



**City of Earlham, Iowa**

**Personnel Policy Manual**

**Revised July, 2021**

# **WELCOME TO THE CITY OF EARLHAM, IOWA**

**Dear Colleague,**

**Please accept our genuine congratulations on your employment with the City of Earlham. We are grateful to those of you who have made a commitment to public service. You place great pride and importance on quality service to the citizens of Earlham, Iowa.**

**Service is our reason for existence. The citizens of our community will be counting on you to render that service quickly, cheerfully, effectively and courteously. It is our objective to employ qualified and dedicated individuals who will take pride in their position and who will work for the betterment of the City of Earlham, Iowa. Each job is necessary and each person who works for Earlham has special skills that have qualified him/her for this job. It is our primary goal to provide our citizens with an excellent level of service. Thus, we expect and demand a high level of performance from every individual who is employed by the City of Earlham. This is an exciting challenge and opportunity for all of us.**

**This manual will promote understanding and communication regarding the aspects of your employment and the operation of our personnel system. We believe it will result in higher morale and greater efficiency.**

**This is a guide to help employees and supervisors understand the personnel policies, procedures, provisions, rules and regulations as well as fringe benefits of the City of Earlham. We invite you to read this material carefully. If you have any questions or require additional information, please discuss the matter with your supervisor or Council.**

**Best wishes – may you have a richly rewarding career with the City of Earlham, Iowa.**

**Sincerely,**

**Mayor and City Council  
Earlham, Iowa**

## TABLE OF CONTENTS

<b>WELCOME TO THE CITY OF EARLHAM, IOWA</b>	<b>1</b>
<b>TABLE OF CONTENTS</b>	<b>2</b>
<b>1. INTRODUCTION</b>	<b>5</b>
1.1 PURPOSE	5
1.2 WHO IS COVERED BY THIS HANDBOOK?	5
1.3 HISTORY OF THE CITY OF ADEL	6
1.4 CHAIN OF COMMAND	6
<b>2. EQUAL EMPLOYMENT OPPORTUNITY (EEO)</b>	<b>8</b>
<b>3. COMPENSATION</b>	<b>9</b>
3.1 PAY PLAN	9
3.2 LICENSE AND CERTIFICATION PAY	9
3.3 WAGE INCREASE POLICY	9
3.4 JOB CLASSIFICATION	9
3.5 PAY PERIODS	11
3.6 LONGEVITY PAY	11
3.7 WAGE GARNISHMENTS	12
<b>4. LEAVE BENEFITS: WITH AND WITHOUT PAY</b>	<b>13</b>
4.1 UNPAID LEAVE	13
4.2 PAID HOLIDAYS	14
4.3 PAID VACATION LEAVE	ERROR! BOOKMARK NOT DEFINED.
4.4 PAID SICK LEAVE	ERROR! BOOKMARK NOT DEFINED.
4.5 FAMILY MEDICAL LEAVE	16
4.6 PREGNANCY LEAVE	20
4.7 MILITARY LEAVE	20
4.8 BEREAVEMENT LEAVE	21
4.9 JURY DUTY	21
4.10 VOTING LEAVE	22
4.11 SPECIAL LEAVE CONSIDERATIONS	22

<b>5. EMPLOYEE BENEFITS</b>	<b>22</b>
5.1 INSURANCE	22
5.2 CONTINUATION OF HEALTH INSURANCE COVERAGE	23
5.3 FLEXIBLE SPENDING ACCOUNT	ERROR! BOOKMARK NOT DEFINED.
5.4 DEFERRED COMPENSATION PLAN	ERROR! BOOKMARK NOT DEFINED.
5.5 RETIREMENT	24
5.6 LENGTH OF SERVICE AWARD	ERROR! BOOKMARK NOT DEFINED.
5.7 EMPLOYEE TRAINING	24
5.8 TUITION REIMBURSEMENT / PROFESSIONAL DEVELOPMENT	ERROR! BOOKMARK NOT DEFINED.
5.9 CLOTHING ALLOWANCE	24
<b>6. EMPLOYEE POLICIES</b>	<b>25</b>
6.1 JOB VACANCY & RECRUITMENT	25
6.2 MEDICAL EXAMINATIONS	26
6.3 PROOF OF EMPLOYABILITY	26
6.4 JOB POSTING	26
6.5 PERSONNEL RECORDS	26
6.6 PROBATIONARY PERIOD	27
6.7 HOURS OF WORK, LUNCH HOURS, & WORK BREAKS	28
6.8 OFFICE ENVIRONMENT	29
6.9 INCLEMENT WEATHER	29
6.10 RESIDENCY REQUIREMENT	30
6.11 OUTSIDE EMPLOYMENT	31
6.12 CITY EMPLOYEES AS PART-TIME FIREFIGHTERS	31
6.13 HIRING OF RELATIVES	31
6.14 VEHICLE & EQUIPMENT POLICY	32
6.15 VOLUNTARY RESIGNATION	32
6.16 OVERTIME & COMPENSATORY TIME	33
<b>7. OCCUPATIONAL SAFETY AND HEALTH</b>	<b>36</b>
7.1 SAFETY	36
7.2 WORK-RELATED INJURIES	39
7.3 INDIVIDUALS WITH DISABILITIES	39
<b>8. EMPLOYEE CONDUCT AND WORK RULES</b>	<b>41</b>



8.1 DISCIPLINARY POLICY	43
8.2 ABSENTEEISM & TARDINESS	45
8.3 PERSONAL APPEARANCE AND Demeanor	45
8.4 ELECTRONIC COMMUNICATION	45
8.5 HARASSMENT	49
8.6 DRUG FREE WORKPLACE	51
8.7 SMOKING	53
8.8 INVESTIGATIONS	53
<u>9. PERFORMANCE APPRAISAL</u>	<u>55</u>
<u>10. GRIEVANCE PROCEDURES</u>	<u>57</u>
<u>11. CAMPAIGN AND ETHICS GUIDELINES</u>	<u>58</u>
<u>STATEMENT OF RECEIPT</u>	<u>59</u>

# **1. INTRODUCTION**

## **1.1 PURPOSE**

The contents of this employee handbook are presented as a matter of information only. It is not a contract, expressed or implied. While the City of Earlham believes wholeheartedly in the plans, policies, and procedures described here, they are not conditions of employment. The City reserves the right to delete from, add to, and / or revise the employee handbook at any time with or without notice. Although the hope is that your employment relationship with us will be long term, your employment is “at will”, meaning either you or the City of Earlham may terminate this relationship at any time, for any reason, with or without notice.

## **1.2 WHO IS COVERED BY THIS HANDBOOK?**

This employee handbook applies to all full-time regular and part-time employees as well as seasonal/temporary employees who work for the City of Adel.

## **1.31.5 CONDITIONS OF EMPLOYMENT**

A complete physical examination, under the direction of a physician chosen by the City, may be required prior to a new employee beginning work. Similar examinations may be required periodically at the discretion of the City. Results of such examinations shall be confidential and examination reports will be the property of the City. Fees charged for City required physical examinations will be paid by the City. Random drug and alcohol testing may be required at the discretion of the City.

Specialized training may be required for some jobs. Such training must be approved and will be paid for by the City.

An employee who chooses to leave the employment of the City will give two weeks' notice to allow for arrangements to be made for a replacement.

An employee whose job is terminated will be given two weeks' notice. An employee discharged for just cause shall forfeit right of notice and other employee benefits. Just causes for discharge may be any of the following:

1. Disregard of safety rules
2. Insubordination
3. Malicious damage of equipment
4. Being under the influence and/or use of alcohol or drugs while on the job

5. Disregard of city policies
6. Dishonesty
7. Offensive language
8. Any act which might embarrass or harm the City or other employees

## **PERSONNEL POLICY MANUAL DEFINITIONS**

1. “City” means a municipal corporation, but not including a county, township, school district or any special purpose district or authority. When used in relation to land area, “city” includes only the area within the city limits.
2. “Clerk” means the recording and record keeping officer of a city regardless of title.
3. “Council” means the governing body of a city.
4. “Council Member” means a member of a Council, including an alderman.
5. “Employer” means a person, business firm, etc. that hires one or more persons to work for wages or salary.
6. “Employee” means a person hired by another or by a business firm, etc. to work for wages or salary.
7. “Part-Time Employee” means a person who works *less than thirty* (30) hours per week or seasonal with *no benefits*.
8. “Permanent Part-Time Employee: means a person who works *less than* (40) hours per week with partial benefits.
9. “Permanent Full-Time Employee” means a person who works *forty (40) hours or more* per week with full benefits.

