being reimbursed for the actual meal expense. The Town of Fairplay follows the IRS standards for per diem rates. These rates are published on the U.S. General Services Administration website and can be found at www.gsa.gov. Per diems must be requested in advance using the [Request for Reimbursement Form](#); receipts are not required.¶

¶ Travel requiring an overnight stay, the cost associated with meals is reimbursable. When meals are included in the conference/seminar registration fee or otherwise provided through other costs paid for the travel, no reimbursement will be allowed.¶

Alcoholic beverage costs are not considered meal expenses; therefore, are classified as personal expenses and are specifically not reimbursable by the Town.¶

¶ There are two accepted methods for reimbursement: Per Diem or actual expenses. Employees may choose either of these, but it must be consistent for the entire trip (i.e. all meals paid through per diem or all meals paid at actual costs).¶

¶ Per Diem - The Department Head must approve any travel in advance and employees must provide an itinerary prior to leaving using the [Authorization to Travel Form](#) (available in the

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⁴² [The meal information is very procedural. Can this be removed and provided to employees in a different way in order to shorten the handbook?](#)

608 CITY PROPERTY

Effective Date: Sept. 1, 2020

Revision Date: March 4, 2024

Employees who use or have Town-owned property, equipment, or materials in their possession are expected to treat it with the same care as they would their own property. All Town tools, material, property, and equipment are to be returned in good condition, ordinary wear and tear excepted. It is not only unethical, but also unlawful, for an employee to use or permit the unauthorized use of Town-owned equipment, materials or property for personal convenience or profit. It is the responsibility of every employee to check with their supervisor before using or permitting the use of Town-owned assets for personal use, including but not limited to, the use of electronics and the internet.

Whether or not performed on the Town's premises, work which employees perform and are paid for by the Town is the property of the Town of Fairplay. This includes inventions, works of authorship, improvements, designs, developments, and discoveries that relate in any manner to the present or prospective activities or business of the Town.

609 COMPUTER AND EMAIL USAGE

Effective Date: Sept. 1, 2020

Revision Date: February 7, 2022

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

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

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

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

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

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

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

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

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Deleted: CELLULAR TELEPHONES

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Deleted: The Town may require some employees, based on the employee's job requirements, to carry cellular telephones. Upon the recommendation of the department head and approval of the Town Administrator, employees determined to have a business need for a cellular telephone will be provided the following:¶ A monthly allowance, in an amount to be determined by the Town, for employee's using their personal cellular telephone phone ("Employee-owned"); or¶ A cellular telephone paid for and provided by the Town ("Town-owned") will be issued to police officers.¶

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

¶ Town-owned Cellular Telephones¶

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

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

¶ It is lost or damaged while in the care of employee, as a result of the employee's negligence.¶

¶ It is not returned by an employee within the specified period of time or is damaged upon its return.¶

¶ It is damaged due to failure to adhere to maintenance or operational policies.¶

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

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

All employee email, including email sent or received by the Town or the Board of Trustees and employees, may be considered a public record subject to public disclosure or inspection under CORA.

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

Employees should notify their department head or the Town Administrator upon learning of violations of this policy. Violations of this policy will not be tolerated.

610 INTERNET USAGE

Effective Date: Sept. 1, 2020

Revision Date: March 4, 2024

Internet access to global electronic information resources on the World Wide Web is provided by the Town to assist employees in obtaining work-related data and technology. The following guidelines have been established to help ensure responsible and productive Internet usage. While Internet usage is intended for job-related activities, incidental and occasional brief personal use is permitted within reasonable limits.

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

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

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

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

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

Abuse of the Internet access provided by the Town in violation of law or Town policies will result in disciplinary action, up to and including termination of employment. Employees may also be held personally liable for any violations of this policy.

611 WORKPLACE MONITORING

Effective Date: Sept. 1, 2020

Revision Date:

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

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

Deleted: <#>Engaging in any other illegal activities¶

or accessed.

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

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

612 WORKPLACE VIOLENCE PREVENTION

Effective Date: Sept. 1, 2020

Revision Date: [March 4, 2024](#)

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

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

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

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

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

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

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

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

SECTION 7: DRUG AND ALCOHOL USE

701 DRUG-FREE WORKPLACE

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Effective Date: Sept. 1, 2020

Revision Date: [March 4, 2024](#)

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

[Illegal use of drugs off-duty and off Town premises or work sites is not acceptable. It can affect on-the-job performance and the confidence of the public and our citizens in the Town's ability to meet its responsibilities.](#)

No employee is permitted to report for duty while [\(1\) impaired by or under the influence of alcohol or drugs to the slightest degree; \(2\) having detectable amounts of alcohol or controlled substances in the employee's system; or \(3\) smelling of alcohol on the job, regardless of whether the employee is under the influence.](#) Any employee who reports to work [under any of the above conditions](#) (including being impaired or under the influence due to off-duty recreational or medical use of marijuana) shall be relieved of his or her duties immediately and without pay, and may be subject to additional disciplinary action.

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

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

Town vehicles and premises, as well as employee offices, desks, work areas, or personal property should not be considered private and may be subject to search for any purpose. In the event of suspected possession of illegal items, law enforcement may be contacted.

[In accordance with the Drug-Free Workplace Act of 1988, the Town prohibits the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance during work time, on Town premises, or other work sites.](#) As required by the Drug-Free Workplace Act, each employee engaged in the performance of any federal grant, as a condition of employment, must:

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

702 DEFINITIONS

Effective Date: Sept. 1, 2020

Revision Date: [March 4, 2024](#)

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

- a) **CDL Employee.** An employee whose job description requires him or her to hold a commercial driver's license under Colorado law.
- b) **Safety Sensitive Employee.** A safety sensitive employee is one that holds a position identified by the job descriptions

as safety sensitive, ordinarily, but not limited to, those employment positions where drug and alcohol use presents a direct threat to the public at large.

- c) Illicit Use of Drugs. The *Illicit Use of Drugs* means the on-the-job or off-the-job unauthorized use by an employee of a controlled substance, as defined by federal law or the misuse of prescription drugs, over-the-counter drugs or other substances known to affect a person's ability to safely or efficiently perform job duties. Off-duty use of marijuana in compliance with Colorado law shall not be deemed Illicit Use of Drugs.
- d) Drugs or Controlled Substances means a controlled substance listed in Schedules I through V of 21 U.S.C. 812 and as further defined by federal regulations (21 CFR Section 1300.11 through 1300.15). This list includes but is not limited to marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP). It does not include over-the-counter medications taken in accordance with the manufacturer's instructions, or drugs prescribed by a physician for the employee when taken in the manner, combination and quantity prescribed, unless possession or use is illegal despite a prescription. Marijuana or Marijuana Product. *Marijuana or Marijuana Product* means any product that contains Tetrahydrocannabinol or THC.
- e) Impaired by Alcohol. CDL and Safety Sensitive employees are *Impaired by Alcohol* if alcohol testing under this policy indicates an alcohol concentration of 0.04 or more grams of alcohol per 210 liters of breath or per 100 milliliters of blood. All other employees are *Impaired by Alcohol* if alcohol testing under this policy indicates an alcohol concentration of 0.05 or more grams of alcohol per 210 liters of breath or per 100 milliliters of blood.
- f) Under the Influence. As related to marijuana, the employee's blood contained five nanograms or more of delta 9-tetrahydrocannabinol per milliliter in whole blood, as shown by analysis of the employee's blood.

