

Resolution No. 99-05
ROUND MOUNTAIN TOWN BOARD

TOWN BOARD
UNINCORPORATED TOWN OF ROUND MOUNTAIN

RESOLUTION ADOPTING AND DIRECTING THE IMPLEMENTATION
OF THE REVISED ROUND MOUNTAIN TOWN PERSONNEL POLICY MANUAL

WHEREAS, the Round Mountain Town Board (hereinafter "Board"), as the governing body of the Unincorporated Town of Round Mountain, is responsible for hiring, training and supervising those employees necessary for operation of the Town and/or provision of Town services; and

WHEREAS, the Board recognizes that the personnel policies which have been in force for Town employees during the past decade are inadequate and/or obsolete; and

WHEREAS, the Board has undertaken the task of reviewing all of its personnel policies and has participated in the drafting and finalization of a new Personnel Policy Manual for the Town; and

WHEREAS, the new Personnel Policy Manual also has been reviewed and approved as to content by the Town's personnel consultant and attorney; and

WHEREAS, the Board agrees that it is in the best interests of the citizens of Round Mountain that the new Personnel Policy Manual be adopted and implemented,

NOW THEREFORE, it hereby is resolved as follows:

1. The Personnel Policy Manual, a copy of which is attached hereto and incorporated herein as Exhibit "A", is adopted.
2. The Board directs the Town Manager to forthwith fully implement and effectuate all provisions of the Personnel Policy Manual.
3. Not less than once a year, the Town Manager shall review the Personnel Policy Manual with the Town's personnel consultant and/or attorney, and shall report to the Board any recommendations for amendments, additions, deletions or other changes.

4. The Personnel Policy Manual may be amended by Resolution from time to time, in response to recommendations made to the Board by the Town Manager, or upon the Board's own motion, as and when the Board determines that such amendment is in the best interests of the Town.

DATED this ¹⁴ ~~17th~~ day of ~~January~~ ~~December~~ 1999 ~~1999~~ ²⁰⁰⁰.

PROPOSED on the 14th day of Dec., 1999 by Mark Sali.

VOTE: AYES: L.C. "Bud" Hansen _____ NAYS: _____

Marianne Sirebaugh _____

Ruth Purdy _____

Mark Sali _____

ABSENT: _____

ABSENTATIONS: Jina Winters _____

EFFECTIVE this 1 day of January, ~~1999~~ ²⁰⁰⁰.

TOWN BOARD
TOWN OF ROUND MOUNTAIN

By: B.H. Hansen
Chairman

ATTEST:

By: Ruth Purdy
Town Clerk

APPROVED

12-14-99

**TOWN OF
ROUND MOUNTAIN**

PERSONNEL POLICY MANUAL

**TOWN OF ROUND MOUNTAIN
PERSONNEL POLICY MANUAL**

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1. GENERAL PROVISIONS

1.1 Purpose

These policies are established to carry out Town of Round Mountain ("Town") Resolution # 99-05, the employer's personnel resolution adopting uniform personnel policies.

1.2 Scope

In the event that the Town officially recognizes a employee association, as permitted by law, in cases where application of these policies would conflict with a collective bargaining agreement, which is in effect between that union and the Town, the provisions of the collective bargaining agreement, shall govern. In all other cases, these policies shall govern.

1.3 Personnel Files

Contents

A master personnel file will be maintained for each employee. An employee's supervisor or manager may elect to maintain a duplicate copy of the documents; however, this does not supersede or eliminate maintaining the master personnel file. At the time of hire, each new employee will complete all government required documentation, all employer required documentation and when applicable, documentation pertaining to such matters as benefit plans enrollment and beneficiary designations. Where a license or certificate is required in order for the employee to carry out his or her Town duties, the employee has the responsibility to provide a copy of his/her required license or certificate. Additionally, an employee must immediately report to his/her supervisor or manager any suspension, restriction, or revocation of that license or certificate.

Employee Access

An employee may inspect the contents of his/her personnel file upon request. All inspections must be conducted in the presence of the Town Manager and/or his/her designee. Copies of the contents may be made, but employees may not remove any documents in the file. Only one (1) set of copies will be provided per year, and if additional copies are needed, the employee will be asked to pay for the copies.

Negative Information

Negative or derogatory material shall not be placed in an employee's file unless the employee has had reasonable opportunity to review the material. The employee will be required to sign such material to indicate she/he has reviewed it. If the employee refuses to sign such material, it may be placed in the employee's file with a dated notation that the employee refused

to sign for such material after being given an opportunity to do so.

Employee Information Submitted

An employee may submit a factual statement in rebuttal to adverse material placed in his/her personnel file. The Town may place other information, submitted by the employee, in the personnel file, if such information is relevant to the employee's work history with the Town.

Verification of Employment

Upon a request for verification of employment of a Town employee, only dates of employment, base salary and job titles will be provided. An employee's address or telephone number will not be given without proper authority i.e., a release signed by the employee, court order or subpoena.

1.4 Confidential Information

Identification of Confidential Information

The following types of personnel information and employment records that the Town maintains concerning current employees, former employees, and applicants for employment are confidential:

- All information in the application for employment including, but not limited to letters of reference, resumes and/or information establishing his/her status as eligible for employment.
- All information that the Town received or compiled concerning the qualifications of an applicant or an employee including, but not limited to, reports by employers, law enforcement officials, or other individuals concerning the hiring, promotion, performance, conduct, or background of applicants or employees.
- The rating or remarks concerning an applicant by members of an evaluation board or results from any testing or screening process for employment.
- Materials used in examinations, including answers on any written exam or suggested answers for an oral interview.
- Information in an employee's file or record of employment which relates to his/her:
 - Performance.

- Conduct, including any disciplinary action taken.
- Race, ethnic identity or affiliation, sex, disability, or date of birth.
- Home address or telephone number.
- All information concerning the voluntary or involuntary termination of an employee, excluding the dates of employment.
- The name of the beneficiary of an employee.
- All medical information concerning an employee or applicant including, but not limited to, pre-employment and post-employment medical and psychological examinations, disability and reasonable accommodation therefor, drug testing, pregnancy, doctor's excuse, and any other medical information that an employee or applicant voluntarily provides or the employer requests.

Attendance Sheets

Notations on attendance sheets that an employee has taken sick leave do not constitute a confidential record.

Segregation of Confidential Records

All confidential medical information shall be kept in files segregated from other personnel and employment records. All information contained in a confidential investigative file and all confidential investigative files shall be kept in files segregated from other personnel and employment records.

Access To Confidential Information

Access to confidential records is restricted to the following:

- Except as otherwise provided in this section, access to the materials for an examination and information relating to an applicant which are relevant to a decision to hire that person is limited to employees with a business need to know the information.
- Access to an employee's file of employment containing those items listed above as confidential is limited to:
 - The employee.
 - The employee's representative when a signed authorization from the employee is presented.
 - The Town, Town Manager, Administrative Supervisor, or his/her designated representative.
 - Persons who are authorized pursuant to any state or federal law or an order

of court.

2. FAIR EMPLOYMENT PRACTICES

2.1 Equal Employment Opportunity

It is the policy of the Town to provide equal employment opportunity for all applicants and employees. The Town believes that all persons are entitled to equal employment opportunities and does not discriminate against its employees or applicants on the basis of race, color, religion, age, sex, sexual orientation, national origin, ancestry, medical condition, disability, or veteran status. This policy applies to all areas of employment including recruiting, hiring, training, promotion, compensation, benefits, transfers, layoffs, return from layoffs, and social and recreation programs. The Town makes reasonable accommodations for disabled employees and applicants and prohibits harassment of any individual on any of the bases listed above.

Employees who believe they are being or have been discriminated against or have witnessed another employee being discriminated against should bring the situation to the attention of the Town Manager. Employees may also report the conduct to the Town Board. Supervisors or managers shall report all complaints or allegations of discrimination to the Town Board. All complaints or allegations of discrimination will be investigated. If it is determined that discrimination has occurred, the employer will take remedial action commensurate with the severity of the offense.

The Town will not tolerate any retaliation against an employee who exercises his/her rights under this policy. Any employee who believes she/he is being retaliated against should immediately notify the Town Board.

It is also the Town's policy to comply with all applicable laws prohibiting discrimination in employment.

2.2 Policy Against Illegal Harassment

Policy

It is the T's policy to prohibit sexual harassment and harassment because of race, color, religion, age, disability, national origin, sexual orientation, and any other basis made unlawful by any applicable law, ordinance or regulation.

Scope

This policy applies to all persons involved in the operations of the Town and prohibits such harassment by any employee, including supervisors and co-workers, any customer or client

of the Town, and any vendor or other service provider at the Town's facilities.

Conduct

Conduct that is determined to be illegal harassment, including sexual harassment, is inappropriate, offensive, and will not be tolerated by the Town. Examples of harassment include, but are not limited to:

- Verbal conduct such as epithets, derogatory comments, slurs, or unwanted sexual advances, invitations, or comments.
- Visual conduct such as derogatory poster, photography, cartoons, drawings, or gestures.
- Physical conduct such as unwanted touching, blocking normal movement, or interfering with work directed at an employee because of the employee's gender or any other protected basis.
- Threats and demands to submit to sexual requests in order to keep a job or avoid some other loss, and offers of job benefits in return for sexual favors.
- Retaliation for opposing, reporting or threatening to report harassment, or for participating in a harassment investigation, proceeding, or hearing.
- Employees may have a claim of prohibited harassment even if they have not lost their job or suffered some other tangible employment action. Prohibited harassment that impairs an employee's working ability or directly impacts their emotional well being at work violates this policy and will not be tolerated. When determining if illegal harassment has occurred, the Town will utilize the "reasonable person" standard. This standard considers if the behavior or conduct in question would be offensive to a "reasonable person."

Employee Responsibilities

Employees who believe they are being harassed because of their gender or other protected basis, as well as those who believe they have witnessed another employee being harassed, are strongly urged to bring the situation to the attention of management. If an employee believes he/she is being harassed, he/ she is urged to take action immediately by:

- Identifying the offensive behavior to the harasser and requesting that it stop.

- Note: An employee is **NOT** required to talk directly to the harasser or to the employee's supervisor if he/she feels uncomfortable in doing so. It is *critical*, however, that the employee contact one of the individuals listed below if he or she believes that he/she is being harassed or has witnessed what he/she believes to be harassment of or by another employee(s).
- Reporting the conduct as soon as possible to a supervisor or manager with whom the employee feels he/she can talk about the problem. Employees may also report the conduct to the Town Board.
- When the complaint is against the Town Manager, it may be reported directly to the Town Board. The Town Board will designate an independent person to handle the investigation.

Supervisor/Manager Responsibilities

Supervisors or managers shall immediately report all complaints or allegations of harassment or observations of such conduct to the Town Manager regardless of how the supervisor or manager learned of the suspected incident, and whether or not the employee is in the supervisor's department or in some other department. Supervisors and managers shall take timely and reasonable affirmative action to protect employees from instances of harassment. Supervisors or managers who fail to perform their responsibilities under this procedure will be subject to discipline up to and including termination.

Investigation

All complaints or allegations of sexual harassment will be promptly investigated. All investigations will be confidential. Information obtained will be released only on a need-to-know basis or as required by law. The individual filing the complaint as well as the individual against whom the complaint was made will be made aware of the final determination. All employees questioned as part of an investigation will be expected not to discuss the matter with others, with the exception of providing information to regulatory agencies. The Town treats all complaints or allegations of harassment seriously, and all employees are expected to be candid and truthful during the investigation process. If evidence arises that an employee has made intentionally false statements during an investigation, the employee will be disciplined up to and including termination.

If it is determined that illegal harassment has occurred, the Town Manager, or the Town Board if the harasser is the Town Manager, will take remedial action commensurate with the severity of the offense. This remedial action may include, but is not limited to, verbal and/or written reprimands, counseling, transfers, suspension without pay, and/or termination. Action will also be taken to deter any future harassment.