### **1.3 HISTORY OF THE CITY OF EARLHAM**

### **1.4 CHAIN OF COMMAND**

On the next page you will find the City’s chain of command.

Unless otherwise stated in this handbook, this chain of command is used primarily for emergency management and other advisory situations.

## **CITY OF EARLHAM CHAIN OF COMMAND**

### **CITY DEPARTMENTS**

1. Employee
2. Supervisor
3. Mayor
4. Personnel Committee
5. City Council

### **POLICE DEPARTMENT**

1. Patrol officer
2. Police Chief
3. Mayor
4. Public Safety Committee
5. City Council

### **FIRE/RESCUE DEPARTMENT**

1. Firefighter/Squad Member
2. Fire Chief/Rescue Captain
3. Mayor
4. Public Safety Committee
5. City Council

## **2. EQUAL EMPLOYMENT OPPORTUNITY (EEO)**

The City of Earlham is an equal opportunity employer and is committed to fair and equal treatment of all employees without regard to race, color, age, religion, sex (including pregnancy), sexual orientation, gender identity, genetic disposition, ancestry, national origin, status as a United States Military Veteran or special disabled veteran in accordance with applicable federal laws, disability that does not interfere with job performance with reasonable accommodation, or any other legally protected status.

The Equal Employment Opportunity Officer for this organization shall be the duly elected Mayor. The Mayor has the power to delegate such duties and may, from time to time, do so. The EEO Officer shall be responsible for interpreting, initiating, and justifying the City's activities in this program as they relate to City policies, including contract compliance. Inquiries or grievances may be directed to the City's EEO Officer, the U.S. Equal Employment Opportunities Commission, Milwaukee Area Office, Reuss Federal Plaza, 310 West Wisconsin Avenue, Suite 500, Milwaukee, Wisconsin 53203-2292, or the Iowa Civil Rights Commission, 400 E. 14th Street, Des Moines, Iowa 50319.

The City is committed to administering all personnel actions in compliance with federal and state regulations. The City refrains from using policies that discriminate in such matters as employment, promotion, demotion, transfer, compensation, benefits, training, and education. The City's policies also prohibit harassment of any kind. If any employee feels discriminated against or harassed, the employee should timely bring this matter to the attention of either his/her immediate supervisor or to the Mayor as provided for in this handbook. All complaints will be investigated and resolved promptly. The confidence of the employees involved will be maintained to the extent possible.



### **3. COMPENSATION**

#### **3.1 PAY PLAN**

The City seeks to balance the need to be prudent with public funds and the compensation needs of its employees. The City competes for a talented, dedicated workforce in the same labor market as private sector employers. Accordingly, the City frequently assesses the labor market in order to determine the competitiveness of your pay plan. We offer a competitive total compensation package and a work environment where you can feel good about your contribution to improving the community where you work.

#### **3.2 LICENSE AND CERTIFICATION PAY**

The City will provide additional compensation to an employee's base rate of pay for obtaining and maintaining the following licenses and certifications when they are related to an employee's job duties, but not required of the position:

Water Treatment / Operations Certificate	50 cents per level per hour
Water Distribution Certificate	50 cents per level per hour
Wastewater Treatment / Operations Certificate	50 cents per level per hour
Wastewater Collection Certificate	50 cents per level per hour
Certified Pool Operator License	20 cents per hour
Pesticide Applicator License	20 cents per hour

An employee will receive the additional compensation as set forth above beginning the pay period after the employee has obtained the license or certification.

#### **3.3 WAGE INCREASE POLICY**

Wage increases will be set by the budget committee in conjunction with the personnel committee. The wage and wage increase processes are not subject to the Complaint Resolution Procedure in section 10.

#### **3.4 JOB CLASSIFICATION**

The job classification plan shall consist of the various classification titles as approved by the City Council. The plan shall be administered by the City Clerk to ensure that the job class specifications are accurate and current.

For purposes of salary administration and eligibility for overtime payments and employee benefits, the City classifies its employees as follows:

1. **Full-time regular employees:** Employees hired to work the City's normal 40-hour workweek on a year-round regular basis. Such employees may be "exempt" or "nonexempt" as governed by the Fair Labor Standards Act ("FLSA") and defined below.
2. **Part-time regular employees:** A part-time regular employee is an employee who is regularly scheduled to work year-round with a minimum of 30 hours, but less than 40 hours worked per week. This definition does not include seasonal workers, temporary workers, or part-time paid members of the fire department.
3. **Part-time provisional employees:** A part-time provisional employee is an employee who is scheduled to work year-round with less than 30 hours worked per week. This definition does not include seasonal workers, temporary workers, or part-time paid members of the fire department.
4. **Part-time seasonal employee:** Employees who are hired to work on a seasonal basis not exceeding seven months in each calendar year. Part time seasonal employees may be scheduled to work up to 40 hours per week. However, part-time seasonal employees are not eligible for benefits.
5. **Part-time recreational employee:** Employees who are hired to work on a seasonal basis not exceeding six months in each calendar year at a City-operated recreational facility. Part-time recreational employees are not eligible for benefits.
6. **Volunteer:** An individual who agrees to perform services for the City and does not receive compensation, therefore. Certain volunteers, however, depending on circumstances, may be entitled to reimbursement of expenses, a nominal stipend to assist in the performance of volunteer services, and reasonable limited benefits (such as coverage by workers' compensation insurance).
7. **Nonexempt employees:** Employees who are required by the FLSA to be paid overtime at the rate of time and one half (i.e., one-and-one-half times) their regular rate of pay for all hours worked beyond forty hours in a workweek, in accordance with applicable state and federal wage and hour laws.
8. **Exempt employees:** Employees who are not required to be paid overtime, in accordance with the FLSA, for work performed beyond forty hours in a workweek. Employees are informed of their initial employment classification as exempt or nonexempt when hired. If you change positions during your employment as a result of a promotion, transfer, or otherwise, you will be informed by the City Administrator of any change in your FLSA-exemption status.

### **3.5 PAY PERIODS**

#### **1. Hourly and Salaried Employees**

Hourly and salaried employees shall be paid bi-weekly on Tuesdays. Pay periods begin on Sunday and end on Saturday of the second week.

#### **2. Weekends and Holidays**

If the scheduled payday should happen to fall on a holiday, the pay will then be available on the following day.

#### **3. Time Records**

All City employees, regardless of status, full-time or part-time, permanent or temporary, hourly or salaried, will be required to individually use and maintain a printed time sheet provided by the City Clerk. Each City employee will be responsible for his/her own time record.

#### **4. Payroll Deductions**

All required deductions from your gross wages, such as for federal, state, and local taxes, and matching Social Security payments, will be computed by a government tax guide table. Employees are also subject to required withholdings for participation in the Iowa Public Employees Retirement System (IPERS). All authorized deductions will be withheld automatically from your paychecks.

Please review your paycheck for potential errors. If you believe there is a mistake, you should immediately report such to your supervisor who will, if necessary, assist you in taking the steps to correct the error.

In the event your paycheck is lost or stolen, please notify your supervisor immediately. Your supervisor will, in turn, notify the City Clerk who will attempt to put a stop-payment notice on your check. Unfortunately, however, the City is unable to take responsibility for lost or stolen paychecks, and if it is unable to stop payment on your check, you alone will be responsible for such loss.

The City reserves the right to correct any errors in payroll and recover any money paid in error.

### **3.6 LONGEVITY PAY**

For full-time regular exempt employees, the City provides an annual longevity award payment following your employment anniversary date every year.