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703 DRUG AND ALCOHOL TESTING

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Effective Date: Sept. 1, 2020

Revision Date: March 4, 2024

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

- a. Offers of employment may be contingent upon submitting to and passing a drug test. ~~Pre-employment tests shall be required only after an applicant is offered a position.~~
- b. Each such employee shall be tested before the first time they perform any safety-sensitive function for the Town. Such functions including driving; waiting to be dispatched; inspecting and servicing equipment; supervising, performing or assisting in loading or unloading; repairing or obtaining and waiting for help with a disabled vehicle; performing driver requirements related to accidents; and performing any other work related to vehicle maintenance or operation.
- c. Alcohol and controlled substance tests shall be conducted after any accident involving any safety-sensitive function. Such tests shall be conducted as soon as is practicable following an accident if the accident involved personal injury, property damage, or a citation for a moving traffic violation. Employees involved in accidents shall make themselves available for testing unless they need immediate medical attention, and shall not use alcohol for eight hours after any accident or until after a post-accident alcohol test, whichever occurs first.
- d. Tests shall be conducted on a random basis at unannounced times throughout the year. Such random tests shall be conducted just before, during, or just after the performance of safety-sensitive functions.
- e. Tests shall be conducted when a supervisor or Town official trained in accordance with law has reasonable suspicion that an employee has violated the Town's alcohol or drug prohibitions. Reasonable suspicion must be based on specific, contemporaneous observations concerning the employee's appearance, behavior, speech or body odors. Such observations may include indications of the chronic and withdrawal effects of controlled substances. (See Appendix B)

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- f. A drug or alcohol test shall be conducted if and when an employee who has violated the Town's drug or alcohol prohibition returns to performing safety-sensitive duties. No employee may be assigned to a safety-sensitive position until a return-to-duty drug test is administered with a negative result.
- g. An employee who violates the Town's drug or alcohol prohibition and is subsequently identified by a substance abuse professional as needing assistance in resolving a drug or alcohol problem shall be subject to unannounced follow-up testing as directed by the substance abuse professional in accordance with law. Such follow-up testing shall be conducted just before, during, or just after the performance of safety-sensitive functions.

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

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

704 EMPLOYMENT-RELATED TESTING

Effective Date: Sept. 1, 2020

Revision Date: [March 4, 2024](#)

Safety-Sensitive Positions

The Town may require drug testing, finger printing, and/or Federal or state background checks of employees engaged in safety or security sensitive functions, including positions that involve operation of Town vehicles not requiring a CDL. [Also, existing employees may be required to pass a drug test as a condition of an offer of a specific job or project assignment.](#) Tests shall be conducted in accordance with the law and in a manner that ensures accuracy and limits access to the test results.

Reasonable Suspicion Testing

An employee must submit to immediate drug and alcohol testing if reasonable suspicion exists to believe that the employee may be using drugs and alcohol in violation of this policy. ["Reasonable suspicion" is defined as facts and circumstances that would lead a reasonable person to believe that another individual is under the influence of drugs, alcohol, or controlled substances.](#) Reasonable suspicion may be based on visual or other evidence that an employee is under the influence of, or using or possessing drugs or alcohol at the workplace. Indications of drug and alcohol use include, but are not limited to: slurred speech; lack of balance; excessive aggressiveness; docility or drowsiness; the detection or smell of drugs or alcohol; an employee's unusual demeanor, appearance or conduct; irrational, threatening or violent behavior. [Reasonable suspicion may also exist if other individuals have first-hand knowledge relating to an employee's violation of this policy and report this to the Town.](#) Reasonable suspicion testing requires prior approval by the Town Administrator.

Post-Accident and Post-Incident Testing

An employee [in a "safety sensitive" position who is involved in an on-the-job accident](#) may be subject to drug and alcohol testing [if the employee's own conduct could possibly be a contributing cause of the accident or injury.](#) [In addition, any employee who is involved in a serious on-the-job accident may be subject to an alcohol and drug test.](#)

- a) [An "accident" for purposes of this policy is defined as an incident or occurrence in which:](#)
- 1) [A person dies or requires medical treatment; or](#)
 - 2) [Property damage is estimated at greater than \\$1,500; or](#)
 - 3) [It involves use of a Town vehicle; or](#)
 - 4) [It involves an employee in a personal vehicle accident who, as a regular condition of his/her employment, is required to drive a non-Town vehicle.](#)
- b) [An employee who is involved in an accident must immediately report the accident to his or her supervisor/manager. If injuries do not allow the employee to immediately report the accident to his or her supervisor/manager as soon as practicable.](#)
- c) [Whenever a supervisor/manager observes or is notified of an accident as defined above, the supervisor/manager will](#)

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Deleted: <#>The Department Head will determine whether an employee must submit to post-accident or post-incident drug and alcohol testing. Post-accident and post-incident testing is permissible under the following circumstances:¶
 There is reasonable suspicion that the employee is under the influence of drugs or alcohol; or¶
 The employee receives a citation (or there is other reasonable indication of the employee's fault) and there is bodily injury or fatality; or¶
 The employee receives a citation (or there is other reasonable indication of the employee's fault) and there is property damage or direct incident costs reasonably ascertained to exceed \$1500.00; or¶
 The employee suffers an on-the-job injury requiring a visit to a medical provider and there is other reasonable indication of the employee's fault; or¶
 The employee failed to follow operational or safety protocol, causing or potentially causing a serious operational incident.¶

initiate drug and alcohol testing. The supervisor/manager will order the employee to submit to a drug and/or alcohol test. The supervisor/manager will arrange to transport the employee to the collection site and will arrange for the employee's transport home.

d) The employee will continue in a paid status pending the receipt of the drug testing results by the Town of Fairplay.

Timing and Location of Drug and Alcohol Testing

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

- a) Drug and alcohol testing of employees will be performed by a testing facility approved by the Town.
- b) If testing is delayed more than eight hours after the determination of reasonable suspicion, drug testing, but not alcohol testing, will still be performed.

Return to Work and Follow-Up Testing

An employee who has failed a drug/alcohol test, at the sole discretion of the Town, may be allowed to return to duty or be rehired after the employee submits to return-to-duty testing and tests negative for alcohol and controlled substances. Any employee who tested positive during the past twelve (12) months is subject to unannounced, follow-up testing from the date of return.

Random Testing

All "safety sensitive" employees are subject to random testing for alcohol and controlled substances during work hours. Random testing is not based on reasonable suspicion of use.

- a) If the randomly selected employee is at work the day of testing, the employee must submit to a drug and/or alcohol test at the scheduled time.
- b) The randomly selected employee is not required to be present for the required random drug and/or alcohol test if the employee is absent due to prescheduled leave.

Testing Facility and Safeguards

Testing will generally be by urinalysis. Results of blood tests or Breathalyzer (for alcohol) may also be relied upon by the Town. The testing will be performed by an approved lab and administered by a qualified testing facility. Samples will be collected in a sanitary environment designed to maximize employee's privacy while minimizing the possibility of sample tampering and to minimize intrusion, establish proper chain of custody and maintain confidentiality. If there is a positive drug and/or alcohol result on the initial screening test, the laboratory or blood alcohol technician will automatically do a second test to confirm the results. The second drug test will be performed using gas chromatography/mass spectrometry or other scientifically accepted method. A positive breath alcohol test will be confirmed by a second breath test.