Training

New employees will be provided a copy of this policy upon hire and the contents will be discussed during the new hire orientation process. All employees will participate annually in a training session on the prevention of harassment.

Prohibition Against Retaliation

The Town will not tolerate any retaliation by management or any other employee against an employee who exercises his/her rights under this policy. Any employee who believes she/her is being retaliated or discriminated against in any manner whatsoever as a result of having filed a complaint should immediately notify the Town Board.

2.3. Policy Against Violence

The Town will not tolerate workplace violence. Acts or threats of physical violence, including intimidation, harassment, and/or coercion, which involve or affect the Town or its employees, or which occur on Town property or during the course of the Town's business will not be tolerated.

Examples of workplace violence include, but are not limited to, the following:

- All threats or acts of violence occurring on the Town's premises, regardless of the relationship between the organization and the parties involved in the incident.
- All threats or acts of violence occurring off the Town's premises involving someone who is acting in the capacity of a representative of the Town.
- All threats or acts of violence occurring off the Town's premises involving an employee of the Town, if the threats or acts affect the legitimate interests of the Town.
- Any threats or acts resulting in the conviction of an employee or agent of the Town, or of an individual performing services for the Town on a contract or temporary basis, under any criminal code provision relating to violence or threats of violence which adversely affect the legitimate interests and goals of the Town.

Actions necessary for bona fide self-defense or protection of the Town's property shall not be considered to violate this policy.

Specific examples of conduct, which may be, considered threats or acts of violence

include, but are not limited to, the following:

- Hitting or shoving an individual.
- Threatening an individual or his/her family, friends, associates, or property with harm.
- The intentional destruction or threat of destruction of the Town's property.
- Harassing or threatening phone calls or computer messages.
- Harassing surveillance or stalking.
- Unauthorized possession or inappropriate use of firearms, weapons, or explosives.

The Town desires to detect and deter real or threatened violence. Every employee is asked to report immediately any acts of violence or threats of violence against any co-worker, supervisor, manager, elected official, visitor, or other individual. Every other person on the Town's property is encouraged to report incidents of threats or acts of violence of which she/he is aware. These reports should be made to the Town Manager, an employee's immediate supervisor or manager, or any other supervisory or management employee. Supervisory and managerial personnel who witness or become aware of any acts or threats of violence must notify their superior immediately. Employees reporting real or perceived threats in good faith will not be subject to harassment or retaliation. Nothing in this policy alters any other reporting obligation established in the Town's policies or in state, federal, or other applicable law.

Violations of this policy by any individual on the Town's property, by any individual acting as a representative of the Town while off the Town's property, or by any individual acting off the Town's property when his/her actions affect the Town's interests may lead to disciplinary action up to and including termination and/or legal action as appropriate. The Town may also take appropriate disciplinary action against any employee who makes an intentionally false or malicious statement about another employee.

2.4. Drug and Alcohol Free Workplace Policy

The Town has a responsibility to its employees and the public to insure safe working conditions for its employees and a productive Town work force unimpaired by chemical substance abuse. The Town also has a responsibility, pursuant to the Drug Free Workplace Act of 1988, to create a drug free workplace. To satisfy these responsibilities, the Town must create and maintain a work environment free from the effects of illegal drugs and illegally or inappropriately used drugs, alcohol, and other performance-impairing substances.

The misuse of alcohol and other drugs impairs employee performance, is detrimental to employee health, and jeopardizes employee safety as well as the safety of the public.

Scope

This policy covers all applicants for employment and all employees, including supervisors and management, as well as contractors for testing upon initial employment, upon involvement in a work-related accident or comparable incident, and upon reasonable suspicion of impairment by or influence of alcohol or drugs.

Policy

Employee involvement with alcohol or drugs can adversely affect the work environment, job performance and safety, security and welfare of all employees. Accordingly, the Town prohibits the use, sale, manufacture, distribution and/or dispensing by an employee of an intoxicating liquor, controlled or illegal substances, or a drug not medically authorized while a person is within the scope of employment or on or in the Town property (including vehicles).

Alcohol, illegal drugs, and other items which may impair the safety or welfare of employees or the public may not be brought on to premises controlled by the Town or placed in vehicles or equipment operated on behalf of the Town. Elected officials and department heads may authorize the examination of lockers, desks, Town vehicles, and all other property owned or controlled by the Town to check for the presence of such items. Notice to employees for search of Town-owned property is not required.

Any employee who must use a prescription drug that may cause side effects, (e.g. drowsiness, impaired reflexes, or reduced reaction time) or may affect ability to perform work in a safe and productive manner must notify his/her supervisor prior to commencing work or operating equipment within the scope of employment. In the event that the supervisor determines, after reasonable inquiry, that the use of such drugs may impair the employee's ability to perform his/her work, the supervisor will remove the employee from the job. The supervisor may arrange for transportation of a relieved employee to home or to another location.

Employees who suspect they may have a substance abuse problem are encouraged to seek evaluation and treatment. Employees should obtain counseling and rehabilitation from a substance abuse professional or other treatment provider. The Town's medical insurance policy may pay some or all of the cost of the treatment.

Employees may be required to submit to testing for the presence of drugs or alcohol. Such testing or evaluation shall be done only under the condition and following the procedures outlined in this policy. Employees in safety-sensitive positions, as defined in 49 CFR Part 382, et seq., are subject to the additional requirements of the Department of Transportation's regulations.

Procedures

The drug and alcohol testing methodologies used by the Town will include, but are not limited to, hair analysis, urine analysis, blood analysis, and breath analysis. A drug test will be conducted on all applicants and contractors prior to employment. Any applicant who refuses to take the test will not be employed. The Town will not employ any applicant whose test results indicate recent or current usage of unlawful drugs, or prior usage without verified rehabilitation and total, permanent discontinuance of use.

The testing laboratory will notify the Town only that the applicant did or did not test positive for unlawful drugs. The applicant will also be notified and, if the test is positive, the applicant will be afforded the opportunity to demonstrate to the reasonable satisfaction of the Town Manager that he or she has successfully completed rehabilitation and has totally and permanently discontinued use of unlawful drugs.

The information shall not be included in the personnel file of the applicant, but shall be kept in a separate file maintained by the Administrative Supervisor.

Any employee involved in a work-related accident or incident which, in the judgment of that person's supervisor or the Town Manager or his/her designee, results in property damage or injury to any person or which could have resulted in such damage or injury, shall be requested to immediately take alcohol and drug tests.

An employee shall be requested to submit to an alcohol and/or drug test if there is reasonable suspicion that, while within the scope of employment or on or in Town property, he/she is impaired by or under the influence of alcohol or drugs. Reasonable suspicion exists when any supervisor or the Town Manager makes specific personal observations of the appearance, behavior, speech, or body odors of an employee, which could indicate such impairment or influence. That observation may include, but is not limited to: unsafe actions; speech which is slurred, incoherent, irrational, inappropriate, or out of character; an unsteady gait; an odor of alcohol; inability to perform routine tasks; disorientation and confusion; behavior which is erratic, irrational or inappropriate; absence from work site; or defective or deficient job performance. Any supervisor who has reasonable suspicion that any employee is impaired by, or under the influence of, alcohol or drugs shall immediately contact the Town Manager, who together with the supervisor will determine whether the employee should be requested to submit to a drug and alcohol test.

The Town Board, after full consideration of the issues, has determined that the following job positions/classifications are "safety sensitive," due to the type of equipment driven, used or otherwise controlled by employees in those positions and/or the public safety/emergency medical attributes of the positions; and all persons filling such positions may at any time, and from time to time, be subjected to randomly announced alcohol and drug testing, in accordance with procedures prescribed and approved by the Town Board:

- All positions/classifications which require a CDL or which are held by a person who holds a CDL,
- All maintenance workers;
- Town Manager; and the
- Recreation Director.

Reports of Drug or Alcohol-Related Conviction

Each employee must report the facts and circumstances of any conviction for violating any criminal statute relating to the possession, use, misuse or abuse of alcohol or drugs, including but not limited to driving while under the influence and possession of a controlled substance, to the Town Manager no later than five (5) days after the conviction. The Town Manager shall immediately forward the notification to the Town Attorney. A criminal conviction for violation of a drug or alcohol-related statute may lead to disciplinary action, if the employee's action leading to the conviction violates the provisions of this policy or relates to an employee's ability to satisfactorily perform his/her job.

Termination of Employment

The following shall be grounds for immediate termination of employment:

- Refusal to submit to a request for alcohol or drug testing pursuant to this policy.
- A determination that an employee is impaired by or under the influence of alcohol and/or drugs while within the scope of employment or on or in Town property (inclusive of vehicles);
- A determination that an alcohol or drug test administered pursuant to this policy was positive.

Rehabilitation

Any employee who voluntarily requests assistance in dealing with a personal drug and/or alcohol problem may do so through a private treatment program for drug and alcohol problems. An employee who is being treated for substance abuse in a recognized rehabilitation program shall be entitled to reasonable accommodation so long as the employee is conforming to the requirements of the program and is abstaining from the use of controlled substances and alcohol. The Town's medical insurance policy may pay some or all of the cost of the treatment.

If an employee seeks drug treatment voluntarily and not under adverse employment circumstances, accrued sick and annual leave benefits may be used while attending rehabilitation. After such accommodation, the discontinuation of any involvement with alcohol or drugs is an essential requisite for continued employment.

Evaluation and treatment are not a defense against, or protection from, disciplinary action after the fact or incident.

Deviation From Policy

Any special circumstances which would cause a deviation from this policy, such as a proven incorrect, positive test, must be reviewed and approved, in advance, by the Town Board prior to any commitment being made.

Definitions

Alcohol: The intoxication agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol's including methyl and isopropyl alcohol.

Alcohol Use: The consumption of any beverage, mixture, or preparation including any medication containing alcohol.

Contractor: An independent employee who is regularly exposed to Town work site hazards or who is a maintenance or service worker contracted by the Town to work for the Town for frequent or extended periods. "Regularly exposed" mean either frequent exposure, that is exposure to hazards at Town work sites on a frequent rather than consecutive day basis (a pattern of recurring exposure) or extended exposure of five (5) consecutive worked days or forty (40) hours, or eighty (80) hours over a twelve (12) month period.

Drugs or Controlled Substances: All forms of narcotics, depressants, stimulants, hallucinogens, cannabis, and other controlled substances of which the sale, purchase, transfer, use or possession is prohibited or restricted by The Federal Controlled Substances Act. Illegal or controlled substances means a controlled substance included in Schedule I or II, as defined by section 802(6) of Title 21 of the United State Code, the possession of which is unlawful under Chapter 13 of that Title. The term illegal drug does not mean the use of a controlled substance pursuant to a valid prescription or other uses authorized by law.

Drug Test: A urine analysis, hair analysis, blood analysis, or breath analysis, test that includes specimen collection and testing by a Department of Health and Human Services (DHHS) certified laboratory.

Illegally Used Drug: Any prescribed drug that is legally obtainable but has not been legally obtained or is not being used for prescribed purposes, all designer drugs, and any other over-the-counter or non-drug substances (e.g., airplane glue) being used for other than their intended purpose. (Note: A designer drug is a man-made drug or combination of drugs, which is similar in basic scientific properties to a drug or controlled substance and is produced in a clandestine laboratory.)

Over-the counter drugs: Those drugs which are generally available without a prescription from a medical doctor. Only those drugs which are capable of impairing the judgment of an employee or his/her ability to safely and proficiently perform his or her duties are subject to this policy.

Prescription Drugs: Those drugs which are used in the course of medical treatment and have been prescribed and authorized for use by a licensed practitioner/physician or dentist.

Refusal: Failure to appear for, submit to or cooperate in testing will be considered refusal to participate in testing, and will subject an employee to dismissal, and an applicant to the cancellation of an offer of employment.

Reasonable Suspicion: Specific articulable observations by a supervisory employee as described below; any accident or incident involving physical injury which requires medical treatment beyond first aid to any person; and any incident or accident involving property damage which is required by State law to be reported shall be deemed to constitute reasonable suspicion for discovery testing for drugs and alcohol.