Longevity payments will be issued as a separate deposit or paycheck during the pay period immediately following your anniversary date. The longevity payment amount is based on your



full years of service with the City. The payment amount is currently \$104.00 multiplied by your full years of completed service (\$104.00 x \_\_\_\_ full years).

Pro-rated longevity payments are only provided upon an eligible employee's IPERS retirement.

For full-time regular non-exempt employees, the City includes a longevity award rate on top of your hourly wage. This amount is \$0.05 multiplied by your full years of service and is factored in overtime calculations. For example, if you have worked here one full year, your hourly wage would include an additional \$0.05. If you have worked here three full years, your hourly wage would include an additional \$0.15.

### **3.7 WAGE GARNISHMENTS**

We expect our employees to meet their financial obligations. Wage garnishments against an employee's salary cause extra work, time, and expense for the City. Accordingly, the City expects you to work towards preventing wage garnishments for failing to satisfy your financial obligations. But, when it is necessary, the City will work with any local, county, state, or federal agencies regarding employee wage garnishments as provided by law.

### **MILEAGE**

1. City employees using a privately owned automobile in performing their work duties shall be compensated for such at the current federal rate.
2. Only city-owned vehicles shall use fuel paid for by a city account.
3. No mileage shall be paid without prior authorization of the City Clerk or Mayor.
4. Mileage compensation shall be administered in the same manner as reimbursement for expenses.

### **EXPENSES**

All city employees shall be entitled to reimbursement for expenditures incurred by them personally in the line of duty for the benefit of the City. Such expenditures shall be submitted to the city Clerk, along with receipts and/or vouchers, prior to the first city council meeting following the expenditure. All such expenditures require the prior approval of the City Clerk.

5.

## **4. LEAVE BENEFITS: WITH AND WITHOUT PAY**

An employee desiring a leave of absence from his/her employment shall secure written permission from the employer. All leaves of absence shall be without pay, unless PTO is being used.

Leaves of absences shall cause loss of seniority to the extent of the leave taken except for leaves granted for reasons as follows: active military service, medical treatment, illness, injury, educational leave for the benefit of the City, or maternity leave not exceeding ninety (90) days.

Leaves of absences will be computed on an hourly basis with eight (8) hours constituting one day for purposes of this article only.

If an employee is absent from duty without proper authorization for any part of a day or longer, such absence shall be grounds for disciplinary action or discharge.

While on unpaid leave, all fringe benefits will be suspended commencing with the first day of unpaid leave.

### **4.1 UNPAID LEAVE**

Full-time regular and part-time regular employees may ask their department head for an absence without pay after six months of service with the City of Adel. The request shall be submitted in writing indicating the reason and length of time of absence. While an employee is on approved unpaid leave, leave benefits will not continue to accrue. During the first ninety (90) days of approved unpaid leave, the Employer will continue to make its contribution to employee insurance plans so long as the employee continues, during that period, to pay the employee's share, if any. Thereafter, if the employee wishes to continue insurance coverage, and if doing so is allowed by the carrier, the employee will be responsible for both the Employer's and the employee's share of premiums. Premiums must be paid directly to the City Clerk. Arrangements for the time of payment must be made with the City Clerk prior to the employee going on unpaid leave. An employee's failure to make timely payment of insurance premiums under this Section may result in his or her loss of insurance coverage with the City.

Exceptions to this policy must be approved by the City Administrator or designee.

### **PAID TIME OFF (PTO)**

All permanent full-time employees will accrue PTO with each pay period. The total annual PTO will be the equivalent of 12 paid holidays, 8 sick days and vacation days as identified in the vacation schedule outlined below.



<u>Months of Service</u>	<u>Days of Vacation</u>	<u>Per Pay Period PTO Accrual</u>
0 to 23	5	7.70
24 to 59	10	9.23
60 to 119	15	10.77
120 to 251	20	12.31
Over 251	25	13.85

Employees may carry over no more than 260 PTO hours at the end of each fiscal year (June 30).

An employee who resigns or voluntarily terminates employment with the City with a two week notice will be paid all accrued PTO. Payment of PTO for an employee who terminates employment with the City without a two week notice will be at the discretion of the Human Resources Committee.

## 4.2 PAID HOLIDAYS

The City provides paid time off to all full-time (part-time ?) regular on the following holidays:

1. New Year's Day, January 1
2. Presidents' Day, the third Monday in February
3. Memorial Day, the last Monday in May
4. Independence Day, July 4
5. Labor Day, the first Monday in September
6. Veteran's Day, November 11
7. Thanksgiving Day, the fourth Thursday in November
8. Friday after Thanksgiving Day
9. ½ day Christmas Eve, December 24
10. Christmas Day, December 25
11. ½ day December 31

*Can this be changed to 8 holidays and 2 floating holidays? A lot of times most of us work President's day and Veteran's Day.*

When a holiday falls on a Saturday, it will be observed on the preceding Friday; if the holiday falls on a Sunday, it will be observed on the following Monday.

Employees may choose to work on any of the recognized holidays at their regular rate of pay. If an employee is called in or scheduled to work on any of the recognized holidays, pay will be at time and one-half (1½) the regular rate of pay.

Full-time regular employees shall be paid for each of the holidays set forth in this section occurring during the period in which they are in paid status. An employee required to work on a recognized paid holiday shall be granted compensatory time off or cash, as provided for in section 6.16, at the rate of time and one-half (1 1/2) for all hours worked. Holiday pay will be at the employee's normal pay for the day on which he/she would have been scheduled to work.

To be eligible for holiday pay, an employee must have worked the last full scheduled workday immediately before and the first full scheduled workday immediately after each holiday, unless prior approval has been given for the employee to be on paid leave. An employee on layoff or unpaid leave is not eligible for holiday pay.

If you are on a paid leave of absence, and the holiday occurs during your leave, the holiday will not be counted as part of that leave of absence.

Paid holidays falling on a Saturday are normally observed on the preceding Friday. Holidays falling on a Sunday are normally observed on the following Monday. When Christmas falls on a Monday or a Thursday, the following workday shall be observed as the "Christmas Eve" holiday. When Christmas falls on Tuesday, Wednesday, or Friday, the preceding workday shall be observed as the Christmas Eve holiday. When Christmas falls on Saturday or Sunday, the preceding Friday and the following Monday will be observed as holidays.

The police department will receive time and a half when scheduled for the above holidays.  
??

The police department will observe the actual dates of the holidays as listed above in Section 4.2 (1) - (10).

### ***THE LONGER YOU WORK HERE, SHOULD YOU BE ABLE TO CARRY OVER MORE HOURS?***

#### ***Vacation Carryover PTO?***

Vacation may be taken as time accrues at any point during the year. At the pay period following your anniversary date, any unused vacation hours above your allowable carryover hours will be eliminated according to the schedule below:

Years of Service	Carryover Hours Allowed Beyond Anniversary Date
0 to 5	80
5+ to 10	120
10+ to 15	140
15+ to 20	160
20+ to 25	180
25+	200



Employees are required to take their earned vacation. No payments will be made in lieu of taking vacation, except for an employee's accrued unused vacation leave balance at the time of his or her termination of employment with the City. Employees terminating employment with the City for any reason after twelve months of service with the City are entitled to payment for his or her accrued unused vacation leave balance, up to the employee's maximum allowed annual accrual. An employee who fails to provide the appropriate advance notice of resignation pursuant to Section 6.15 of the Handbook will forfeit his or her ability to receive payment for any accrued, unused vacation leave.

#### *Holiday within Vacation Period*

In the event that a holiday observed by the City falls within an employee's scheduled vacation period, and the employee is regularly entitled to the holiday, the holiday will not be counted against the employee's vacation leave balance.

#### *Vacation Scheduling*

Vacation leaves and schedules must be approved by the employee's supervisor at least two (2) weeks prior to the requested time off when possible. Vacations will be granted within a department on a first come, first served basis after considering the staff coverage needs for each department. Vacation leave shall not be granted for a period longer than two (2) consecutive weeks, except for Police Department employees on a 6 / 3 work schedule. Police Department employees on a 6/3 work schedule shall not be granted vacation for a period longer than twelve (12) days.