If the results of the initial test are negative, the testing laboratory will report the results to the Town. In this instance, no additional tests on the specimen will be done.

If the initial results are positive, that is, if the results exceed the permitted levels for any of the drugs tested or if the blood alcohol tests come back positive, a second confirmatory test shall be performed. The employee is prohibited from performing any duties if the initial test is positive, and while the confirmatory test is being performed. Only specimens that are confirmed positive test result. In the event the drug and/or alcohol test results are not achieved due to a diluted sample, the applicant will be required to re-test.

Each applicant or employee upon his or her request may be provided with a written copy of the positive test result. Upon written request within seven days of taking the test an employee may access records relating to his drug and/or alcohol test.

Employment at Will

Nothing in this policy changes the fact that all employment with the Town is at will and can be terminated at any time by the employee or the Town with or without cause or prior notice. Nothing in this policy requires the City to test before terminating an employee for violation of this policy.

Deleted: <#>An employee subject to drug and alcohol testing after an accident or incident will be escorted to an approved testing facility for immediate testing, and shall not use alcohol until the alcohol test is performed, or until eight hours after the accident or incident, whichever is first. ¶ If seriously injured as a result of an accident or incident and unable to provide a sufficient breath or urine sample as required by this policy, the employee must authorize the release of medical records to determine if alcohol or drugs were detected. An employee who fails to report immediately any accident or an incident resulting in a serious injury, or who refuses to release medical records of drug and alcohol tests under these circumstances will be subject to corrective action up to and including termination. ¶

Deleted: <#>If alcohol testing is not performed within two hours of a reasonable suspicion determination, the reason for the delay must be documented by the persons involved in the determination. The documentation will be kept by the Town Office. Contribution to the delay by the employee is cause for disciplinary action, up to and including termination. ¶

Deleted: After Drug and Alcohol

Deleted: 's return to work after being required to submit to drug and alcohol testing is dependent on such factors as the employee's job description, the results of the testing, and the reason for the testing. ¶
An employee referred for drug and alcohol testing based on reasonable suspicion or an accident may not return to work until released to return to work by the employee's supervisor. Time off work under this section will be paid. ¶
An employee referred for random or biennial alcohol testing may return to work immediately after alcohol test results are obtained except under the following circumstances: ¶
Any employee *impaired by Alcohol* will be suspended without pay pending correction action; ¶
CDL and Safety Sensitive employees and any employee whose job description requires driving whose alcohol test results indicate the Use of Alcohol, will be required to take personal leave until a breath alcohol test indicates an alcohol concentration below 0.00 grams of alcohol per 210 liters of breath or per 100 milliliters of blood; or ¶
Substantial safety concerns are at stake. ¶
An employee may return to work pending the Town's receipt of negative test results.

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705 CORRECTION ACTION FOR VIOLATIONS OF DRUG AND ALCOHOL POLICY

Effective Date: Sept. 1, 2020

Revision Date: [March 4, 2024](#)

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

Refusal to Submit to Testing

The following behavior constitutes a 'refusal' to take a test:

- 1) Express refusal to take the test.
- 2) Failure to provide sufficient quantities of breath or urine to be tested without a valid medical explanation for the failure, or engaging in conduct that clearly obstructs the testing.
- 3) Tampering with or attempting to adulterate the specimen or collection procedure.
- 4) Not reporting to the collection site in the time allotted.
- 5) Leaving the scene of an accident without a valid reason and not submitting to the test as required in this policy.

Refusal to submit to mandated testing is considered a violation of this policy and the consequences will be the same as though there has been a positive test.

Deleted: Termination Mandatory¶

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

¶
A drug or alcohol test required by this policy determines the employee engaged in the *Illicit Use of Drugs* or was *Impaired by Alcohol* or used any *Marijuana or Marijuana Product*, and the employee holds a job description that requires a CDL or a driver's license or is identified as Safety Sensitive;¶

A drug or alcohol test required by this policy determines the employee, while operating a Town vehicle or equipment or the employee's personal vehicle on Town business, engaged in the *Illicit Use of Drugs* or was *Impaired or Under the Influence of alcohol or drugs*;¶

When referred for drug and alcohol testing, the employee refuses to submit the required blood, urine or breath specimen;¶

The employee refuses to authorize the release of drug or alcohol testing results performed by a health care provider after an accident for which the employee may be at-fault, and testing is warranted under this policy; or¶

The employee tampers with or attempts to tamper with a blood, urine or breath specimen collected for testing.¶

SECTION 8: EMPLOYEE CONDUCT & DISCIPLINARY ACTION

801 EMPLOYEE CONDUCT AND WORK RULES

Effective Date: Sept. 1, 2020

Revision Date: March 4, 2024

Discipline

Occasionally performance or other behavior falls short of our standards and/or expectations. When this occurs, management takes action, which, in its opinion, seems appropriate.

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

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

802 CITATION/ARREST OR CONVICTION REPORTING

Effective Date: Sept. 1, 2020

Revision Date: March 4, 2024

Town employees must perform their work with a high degree of moral and ethical behavior. In order to ensure that all employees have and keep these standards, employees are required to report any arrest(s), conviction(s) for criminal violation(s), and/or all citations for moving violation(s) of six (6) points or more (such as speeding 20 mph over the limit or DUI) whether resulting from on or off duty conduct and whether or not occurring within the Town. Under this policy, a conviction includes a finding of guilty, a plea of nolo contendere and/or the imposition of a sentence by any judicial body responsible for determining violations of federal or state criminal drug statutes.

In order for the Town to be prepared to respond to and protect the employee from potentially volatile or damaging situation, employees are required to report other contacts with law enforcement such as an officer being called to an employee's home for a domestic disturbance, an employee being investigated as a suspect in a crime or any other event that would adversely affect the public's perception of Town employees.

Employee reports under this policy must be made to the employee's supervisor as soon as possible but within no more than 48 hours of the beginning of the incident. Rights provided by the 5th Amendment to the United States Constitution apply; an employee does not have to incriminate themselves in their report but do have to disclose that they were contacted, charged, arrested etc. In the event the employee is incarcerated, a family member may report on the employee's behalf.

The supervisor along with the Town Administrator or their designee will evaluate whether pending charge(s) or conviction(s) will have an effect on the employee's ability to perform the duties and responsibilities of their job. Documentation regarding incidents reported under this policy will only become part of the employee's personnel record if the incident results in disciplinary action.

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

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803 ATTENDANCE AND PUNCTUALITY

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Effective Date: Sept. 1, 2020

Revision Date:

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

Poor attendance and excessive tardiness are disruptive. Neither will be tolerated.

804 PERSONAL APPEARANCE

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Effective Date: Sept. 1, 2020

Revision Date:

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

During business hours or when representing the Town, you are expected to present a clean, neat, and tasteful appearance. You should dress and groom yourself according to the requirements of your position. This is particularly true if your job involves dealing with customers or visitors in person. Your supervisor or department head is responsible for establishing a reasonable dress code appropriate to the job you perform. If your supervisor feels your personal appearance is inappropriate, you may be asked to leave the workplace until you are properly dressed or groomed. Under such circumstance, you will not be compensated for the time away from work if you are nonexempt. Consult your supervisor if you have questions as to what constitutes appropriate appearance. Where necessary, reasonable accommodation may be made to a person with a disability.