Reasonable suspicion testing may be based upon, among other things:

- Observable indicators, such as direct observation of drug use or possession and/or the physical symptoms of being under the influence of a drug and/or alcohol;
- A pattern of abnormal conduct or erratic behavior;
- Information provided either by reliable and credible sources or independently corroborated;
- Arrest or conviction for a drug- or alcohol-related offense;
- Newly discovered evidence that the employee has tampered with a previous drug and/or alcohol test.

Although reasonable suspicion testing does not require certainty, mere “hunches” are not sufficient to meet this standard. Specific observations reported by reliable and credible sources

may be considered, along with other information provided in this definition, in determining whether reasonable suspicion exists.

Substance Abuse Professional (SAP): A licensed physician, or a licensed or certified psychologist, social worker, driver assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with the knowledge of, and clinical experience in, the diagnosis and treatment of drug and alcohol-related disorders.

Supervisor or Supervisory Employee: A Town employee or elected official who has been authorized to schedule and review the work of other employees and to make decisions or effectively recommend actions related to the hiring, evaluation, and discipline of assigned employees.

Under the Influence: Any detectable level of drugs (in excess of trace amounts attributable to secondary exposure) in an employee's blood, urine, etc., or any noticeable or perceptible impairment of the employee's mental or physical faculties. With respect to alcohol, a blood alcohol content of 0.02% constitutes under the influence while on duty.

3. EMPLOYMENT

3.1 Hiring and Selection

When a vacancy occurs, the following procedure will be followed:

- The supervisor or Town Manager will notify the Town Board that a vacancy exists. The supervisor or Town Manager will review, update, and provide a copy of the job description to the Town Board. The Town Board will approve filling the vacant position.
- Management has the option to announce positions internally, externally, or both. Position announcements will be open for a minimum of five (5) days.
- All applicants must complete the Town's applications form. Resumes or other supplemental information, as required, may be attached to the application form.
- It is policy of the Town that the most appropriately qualified applicant will be selected to fill existing vacancies. The selection process may evaluate but is not limited in evaluating an applicant's knowledge, skill, achievement, physical and mental fitness, personal characteristics, and aptitude. The selection process may include, but is not limited to:

evaluation of applications, appraisal of experience, training and/or education, written tests, personal interviews, performance tests, physical ability tests (to the extent permitted by applicable laws), evaluation of work performance and work samples, medical and psychological evaluations, or any combination of these or other techniques. Reference checks and criminal history checks shall also be part of the selection process. See Section 3.2 below.

- The hiring supervisor or Town Manager will identify the individual selected to fill the vacancy and receive approval to extend the offer of employment and the starting salary from the Town Board prior to extending any offer.
- All offers of employment will be in writing and conditional upon successful completion of a pre-employment drug and alcohol screening examination. All offers of employment and continued employment are conditional on furnishing satisfactory evidence of identity and legal authority to work in the United States. Each applicant must attest to his/her identity and legal authority to work in accordance with the applicable federal statute by completing and signing INS Form I-9 (Employment Eligibility Verification). Depending on the individual position, offers of employment may also be contingent upon passing a pre-employment physical examination, submitting documentation of qualifications, and/or obtaining job required licenses.
- The hiring supervisor or Town Manager will notify all unsuccessful applicants either verbally or in writing. Documentation of verbal notification is required.
- Once a job offer has been extended and accepted, the hiring supervisor or Town Manager will notify the Town Board and forward the original completed application form and other related documents to the Administrative Supervisor.

3.2 Reference Checks

Acquiring References

Reference and background checks are conducted to assist the Town in assessing an applicant's fitness for employment with the Town. Only an employee designated and directed by the Town Manager may seek to acquire employment references; and before attempting to acquire reference information on an applicant for Town employment, the designated employee must comply with the following:

- Obtain an Town employment application that is signed and dated by the applicant. All sections of the application must be completed.
- Obtain approval from the applicant on the application and/or separate release form authorizing the release of information from former employers, military, educational institutions, other institutions, personal references, and other individuals listed on the application. Authorization shall include indemnification of prior employers and the Town for liability arising from such inquiries. Refusal to sign such a release shall eliminate the applicant from further consideration for employment.
- Inform the applicant that a reference/background check may or will be conducted.
- Identify questions to be asked that are related to the essential functions of the job and are legal (non-discriminatory). A person's training, knowledge, skills, production, timeliness of work, and ability to work with others are good examples of appropriate questions. Discriminatory or non-work related questions that have nothing to do with the job, such as family or marital status, disabilities, age, and related areas, will not be asked.
- Identify the proper individual(s) to question regarding the applicant's work performance, knowledge, skills, and abilities necessary to perform the essential functions of the job.
- Adequately document the conversation(s) and record refusals to provide information.
- Keep all background/reference information strictly confidential. No employee, supervisor, or management official of the Town has access to such information without demonstrating a work-related need for the information as provided in this policy.

Providing References

All requests for employment information shall be referred to the Town Manager. Only those personnel designated by the Town Manager are authorized to release employment information to third parties. The Town has a neutral reference policy as well as a confidential information policy. As such, only the following personnel information and employment records that the Town maintains concerning current and former employees shall be provided upon request:

- Name

- Class/Job Title
- Dates of Employment
- Salary
- Information regarding an employee who was terminated for violent actions in the workplace, but only after consultation with the Town's legal counsel about providing reference information about ex-employees who may be dangerous.
- Employment information and opinions regarding the character, honesty, and potential for violence of the Town's employees may be provided to other governmental employers, including, but not limited to, any federal, state, county, or municipality, or any other private (non-governmental) employer where the employee's character, honesty, and potential for violence are relevant issues. Examples include, but are not limited to, jobs which involve public safety, entrustment for the care or safety of children, the elderly, or health care patients. Information requested by law enforcement agencies, in accordance with NRS Chapter 239B, will be provided.

3.3 Applicant/Employee Investigations

The Town desires to maintain a productive, efficient, effective, healthy, and safe work environment and, as a result, may conduct pre-employment background investigations and/or other investigations of employees as necessary. In some instances, these investigations may be conducted by external third parties (also called "consumer reporting agencies") and, as such, are governed by the Fair Credit Reporting Act (FCRA).

Reports

The types of reports that may be requested from "consumer reporting agencies" under this policy include, but are not limited to: credit reports, criminal records checks, court records checks, driving records, and/or summaries of educational and employment records and histories. These reports or checks are also called "consumer reports." The information contained in these reports may be obtained by a consumer reporting agency from public record sources or through personal interviews with co-workers, neighbors, friends, associates, current or former employers, or other personal acquaintances. These are sometimes referred to as "investigative consumer reports." Any information contained in such reports may be taken into consideration in evaluating an applicant's or employee's suitability for employment, promotion, reassignment or retention as an employee.

Requirements

In order to meet the requirements of the FCRA, effective the date of this policy:

- All applicants for employment and all existing employees will be required to complete a Notice and Consent Concerning Consumer and Investigative Consumer Reports form. (Attached as Appendix B)
- The Town will certify to the “consumer reporting agency” that:
 - The notice and consent requirement has been met;
 - The information received is only used for employment purposes;
 - The information will not be used to violate any Equal Employment Opportunity (EEO) legislation;
 - Pre-adverse due process and other action requirements will be followed;
 - Any additional investigative consumer report disclosures, if applicable, have or will be issued within three (3) days; and
 - Upon request from the applicant or employee, the Town will comply with applicable additional disclosure requests, including but not limited to information as to the nature and scope of an investigative consumer report
- Prior to making a final adverse or negative employment decision that, in whole or in part, is influenced by a “consumer report” or an “investigative consumer report” the Town will provide a copy of the “consumer report” and A Summary of Your Rights Under the FCRA (attached as appendix C) to the applicant or employee.
- After the Town has complied with the provisions of the immediately previous paragraph and waited a “reasonable” period of time, defined as not less than forty-eight (48) hours, the Town may take the adverse or negative action. After taking such action, the Town must provide to the applicant or employee an adverse action notice that contains:
 - The name, address, and telephone number of the consumer reporting agency;

- A statement that the consumer reporting agency did not make the adverse action decisions and will be unable to inform the individual of the specific reason(s) for the adverse action;
- A statement that the individual is entitled to obtain an additional free copy of the consumer report; and
- A statement of the individual's right to dispute the accuracy or completeness of any information in the report.

3.4 Orientation

The hiring supervisor or Town Manager will be responsible for the orientation of each new employee. Orientation will include, but is not limited to, the review of the organization and services of the Town, work rules, standards, of performance, personnel policies and procedures including the policies relating to equal employment opportunity, illegal harassment, workplace violence, applicable health/safety policies and procedures, and alcohol and drug abuse. Additionally the supervisor or Town Manager will ensure that all new hire paper work, including payroll and benefit forms has been completed, appropriate introductions to other employees have been made, and that the employee has the opportunity to have all questions answered.

3.5 Probationary Period

All new and rehired employees, except elected officials and those identified as "at will," serve a ninety (90) day probationary period beginning their first day of employment. Employees who are promoted or transferred also serve a ninety (90) day probationary period. During this "introductory period" or "probationary period," the employee and the Town have the opportunity to evaluate one another and the employee's compatibility, ability, and interest in the job. The Town reserves the right to extend the duration of this probationary period up to one hundred and eighty (180) days when such an extension is determined appropriate in the Town's sole and absolute discretion. The employment relationship can be terminated by the employee or by the Town at any time during the probationary period or during the extension of the probationary period, with or without cause or advance notice.

Prior to completion of the probationary period, a performance appraisal will be conducted to ascertain the advisability of continued employment on a regular basis. An employee will be notified in writing that she/he has become a regular full-time or regular part-time employee.

3.6 Promotions

The Town encourages employees to apply for promotional opportunities for which they are qualified. Promotions will be based on the ability, qualifications, and potential of the

candidates for the positions. Employees who are interested in announced positions should contact the hiring supervisor or manager, expressing their interest in writing in the position. Selection decisions will be consistent with the Town's hiring policy.

3.7 Transfers

A transfer involves a move to a job in the same pay range as the employee's present position. Any employee who wants to transfer to another available position must first talk with his/her supervisor or manager. The employee must be qualified for the identified position. If the transfer is to another department, the employee must contact the hiring supervisor or Town Manager, who will consider the transfer request. This will include discussions with the employee and appropriate supervisors or Town Manager. The employee's past performance, qualifications, potential, abilities, and job experiences are the key factors in evaluating transfer requests. Approval of the transfer is at the sole discretion of the Town.

3.8 License/Occupational Certification Policy

Every employee must possess a valid license, certificate, permit, or other occupational certification as required by his/her position.

Any employee in a position that requires a license, certificate, permit, or other occupational certification to practice his/her profession through the State of Nevada, County Board of Commissioners, Town Boards, and/or City and County law enforcement agencies must adhere to the provisions of Chapter 425 of the Nevada Revised Statutes. This Statute establishes procedures under which the licensing agency may or must deny the license, certificate, permit, or occupational certificates for individuals who:

- Have not complied with a subpoena or warrant relating to child paternity or child support obligations; or
- Are in arrears in child support payments.

In the event an employee receives notice of revocation or non-renewal of a license, certificate, permit, or occupational certification, the employee must immediately notify his/her supervisor or the Town Manager. The employee will not perform any task for which the license, certificate or permit, or other occupational certification is required after the license, certificate, or permit has been non-renewed or revoked. By Statute, employees have thirty (30) days to satisfy one of the items listed below:

- Comply with the court order, subpoena, or warrant;
- Satisfy any arrears payments due; or

- Submit to the District Attorney or other public agency a written request for a hearing.

Failure to satisfy one of the above items will result in the license, certificate, permit, or occupational certification being revoked or suspended by the issuing agency.

In the event the employee does not have a valid license, certificate, permit, or occupational certification, she/he does not meet the job requirements. Failure to meet the requirements for the job will result in termination.