### **4.5 FAMILY MEDICAL LEAVE**

In accordance with the Family and Medical Leave Act, the City will grant unpaid family and medical (FMLA) leave to eligible employees for up to twelve (12) weeks per twelve (12) month period for any one or more of the following reasons:

- The birth of a child and to care for such child within one year of birth or the placement of a child with the employee for adoption or foster care within one year of placement; or
- To care for an immediate family member (spouse, child, or parent including stepchildren and stepparents) of the employee if such immediate family member has a serious health condition; or
- The employee's own serious health condition that makes the employee unable to perform the functions of his/her position.

#### **1. Eligibility.**

To be eligible for FMLA leave, an employee must have at least twelve months of service and have worked at least 1,250 hours over the previous twelve (12) month period.

Employees are required to meet notification and documentation requirements as outlined further in this policy. Failure to meet these requirements may result in the denial or revocation of FMLA leave.

## **2. Definitions.**

- a. "Twelve Month Period" means a rolling twelve month period measured backward from the date an employee uses FMLA leave (each time an employee takes FMLA leave, the remaining leave is the balance of the 12 weeks not used during the immediately preceding 12 months).
- b. "Spouse" does not include unmarried domestic partners. If both spouses work for the City, their total leave in any twelve-month period may be limited to an aggregate of twelve weeks if the leave is taken for either the birth or placement of a child for adoption or foster care or for care of an employee's sick parent.
- c. "Child" means a child either under eighteen (18) years of age, or eighteen (18) years of age or older who is incapable of self-care because of a mental or physical disability. An employee's "child" is one for whom the employee has day-to-day responsibility for care and includes a biological, adopted, foster or stepchild.
- d. "Serious Health Condition" means an illness, injury, impairment, or a physical or mental condition that involves:
  - Inpatient care; or
  - Any period of incapacity requiring absence from work, school, or regular daily activities for at least three (3) consecutive days AND that involves continuing treatment by a health care provider; or
  - Continuing treatment by or under the supervision of a health care provider for a chronic or long-term health condition that is incurable or which, if left untreated, would likely result in a period of incapacity of more than three calendar days; or
  - Prenatal care by a health care provider or incapacity due to pregnancy

## **3. Intermittent or Reduced Schedule Leave**

An employee may take FMLA leave intermittently (a few days or a few hours at a time) or on a reduced schedule basis when medically necessary to care for an immediate family member with a serious health condition or because of a serious health condition of the employee. "Medically necessary" means that there must be a medical need for the leave and the leave can best be accomplished through intermittent leaves or a reduced schedule. The employee may be required to transfer temporarily to a position with equivalent pay and benefits that better accommodates recurring periods of leave or a reduced schedule. The employee must make a reasonable effort to schedule treatment(s) so as not to unduly disrupt the City's operations. If an employee requests reduced or intermittent leave, once the intermittent or reduced leave has been completed, the

employee must be transferred back to the same position that the employee held prior to taking the FMLA leave or to an equivalent position. An employee may take leave intermittently or on a reduced schedule for birth or placement for adoption or foster care of a child only with the City Administrator's consent.

#### **4. Notice Requirement**

An employee is required to give thirty (30) days' notice in the event of a foreseeable leave. A "Request for Family/Medical Leave" form should be obtained from the City Finance Director. In unexpected or unforeseeable situations, an employee should provide as much notice as possible.

#### **5. Medical Certification**

The employee must give notice of the leave, and the City then requires a certificate be completed by a doctor or practitioner no later than fifteen (15) calendar days after the notice of the leave is given. A "Physician Certification Form" is available from the City Finance Director. The City may also require a second or third opinion at the City's expense. Periodic reports on the employee's status, intent to return to work, and a fitness-for-duty report to return to work will be required.

#### **6. Effect on Benefits**

Taking FMLA leave will not result in the loss of any employee benefit accrued prior to the date on which the leave began. Benefits will continue to accrue during paid leave but will not accrue during unpaid FMLA leave.

#### **7. Continuation of Health Insurance on FMLA Leave**

An employee on FMLA leave may remain a participant in the City's health insurance plan throughout the duration of the leave, as if actively employed. S/he will be required to pay the same cost of coverage as if actively at work. Employee contributions will be required either through payroll deduction or by direct payment to the City. The employee will be informed of the amount and method of payment at the beginning of the leave. Loss of insurance coverage may result if the premium amount is paid more than thirty (30) days late. If the employee misses a premium payment and the City pays the employee's contribution, the employee will be required to reimburse the City for the delinquent payment upon return from the leave. In some cases, if an employee does not return to work following an FMLA leave, the City may require reimbursement for the insurance premiums paid during the leave.

#### **8. Return to Work**



An employee returning from leave taken under this provision is entitled to return to the position held when the leave began if that position is vacant. If the position is not vacant, the employee must be returned to an equivalent position with equivalent benefits, pay and other conditions.

#### **9. FMLA for Military Families**

The FMLA includes coverage for eligible employees to care for qualifying service members. Eligible employees may take 26 workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness who is the spouse, son, daughter, parent, or next of kin to the employee (Military Caregiver Leave). The second type of leave available to certain military families is known as Exigency Leave and entitles eligible employees to up to 12 weeks of leave because of “any qualifying exigency” arising out of the fact that a qualifying family member is on active duty in a foreign country or has been notified of an impending call to active duty status in a foreign country. For purposes of this policy, adult children are qualifying family members.

Unless otherwise stated in this provision, the FMLA policy described above applies.

Paid leave must be extinguished first before unpaid military family FMLA leave is taken. The paid leave and military FMLA leave shall run concurrently. Both types of military family FMLA leave are subject to certification or other verification requirements. Where an employee fails to timely comply with any such requirements, or where this process establishes time off and absences from work are not covered by FMLA, the FMLA leave may be delayed or denied and any absences and time off may be considered unexcused absences subjecting the employee to disciplinary action, up to and including termination of employment.

##### **a. Injured Service Member (Military Caregiver) Leave**

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury which was sustained or aggravated in the line of duty on active duty is entitled to up to twenty-six (26) weeks of leave in a single 12-month period to care for the service member. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness which was incurred or aggravated in the line of duty on active duty; or a veteran who has a serious injury or illness which was incurred or aggravated in the line of duty on active duty and who was a member of the Armed Forces, including the National Guard or Reserves, at any time within five (5) years of receiving treatment that triggers the need for military caregiver leave. This military caregiver leave is available during “a single 12-month period” during which an eligible employee is entitled to a combined total of twenty-six (26) weeks for all types of FMLA qualifying reasons. The other types of FMLA leave remain subject to the 12-week limit per year.

For Military Caregiver Leave, the employee and employee's spouse may be limited to a combined total of twenty-six (26) weeks of leave in a 12-month period, including other types of FMLA leave listed above. If a medical certification to support the FMLA Military Caregiver Leave is obtained from a healthcare provider affiliated with the military, such certification will not be subject to second and third opinions.

b. Active Duty Family Leave (Exigency Leave)

Eligible employees are entitled to up to twelve (12) weeks of leave because of "any qualifying exigency" arising out of the fact that the spouse, son, daughter, or parent of the employee is a member of any branch of the Armed Forces, including the National Guard or Reserves, and is on active duty in a foreign country or has been notified of an impending call to active duty status in a foreign country. This leave is subject to the same aggregate twelve (12) weeks of FMLA leave per year as the traditional forms of FMLA leave.

#### **4.6 PREGNANCY LEAVE \*\*\*see separate sheet**

Employees who are disabled from performing their duties because of medical reasons associated with pregnancy or post-delivery problems related to pregnancy, shall be allowed to use their paid leave benefits provided herein on the same basis as employees whose disability is related to other illness or injury. The FMLA policy outlined in this handbook applies. In addition, pursuant to Iowa Code section 216.6(2)(e), any employee who is not eligible for FMLA leave is entitled up to eight weeks of unpaid leave due to the employee's pregnancy, childbirth, or related medical conditions.