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

- a) Shoes must provide safe, secure footing, and offer protection against hazards as appropriate for your work environment.
- b) Shorts should not be worn in the office setting but are permissible dependent upon job function and safety guidelines.
- c) Mustaches and beards must be clean, well-trimmed, and neat.
- d) Offensive body odor and poor personal hygiene is not professionally acceptable.
- e) Jewelry should not be functionally restrictive, or dangerous to job performance.

805 GRIEVANCES

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Effective Date: Sept. 1, 2020

Revision Date:

The grievance procedure is available to any employee for the resolution of complaints, disputes, or concerns regarding the interpretation or application of Town policies regarding discipline. Any such dispute, complaint, or concern may be raised as a grievance pursuant to the grievance procedure. The availability of the grievance procedure shall in no way limit or restrict the Town's employment at-will powers.

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

The grievance procedure shall consist of the following steps:

Step 1

An employee may present a written complaint to his or her immediate supervisor setting forth the subject of the grievance, identifying the policy or policies at issue, and requesting consideration pursuant to this procedure. The employee and the supervisor shall confer on the matter and the supervisor shall respond to the complaint, orally or in writing, within five (5) working days. All supervisors shall immediately advise the Town Administrator of the filing of any grievance.

Step 2

If the grievance is not resolved at Step 1, the employee may, within five (5) working days of the supervisor's response, submit in writing his or her grievance to his/her Department Head. Such request shall also specify the nature of the grievance and the policy or policies at issue. The employee and the Department Head shall meet as soon as is practicable thereafter along with other staff members as appropriate. The Department Head shall respond to the employee in writing within ten (10) working days of that meeting, circumstances permitting.

Step 3

An employee dissatisfied with the decision of the Department Head may obtain a further review of the matter by submitting in writing a request for review to the Town Administrator, within five working days following the receipt of the Department Head's decision. The Town Administrator shall make such investigation and as he/she deems necessary and shall communicate his/her decision to the employee in writing within fifteen (15) working days after receipt of the employees request for review. The decision of the Town Administrator shall be final.

Town Officers only may present grievances to the Town Board of Trustees.

Any grievance not pursued to the next step within the time specified shall be considered resolved. The time limits for taking any action under this policy may be extended by agreement. The failure of any Town supervisor to respond to a grievance within the time limits specified in the policy or agreed upon should be reported to the next higher-level supervisor.

806. RETURN OF PROPERTY

Effective Date: Sept. 1, 2020

Revision Date: March 4, 2024

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

Employees must return all Town property immediately upon request or upon termination of employment. The Town may also take all action deemed appropriate to recover or protect its property.

807. POLITICAL ACTIVITIES

Effective Date: Sept. 1, 2020

Revision Date:

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

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

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

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Deleted: Where permitted by applicable laws, The Town may withhold from the employee's check or final paycheck the cost of any items that are not returned when required⁴⁹.

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808 SOCIAL MEDIA ACTIVITIES

Effective Date: Sept. 1, 2020

Revision Date:

"Social media" means any public or semi-public electronic communication, both written and video. Social media include blogs, Listserv lists, Facebook pages, chat rooms, personal web sites, Twitter posts, and similar electronic forums. It includes news sites, fans sites, sports sites, etc., which invite public comment.

The Town respects the right of employees to communicate on social media. All public employees, however, must recognize a clear distinction between acts as individuals and acts as representatives of the Town because they may be considered spokespersons for the Town. Because of this possibility, employees should ensure that views expressed on social media are personal and not those of the Town or of any person or organization affiliated or doing business with the Town.

Social media users are personally responsible for the content of their electronic postings. They can be held personally responsible for commentary that is considered defamatory, obscene, proprietary, harassing, or libelous by any offended party.

Employees shall not use personal social media during work hours. Furthermore, employees shall not use Town-owned equipment, including computers, cellular phones, other mobile cellular devices, the Town's network infrastructure, external access points to the internet, Town-licensed software and non-licensed software, or any electronic equipment, nor facilities to access or use social media. Such usage is not considered permitted incidental internet use as set forth in 609 or 610 of this Employee Handbook.

Employees shall not post on social media Town information, including Town issued documents, without prior express written permission of the Town Administrator.

Violations of this policy will not be tolerated. Questions related to this policy or about personal social media activities, should be directed to the supervisor or the Town Administrator.

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809 INSPECTIONS

Effective Date: March 4, 2024

Revision Date:

We may conduct searches after notice is given and with the employee's consent of employees' personal effects. This may include, but is not limited to, lunch bags, boxes, purses, personal computers, packages, or vehicles.

We may conduct searches of the above items without employee consent if we have a reasonable suspicion to believe that illegal activity is taking place and after obtaining a warrant to do so. Any illegal and unauthorized articles discovered may be taken into custody and will be turned over to law enforcement representatives.

Employees do not have a reasonable expectation of privacy in lockers, desks, cabinets, or file drawers, all of which are keyed by the Town, and copies of those keys are kept by the Town.

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Deleted: Organization

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810 DATA DISPOSAL POLICY

Effective Date: March 4, 2024

Revision Date:

During the course of your employment, the Town will collect certain information that is classified as "personal identifying information," or PII, under applicable laws. Such information may include, but is not limited to:

- Your first and last name or initials;
- Username(s) and password(s);
- Social security number;
- Driver license or other identification card number;

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Data Disposal Policy⁶¹

Deleted: Company

- Medical documentation;
- Biometric data;
- And more.

The [Town](#), may keep these records in paper and/or electronic format.

When such documentation is no longer needed, pursuant to records retention requirements and best practices, the [Town](#) will either (a) destroy the records or (b) arrange for their destruction, e.g. by shredding, erasing, or otherwise modifying the personal identifying information in such a manner as to render it unreadable or indecipherable through any means.

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EMPLOYEE ACKNOWLEDGEMENT FORM

I HAVE RECEIVED A COPY OF THE EMPLOYEE HANDBOOK DATED [FILL IN THE DATE]. I UNDERSTAND THAT I AM TO BECOME FAMILIAR WITH ITS CONTENTS. FURTHER I UNDERSTAND:

EMPLOYMENT WITH THE TOWN OF FAIRPLAY IS AT-WILL. I HAVE THE RIGHT TO END MY WORK RELATIONSHIP WITH THE TOWN, WITH OR WITHOUT ADVANCE NOTICE FOR ANY REASON. THE TOWN HAS THE SAME RIGHT.

THE LANGUAGE USED IN THIS HANDBOOK AND ANY VERBAL STATEMENTS OF THE TOWN ARE NOT INTENDED TO CONSTITUTE A CONTRACT OF EMPLOYMENT, EITHER EXPRESS OR IMPLIED, NOR ARE THEY A GUARANTEE OF EMPLOYMENT FOR A SPECIFIC DURATION.

THE HANDBOOK IS NOT ALL INCLUSIVE, BUT IS INTENDED TO PROVIDE ME WITH A SUMMARY OF SOME OF THE TOWN'S GUIDELINES.

THIS EDITION REPLACES ALL PREVIOUSLY ISSUED HANDBOOKS. THE NEED MAY ARISE TO CHANGE THE GUIDELINES DESCRIBED IN THE HANDBOOK, EXCEPT FOR THE AT-WILL NATURE OF EMPLOYMENT. THE TOWN OF FAIRPLAY THEREFORE RESERVES THE RIGHT TO INTERPRET THEM OR TO CHANGE THEM WITHOUT PRIOR NOTICE.