4. COMPENSATION AND CLASSIFICATION

4.1. Pay Periods and Paydays

Employees are paid biweekly on every other Thursday. If a payday falls on a holiday, employees are paid on the previous workday.

4.2. Work Week

The work week begins at 12:00 a.m. Monday for each week and ends seven days (168 hours) later at midnight Sunday.

4.3. Work Schedule

The supervisor or Town Manager schedules working hours according to the needs of the department and Town. The standard work schedule for full-time employees is eight (8) hours a day for five (5) consecutive days; however, the supervisor, with the approval of the Town Manager, may implement a regular schedule of ten (10) hours a day, for four (4) days a week, if such a schedule better meets the needs of the department or Town.

4.4. Attendance

Employees are expected to be available and ready to work at the beginning of their assigned shifts and at the end of their scheduled rest and meal periods. Required preparation for rest and meal periods, as well as the end of the workday, is considered work time.

4.5. Rest Periods

Employees will be granted one fifteen (15) minute break or rest period during each work period of four (4) or more hours. Rest periods may not be taken at the beginning or at the end of the work period. Rest periods may not be scheduled or taken consecutively or in conjunction with meal periods.

4.6. Meal Periods

Employees who work six (6) or more hours a work day are allowed an uninterrupted, unpaid meal period at or about mid-point of their workday. Employees are entirely relieved of their job responsibilities and are free to leave the work site. Supervisors will be responsible to ensure that wherever and whenever possible, employees will be permitted the uninterrupted meal period. If an employee's meal period is interrupted by a work-related matter, the employee will be paid for the unused portion of his/her meal period.

4.7. Work Assignments

Nothing herein will be constructed to limit or restrict the authority of the Town to make temporary assignments to different or additional locations, shifts, hour of work, or duties as needed to meet operational needs or to respond to an emergency.

4.8. Time Reporting

Recording hours worked and/or leave time taken by employees is necessary to provide an accurate basis for preparing paychecks, to assure compliance with federal and state laws, and to maintain an effective and efficient cost accounting system. For payroll purposes, non-exempt employees must report all time spent performing work.

Non-exempt employees will be paid for all hours worked. This includes, but is not limited to:

- Hours worked before or after the normally assigned shift, or any other irregular hours.
- Rest periods.
- Travel time that occurs during an employee's normally scheduled work hours including regular days off, holidays, etc., originating from place of employment.
- Hours spent at lectures and training classes unless attendance is completely voluntary.

Employees who serve as volunteer ambulance, fire, or law enforcement personnel who provide an emergency response during their normally scheduled work hours will not be penalized for time away from their regular job; provided, however, that employees shall not place themselves "on-call" for emergency response during their regular work hours.

All employees are responsible for accurately completing their own time sheets. Employees are encouraged to keep track of their hours worked on a daily basis. All non-exempt employees

will record all hours worked; all leave hours, including the type of leave taken; and any compensatory time taken. Exempt employees will record only those hours taken as annual leave and/or sick leave in multiples of eight (8) or ten (10) hours depending on their regular schedule of hours. Pursuant to NRS 281.1275, except as permitted by the Federal Family and Medical Leave Act of 1993, exempt employees need not use paid leave time for absences of less than one (1) day.

4.9. Overtime

Employees in positions designated as “non-exempt” will be eligible for overtime compensation for hours worked in excess of ten (10) hours in any one (1) work day or hours worked over forty (40) hours in one (1) work week, pursuant to NRS 281.100. Consistent with the FLSA (Fair Labor Standards Act) and NRS 281.100, employees in exempt positions are not eligible for overtime. Time paid but not worked, such as vacation or holidays, do not count toward hours worked for the purpose of computing overtime hours.

All overtime hours will be specifically authorized by the employee’s supervisor or the Town Manager. Overtime will be compensated at one and one-half (1 1/2) time the employee’s regular rate of pay. Employees who earn overtime may, with the approval of the Town Manager or designee, elect to receive overtime pay or compensatory time off. Compensatory time off will also be granted at the rate of one and one-half (1 1/2) hours off for each overtime hour worked. Employees who elect compensatory time off may accrue up to eighty (80) hours. Hours above eighty (80) hours will be treated as paid overtime. Compensatory time off is to be taken at the earliest time that is mutually agreeable to the employee and supervisor or manager. Paid overtime will be included in the same paycheck covering the pay period in which the overtime was earned.

4.10 Classification and Compensation Plan

The purpose of the Classification and Compensation Plan is to provide a complete and current description for each job and the salary range for each job. *See* Classification and Compensation Plan, attached hereto as Appendix “D”.

The classification provisions include a current job description for each regular position. As changes occur in the organization, operational duties and responsibilities, minimum qualifications, and workplace conditions, the job descriptions may be updated. The job descriptions represent general guidelines only and do not represent all duties which may from time to time be assigned. The job descriptions shall include:

- A job title;
- The overall purpose and/or function of the job;
- The essential and non-essential duties of the job;

- The responsibility and authority assigned to the job;
- The knowledge, skills, and abilities necessary to perform the job; and
- A description of the working environment.

The compensation provisions of the plan assign each regular position to a salary range. Assignment to a salary range will be based on the relative complexity of the duties, responsibilities, and authority of the job. The salary ranges are determined by the Town, taking the following into consideration:

- The rates paid by other Towns for comparable work;
- The other financial commitments of the Town; and
- The funds available to the Town for salaries.

The minimum and maximum of each salary range may be adjusted periodically for changes in any of the factors listed above or for the Town to recruit and retain qualified employees for each job.

4.11. Starting or Hiring Salary

Unless special circumstances warrant, the starting salary for the position will be the minimum of the salary range. The following factors may be taken into consideration when determining the starting salary under special circumstances:

- Consideration of the salaries currently paid to other employees in the same or related positions;
- A candidate's qualifications and experience;
- Availability of other candidates with similar experience and qualifications; and
- The Town's budget availability.

The Town Board must approve the starting or hiring salary prior to the offer being extended.

4.12 Salary Reviews and Increases

The Town periodically reviews the salaries for each position. An employee who is not paid at the maximum of the salary range for his or her position is eligible to be considered for a merit increase on his or her anniversary date. Once an employee reaches the maximum or cap of his or her applicable salary grade range, he or she will remain at the maximum salary cap of his or her current grade range, unless he or she is promoted and/or reclassified to position in a higher salary grade range.

On or before July 1 of each year, the Town Board shall establish by resolution the size of the merit increases, stated in terms of a percentage of the employees' current salary, if any, that will be allowed for the following fiscal year. The Town Board's decision to allow or disallow merit increases for the following year will be based upon a determination of the best interests of the Town, taking into consideration all relevant factors, including but not limited to the ability of the Town to bear the financial impact of salary increases. The Town Board, in its discretion, may choose not to allow any merit increases for a particular year, but in no event will allow for merit increases in excess of five percent (5%).

All salary increases are based on satisfactory performance and are not automatic. Salary increases will be granted only upon a recommendation from the supervisor or Town Manager and approval by the Town Board, provided that the employee meets all the performance requirements of the position and complies with all of the Town's rules, regulations and policies. Any and all employees who qualify for a merit increase will receive the increase provided in the merit increase resolution in effect at the time of his or her anniversary.

5. BENEFITS

5.1 Holidays

The following holidays are recognized by the Town.

New Year's Day – January 1
Martin Luther King, Jr's Birthday – Third Monday in January
President's Day – Third Monday in February
Memorial Day – Last Monday in May
Independence Day – July 4
Labor Day – First Monday in September
Nevada Day – October 31 (To be observed on the last Friday in October,
effective 2000)
Veterans Day – November 11
Thanksgiving Day – Fourth Thursday in November
Family Day – Friday following the fourth Thursday in November
Christmas Day – December 25

Any day declared a legal holiday by the President of the United States and/or the

Governor of the State of Nevada will be observed in accordance with the presidential or gubernatorial proclamation.

If a holiday falls on a Saturday, the Friday preceding will be observed as the holiday. If a holiday falls on a Sunday, the Monday following will be observed as the holiday. If a holiday falls during an employee's paid leave, it will not be charged as leave.

Designated holidays are typically non-work days. A non-exempt employee who actually works on a designated holiday will be compensated at one and one-half (1 ½) times his/her regular rate of pay for the hours worked on the holiday in addition to receiving holiday pay.

A regular full-time employee who works or is on paid status on his/her regularly scheduled work day before and after a designated holiday will be paid for eight (8) hours at his/her regular rate of pay for the designated holiday. A regular part-time employee who works or is on paid status on his/her regularly scheduled workday before and after a designated holiday will be paid at his/her regular rate of pay on a pro-rated basis. *(Employees who work a 4/10 schedule may use annual leave or an adjusted work schedule to maintain full compensation for any week in which a designated holiday falls.)*

5.2 Annual Leave

All regular full-time employees will accrue annual leave beginning six (6) months after their date of hire as follows:

Beginning the pay period following completion of:	Through the pay period in which the employee completes:	Hours accrued for each year of full-time service:
6 months of employment	5 years of employment	80 hours (6.66 hours/month)
5 years of employment	11 years of employment	120 hours (10 hours/month)
11 years of employment	On-going	160 hours (13.33 hours/month)

At the end of the first six (6) months of employment, the employee's annual leave account will be credited with the equivalent of six (6) months accumulated annual leave. Annual leave is accumulated in an employee's account on a bi-weekly basis. Annual leave is available for use in the pay period following the one in which it was earned. The amount of accrual is based upon years of service and is adjusted as appropriate for leaves of absence without pay. Regular part-time employees accrue and are credited annual leave on a pro-rated basis.

Annual leave is provided to employees for the purpose of rest and relaxation from their

duties and for attending to personal business. It is expected that employees will use their earned annual leave annually. However, the maximum annual leave accrual an employee may carry over from one calendar year to the next is eighty (80) hours. Use of annual leave must be approved in advance by the Town Manager or the employee's supervisor.

Employees hired prior to July 1, 1999 have until December 31, 2000 to use any amount of accumulated annual leave over eighty (80) hours. If any employee still has over eighty (80) hours of accumulated annual leave after December 31, 2000, they will be paid for that time at their regular rate of pay. No employee will be allowed to have more than eighty (80) hours of accumulated annual leave beginning January 1, 2001.

Upon termination of employment, an employee with more than six (6) months service with the Town will be paid for all earned and accrued vacation at the Town's current rate of pay.

All employees hired prior to July 1, 1999 will continue to accrue ten (10) hours per month of annual leave. Employees hired prior to July 1, 1999 begin to accrue 13.33 hours per month (four (4) weeks of annual leave per year) when they begin their 11th year of employment.

5.3. Sick Leave

The Town expects each employee to be available for work on a regular and reliable basis. Attendance and leave use is monitored from this perspective, whether or not the employee has accumulated leave balances in his/her sick leave account. Regular, full-time employees will accrue sick leave as follows:

Beginning the pay period following completion of:	Through the pay period in which the employee completes:	Hours accrued for each year of full-time service:
6 months of employment	5 years of employment	80 hours (6.66 hours/month)
5 years of employment	11 years of employment	120 hours (10 hours/month)
11 years of employment	On-going	160 hours (13.33 hours/month)

After six (6) months of employment, all regular, full-time employees will accrue sick leave at the rate of 6.66 hours per month. At the end of the first six (6) months of employment, the employee's sick leave account will be credited with the equivalent of six (6) months of accumulated sick leave, forty (40) hours. Regular part-time employees accrue and are credited sick leave on a prorated basis.

Sick leave hours are earned and placed in the employee's account at the beginning of the

pay period following the pay period in which it was earned. Unused sick leave will continue to be carried over and added to the employee's unused sick leave balance, with no limit on accumulation.

Sick leave is for use in those situations in which the employee must be absent from work due to:

- Physical illness or injury to the employee.
- Exposure to contagious diseases or whose attendance is prevented by public health requirements.
- The need to care for a dependent child or spouse or parents who reside with an employee or who are dependent upon the employee for support.
- Medical or dental appointments for the employee provided that the employee must make a reasonable effort to schedule such appointments at times which have the least interference with the work day.
- Disability caused or contributed to by pregnancy, miscarriage, abortion, childbirth, or any other medical condition.