#### **4.7 MILITARY LEAVE**

A military leave of absence will be granted for employees subject to USERRA and Iowa Code section 29A.28 (1) (a). Up to the first thirty (30) days of military leave are granted without loss of pay.

While on extended leave, the employee's accumulated leave and placement on the salary schedule shall be frozen. While no additional benefits will be provided by the City during the leave period, the employee may purchase such benefits. At the conclusion of the extended leave of absence, the salary of the employee shall be the salary stated on the salary schedule for the step and class for which that employee was appointed at the time of the commencement of the leave.

#### **4.8 BEREAVEMENT LEAVE**

If you are a full-time regular or part-time regular employee and a death occurs in your family, you will be compensated for time lost from your regular work schedule in accordance with the following guidelines:

1. All regular full-time employees shall be allowed paid time off at regular rate of pay, up to but not to exceed three (3) workdays as normally scheduled for the employee, in case of the death of the employee's parent (in-law), spouse, child, brothers, sisters, for attendance at the funeral and for other purposes directly arising out said death. In the event of death of an employee's grandparent, brother-in-law, sister-in-law, all regular full-time employees shall be allowed paid time off at the regular rate of pay for up to one (1) day as normally scheduled for attendance at the funeral.
2. Requests for bereavement leave should be made in advance to either your immediate supervisor, specifying the approximate length of leave desired. The length of time requested should reflect such factors as the location of the funeral and the employee's involvement in making the funeral arrangements.
3. Exceptions to this policy may be granted due to special circumstances but require the approval of the Mayor or designee.

#### **4.9 JURY DUTY**

If you are a full-time regular or part-time regular employee who is summoned to jury duty, the City continues your salary during your active period of jury duty for up to a maximum of fifteen working days per calendar year. You must turn over to the City the allowance you receive from the court for such service (except reimbursement for meals and mileage). If you are not a full-time regular or part-time regular employee, you will be granted time off without pay while serving jury duty. All employees are allowed unpaid time off if subpoenaed to appear in court or in a deposition as a witness.

To qualify for jury or witness duty leave, you must submit to your supervisor a copy of the summons to serve as soon as it is received. In addition, proof of service must be submitted to your supervisor when your period of jury or witness duty is completed.

The City will make no attempt to have your service on a jury postponed except when the job function is exceptionally vital to the City. If released from jury duty when more than two (2) hours of the employee's regularly scheduled workday remains, the employee will be required to report to work. An employee who is scheduled to work a night shift the night before reporting to jury duty may be excused from their scheduled shift upon approval by their supervisor.



#### **4.10 VOTING LEAVE**

All City employees are entitled to vote in an election. If an employee does not have three consecutive hours of non-working time in the period between the opening and closing of the polls, he or she is entitled to limited paid time off to go vote. Notice must be given, and approval granted by the employee's supervisor, prior to taking leave.

#### **4.11 SPECIAL LEAVE CONSIDERATIONS**

Other than as stated above, no credit for previous years of service will be given as it pertains to the provision/accrual of these leave benefits. Credit will be given for time served should the employee's status change from part-time to full-time.

### **5. EMPLOYEE BENEFITS**

The City has established a variety of employee benefits programs designed to assist eligible employees and their dependents in meeting the financial burdens that can result from illness, disability, and death, and to help you plan for retirement, handle job-related or personal problems, and enhance your job-related skills.

The City reserves the right to amend or terminate any of these programs or to require or increase employee premium contributions toward any benefits with or without advance notice at its discretion. This reserved right may be exercised in the absence of financial necessity. Whenever an amendment is made to any of the City's benefits programs, the respective plan administrator will draft and submit the amendment to the City's Human Resource for review and approval. The respective plan administrator will notify plan participants of all approved amendments or plan terminations.

#### **5.1 INSURANCE**

##### **1. Health Insurance**

Full premium for group rate health and dental insurance will be offered and paid by the City of Earlham, if taken for all full-time permanent City employees. Employees have the option of adding a spouse and/or family coverage. The City will pay 80% of the premium costs for additional spouse and/or family coverage.

**2. Life Insurance**

Full premium for group life insurance in the amount of \$10,000 will be offered and paid by the City of Earlham, if taken for all permanent City employees. Employees have the option of adding a spouse and/or family coverage at their own expense.

**4. Short-Term Disability Insurance**

The City will maintain short-term disability insurance only on permanent full-time employees.

**5. Workers' Compensation Insurance**

All employees are covered by Workers' Compensation Insurance which provides medical reimbursement and disability benefits for job-related illness or injury. Reporting illness or injury immediately to supervisor is critical for payment qualification. A physician's statement will be required prior to resuming work.

**Optional Insurance: MetLife Vision insurance and Liberty National Section 125 Plan**

## **5.2 CONTINUATION OF HEALTH INSURANCE COVERAGE**

If you resign or your employment is otherwise terminated, or if your work hours are reduced, and consequently you or your dependents are no longer eligible to participate in the group health insurance plan offered by the City, you and your eligible dependents may have the right to continue to participate for up to 18 months at your (or your dependents') expense. The 18-month continuation coverage period provided in the event of your termination or reduction in working hours may be extended to 36 months for your spouse and dependent children, if, within that 18-month period, you die or become divorced or legally separated, or if a child ceases to have dependent status. In addition, if you enroll for Medicare during the 18-month period, your spouse and dependent children may be entitled to extend their continuation period to 36 months, starting on the date that you become eligible for Medicare.

If you are determined to be disabled under the Social Security Act at the time of your termination or reduction in hours, you may be entitled to continuation coverage for up to 29 months.

Your eligible dependents may extend coverage, at their expense, for up to 36 months in our group health insurance plans in the event of your death, divorce, legal separation, or enrollment for Medicare benefits, or when a child ceases to be eligible for coverage as a dependent under the terms of the plan. If you or your eligible dependents elect to continue in the group health insurance



plan, you will be charged the applicable premium. Failure to make timely payments may result in termination of coverage.

If this election for continuation coverage is made, you and your dependents may have the option to convert this coverage to an individual policy with our insurance carriers at the end of the continuation period.

The City will contact you concerning these options at the time termination occurs or your work hours are reduced. The City will contact your qualified beneficiaries in the event of your death or enrollment for Medicare benefits. However, if you become divorced or legally separated, or one of your dependents ceases to be eligible for coverage under our group health insurance plan, you and/or your dependent is responsible for contacting the City to discuss continuation/conversion rights. You and your qualified beneficiaries are also responsible for notifying the City within 60 days of qualifying for social security disability benefits.

## **5.5 RETIREMENT**

Eligible employees participate in the Iowa Public Employees Retirement System (IPERS). This defined benefit plan provides a retirement benefit to eligible employees upon retirement in accordance with a formula that is currently based on your age, years of service, and the average of your highest five years of wages. All pension benefits and payroll deductions are subject to the requirements of the IPERS pension fund. For additional information, you should contact IPERS at 800-622-3849 or visit the IPERS website at [www.ipers.org/index.html](http://www.ipers.org/index.html).

## **5.7 EMPLOYEE TRAINING**

The City encourages its full-time regular employees to attend conferences, seminars, and training sessions of benefit to the employee in enhancing job performance, skills, and knowledge.

A request for approval to attend conferences, seminars or training sessions must be pre-approved by your direct supervisor. Please see the **Policy 2.04.01 - Travel Policy**. A Travel Request Reimbursement Form must be completed and contain signed approval prior to incurring the expense for which you are seeking reimbursement.

## **5.9 CLOTHING ALLOWANCE**

### ***Police Department***

The City will have the right to determine initial issuance of uniforms.

After one (1) year of employment, police officers will receive \$750 per year for a clothing allowance. The allowance will be given in two (2) equal installments (\$375 on January 1st and \$375 on July 1st).

Purchases allowed include the original uniform replacement (shirts, pants, ties, jackets, etc.).