NO REPRESENTATIVE OF THE TOWN OF FAIRPLAY, OTHER THAN THE BOARD OF TRUSTEES, HAS THE AUTHORITY TO ENTER INTO AN AGREEMENT OF EMPLOYMENT FOR ANY SPECIFIED PERIOD AND SUCH AGREEMENT MUST BE IN WRITING, SIGNED BY THE MAYOR OR TOWN ADMINISTRATOR AND MYSELF. WE HAVE NOT ENTERED INTO SUCH AN AGREEMENT.

Effective Date: September, 2020

Revision Date: March 4, 2024

EMPLOYEE'S NAME (printed): _____

EMPLOYEE'S SIGNATURE: _____

DATE: _____

Deleted: The personnel Handbook describes important information about the Town, and I understand that I should consult the Department Head, Town Treasurer, or Town Administrator regarding any questions not answered in the Handbook.¶

¶

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

¶

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

¶

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

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Page 36: [1] Deleted Beth Brown 2/27/2023 2:21:00 PM

Page 37: [2] Deleted Erica Romberg 5/8/2023 4:00:00 PM

Page 48: [3] Deleted Janell Sciacca 3/1/2024 12:18:00 PM

PUBLIC HEARING FORMAT

LEGISLATIVE HEARINGS (Policy issues such as ordinances amending the Municipal Code, Budget Hearings, Etc.)

1. Mayor will introduce the topic and announce that the Public Hearing is open at _____ (time).
2. Mayor will ask for Staff presentation and allow for questions from the Board and suggested amendments, if any.
3. Mayor will solicit public comment in favor of or in opposition to issue/matter.
4. Mayor will close the public hearing and ask for Board deliberation.
5. Following deliberation, Mayor will ask for a motion to continue, approve as presented, approve with stated amendment(s) or deny.



Town of Fairplay
 400 Front Street • P.O. Box 267
 Fairplay, Colorado 80440
 (719) 836-2622 phone
 (719) 836-3279 fax
 www.fairplayco.us

STAFF REPORT

TO: Mayor and Board of Trustees
FROM: Kyle Parag, Building Official
RE: Public Hearing Item A: Ordinance No 2, Series of 2024, Modification to Ground Snow Load Code
DATE: March 4, 2024

BACKGROUND/ANALYSIS:

Every jurisdiction is required to determine a snow load as part of the local climatic conditions specific to the location of the jurisdiction. This snow load is used in calculations by engineers for structural loads imposed on all portions of a structure and used by inspectors to determine structural stability of structures within the Town limits of Fairplay. Historically, Fairplay's snow load has been determined to be 65 lbs/s.f. ground snow load. As a ground snow load, the IRC allows a 70% reduction to the value to convert to roof snow load, which equates to about 45 lbs/s.f. This value is used in the tables of the IRC to determine minimum structural sizing and spacing of the structural members for roofs and decks.

Heavy wet snow can exceed 1.5 lbs/s.f./inch, which means the 45 lbs/s.f. design criteria can be exceeded by only 30" of snow depth. In addition to the weight of the snow, freeze-thaw cycles can create ice, exponentially increasing the total weight.

As determined by the Building Official, the current design criteria is not adequate to address the weather conditions expected in Fairplay on a probable basis.

As a Building Department that works closely with neighboring jurisdictions, it is recommended to maintain consistency with those jurisdictions as much as possible. Park County Building Department has moved to a location specific program that provides values unique to each location based on elevation, terrain, and expected wind conditions of the region. The program has ground snow loads for Fairplay between 95 lbs/s.f. and 102 lbs/s.f. (<https://ascehazardtool.org/>). Alma is currently much more stringent with a roof snow load of 100 lbs/s.f., which equates to about 140 lbs/s.f. ground snow load.

As the Building Official for Fairplay, I am recommending increasing the ground snow load to 100 lbs/s.f.. The above snow load has been determined based on the latest data available and provides the safest and most reasonable design conditions for the Town of Fairplay. This change will be written in the Town code as part of the climatic conditions table of the IRC, and the value will be used for the local determination in accordance with 1608.2 of the IBC.

STAFF RECOMMENDATION

Staff recommends the Board approve Ordinance No. 2, Series 2024, as presented by motion, second and a roll call vote.

Attachments:

- Ordinance No. 2, Series 2024
- Snow Load Changes Example

TOWN OF FAIRPLAY, COLORADO

**ORDINANCE NO. 2
(SERIES OF 2024)**

AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AMENDING CHAPTER 18 BUILDING REGULATIONS TO INCREASE THE DESIGN SNOW LOADS FOR STRUCTURES

WHEREAS, the Town of Fairplay, Colorado (“Town”)is a statutory town, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, pursuant to C.R.S. §31-15-401, the Town by and through its Board of Trustees (“Board”), possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety and welfare; and

WHEREAS, Colorado Revised Statutes §31-16-201 to 208 provides that municipalities may adopt certain codes and standards by reference; and

WHEREAS, Pursuant to CRS§31-16-204, the Board of Trustees may alter and amend any building code; and

WHEREAS The Town of Fairplay, Board of Trustees did approve Ordinance 11, Series of 2022, adopting with certain amendments the International Building Code, 2018 Edition which will be codified as Fairplay Municipal Code Chapter 18– Building Regulations, and the Board of Trustees now desires to update portions of that adoption to coordinate the climatic design conditions of the jurisdiction with nationally recognized data.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD FOR THE TOWN OF FAIRPLAY, COLORADO AS FOLLOWS:

Section 1. Chapter 18–Building Regulations, ARTICLE I Building Codes, Sec. 18-1-20. Adoption of codes, and specifically subsection (c)(9) is amended as follows:

- (9) IRC Table R301.2(1). IRC Table R301.2(1) is filled to provide the following:
Table R301.2(1)

Climatic and Geographic Design Criteria

Ground Snow Load ^a	Wind Design				Seismic Design Category ^f	Subject to Damage		
	Speed (mph) ^d	Topographic effects ^k	Special wind region ^l	Wind-borne debris zone ^m		Weathering ^a	Frost line depth ^b	Termite ^c
65 100 PSF	Ultimate 110, Nominal 90 Exp. C	Yes	No	No	B	Severe	48 inches	Slight to moderate
Winter Design Temp ^e	Ice Barrier Underlayment Required ^h	Flood Hazards ^s	Air Freezing Index ^t	Mean Annual Temp ^u				

2 F	Yes	See Town adopted regulations and Article III	2500	32 F				
Manual J Design Criteria ^a								
Elevation	Latitude	Winter heating	Summer cooling	Altitude correction factor	Indoor design temperature	Design temperature cooling	Heating temperature difference	
9953 Ft.	39.22135 N	-14	81	.69	70 F	75 F	84	
Cooling temperature difference	Wind velocity heating	Wind velocity cooling	Coincident wet bulb	Daily range	Winter humidity	Summer humidity		
6	15 mph	7.5 mph	51	High (H)	50%	50%		

Section 2. Safety Clause. The Town Board hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Fairplay, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Board further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 3. Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

Section 4. This Ordinance shall become effective 30 days following publication.