No employee will be entitled to sick leave because of a disability arising from an injury purposely self-inflicted or caused by willful misconduct.

Any employee who is ill or unable to report to work for any reason will notify his/her immediate supervisor or the Town Manager no later than fifteen (15) minutes following the employee's normal work reporting time. In the event of a continuing illness, the employee will continue to notify his/her immediate supervisor or the Town Manager of his/her ability to report to work on a (daily or weekly) basis or at appropriate times agreed upon by the supervisor or Town Manager. Use of sick leave may be denied for noncompliance with this policy.

The Town may require an employee to provide a medical doctor's statement certifying the illness/injury incapacitated the employee from performing his/her duties, was necessary for the employee to make full and timely recovery, or was appropriate to avoid the spread of a contagious disease. The statement will also certify the employee's fitness for return to work. A medical doctor's statement is required only when specifically requested by the supervisor or Town Manager and may be requested prior to allowing the employee to return to work.

Employees who report sick will be at their place of residence, a medical facility, their doctor's office, or will notify their supervisor or the Town Manager of their whereabouts when using sick leave. Any gainful employment, pursuit of personal business, recreation, travel for recreation or non-sick leave purposes, or such other activity when an employee is on sick leave will be deemed evidence of abuse of sick leave. Abuse of sick leave is cause for disciplinary

action.

All employees hired prior to July 1, 1999 will continue to accrue ten (10) hours per month. Employees hired prior to July 1, 1999 will begin to accrue 13.33 hours per month, (four (4) weeks of sick leave per year) when they begin their 11th year of employment.

Upon termination of employment, an employee, with at least five (5) years of service, shall be compensated for accrued sick leave, not to exceed 720 hours. Compensation shall be equal to the appropriate percentage of accrued sick leave multiplied by the employee's hourly salary at the time of resignation/termination, as follows:

Completed years of service:	Percentage of accrued sick leave Eligible for compensation:
5	25%
6	30%
7	35%
8	40%
9	45%
10	50%

5.4 Family and Medical Leave Act: Non-eligibility

Under the Family and Medical Leave Act (FMLA), all public employers are covered regardless of the number of employees they have. Therefore, the Town must comply with certain requirements under FMLA, which include posting the availability of FMLA. Employees of public agencies must also meet all of the FMLA eligibility requirements. An employee is "eligible" only if he or she:

- Has been employed by the Town for at least twelve (12) months; and
- Has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave; and
- Is employed at a worksite where fifty (50) or more employees are employed by the same Town within seventy-five (75) miles of that worksite.

Since the Town of Round Mountain does not employ fifty (50) or more employees, employees of the Town are not eligible for FMLA service.

5.5 Leave of Absence Without Pay

The Town may grant leaves of absence without pay for up to six (6) months for exceptional circumstances and conditions, such as education or prolonged illness, when the Town determines that granting of such leave is consistent with the interests of the Town. The Town may require a physician's records or other appropriate type of verification to substantiate a need for a leave of absence without pay.

Leaves of absences without pay are granted at the discretion of the Town. Leaves of absences without pay may be granted when, in the judgment of the granting supervisor or Town Manager, concurred in by the Town Board, the work of the office or department will not be impeded by the employee's absence. Such leave may be extended for an additional period of up to six (6) months by the Town Board.

Granting of a leave of absence without pay does not guarantee immediate reinstatement to paid status.

5.6 Court Leave

An employee will notify his/her supervisor or the Town Manager of the need for court leave as soon as the need of the leave becomes known to the employee. Subject to the conditions noted below, a regular full-time and part-time employee called to serve on jury duty or subpoenaed to appear as a witness in a court proceeding will receive his/her regular pay for his/her normal work hours spent in court or in travel to and from the court appearance. An employee who is not regular full-time or part-time employee and who is called to serve as a juror or witness will be granted time off without pay.

An employee will not receive pay for that amount of work time missed if he/she is required to miss work because of court appearances in a matter to which the employee is a party or to serve as a witness for a party who has filed an action against the Town, unless the employee chooses to use his/her annual leave.

Upon completion of jury/court witness service, a regular full-time or part-time employee will forward any compensation received from the court or other party served to the Administrative Supervisor. The employee may keep reimbursements received for out-of-pocket expenses such as meals, mileage, and lodging, unless the Town has reimbursed the employee for such expenses or the Town paid the expenses for the employee.

An employee who is not required to report to court until the middle of his/her work schedule or is released from court/jury duty before the end of his/her work schedule will report to work for the hours which are not required for court duty or directly related to travel time. Court leave will not result in payment of overtime, nor will court leave time be considered as hours worked for purposes of determining eligibility for overtime.

5.7 Bereavement Leave

A regular, full-time or part-time employee who must be absent from work to attend the funeral of a family member who is within the third degree of consanguinity or affinity may use up to a maximum of three (3) days of bereavement leave per each occurrence. Bereavement leave longer than three (3) days may be charged to accumulated sick leave, up to a maximum of two (2) additional days, with the advance approval of the Town Manager. Employees who are not regular full-time or part-time employees may take up to two (2) days of bereavement absence without pay. Supervisors or managers may require evidence of attendance at the funeral. (Appendix A is a chart which defines the degree of consanguinity and affinity.)

5.8 Military Leave

Employees who are members of the National Guard or Federal Reserve Military units are entitled to military leave and to re-employment rights as provided in 38 USC, Sections 2021-2024, and 4301 et. seq. and the relevant section of the Nevada Revised Statutes.

5.9 Workers' Compensation

Employees are insured under the provisions of the State Workers' Compensation Act for injuries received while at work for the Town.

The following provisions are adopted pursuant to and are intended to implement the requirements of NRS 281.390:

- When an employee is eligible at the same time for benefits for temporary total disability under chapter 616A to 616 D, inclusive, or 617 of the NRS and for any sick leave benefits, s/he may, by giving notice to the supervisor or manager, elect to continue to receive his/her normal salary instead of the benefits under those chapters until his/her accrued sick leave time is exhausted. The Town will notify the Workers' Compensation Administrator of the election. The Town will continue to pay the employee his/her normal salary but charge against the employee's accrued sick leave time as taken during the pay period an amount which represents the difference between his/her normal salary and the amount of any benefit for temporary total disability received, exclusive of reimbursement or payment of medical or hospital expenses under chapters 616A to 616D, inclusive, or 617 of the NRS for that pay period.
- When the employee's accrued sick leave time is exhausted, payment of his/her normal salary under subsection 1 must be discontinued and the Town will promptly notify the Workers' Compensation Administrator so

that it may begin paying the benefits to which the employee is entitled directly to the employee.

- An employee who declines to make the election provided in subsection 1 may use all or any part of the sick leave benefit normally payable to him/her while directly receiving benefits for temporary total disability under chapters 616A to 616D, inclusive, or 617 of the NRS, but the amount of sick leave benefit paid to the employee for any pay period must not exceed the difference between his/her normal salary and the amount of any benefit received, exclusive of reimbursement or payment of medical or hospital expenses under those chapters for that pay period.
- If the amount of the employee's sick leave benefit is reduced, pursuant to subsection 3 above, by the amount normally payable, the amount of sick leave time charged against the employee as taken during that pay period must be reduced in the same proportion.
- An employee may decline to use any part of sick leave benefit normally payable to him/her while receiving benefits under chapters 616A to 616D, inclusive, or 617 of the NRS. During that period of time, the employee will be considered on leave of absence without pay.

5.10 Health Insurance Coverage

Full-time regular employees and those part-time regular employees who are regularly scheduled to work an average of at least twenty (20) hours per week are eligible to enroll in an Town paid group medical and dental insurance plan effective the first of the month following the date of employment. Dependents of employees, as defined in the current plan booklet, are also eligible for coverage under the Town's insurance plan at the employee's expense. Employees must authorize a payroll deduction for any share of health coverage premium that is paid by the employee.

The specific terms and conditions of coverage are specified in the plan document for medical and dental insurance issued by the insurance carrier.

The Town will, from time to time, evaluate the health coverage plan to be offered and make such adjustments in the level of coverage and the amount of premium cost to be paid by the Town as the Town deems appropriate.

5.11 Life Insurance Coverage

Full-time regular and those part-time regular employees who are regularly scheduled to work at least twenty (20) hours per week are covered by the Town paid term life insurance and

accidental death and dismemberment insurance plan effective the first of the month following the date of employment.

The specific terms and conditions of coverage are specified in the plan document issued by the insurance carrier and are available from the Administrative Supervisor.

Employees are covered by a policy in the amount of \$25,000. Optional life insurance may be available on an employee contribution basis.

5.12 Retirement

As defined in NRS 286, the Town is considered a public employer and employees in positions considered to be half-time or more according to the full-time work schedule are covered by the Public Employees Retirement System. Details are available in Chapter 286 of the NRS.

5.13 Deferred Compensation

Employees may defer a portion of their taxable income by participating in a deferred compensation plan offered through the Town by the following companies: Hartford and Northern Life

Initial enrollment may be made at any time during the year for earnings beginning the first of the following month. Changes in contribution are governed by the terms and conditions of the particular plan.

Only income earned after the effective date of initial or increased participation can be deferred.

Prior to retirement, participants may withdrawal the balance of their deferred compensation account only upon termination of employment. However, in the event of an unforeseeable emergency, the portion of the account needed to pay for the emergency may be withdrawn. The IRS defines the conditions and requires Town approval of early withdrawal on a hardship basis. The Town Manager must review and approve all requests for early withdrawal. Denied requests may be appealed to the Town Board.

5.14 Travel Expenses

Employees will be reimbursed for all reasonable and necessary travel expenses when authorized and directly related to the performance of their assigned duties. The Town will not reimburse or otherwise pay any expense that violates commonly accepted standards of sound judgment and good taste. All claims with required receipts for travel expenses are to be submitted to the Administrative Supervisor for approval within five (5) working days following a trip.

Mileage

If available, employees may use an Town provided vehicle. If no Town provided vehicle is available and an employee uses a personal vehicle, mileage will be reimbursed at the per mile rate set by the Nevada Legislature for state employees and officials (usually equals the IRS standard mileage reimbursement). If an employee drives a personal vehicle when commercial air travel would be more efficient, the mileage reimbursement will be limited to the cost of the airfare.

Lodging

Moderate cost lodging should be arranged at the meeting/training site, when possible. Reimbursement will be based on the cost of a single room, plus tax, if available. The actual cost of lodging will be reimbursed and a receipt must be submitted.

Meals

Meals are reimbursed at actual cost including a reasonable tip. No reimbursement will be allowed for any meal which is provided or made available as part of the cost of a meeting, class, or other function. A receipt is required for reimbursement.

Other Expenses

Necessary business telephone calls at the meeting or training site, parking charges, and/or ground transportation will be reimbursed. Travel advances may be granted if requested and approved in advance by the Town Manager.

Unallowable Expenses

The Town will not reimburse for employees for:

- Fines and parking tickets;
- Towing or impound fees;
- Costs associated with traffic violations;
- Alcoholic beverages;
- Personal entertainment;
- Tobacco; or
- Unnecessary or extravagant costs of any kind.

5.15 Educational Assistance (Optional)

The Town, subject to availability of budgeted funds, may provide educational assistance for tuition and/or fees required for career-related education. The following qualifications must be met:

- Employees must be in a regular full-time status.
- The course must be taken from an accredited institution of higher learning or an Town approved adult education class.
- The course must be job-related or be required for a degree that is job-related.

An employee must request approval for educational assistance from his/her supervisor or manager. Upon approval by the supervisor, the request is forwarded for review and approval by the Town Board. If approved by the Town Manager, the request for payment will be forwarded to the Town Board for final approval. Such approval may be conditioned upon meeting commitments for continuing employment and/or job related conditions.