An officer who fails to complete one (1) year of employment must return the initial issuance of uniforms to the Chief of Police.

#### *Public Works Employees*

The City provides funding to order clothing for full-time regular and part-time regular public works employees. However, each year the City will reimburse each full-time regular and part-time regular public works employee up to \$150.00 for the purchase of work boots deemed necessary by the department head after employee provides a valid proof of purchase. Any amounts over \$150 during the rolling 12-month period shall be paid by the employee. In the event an employee's steel-toed safety boots are irreparably damaged or destroyed in a workplace accident prior to the expiration of the rolling 12-month period, that employee should contact the department head who may, in their discretion, approve a new \$150 safety boot allowance that would start a new rolling 12-month period.

## **6. EMPLOYEE POLICIES**

### **6.1 JOB VACANCY & RECRUITMENT**

The City of Earlham recruits the most qualified persons regardless of race, sex, sexual orientation, gender identity, genetic disposition, color, religion, age, ancestry, national origin, or disability (provided such disability does not interfere with job performance with reasonable accommodations).

The City will not hire relatives of full-time regular or part-time regular employees when employment would result in relatives working in the same department or place an employee in a position directly supervised by a relative. A more detailed description of the policy on hiring of relatives is found in section 6.13.

The *Mayor??*, in consultation with the Personnel Committee and department directors, determines whether each job classification is an open or promotional vacancy. Typically, promotional job classifications are those in which employees in a lower classification would gain the experience to qualify.

## **6.2 MEDICAL EXAMINATIONS**

The City may require you to submit to a job-related medical examination by a health care provider designated by the City. Medical examinations will be conducted after you have been offered a position and before you start work if the medical examination is required of all entering employees in the classification.

You may also be required to submit to a job-related medical examination when necessary to determine if you are still able to perform the essential functions of your position, and to any fitness for duty examinations required by federal, state or local law, or City policy. Also, voluntary medical examinations may be conducted as part of the City's employee health programs.

## **6.3 PROOF OF EMPLOYABILITY**

The City requires all employees to present documented proof of identity and eligibility to work in the United States. Each new employee must present the City with the necessary documents to verify the employee's identity and eligibility to work according to the laws of the United States, which typically include a driver's license and Social Security card. These documents will be inspected by the employer for their authenticity. The City and employee will complete the form I-9 to attest that the documents have been produced and inspected.

Additionally, the City utilizes E-Verify. E-Verify, authorized by Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), is a web-based system through which employers electronically confirm the employment eligibility of their employees.

## **6.4 JOB POSTING**

The City of Adel, in its employment efforts, will post a notice in all departments, local newspapers, trade and professional journals for a period of ten (10) days.

## **6.5 PERSONNEL RECORDS**

The City keeps a separate personnel file for each employee that includes the employment application, experience records, and other pertinent information in accordance with recordkeeping requirements and best practices in accordance with state and federal law. These files contain job-related information including payroll deductions, eligibility for benefit



programs, compensation history, performance appraisals, disciplinary records, and other personnel related matters.

The City will generally release confidential personnel information only upon the written request and release of the Employee. The City will release non-confidential personnel information in accordance with applicable state law. The City will release any information relating to the results of federally required drug tests in accordance with the applicable law. Pursuant to Iowa Code section 22.7(11)(a)(5), if an employee is demoted, discharged, or resigns in lieu of being terminated, that fact is public record, as well as the documented reasons and rationale for the action.

If you are interested in reviewing the contents of your personnel file, you may do so at a time mutually agreed upon by you and the Finance Director or City Administrator. You will not have access to or be able to review letters of reference received or furnished by the employer or any reference check performed by the City. The Finance Director must be present during your review to preserve the security of your information. You may not remove any item from the file. However, you may, at your own expense, request and receive a copy of the contents of your file, except with respect to those items specified above. The City may charge a reasonable fee for copying the requested items.

Please note that this policy does not apply to any law enforcement files containing pre-hiring and psychological testing results that are required by law to remain confidential.

We would appreciate your help in keeping your records up to date. Please contact the City Clerk if you have any change in the following:

1. Name
2. Address / phone number / personal email address
3. Marital status
4. Beneficiaries
5. Dependents
6. Persons to be notified in the event of an emergency

## **6.6 PROBATIONARY PERIOD**

All original and promotional appointments shall be subject to the service of a probationary period, which shall be considered as part of the examining process.

1. The probationary period for all full-time position original hiring or promotional appointments shall be ninety (90) days from date of hire.



2. The probationary period for all part-time or seasonal position hiring shall be thirty (30) days from date of hire.
3. The City may terminate probationary employees for any cause during their probationary period without appeal. The City may discharge any such probationary employee without any prior notice to the employee.
4. Any employee hired on a temporary basis does not qualify for any permanent full-time benefits or any other provisions relating to full-time employment.

Your first six months of employment are a time for both of us to get to know one another. This is intended to be a period in which you can learn the duties of your new job and in which management can evaluate your success in doing so.

Like any other employee, an employee who is currently working during a probationary period can be terminated from employment at any time with or without cause or prior notice during the probationary period. However, termination of employment during a probationary period is without appeal.

The supervisor will discuss with an employee whether he or she has successfully completed the probationary period before the close of business of the last day of the probationary period.

Furthermore, **successful completion of a probationary period does not change an employee's status as an employee at will.**

#### *Exceptions*

All new police officers shall be subject to a one-year probationary period following certification from the law enforcement academy. If a new employee has already been certified at the time of hire, his/her probationary period shall be one-year from date of hire. The probationary period for volunteer firefighters is six-months.

### **6.7 HOURS OF WORK, LUNCH HOURS, & WORK BREAKS**

The regular workweek for all full-time regular employees, other than those in the Police Department, shall consist of forty hours. The established workweek shall run from 12:01 a.m. Sunday morning until 12:00 a.m. (midnight) the following Saturday night.

The appropriate department head shall determine specific work schedules including days and hours. Given certain departments must regularly operate seven (7) days per week, some employees may be required to work on any day of the week, but such employees will generally not be required to work more than two weekends per month. You are expected to be at your workplace in accordance with approved hours of work, holidays, and leaves. All non-exempt employees must accurately record their time on the appropriate timecard.

Public Works employees who are called back to work or called in to work prior to the normal starting time, other than due to the employee's negligence, will be compensated a minimum of two (2) hours unless such call back is two (2) hours or less prior to his/her shift, in which case the employee will be paid for actual hours worked at the appropriate rate. Call back does not apply when an employee is directed to work beyond his/her regular shift.

#### *Lunch Hours*

An unpaid lunch break approximately halfway through the work shift is allowed. The break is one-half hour for non-exempt employees and one hour for exempt employees. Your supervisor will advise you of your assigned time as the City must maintain adequate work coverage and give appropriate consideration to department needs and regulations.

#### *Work Breaks*

Each employee may take a 15-minute rest break in the morning and another in the afternoon. The direct supervisor is responsible for determining when and where employees take rest breaks. Rest break time does not accrue, if unused it is forfeited.

#### *City Hall Staff Hours*

City Hall staff shall work Monday through Friday, 7:00 a.m. to 3:30 p.m. The City Administrator may allow for flexibility based on individual need and City operations for exempt employees.

#### *Police Department Hours*

The workweek for the Police Department will vary depending on the officer's schedule. Some Police officers work 5 days on / 2 days off and other officers may work 6 days on / 3 days off. The sixth day does not constitute overtime. Overtime is calculated based on hours worked in excess of the normal schedule.

### **6.8 OFFICE ENVIRONMENT**

It is important that your work area is kept neat and clean. We need your cooperation in meeting the City's objective of making the work place a pleasant and safe working environment.

### **6.9 INCLEMENT WEATHER**

If the City Administrator announces by public broadcast that City offices are closed, then only persons designated as "essential personnel" need to report to work. Employees considered "essential personnel" will be notified by their supervisor if they are required to report to work.

All leave or absences due to inclement weather shall be unpaid unless the employee elects to take available vacation, compensatory time, or personal holidays with approval of the supervisor (and in accordance with a bargaining agreement, if applicable).