INTRODUCED, READ, ADOPTED, AND ORDERED PUBLISHED this 5TH day of MARCH, 2024

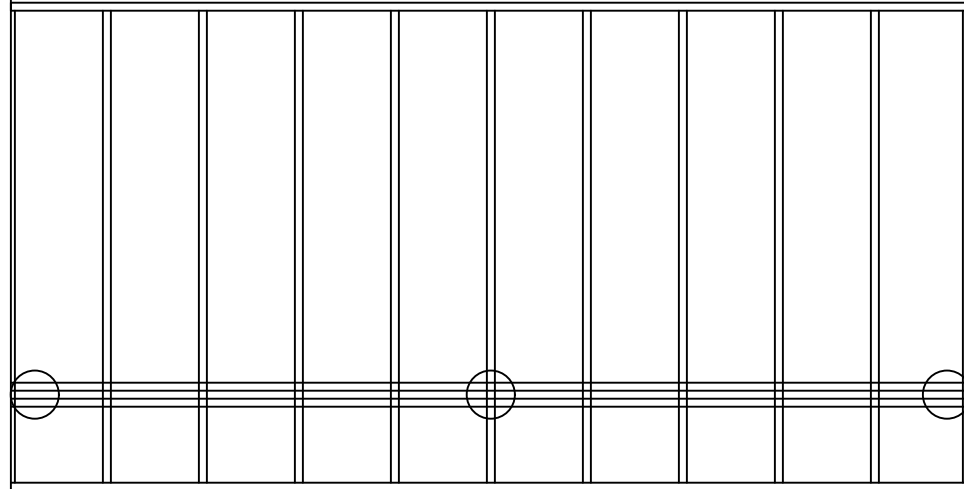
TOWN OF FAIRPLAY, COLORADO

ATTEST:

Frank Just, Mayor

Janell Sciacca, Town Clerk

Existing house

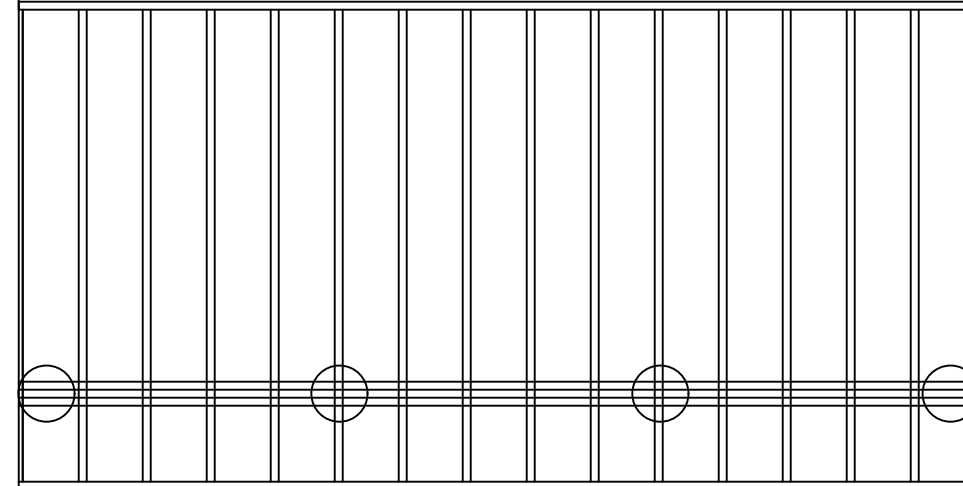


Deck construction:
Footers/Piers 12" Sonotube
Joists: Douglas Fir 2 X 10 - 24" OC
Beam: 3-2 x 12

Beam span 10'
Joist span 10'

Snow Load/Live Load= 40 PSF Equates to 57 LBS Ground snow load

Existing house



Deck construction:
Footers/Piers 14" Sonotube
Joists: Douglas Fir 2 X 12 - 16" OC
Beam: 3-2 x 12

Beam span 6'
Joist span 10'

Snow Load/Live Load= 70 PSF Equates to 100 LBS Ground snow load



MEMORANDUM

TO: Mayor and Board of Trustees
 FROM: Janell Sciacca, Town Administrator / Clerk
 RE: Monthly Report
 DATE: February, 2024 Monthly Report

PERSONNEL

- Staff is working with ADP to switch payroll platforms from RUN to Workforce Now. Workforce Now is a more robust platform that allows us to appropriately track and account for all the specialized needs of government payroll. It appears the costs will be the same for Workforce Now and the setup costs are being waived due to the issues with the RUN platform.
- The updated Personnel Manual and Compensation Plan will be on the March 4 agenda for Board review, discussion and approval
- Staff met in February to discuss the seasonal Events and Public Works positions. Julie Bullock has created a posting notice for her Events Assistant and we hope to hire that position starting April 1. The Public Works position that is hired every year for watering of flowers and picking up trash will also include duties at events to assist with setup and tear down. We will start advertising for that position in April so as to have the person on board to help when the Town's flowers are received.

ADMINISTRATION / CLERK

- There have been no new liquor license application received, no known violations and annual renewals are in process.
- Sarah attended a Liquor Licensing Training in Frisco that was put on by the Colorado Municipal Clerks Association. She is assuming most all of the Liquor Licensing program for the Town and has also drafted an annual renewal letter to send out to licensees to better help them remember that their annual renewals must be submitted to the Town and not sent directly to the State of Colorado.
- Sarah also sent out Cease and Desist notices to businesses that had not renewed their Annual Business License. Several has paid but several remain in non-compliance and will be cited into Court if the renewal is not submitted by the end of March.
- The few businesses that have not renewed complained about the higher fee (\$100) and each that Staff has had direct contact with were advised they could appear before the Board of Trustees to voice their dissatisfaction.
- As of this report, there are still two candidates that have been certified for the two open Trustee seats on the April 2, 2024 Municipal election ballot. There have been no affidavits of intent filed for write-in candidates, and if at the close of business on the nineteenth day before the election (Thursday, March 14, 2024) there are not more candidates than open seats, the Clerk's Office will move forward to cancel the election as per FPMC Section 2-1-30. A resolution would appear on the March 18, 2024 agenda.
- Staff has been reviewing information and attending webinars regarding HB 21-1110 website accessibility. PPACG hosted an online presentation from SIPA (Statewide Internet Portal Authority) on February 29 to provide information on their partners and grant opportunities. Staff met with one of the SIPA partners on February 27 and they will be performing a free scan of the Town site and providing those results so we have a better idea of the things we will need address.

DEVELOPMENT / LAND USE

- Town Planner Scot Hunn and Town Engineer Deron Dirksen spent their second full day in Fairplay on Monday, February 5, 2024 and attended the Board Meeting that evening.
- Scot and Deron assisted in drafting the Referral Response and Resolution that were submitted to Park County in opposition of the proposed Ellie Belle Asphalt & Concrete plant. This application has since been withdrawn but Staff is recommending submitting a letter to the Park County Commissioners to request a moratorium on development applications in the Mining Zone District until the County completes an update of their Land Use Regulations.
- Project inquiries are picking up and Scot and Deron will be back on-site March 4 where we already have multiple meetings set and will also conduct the monthly Development Review Meeting.
- Park County has asked for a meeting with Staff to discuss de-annexation of the Fairgrounds property currently inside the Town. This meeting is set for March 4.

PUBLIC WORKS & UTILITIES

- Staff has updated the Town Shut Off Notice and will begin issuing them in March for unpaid February accounts. Notice of enforcement of this provision of the Town code was placed in the February utility bill and Staff will still work with impacted home and business owners for the next several months to make sure our citizens are aware of the Town's enforcement of the code.
- Crews have been quite busy performing snow removal with the recent storms. There have been very few complaints received.
- Sean will be setting up a meeting with CDOT to discuss snow removal along the street in front of 501 Main.
- Sean, Alex and I were able to meet with several home and business owners during a drive-around on February 27 and were able to come to an agreement with one homeowner who has had his 5th Wheel parked in the right of way for years to move it next to his garage this spring after the snowmelt.