6. EMPLOYEE RELATIONS

6.1 Performance Appraisals

Performance appraisals may be conducted at any time during an employee's probationary period and will be conducted prior to the employee's completion of the probationary period (approximately three (3) months) and at least annually thereafter. An appraisal will also be given within ninety (90) days after a transfer, promotion, or a change in an employee's classification. The purpose of the appraisal is to let employees know how well they are performing their assigned job duties, where they can grow or develop, and whether they have any performance problems. Performance appraisals are not considered to be discipline. Appraisals will be conducted in a private meeting between the employee and his/her immediate supervisor. Employees will be allowed to comment on the appraisal, sign the forms, and receive a copy. A copy will be placed in the employee's personnel file. *See* Performance Evaluation form, attached hereto as Appendix "E".

6.2 Code of Ethical Standards

Consistent with the provisions of NRS 281.481 and NRS 281.230, a code of ethical standards is hereby established to govern the conduct of the Town's officials and employees:

- An official or employee shall not seek or accept any gift, service, favor,

employment, engagement, compensation, or economic opportunity which would tend improperly to influence a reasonable person in his/her position to depart from the faithful and impartial discharge of his/her public duties.

- An official or employee shall not use his/her position in government to secure or grant unwarranted privileges, preferences, exemptions, or advantages for himself/herself, any member of his/her household, any business entity in which s/he has a significant pecuniary interest, or any other person.
- An official or employee shall not participate as an agent of government in the negotiation or execution of a contract between the government and any private business in which s/he has a significant pecuniary interest.
- An official or employee shall not accept any salary, retainer, augmentation, expense allowance, or other compensation from any private source for the performance of his/her duties as an official or employee.
- If an official or employee acquires through his/her public duties or relationships any information which by law or practice is not at the time available to people generally, s/he shall not use the information to further the pecuniary interests of himself/herself or any other person or business entity.
- An official or employee shall not use governmental time, property (including monies or funds), equipment, or other facility to benefit his/her personal or financial interest.
- An official or employee shall not attempt to benefit his/her personal or financial interest through the influence of a subordinate.
- An official or employee shall not seek other employment or contracts through the use of his/her official position.
- Officials and employees shall not, in any manner, directly or indirectly, receive any commission, personal profit, or compensation of any kind resulting from any contract or other transaction in which the Town is in any way interested or affected except as follows:
 - A member of any board, commission, or similar body who is engaged in the profession, occupation, or business regulated by the board, commission, or body may, in the ordinary course of his/her business, bid on or enter into a contract with any governmental

agency, except the board or commission of which s/her is a member, if s/her has not taken part in developing the contract plans or specifications and s/he will not be personally involved in opening, considering, or accepting offers.

- A public officer or employee, other than an officer or employee described above, any bid on or enter into a contract with a governmental agency if the contracting process is controlled by rules of open competitive bidding, the sources of supply are limited, s/he has not taken part in developing the contract plans or specifications and s/he will not be personally involved in opening, considering, or accepting offers.

6.3 Discipline

Disciplinary action, up to and including termination, may be taken against an employee for unsatisfactory performance or for misconduct including but not limited to the following:

- Conduct unbecoming an employee in the Town's service, or discourteous treatment of the public or a fellow employee, or any other act of omission or commission tending to injure the public service.
- Falsification of or making a material omission on forms records, or reports including applications, time cards, and an Town's records.
- Absence from work without permission, failure to report to a supervisor or manager when absent from work, or being habitually absent or tardy.
- Unauthorized possession or removal or use of the Town's property, including but not limited to monies, funds, records, keys, confidential information of any kind, or any other material.
- Insubordination, refusing to follow directions, or other disrespectful conduct to a supervisor.
- Sexual harassment or other illegal harassment of another employee.
- Actual or threatened physical violence, including but not limited to intimidation, harassment, or coercion.
- Possession or inappropriate use of drugs and alcohol on the Town's property, in the Town's facilities, or while on duty.

- Possession or bringing of firearms, weapons on to the Town's property.
- Violation of safety or health policies or practices, or engaging in conduct that creates a safety or health hazard.
- Dishonesty, including intentionally providing false information, intentionally falsifying records or documents, or making false statements when applying for employment.
- Willful or intentional violation of the Town's policies, rules, regulations, and/or procedures.

Prior to taking disciplinary action against any regular employee, the Town will ensure that the employee is afforded due process. Due process is making certain the employee is made aware of the situation and given the opportunity to provide his/her side of the situation prior to a decision being made. Disciplinary action includes but is not limited to one or more of the following:

- Verbal warning (may be documented)
- Written reprimand
- Suspension [*Exempt workers may be suspended only for five (5) or more work days]
- Pay reduction
- Demotion
- Discharge

Progressive discipline will be used when appropriate; however, employees are expressly noticed that progressive discipline is not required and, depending on the nature and severity of the conduct of the employee, any of the forms of discipline may be imposed, up to and including termination, with or without prior, lessor disciplines. In situations where the proposed disciplinary action involves a suspension, pay reduction, demotion, and/or termination, written notice of the proposed disciplinary action will be delivered or mailed, if necessary, to the employee. The notice will include the following information:

- The nature of the proposed disciplinary action;
- The effective date of the proposed disciplinary action;

- A statement of the reason(s) supporting the action and an explanation of the evidence or documents, if any, supporting the reason(s);
- A statement advising the employee of his/her right to file a written response, or to request in writing a pre-disciplinary conference before the Town Board, within five (5) days of receipt of the notice proposing disciplinary action; and
- A statement that the employee's failure to file a written response or request a pre-disciplinary conference in a timely manner, or to appear at the pre-disciplinary conference, if requested, will constitute a forfeiture of the employee's rights to any further appeal.

The employee will, upon request and as soon as practicable, be given the opportunity to review the documents, if any (except for confidential and privileged documents), on which the proposed disciplinary action is based. If the employee requests, he or she will be provided a copy of the documents.

When the employee has requested a pre-disciplinary conference, the Town Board will schedule a meeting with the employee and his/her representative in a timely manner to review the basis of the proposed disciplinary action and to provide the employee with an opportunity to present relevant information which may cause the proposed disciplinary action to be modified or rescinded.

Within 10 days of receipt of the employee's written response or conclusion of the pre-disciplinary conference, the Town Board will consider and deliver a written decision to the employee. The written decision, which is final, will inform the employee that:

- The proposed disciplinary action will be implemented; or
- The proposed disciplinary action is modified, with an explanation; or
- The proposed disciplinary action is rescinded, with an explanation.

This decision may only be appealed as provided for in a collective bargaining agreement or as provided under NRS 269.083.

The Town may place an employee on administrative leave, with or without pay, pending an investigation prior to or during a disciplinary proceeding, or during the review of the employee's response to a proposed disciplinary action. The employee will be notified, in writing, of the decision to place him/her on administrative leave. The notice will include a statement that the leave is not a disciplinary action. The employee placed on administrative leave without pay who is later reinstated with no disciplinary action will be reimbursed for any pay lost during the

leave.

6.4 Employee Concerns

The Town is committed to maintaining a positive and productive work environment. Employees who encounter work-related problems are encouraged to discuss the problems with their immediate supervisor or manager as soon as possible. If the problems are not solved to the employee's satisfaction at that level, the employee may file a written letter of concern with the Town Board. The Town Board will investigate the employee's concern and provide the employee with a response as soon as reasonably possible.

Efforts will be made to provide employees an opportunity to raise their concern or problems in confidence and without fear of reprisal. The Town will make every effort to investigate and settle an employee's problem on a fair and equitable basis.

6.5 Employee Separation

Resignations

Employees are requested to provide at least two (2) weeks' notice, in writing, to their supervisor or manager of their intent to resign their employment.

Layoffs

The Town may lay off employees because of lack of work, lack of funds, material change in duties or organization, or in the interests of economy, efficiency, or other causes, as determined by the Town Board.

The order of layoff among positions in the same class within a department will be as follows; employees serving a probationary period will be considered first; then all other employees would be considered.

In deciding which persons should be laid off and which retained, job-related factors such as an employee's job knowledge, skill, and ability to do the required work; previous work experience, including ability to perform other jobs which the employee may be called upon to perform as a result of the reduction in force; attendance, safety, and disciplinary records; work performance with the Town; and efficiency of operations will be considered. Where two employees are equally qualified under these factors, the employee with the most time served since the current hire date will be retained.

6.6 Outside Employment

Policy

In order to maintain a work force that is fit and available to provide the Town's services and carry out the Town's functions, employees are prohibited from engaging in outside employment which conflicts with their employment.

Conflicting Employment

Outside employment is considered to conflict with the Town's if it:

- Interferes with the employee's ability to perform his/her assigned job duties.
- Prevents the employee's availability for work beyond normal working hours, such as emergencies or peak work periods, when such availability is a regular part of the employee's job.
- Is conducted during the employee's work hours.
- Requires the services of other employees during their normally scheduled work hours.
- Utilizes the Town's telephones, computers, supplies, or any other resources, facilities, or equipment.
- Is represented as an activity of the Town or an activity endorsed/recommended by the Town.
- Takes advantage of the employee's employment with the Town, except to the extent that the work with the Town may demonstrate expertise or qualification to perform the outside work.
- Requires the employee to schedule vacation time at specific times that could disrupt the operation of the department.
- Is employment with a firm that has contracts or does business with the Town. Exceptions have been identified in Section 6.2 Code of Ethical Standards of these personnel policies.

Procedure

Each employee will determine whether the proposed outside employment may conflict with his/her employment.

When outside employment may be reasonable *perceived* to be in conflict with his/her

current employment, or if the employee is unsure about a perceived conflict, the employee must notify his/her supervisor or the Town Manager of the outside employment.

The supervisor or Town Manager will review the outside employment and determine if there is a conflict with the current employment. The supervisor or manager may request information including the name of the other employer, the hours of work, the job site, and the duties performed.

The supervisor or Town Manager will inform the employee that the outside employment is not allowed if there is a conflict with current employment.

The supervisor or Town Manager will advise the Town Board of instances of outside employment conflict and/or perceived conflict.

The employee must terminate the outside employment if s/he wishes to remain an employee.

An employee engaging in outside employment which is prohibited by the policy is subject to disciplinary action up to and including termination.

6.7 Solicitation Prohibited

Distribution of literature or solicitation by employees in work areas during work hours on behalf of any club, society, labor union, religious organization, political party, or similar organization, or for any purpose whatsoever is strictly prohibited. Employees may solicit or distribute literature on behalf of bona fide non-profit organizations such as schools and social service organizations in specified non-work areas during non-working hours only. Distribution of information and correspondence related to the administration of a collective bargaining agreement by officers, consultants, and business representatives of a recognized employee organization may be allowed pursuant to the terms of a collective bargaining agreement.

6.8 Political Activity

Employees will not engage in political activity of any kind during working hours. Prohibited activities include, but are not limited to, soliciting money, influence, service, or any other valuable thing to aid, promote, or defeat any political committee or the nomination or election of any person to public office while on the job. No person will attempt to coerce, command, or require a person holding or applying for any position, office, or employment with the Town to influence or to give money, service, or other valuable thing to aid, promote, or defeat any political committee or to aid, promote, or defeat the nomination or election of any person to public office, or the removal of any person from public office. The wearing or displaying of apparel, buttons, insignia, or other items which advocate for or against a political candidate or a political cause is likewise an example of prohibited activity.

6.9 Employment of Relatives

Pursuant to the provisions of NRS 281.210, no officer or appointing authority of the Town may employ in any capacity on behalf of the Town any relative of such a person who is within the third degree of consanguinity or affinity. *See* Appendix "A". Existing employees may continue in their current position following the election of their relative to an appointing authority position.

For purposes of this Section, the term "appointing authority" always includes each and every member of the Town Board, regardless of whether the Town Board actually appoints, hires, supervises or otherwise will or may act upon the employment of the employee.