## **6.10 RESIDENCY REQUIREMENT**

Employees of the City of Earlham shall be classified as Level I, Level II and Level III employees.

All employees of the City shall be residents of the State of Iowa at the time of employment with the City and shall remain residents of the State of Iowa during their employment.

Level I employees of the City shall reside within a 10 minute response time to City Hall. All police officers, the Street Superintendant, Water/Waste Water Superintendant, Public Works Supervisor, and part-time seasonal employees assisting with snow removal are deemed Level I employees.

Level II employees of the City shall live within 10 miles of the City. Level II employees are all other full-time city employees.

Level III employees of the City shall live in the state of Iowa. Level III employees are all part-time or seasonal employees, excluding those required to assist with snow removal.

The term “reside” shall be construed to be the actual domicile of the individual. This means the location where the individual regularly conducts daily life activities such as eating and sleeping and the place where the individual’s normal personal and household effects are maintained. Reside does not include a place of residence that has been adopted with the intention of defeating the purposes of this policy.

All Level I employees hired after the passage of this policy must comply with the policy within one (1) year. All uncertified police officers must comply with residency policy prior to attending the academy.

## **EMPLOYEE EDUCATION**

Upon the request of the employee, recommendations of the employee’s department supervisor and approval by the City Council, a permanent full-time City employee may be determined for educational costs subject to the following requirements:

1. The course shall directly relate to the employee’s current job duties.
2. Such course work must be completed at an officially accredited educational institution.
3. The employee shall satisfy the necessary prerequisites of the course for which reimbursement is being requested and shall receive approval of the City Council prior to enrolling in the course.
4. The employee shall successfully complete the course.
5. Participation in the course shall be solely on the employee’s time, unless specifically waived by the City Council, except for courses required for maintenance of minimum qualification for the position held.



6. The City Council may require an employee to enroll in, attend and successfully complete any educational course directly related to the employees' current job duties or to become or remain educationally qualified for the position held.
7. An employee who is required to attend an educational course pursuant to paragraph 6 shall be granted education leave for the period of time actually engaged in attending the course. Such leave shall be with pay based upon the employee's costs of enrollment, required texts, fees and mileage to and from the place of instruction. If the place of instruction is located more than fifty (50) miles from Earlham, the City shall pay the actual costs of lodging in that location for the employee

## **6.11 OUTSIDE EMPLOYMENT**

You must inform your department director about any outside employment to avoid possible conflict with your City of Adel employment. If outside employment interferes with your work for the City of Adel, you will be asked to resign from one or the other position. In some instances, outside work is forbidden by City or state code. Before beginning any employment work outside of the City of Adel, you must complete the **Part-Time Job Notification Form** and obtain approval from the City Administrator or Chief of Police.

## **6.12 CITY EMPLOYEES AS PART-TIME FIREFIGHTERS**

Full-time regular and part-time regular City employees who are secondarily members of the volunteer fire department and are firefighters and / or emergency medical technicians in the Fire Department may act as second responders to ambulance and first responders to fire calls while on duty if their normal work allows. They will receive only their primary job wages when responding during normal working hours. However, if the call they respond to overlaps their normal working hours, their pay for those extra hours will be provided under the normal fire department stipend policy. City vehicles may be used to respond to calls provided the employee is on duty.

## **6.13 HIRING OF RELATIVES**

It is the policy of the City that applicants who are relatives of full-time regular or part-time regular employees shall not be hired in any capacity (exception: volunteer firefighters and EMS personnel in the Fire Department) or transferred to any position when such employment:

1. Would result in relatives working in the same department.
2. Would place an employee in a position where direct supervisory control would be exercised over or received from a relative.



3. Would place an employee in a position which would grant access to confidential information concerning actual or potential administrative or disciplinary action to be taken against a relative.

Relative shall mean and include: the spouse of the applicant; a domestic partner; persons related to the applicant within the third degree (inclusive) by consanguinity; persons related to the applicant within the third degree (inclusive) by affinity, and their spouses; and those persons hereafter enumerated who are step-relatives of the applicant, and their spouses. Those in the following relationships to applicant shall be deemed “relatives” of the applicant for purposes of this policy: spouses of such persons; parents, sons, daughters, brothers, sisters, and the spouses of such persons; grandparents, grandchildren, and the spouses of such persons; nieces and nephews, great-grandparents, great-grandchildren, and the spouses of such persons; and persons in the same relationship to applicant’s spouse as included in the above.

A marriage of two employees within the same department taking place after hire shall be considered a violation of this policy and shall require the termination of one of the two employees in one of the following ways:

1. Either of the employees may voluntarily resign.
2. The least senior employee shall resign.
3. Either of the employees may be allowed to transfer to another department if a position is available, the employee is qualified, and the approval of the department head is granted. Such termination or transfer shall be effective not later than the date of the marriage.

#### **6.14 VEHICLE & EQUIPMENT POLICY**

It shall be the operator’s responsibility to report to City management, in writing any mechanical defects or unsafe conditions. City vehicles and equipment are to be used only for City business by assigned individuals. Assigned individuals are expected to handle vehicles and equipment with care and prudence, and to obey all laws connected with their use. Accidents involving city personnel and/or equipment must be reported immediately to the supervisor. Immediate supervisor must have a written report of the incident within 24 working hours.

If an employee is required to operate a motor vehicle as part of his or her job duties, that employee must maintain a valid operator’s license and be insurable under the City’s liability policy as a condition of continued employment.

#### **6.15 VOLUNTARY RESIGNATION**

The City is proud of our low turnover, so before you consider resigning, please talk it over with your immediate supervisor. Sometimes a misunderstanding can be resolved. If you do decide to leave, you are required to give two to four (2 – 4) weeks advance notice to remain in good

standing with the City. The amount of advance notice required depends on the position you hold with the City. Whether you provide proper advance notice of your resignation will be noted on your work record and used for reemployment consideration. In addition, if you fail to provide the appropriate advance notice, you will forfeit your ability to receive payment in your final paycheck for any accrued, unused vacation leave you have at the time of your separation.

It is your responsibility to notify the City of your resignation in a timely manner. If you fail to report to work and/or fail to communicate your work status to your Department Head by the beginning your third scheduled work day after giving notice of your resignation, it is grounds for termination of employment and will be considered a voluntary termination of employment. You also may not use earned leave time during the notice period unless you have received prior approval by the City Administrator. Your last day of employment with the City following your resignation will be considered your last actual working day when you are present.

1. Before leaving employment with the City, you are required to turn in all City property including, but not limited to, manuals, reference materials, keys, tools, equipment, computer hardware and/or software, and any other tangible City property.

## **6.16 OVERTIME & COMPENSATORY TIME & CALL-OUTS**

### **1. Definition**

Overtime is time properly authorized and worked by a permanent employee, which is in excess of forty (40) hours per workweek.

### **2. Compensation for Permanent Full-Time and Permanent Part-Time Employees, excluding Police Officers**

The employee may have the option of receiving compensatory time off or pay at the overtime rate of one and one-half (1½) times the regular rate. Paid leaves, compensatory time, or PTO taken shall not count as time worked for the purpose of determining paid overtime. Time sheets shall reflect whether overtime is to be paid or banked as compensatory time. Compensatory time banked must be used before PTO for time off.

### **3. Compensation for Police Officers and Seasonal Part-Time Employees**

As allowed by State and Federal regulations, Police Officers in a department of less than 5 employees, and seasonal part-time employees will be paid for all hours worked at their regular rate of pay. No extra compensation will be made for hours worked over forty (40) per week.

### **4. Call-Outs.**

In the event an hourly employee is required to come in to work outside their normal shift, the employee shall receive a minimum of two (2) hours pay.



### *Overtime*

All employees are expected to work overtime when necessary and approved in advance by either the employee's supervisor or the City Administrator. Your supervisor will attempt to provide you with reasonable notice when the need for overtime work arises. Please remember, however, that advance notice may not always be possible.