EVENTS & MARKETING

- Julie and I met with ith Scream Agency on Monday, February 5, to discuss marketing for 2024. We have approved an agreement with them for 2024 services and Julie has been working to get them all the information needed to get the Events postcard and Town map and brochures updated.

PROJECT UPDATES

1. 501 MAIN
 - Plumbing crews completed running waste and vent lines as well as the domestic copper lines to the bathrooms, kitchen, and water fountains.
 - The framing crew installed one support LVL beam to help support the existing roof beam. They also began installing the new LVL beam to support the floor joists in the janitor's closet to allow the restructure for the new access door.
 - Construction on the ADA ramp will begin the week of March 4.
 - Grant Manager Flannery and I met with DOLA Regional Manager Kate McIntire to conduct a pre-application meeting for grant funding for the next phase of 501 Main. **We will need to discuss the current costs of Phase 1 and what Phase II will entail at the March 4 meeting.**
2. INFILTRATION GALLERY
 - The project is almost complete! Ken Hardesty will be on-site and at the March 18 meeting to provide and update and discuss some remaining work he and ORCs Deline and Chisholm would like to see done while also reviewing an Asset Management Plan.
3. RIVERPARK PHASE II
 - The RFP was not able to be completed and posted in February so our Local Agency Coordinator Junior Rodriguez will be in town March 6 to help finalize all the CDOT requirements and discuss the timeline for posting and project award.



Town of Fairplay

Police Department

901 Main Street
Fairplay, CO, 80440
(719) 836-2840

To: Janell Sciacca, Town Administrator
From: Jeff Worley, Chief of Police
Date: February 29, 2024
Re: Fairplay Police Department Monthly Report – February 2024

Police Department Updates and Projects

As of February 5, 2024, Fairplay Police Department officers began patrolling Fairplay and Alma, answering calls-for-service, conducting traffic enforcement, and assisting the community in various other ways. Because officers are currently “doubled up” in single patrol vehicles due to the requirements of their initial field training program, the two on-duty officers are limited somewhat in conducting more tasks at any given time. Nonetheless, all the officers are actively getting to know our citizens as well as the geographical layout of the towns.

In response to traffic violations as one of the most common complaints from citizens during the rebuilding process, officers spent a substantial amount of time simply in preventative patrol by intentionally being very visible along Highways 9 and 285 and other oft used routes. Anecdotally, officers reported seeing a noticeable decrease in speeding along the main thoroughfares of Fairplay and Alma.

Concerning our fleet issues, Sgt Martinez verified that he has acquired four Tahoes from Pueblo County Sheriff’s Office at no cost to the Town. Although older patrol vehicles, we understand they are in good mechanical condition. This procurement provides much needed vehicles when our officers complete their field training and go to the road on their own. Delivery of the Tahoes should occur within the next two weeks.

Along the line of acquiring good, used equipment, last week Sgt Grover obtained working TASERS from Park County Sheriff’s Office free-of-charge. This represents a savings of \$6,759 per year for the next five years, or nearly a total of \$34,000. While FPD would like to have issued brand-new TASERS to its officers this year, the unexpected cost of our body-worn camera system would have caused a significant deficit in our equipment budget if we had to make both purchases. (Notably, there was also an unacceptable delay from Axon in providing the new TASERS, although the company had promised delivery by January 15th.) Dependent upon the continued effectiveness of the used TASERS, in two or three years FPD will consider making a multi-year less-lethal system purchase.

Regarding projects, Officers Berlanga and Prickett, who are waiting to start formal field training, were assigned specialized tasks, foremost among them the updating of our Fairplay business contacts. As such, the officers personally went to each business located along Main St, Highway 285, and Front St where they met with proprietors and/or managers. The officers updated the owner's names, telephone numbers, and after-hours contact information. These efforts were largely met with enthusiasm and gratitude for what the Town is doing to provide law enforcement services to the community. As an aside, several of the businesspeople also provided drug information to our officers during their conversations. The Police Department will be conducting a similar business contact and update for Alma in March.

Concerning our efforts to obtain grant funds, the Town's grant writer, Tom Flannery, completed and submitted his first grant application for FPD in the amount of \$90,000. The requested DOJ funds are designated for the purchase of Motorola handheld and in-car radios. If the grant dollars are awarded, the *dual-band* (that is, UHF and VHF bands) radios purchased will enhance our officers' ability to communicate with dispatch and other officers in areas of the County where radio transmission is difficult or "impossible" without the VHF feature. (The PD does not currently own dual-band radios that have this capability.) The Town will be notified of DOJ's decision in 90 days.

Police Activity – Statistical Data**

At the conclusion of the first 24 days, i.e. February 5 to February 29 of FPD's return to operational service, the following are some of the pure statistical data the Department collated for that period:

- 138 calls-for-service (CFS) of all categories that includes criminal, non-criminal, and traffic-related events (an average of 5.8 incidents per day)
- Of the 138 CFS numbers:
 - 111 events took place in Fairplay proper or in the nearby area, e.g. agency-assists outside of Fairplay (80.4% of CFS numbers)
 - 27 incidents took place in Alma (19.6% of CFS)
- Of the CFS numbers, 45 were self-initiated traffic stops (32.6% of the CFS total):
 - 31 traffic stops in Fairplay (68.9% of traffic stops)
 - 14 traffic stops in Alma (31.1% of traffic contacts)
 - 25 traffic total citations issued, 18 of which were municipal tickets
 - 55.6% of all traffic contacts resulted in citations
- Of the 25 citations issued:
 - 19 were tickets issued in Fairplay (76% of all citations)
 - Six were violations in Alma (24% of all citations)

**** Note:** *The statistical data was collected until 3:00 PM on February 29th so that this update could be sent out in time to be included in the BOT package for the board meeting on March 4th. As such, the numbers could be slightly skewed in accuracy if further activity occurred after that time but before midnight.*



Town of Fairplay – Monthly Board Memo

TO: Town of Fairplay
FROM: Deron Dircksen, PE
DATE: March 1, 2024
SUBJECT: Monthly Board Memo

Dear Board:

Thank you for your time. Since there are a lot of SGM/engineering projects on-going, please see this high-level monthly board memo regarding the projects and please let us know if you have any questions or need additional information or details.

Stone Creek

- SGM completed review of Stone Creek submittal and met with engineer and applicant to review.

Mustang Ridge

- SGM is completing a review of Mustang Ridge Preliminary Plat submittal and providing comments.

Hathaway Water Main

- Construction Drawings are finalized.
- Need to meet with contractor Victor @ Rocks and Walls.
- Construction start: ?? (Last day of school Thursday 5/23/2024)

Burro Park

- SGM has discussed dead-end option in-house.
- SGM is moving forward with pros & cons of dead-end option.

Public Works Manual

- SGM is moving forward with updating the Public Works Manual.
- A few more updates came up such as depth of bury, streetlights, street cross sections, water main looping, and easements.
- Update should be completed March 2024

Sanitary Sewer Criteria

- SGM is moving forward with updating the Sewer Criteria Manual.
- Update should be completed March 2024

Water Model

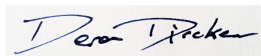
- A scope and fee proposal has been provided characterizing two potential approaches. SGM is happy to meet with staff or attend the upcoming board meeting for further discussion of this proposal.