No person shall be employed in a position if such employment would require supervision by a relative who is within the third degree of consanguinity or affinity. For purposes of this paragraph, supervision includes second or higher levels of supervision. (Example: An employee reports to an immediate supervisor, who reports to a division manager, who reports to a Department Head. The employee may not be related to the Department Head.)

6.10 Information Technology

The Town requires employees to use the Town's computer systems, telecommunication devices, and electronic data (information technology) responsibly. The computers, associated hardware and software, including electronic mail (e-mail) and access to on-line services (the Internet), as well as voice mail, pagers, and faxes, are the Town's property and as such are to be used for business purposes. Use of the Town's computer systems and telecommunication devices constitutes acceptance of this policy and its requirements.

Employees should not expect privacy with respect to any of their activities when using the Town's computer and/or telecommunication property, systems, or services. Use of passwords or account numbers does not create the expectation of privacy and confidentiality. The Town reserves the right to review, retrieve, read, and disclose any files, messages, or communications that are created, sent received, or stored on the Town's computer system and/or equipment. The right to review, also called monitoring, is for the purpose of ensuring the security and protection of business records, preventing unlawful and inappropriate conduct, and creating as well as maintaining a productive work environment. Improper use of the Town's property, systems, or services will result in discipline up to and including termination.

6.11 Use of Property

Employees will use the Town's property (including monies and funds), equipment, and facilities only for work purposes as directed by management. Employees will not misuse, destroy, or otherwise use in an improper manner the Town's property. When using the Town's property and equipment, employee are expected to exercise care, perform required maintenance,

and follow all operating instructions as well as safety standards and guidelines. Employees will not make unauthorized use, unauthorized copies, or have or allow unauthorized possession of Town issued keys.

The Town may authorize the examination of lockers, desks, vehicles, and all other property and spaces owned or controlled by the Town to check for the presence of any unauthorized material, including but not limited to alcohol and illegal drugs. Notice to employees for search of Town owned property or spaces is not required.

Violation of the above may result I disciplinary action up to and including termination.

7. DEFINITION OF TERMS

The terms used in these policies shall have the meanings defined below:

- **Administrative Leave:** An authorized leave for administrative purposes which may be with or without pay, depending on the circumstances.
- **Anniversary Date:** The date an employee is hired as defined below, or promoted or reclassified upward or downward. This is the date an employee becomes eligible for consideration for a salary increase. The anniversary date may be adjusted as specifically provided elsewhere in the personnel policies. (Note special provisions regarding Military Leave.)
- **Applicant:** A person who applies for a position with the Town.
- **At-will:** Status of employment wherein the person appointed may be terminated from employment at any time with or without cause. An employee in an at-will status has no property right nor a right to continued employment with the Town.
- **Concern:** Unresolved work-related problems identified by an employee or group of employees pertaining to these policies. Concerns may not be related to a disciplinary action.
- **Date of Hire / Hire Date:** The actual date an employee first renders paid service in a regular position.
- **Day:** Calendar days unless work days are specified.
- **Department Head:** An appointment official who is directly responsible to the Town Manager or to the Town Board or his/her designee for the

overall administration of an office or department.

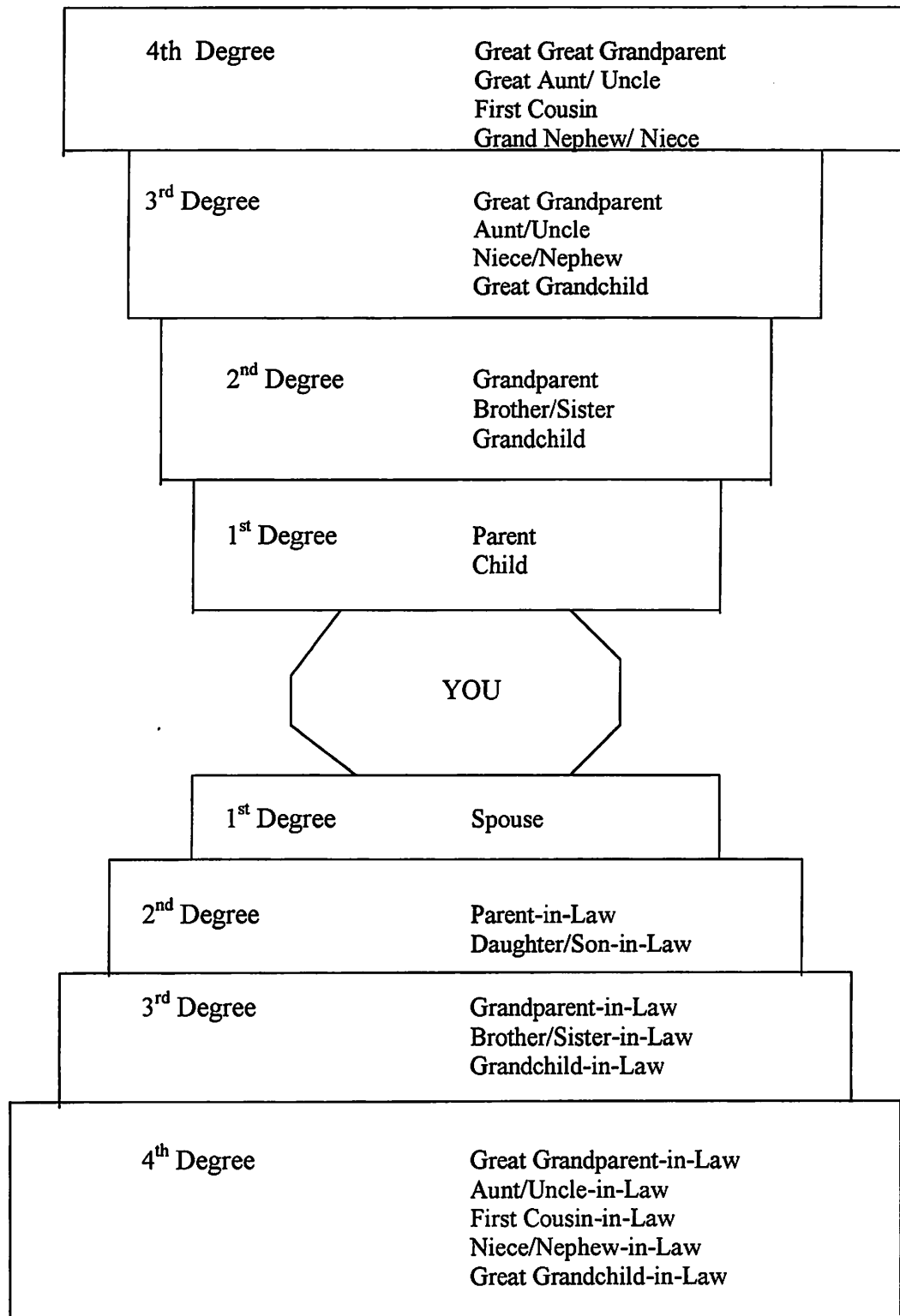
- **Discharge:** Termination, separation, dismissal, or removal from a position for cause.
- **Disciplinary Action:** An action including but not limited to: a written reprimand, a suspension, a demotion, or a discharge from employment for reasons which relate to the recipient's employment or conduct and which has been or may be imposed on an employee by the Town Manager or by the Town Board designee. Verbal warnings, counseling, written statement of performance expectations including related notes and performance appraisals are not considered disciplinary actions, although any of these may be considered subsequently in determining whether to take any disciplinary action and in determining the type and extent of disciplinary action to be taken.
- **Discrimination:** Employment decisions or actions inappropriately based on such factors as the applicant's or employee's race, color, religion, age, sex, marital status, national origin, disability, or union activity.
- **Employee:** A person employed in a regular budgeted position on a full or part-time basis. For purposes of those sections of these policies covering discipline, layoff, and hiring, the term employee excludes the Town Board.
- **Exempt Employee:** An employee who is exempt from the overtime provisions of the Fair Labor Standards Act. (Such determination is made on the basis of duties and responsibilities performed and the method of pay computation.)
- **Non-exempt Employee:** An employee who is subject to the overtime provisions of the Fair Labor Standards Act.
- **Examination /Test:** Any measure, combination of measures, or procedures used as a basis for any employment decision. Examinations include the full range of assessment techniques from traditional paper and pencil tests, performance tests, probationary periods, and evaluation of physical, educational, and work experience qualifications through informal interviews and scored application forms.
- **Full-time:** Work that requires the daily, weekly, and monthly hours of work as established by the Town as full-time. A full-time employee is regularly scheduled to work forty (40) hours per week.

- **Lay-off:** A separation from the Town's service because of a shortage of funds or materials, abolishment of a position, or for other reasons not reflecting discredit on an employee and for reasons outside of the employee's control.
- **Leave Without Pay:** An unauthorized leave in a non-paid status.
- **Part-time:** A position with daily, weekly, or monthly hours which are twenty (20) hours or more per week and fewer than the hours established by the Town for full-time positions.
- **Personnel Policies:** These policies and procedures adopted by the Town pursuant to the Personnel Resolution.
- **Position:** A group of duties and responsibilities requiring the on going services of one (1) or more employees and which is listed in the Classification and Compensation Plan.
- **Probationary Period:** A period of time which is an integral part of the selection process during which an employee serves in an at-will status and is required to demonstrate fitness for a position by actually performing the duties of the position.
- **Promotion:** The movement of an employee from one position to another position which is located in a higher salary range.
- **Regular Full-time Employee:** A person who has successfully completed an initial probationary period in a budgeted position with a normally scheduled work week of forty (40) hours.
- **Regular Part-time Employee:** A person who has successfully completed an initial probationary period in a budgeted position which requires at least twenty (20) hours per week but less than full-time employment.
- **Regular Position:** An authorized position that appears in the Town's Classification and Compensation Plan. (Normally, a regular position consists of duties, which must be performed at least twenty (20) hours per week on a regular, year-round basis.)
- **Reprimand:** A written notice to any employee which states specific improvements in behavior and/or performance which must be made and declares that further disciplinary action will follow if the required improvements are not made. (A performance review is not considered a

reprimand.)

- **Resignation:** A written notice by an employee for separation from the Town's service.
- **Salary Range:** The minimum and maximum salary set for each position as designated by the Classification and Compensation Plan.
- **Supervisor:** A supervisor is an employee who has been authorized to schedule and review the work of other employees and to make decisions or effectively recommend actions related to the hiring, evaluation, and discipline of assigned employees. This is typically an appointed Department Head.
- **Suspension:** The temporary separation from service without pay of an employee for disciplinary reasons or pending investigation of an employee's conduct.
- **Transfer:** A change of an employee from one position to another position in the same salary range.
- **Warning:** Verbal notice or counseling of an employee specifying required changes in work performance or on-the-job behavior. (Notes may be made regarding a warning for the use of the supervisor. When such notes do not become a part of the employee's file, warnings are not reprimands and, therefore, are not discipline.)

**APPENDIX A
CONSANGUINITY / AFFINITY CHART**



Note: Step relationships (step-brother, step-father, etc.) are considered to be the same as blood relationships.

APPENDIX B

**Notice and Consent
Concerning Consumer And Investigative Consumer Reports**

Notice:

This form, which you should read carefully, has been provided to you because Town of Round Mountain may request consumer reports or investigative consumer reports in connection with your application for employment or during the course of your employment with the Town of Round Mountain, if hired, or for other employment-related purposes.

The types of reports that may be requested from consumer reporting agencies include, but are not limited to, credit report, criminal records checks, court records checks, driving records, and/or summaries of educational and employment records and histories. The information contained in these reports may be obtained by a consumer reporting agency from public record sources or through personal interviews with your co-workers, neighbors, friends, associates, current or former employers, or other personal acquaintances. Any information contained in such reports may be taken into consideration in evaluating your suitability for employment, promotion, reassignment or retention as an employee.