GIS

- Helped Alex set up a map to inventory lot land status in town.

Questions/Input:

Sincerely,
SGM



Deron Dirksen, P.E.
Senior Engineer 1

Town of Fairplay - Water Loss Evaluation

Jan-24

Year/Month	Gallons of Water Produced	Water Gallons Billed	Bulk Water Filled Gallons Sold	Gallons Not Billed (Non-revenue)	% Loss	Influent Intake Gallons Sanitation Plant	Usage/Leakage (Gallons)*
24-Jan	2,756,914	1,901,000	9,600	846,314	30.70%	2,263,188	1,093,726
23-Dec	2,435,019	1,978,000	8,000	449,019	18.44%	2,429,920	605,099
23-Nov	2,522,724	2,068,000	5,000	449,724	17.83%	2,850,076	272,648
23-Oct	2,441,478	1,986,000	6000	449,478	18.41%	2,782,198	259,280
23-Sep	2,768,984	1,786,000	10,000	972,984	35.14%	2,877,568	491,416
23-Aug	3,766,185	2,767,000	159,012	840,173	22.31%	2,987,411	1,378,774
23-Jul	4,154,652	3,066,000	319,720	1,408,372	33.90%	3,159,293	1,595,359
23-Jun	2,774,533	2,026,000	6000	754,533	27.19%	2,721,888	652,645
23-May	2,827,877	1,785,000	6000	1,036,877	36.67%	2,724,577	703,300
23-Apr	2,879,296	1,648,000	5000	1,236,296	42.94%	2,768,552	710,744
23-Mar	3,100,045	2,390,000	4000	714,045	23.03%	2,944,411	755,634
23-Feb	3,643,134	2,892,000	4000	755,134	20.73%	2,647,201	1,595,933
23-Jan	3,204,152	1,958,000	3,000	1,249,152	38.99%	3,036,092	768,060
22-Dec	2,959,297	2,077,000	3,000	885,297	29.92%	2,935,749	623,548
22-Nov	2,636,174	1,705,000	2,800	933,974	35.43%	2,725,199	510,975
22-Oct	3,107,087	1,672,000	3,000	1,432,087	46.09%	3,119,062	588,025
22-Sep	3,520,790	2,020,000	2,900	1,497,890	42.54%	2,748,647	1,372,143
22-Aug	4,422,770	2,731,000	6,500	1,685,270	38.10%	3,016,516	2,006,254
22-Jul	4,084,981	2,407,000	6,975	1,671,006	40.91%	3,129,599	1,555,382
22-Jun	3,472,184	2,157,000	3,200	1,311,984	37.79%	2,782,182	1,290,002
22-May	2,705,715	1,760,000	1,400	944,315	34.90%	2,801,428	504,287
22-Apr	2,573,411	1,670,000	1,100	902,311	35.06%	2,873,579	299,832
22-Mar	2,589,242	2,067,000	2,750	519,492	20.06%	3,073,850	115,392
22-Feb	2,333,009	1,832,000	2,700	498,309	21.36%	2,758,731	174,278
22-Jan	2,537,579	1,679,000	1,400	857,179	33.78%	3,092,156	45,423
21-Dec	2,552,299	1,939,000	1,000	612,299	23.99%	2,966,896	185,403
21-Nov	2,509,249	1,780,000	2,450	726,799	28.96%	2,677,502	431,747
21-Oct	3,298,065	2,422,000	2,850	873,215	26.48%	2,958,659	939,406
21-Sep	4,125,110	2,439,000	2,700	1,683,410	40.81%	3,028,952	1,696,158
21-Aug	4,396,735	2,781,000	1,700	1,614,035	36.71%	3,072,321	1,924,414
21-Jul	4,495,697	3,231,000	1,800	1,262,897	28.09%	3,498,456	1,597,241
21-Jun	3,939,138	2,577,000	5,025	1,357,113	34.45%	3,294,293	1,244,845
21-May	2,950,224	2,323,000	330	626,894	21.25%	3,282,436	267,788
21-Apr	2,567,775	2,046,000	1,690	520,085	20.25%	3,098,238	69,537
	TOTAL 107,051,524	TOTAL 73,566,000	TOTAL 602,602	TOTAL 33,577,962	Avg Loss 30.68%	TOTAL 99,126,826	Avg Usage 833,079

Averages 3,148,574 2,163,706 17,724 987,587 2,915,495

*Usage/Leakage assumes approx. 600,000 gal per month from Spruce Hill and the Trailer Park and no I&I

Notes:

1. Water leak found and fixed on Meadow Drive early November
2. Metered water leak at Gold Pan Trailer Park, 1.312 million gals (billed) approx 1.230 million gals leaked into ground and not recovered by sanitation plant. 365,933 gallons actual usage/leakage.
3. PRV leaks discovered at Dollar General and on Front Street.
4. Unmetered leak under building behind the jail.
5. Leak discovered @ 6th and Bogue, tried to isolate and reduced.
6. 6th and Bogue leak continued, waiting on parts. Indication is that County was not logging all water use during the County Fair. Use was up from 39,000 to 115,000.
7. 6th and Bogue leak continued, waiting on parts. Gold Pan Trailer Park and the Sinclair station both had metered leaks with bills doubled.
8. Leak at 6th and Bogue fixed, several meters repaired or replaced.
9. Jan '24 figures utilize the actual production numbers direct from each well's meter instead of SCADA estimations, which were previously used.

SCRIPT FOR EXECUTIVE SESSION - PROPERTY RELATED

BEFORE GOING INTO EXECUTIVE SESSION – with the regular meeting recorder on

1. Announce that the Town Board would like to go into an executive session and that the topic of discussion will be the purchase, acquisition, lease, transfer, or sale of any real, personal or other property.
2. Announce that the Sections 24-6-402 (4) (a) and (e) C.R.S. authorizes an executive session for this matter relative to the acquisition of real property.
3. Someone moves to go into executive session and someone seconds the motion.
4. Take a vote – an affirmative vote of 2/3 of the quorum present.

ONCE IN EXECUTIVE SESSION – with the exec session recorder on

5. Announce that it is (date) and the time is ____ p.m. For the record, I am the presiding officer, Mayor Just. As required by the Open Meetings Law, this executive session is being electronically recorded. Also present at the executive session are: _____.
6. Announce that the Sections 24-6-402 (4) (a) and (e) C.R.S. authorizes an executive session for the purpose of discussing the purchase, acquisition, lease, transfer, or sale of any real, personal or other property.
7. Announce that: “I caution each participant to confine all discussion to the stated purpose of the executive session, and that no formal action may occur in the executive session. If, at any point in the executive session, any participant believes that the discussion is going outside the proper scope of the executive session, please interrupt the discussion and make an objection.”

AT THE END OF EXECUTIVE SESSION – before the exec session recorder is turned off

1. Announce that it is (date) and the time is ____ p.m., and the executive session has been concluded. The participants in the executive session were: myself, Mayor Just and _____.
2. Announce that the recording will be kept for a minimum of 90 days in accordance with state law.

ONCE YOU ARE BACK IN REGULAR SESSION – with the regular meeting recorder on

1. Announce that it is (date) and the time is ____ p.m., and the executive session has been concluded. The participants in the executive session were: myself, Mayor Just and _____.
2. Announce that; “For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record.”
3. “Seeing none, this meeting is hereby adjourned.” (or if other items to be discussed move on to that item.)