Consent Statement:

I have carefully read and understand this notice and consent form and, by my signature below, consent to the release of consumer or investigative consumer reports, as defined above, to Town of Round Mountain (1) in conjunction with my application for employment, and (2) during the course of my employment with Town of Round Mountain, should I obtain such employment. I understand and agree that this consent will remain in effect indefinitely. I further understand that any and all information contained in my job application or otherwise disclosed to Town of Round Mountain by me may be utilized for the purpose of obtaining the consumer reports or investigative consumer reports requested by Town of Round Mountain and confirm that all such information is true and correct. I understand and acknowledge that nothing in this notice and consent form is intended to be, or is, an offer of employment or a promise of continued employment.

Name (Printed)

Social Security Number

Signature

Date

APPENDIX C

A Summary of Your Rights Under the Fair Credit Reporting Act

The federal Fair Credit Reporting Act (FCRA) is designed to promote accuracy, fairness, and privacy of information in the files of every "consumer reporting agency" (CRA). Most CRA's are credit bureaus that gather and sell information about you – such as if you pay your bills on time or have filed bankruptcy – to creditors, employers, landlords, and other businesses. You can find the complete text of the FCRA, 15 U.S.C. 1681 – 1681u, at the Federal Trade Commission's web site (<http://www.ftc.gov>). The FCRA gives you specific rights, as outlined below. You may have additional rights under state law. You may contact a state or local consumer protection agency or a state attorney general to learn those rights.

- **You must be told if information in your file has been used against you.** Anyone who uses information from a CRA to take action against you – such as denying an application for credit, insurance, or employment – must tell you, and give you the name, address, and phone-number of the CRA that provided the consumer report.
- **You can find out what is in your file.** At your request, a CRA must give the information in your file, and a list of everyone who has requested it recently. There is no charge for the report if a person has taken action against you because of information supplied by the CRA, if you request the report within 60 days of receiving notice of the action. You also are entitled to one free report every twelve months upon request if you certify that (1) you are unemployed and plan to seek employment within 60 days, (2) you are on welfare, or (3) your report is inaccurate due to fraud. Otherwise, a CRA may charge you up to eight dollars.

You can dispute inaccurate information with the CRA. If you tell a CRA that your file contains inaccurate information, the CRA must investigate the items (usually within 30 days) by presenting to its information source all relevant evidence you submit, unless your dispute is frivolous. The source must review your evidence and report its findings to the CRA. (The source also must advise national CRA's – to which it has provided the data – of any error.) The CRA must give you a written report of the investigation, and a copy of your report if the investigation results in any change. If the CRA's investigation does not resolve the dispute, you may add a brief statement to your file. The CRA must normally include a summary of your statement in future reports. If an item is deleted or a dispute statement is filed, you may ask that anyone who has recently received your report be notified of the change.

- **Inaccurate information must be corrected or deleted.** A CRA must remove or correct inaccurate or unverified information from its files, usually within 30 days after you dispute it. **However, the CRA is not required to remove accurate data from your file unless it is outdated (as described below) or cannot be verified.** If your dispute results in any change to your report, the CRA cannot reinsert into your file a disputed item unless the information source verifies its accuracy and completeness. In addition, the CRA must give you a written notice telling you it has reinserted the item. The notice must include the name, address, and phone number of the information source.
- **You can dispute inaccurate items with the source of the information.** If you tell anyone – such as a creditor who reports to a CRA – that you dispute an item, they may not then report the information to a CRA without including a notice of your dispute. In addition, once you've notified the source of the error in writing, it may not continue to report the information if it is, in fact, an error.
- **Outdated information may not be reported.** In most cases, a CRA may not report negative information that is more than seven years old; ten years for bankruptcies.

- **Access to your file is limited.** A CRA may provide information about you only to people with a need recognized by the FCRA – usually to consider an application with a creditor, insurer, employer, landlord, or other business.
- **Your consent is required for reports that are provided to employers, or reports that contain medical information.** A CRA may not give out information about you to your employer, or prospective employer, without your written consent. A CRA may not report medical information about you to creditors, insurers, or employers without your permission.
- **You may choose to exclude your name from CRA lists for unsolicited credit and insurance offers.** Creditors and insurers may use file information as the basis for sending you unsolicited offers of credit or insurance. Such offers must include a toll-free phone number for you to call if you want your name and address removed from future lists. If you call, you must be kept off the lists for two years. If you request, complete, and return the CRA from provided for this purpose, you must be taken off the lists indefinitely.
- **You may seek damages from violators.** If a CRA, a user or (in some cases) a provider of CRA data, violates the FCRA, you may sue them in state or federal court.

The FCRA gives several different federal agencies authority to enforce the FCRA:

FOR QUESTIONS OR CONCERNS REGARDING:	PLEASE CONTACT:
CRA's, creditors and others not listed below	Federal Trade Commission Consumer Response Center - FCRA Washington, DC 20580 *(202) 326-3761
National banks, federal branches/agencies of Foreign banks (word "National" or initials "N.A." appear in or after bank's name)	Office of the Comptroller of the Currency Compliance Management, Mail Stop 6-6 Washington, DC 20219 *(800) 613-6743
Federal Reserve System member banks (except National banks, and federal branches/agencies Of foreign banks)	Federal Reserve Board Division of Consumer & Community Affairs Washington, DC 20551 *(202) 452-3693
Savings associations and federally chartered Savings banks (word "Federal" or initials "F.S. B." appear in federal institution's name)	Office of Thrift Supervision Consumer Programs Washington, DC 20552 *(800) 842-6929
Federal credit unions (words "Federal Credit Union" appear in institution's name)	National Credit Union Administration 1775 Duke Street Alexandria, VA 22314 * (703) 518-6360
State-chartered banks that are not members of The Federal Reserve System	Federal Deposit Insurance Corporation Division of Compliance & Consumer Affairs Washington, DC 20429 * (800) 934-FDIC
Air, surface, or rail common carriers regulated by former Civil Aeronautics Board or Interstate Commerce Commission	Department of Transportation Office of Financial Management Washington, DC 20590 *(202) 366-1306
Activities subject to the Packers and Stockyards Act, 1921	Department of Agriculture Office of Deputy Administrator – GIPSA Washington, DC 20250 *(202) 720-7051

**Town of Round Mountain
Salary Schedule**

APPENDIX D

Variable 5% GRADE INCREMENT 40% GRADE RANGE

CLASSIFICATION	GRADE	HOURLY RATES OF PAY		ANNUAL RATES		
		START PAY	MAXIMUM	START PAY	MIDPOINT	MAXIMUM
RANGE						
Lifeguard/Pool Office Aide/Summer Rec Aide	1	7.25	10.15	15,080.00	18,096.00	21,112.00
	2	7.61	10.65	15,828.80	18,990.40	22,152.00
	3	7.99	11.19	16,619.20	19,947.20	23,275.20
	4	8.39	11.75	17,451.20	20,945.60	24,440.00
	5	8.81	12.33	18,324.80	21,985.60	25,646.40
	6	9.25	12.95	19,240.00	23,088.00	26,936.00
	7	9.71	13.59	20,196.80	24,232.00	28,267.20
	8	10.20	14.28	21,216.00	25,459.20	29,702.40
	9	10.71	14.99	22,276.80	26,728.00	31,179.20
	10	11.25	15.75	23,400.00	28,080.00	32,760.00
Admin Aide/Rec Secretary	11	11.81	16.53	24,564.80	29,473.60	34,382.40
	12	12.40	17.36	25,792.00	30,950.40	36,108.80
	13	13.02	18.23	27,081.60	32,500.00	37,918.40
	14	13.67	19.14	28,433.60	34,122.40	39,811.20
	15	14.35	20.09	29,848.00	35,817.60	41,787.20
B&G Maintenance Wkr	16	15.07	21.10	31,345.60	37,616.80	43,888.00
	17	15.82	22.15	32,905.60	39,488.80	46,072.00
	18	16.61	23.25	34,548.80	41,454.40	48,360.00
Sr B&G Maintenance Wkr	19	17.44	24.42	36,275.20	43,534.40	50,793.60
	20	18.31	25.63	38,084.80	45,697.60	53,310.40
Util Mgr/Rec Dir/Admin Supv/ Maintenance Foreman	21	19.23	26.92	39,998.40	47,996.00	55,993.60
	22	20.19	28.27	41,995.20	50,398.40	58,801.60
	23	21.20	29.68	44,096.00	52,915.20	61,734.40
	24	22.26	31.16	46,300.80	55,556.80	64,812.80
	25	23.37	32.72	48,609.60	58,333.60	68,057.60
	26	24.54	34.36	51,043.20	61,256.00	71,468.80
Town Manager	27	25.77	36.08	53,601.60	64,324.00	75,046.40
	28	27.06	37.88	56,284.80	67,537.60	78,790.40
	29	28.41	39.77	59,092.80	70,907.20	82,721.60
	30	29.83	41.76	62,046.40	74,453.60	86,860.80
	31	31.32	43.85	65,145.60	78,176.80	91,208.00
	32	32.89	46.05	68,411.20	82,097.60	95,784.00
	33	34.53	48.34	71,822.40	86,184.80	100,547.20

Town of Round Mountain

EMPLOYEE PERFORMANCE REVIEW

Employee Name: _____ Date: _____

Position Title: _____

Department: _____

Date Hired: _____ Date Began This Position: _____

Appraisal Period: From _____ to _____

Supervisor _____

Merit Review Transfer Review Promotion Review

Probationary Period Review Other: _____

EXPLANATION OF SCORING:

5 = Outstanding Performance: Work and/or results were excellent and continually exceeded requirements in most areas.

4 = Exceeds Requirements: Work and/or results at times exceeded requirements in most areas.

3 = Satisfactory Performance: Work and/or results met overall requirements.

2 = Improvement Needed: Work and/or results met most requirements, but were marginal in some areas, which require improvement.

1 = Unsatisfactory: Work and/or results were marginal in most areas. Immediate improvement required.

It is the policy of the Town of Round Mountain that Performance Evaluations will be reviewed by the Supervisor and Employee together before this document is signed by either. Goals that are noted on this Evaluation will be used to measure the Employee's performance in his/her next evaluation.

Merit increases, when provided by the Town Board for a particular fiscal year, will be keyed to the overall evaluation score achieved by the employee during his/her most recent Evaluation. If unsatisfactory scores are received on 2 or more performance categories on a review, the employee is not eligible to receive a merit increase, even if the overall evaluation is 3 or higher.

EVALUATION

**PERFORMANCE CATEGORY
(CIRCLE ONE)**

MULTIPLIER

EVALUATION

Performance of essential job functions (x.65) 1 2 3 4 5

Comments, goals for next evaluation period: _____

People and communication skills (x.05) 1 2 3 4 5

Comments, goals for next evaluation period: _____

Teamwork/cooperation (x.05) 1 2 3 4 5

Comments, goals for next evaluation period: _____

Quality of work (x.05) 1 2 3 4 5

Comments, goals for next evaluation period: _____

Adherence to policies/procedures (x.05) 1 2 3 4 5

Comments, goals for next evaluation period: _____

Continuous Improvement (x.05) 1 2 3 4 5

Comments, goals for next evaluation period: _____

Problem Solving (x.05) 1 2 3 4 5

Comments, goals for next evaluation period: _____

Adherence to Health/Safety Policies (x.05) 1 2 3 4 5

Comments, goals for next evaluation period: _____

COMPUTE OVERALL EVALUATION SCORE BY MULTIPLYING EACH RATING BY THE GIVEN PERCENTAGE; ADD TOGETHER; ROUND TO CLOSEST WHOLE NUMBER (. 51 OR HIGHER ROUND TO THE NEXT HIGHEST WHOLE NUMBER; . 50 OR LOWER TO THE NEXT LOWEST WHOLE NUMBER)

OVERALL EVALUATION: 1 2 3 4 5

IF UNSATISFACTORY SCORES ARE RECEIVED ON 2 OR MORE PERFORMANCE CATEGORIES ON A REVIEW, THE EMPLOYEE IS NOT ELIGIBLE TO RECEIVE A MERIT INCREASE, EVEN IF THE OVERALL EVALUATION IS 3 OR HIGHER.

Employee's Signature Date: _____

Supervisor's Signature Date: _____

Department Head Signature Date: _____