All overtime requests must be approved prior to incurring the hours that would result in the payment of overtime or compensatory time. The employer has the right to direct the time of each work period depending upon weather conditions, emergencies, scheduling needs, etc.

Overtime pay calculated at one and one-half times an employee's regular hourly rate of pay will be granted to non-exempt employees who meet the following conditions:

1. For non-Police Department and non-Public Works employees, all hours worked in excess of forty (40) hours in a workweek. Time on paid or unpaid leave shall not be considered as time worked for the purpose of computing overtime.
2. For Public Works employees, all hours worked in excess of forty (40) hours in any workweek or eight (8) hours in a given day. Time on paid or unpaid leave will not be considered as hours worked for the purpose of computing overtime.
3. For Police Department employees, all hours worked in excess of the employee's scheduled shift (either 8 hours or 8.25 hours, depending on where the employee falls in the scheduled work cycle). In addition, the Department follows the guidelines established by the **Fair Labor Standards Act Section 7(k) exemption**. Time on paid vacation leave and/or sick leave shall not count as hours worked for the purpose of computing overtime; leave when an employee is using accrued compensatory time will be considered as hours worked for the purpose of computing overtime.

If a non-exempt employee, other than a police department employee, is required to work on an observed holiday, he/she shall be compensated at the time and one-half rate for all hours actually worked that day.

### *Compensatory Time*

In lieu of cash payments for overtime worked, non-exempt employees may accrue compensatory time off ("comp time") for overtime hours worked. Comp time will be accrued at the rate of time and one-half (1 ½) per overtime hour worked.

Exempt employees may receive administrative time, which is similar to comp time, for excess hours worked. However, administrative time is not time off that is accrued hour-for-hour whenever an exempt employee works beyond his/her regular schedule; it is simply a means to allow management the discretion and flexibility to grant additional leave to employees when appropriate for working extra time providing services for the City.

*Employee Selection of Pay or Comp Time*

Overtime shall be compensated in either cash or comp time at the employee's discretion.

However, except as noted below, a non-exempt employee may only accumulate a maximum of forty-eight (48) hours of comp time. The employer may require comp time be used. *Comp time must be used before PTO*



## 7. OCCUPATIONAL SAFETY AND HEALTH

The City of Adel makes every effort to keep your work area safe and free from hazard. The City makes every effort to comply with relevant federal and state occupational health and safety laws and to develop the best feasible operations, procedures, technologies, and programs conducive to such an environment.

### 7.1 SAFETY

The City Administrator and department heads are responsible for the fulfilment of departmental goals and objectives as well as the health and welfare of each employee in the department. In this safety policy, the highest priority has been placed on employee safety.

This priority is the responsibility of each department head. It is normal practice for the supervisors to be delegated the authority to carry out safety policies in his or her division, but the responsibility for meeting objectives and the protection of employees in performance of their assignments cannot be transferred.

It is the responsibility of every department to ensure a safe and healthful atmosphere, safe working conditions, tools, equipment, and work methods for all of its employees. Employees are expected to comply with all safety and health requirements whether established by management or by federal, state, or local law.

#### *City's Responsibilities*

In support of this policy, the City will:

1. Make every effort to comply with applicable local, state, and federal laws and regulations.
2. Establish safe work procedures and provide necessary personal protective equipment.
3. Provide funding for appropriate safety training.
4. Encourage employee involvement through a Safety Committee and support their efforts.
5. Investigate and evaluate all accidents to identify causation and identify corrective opportunities to prevent recurrence.
6. Conduct periodic facility safety inspections to identify unsafe conditions and at-risk behaviors.

7. Expect employees to observe all safety procedures and comply with established safety responsibilities outlined in this policy.
8. Establish requirements for work performed by contractors.

#### *Supervisors' Responsibilities*

Supervisors will actively support this policy as an example to those responsible to them. They have a direct responsibility for employee safety and for developing and maintaining a safe work environment.

As a supervisor your personal responsibility is the following:

1. To ensure employees follow all established safety procedures and practices. Provide counseling and administer disciplinary action when appropriate.
2. To provide ongoing employee training on safe work practices and procedures.
3. To investigate all injuries and accidents to identify causation and submit recommendations for preventing recurrence.

#### *Employees' Responsibilities*

Employees are required, as a condition of employment, to exercise due care in the course of their work to prevent injuries to themselves and to their fellow workers. Employees have a responsibility to report any unsafe working conditions or practices to a supervisor or safety committee. City employees are expected to work diligently to maintain safe and healthy working conditions and to adhere to proper operating practices and procedures designed to prevent injuries and illnesses. Each employee is expected to place safe work practices and identification of unsafe conditions as the highest priority while performing daily tasks.

The responsibilities of all employees of the City in this regard include:

1. Exercising maximum care and good judgment at all times to prevent accidents and injuries.
2. Reporting to supervisors and seeking first aid for all injuries, regardless of how minor.
3. Reporting unsafe conditions, equipment, or practices to supervisory personnel.
4. Using safety equipment provided by the City at all times.
5. Observing conscientiously all safety rules and regulations at all times.

6. Notifying their supervisors, before the beginning of the workday, of any medication they are taking, that may cause drowsiness or other side effects that could lead to injury to themselves or their coworkers.

Employees violating recognized safety rules, procedures, or standards, or acting in such a manner as to endanger their own or another's personal safety, shall be subject to disciplinary action, up to and including termination.

Each employee's safety commitment must include, but is not limited to, the following:

1. Follow all established safety procedures and ask your supervisor if they are not understood. Employees who ignore or violate these procedures may be subject to disciplinary action.
2. Using the safety equipment that has been provided for use in performing daily work assignments.
3. Wearing the prescribed uniform and safety shoes as required.
4. Not operating equipment for which no training or orientation has been received.
5. Warning coworkers of unsafe conditions or practices they are engaged in, which could lead to or cause an accident.
6. Reporting defective equipment immediately to a supervisor.
7. Reporting dangerous or unsafe conditions that exist in the workplace as well as throughout the City (e.g., defective sidewalks, broken curbs, hanging tree limbs, loose handrails, open manholes, sunken basins and sewers, missing or damaged traffic signs or signals, missing guards on operating equipment, etc.).
8. Reporting of all injuries and accidents regardless of severity.
9. Protect the public from any hazard that is a result of City work (e.g., street repair, sewer cleaning, main break work, etc.).
10. Taking care not to abuse tools and equipment, so that these items will be in usable condition for as long as possible as well as to ensure that they are in the best possible condition while being used.



## 7.2 WORK-RELATED INJURIES

To provide for payment of your medical expenses and for partial salary continuation in the event of an injury, occupational illness, or hearing loss in the course of employment, you are covered by workers' compensation insurance. The workers' compensation laws of the State of Iowa determine how employees receive medical care and how they are paid for lost work time as a result of a work-related injury or illness. The amount of benefits payable and the duration of payment depend on the nature of your injury or illness. In general, however, all medical expenses incurred in connection with an injury or illness are paid in full, and partial salary payments are provided beginning with the fourth consecutive day of your absence from work. During the first three days of absence, you will receive your normal compensation as an employment benefit. Employees with sick leave benefits may elect to use these benefit hours to make up the difference between their salary and the workers' compensation benefit amount.

If you are injured or become ill on the job, or incur an occupational disease or hearing loss, you must immediately report the condition to your supervisor, department head, or the City Administrator. The employee must complete a **State of Iowa "Employer's First Report of Injury"** through EMC OnCall Nurse. The employee must then report to a medical facility or hospital emergency room **of the City of Adel's choice** for treatment and care. In the event of a serious work-related injury or illness, report immediately to the physician, emergency room or medical facility, for prompt care and attention. This procedure ensures that the City can assist you in obtaining appropriate medical treatment. You are also expected to keep all physician appointments, follow physician's prescribed treatment, and adhere to restrictions both at and away from work. Your failure to follow these requirements may jeopardize your right to benefits in connection with the injury or illness. Questions regarding workers' compensation should be directed to the Finance Director.

The City also has a return to work program to provide guidelines for employees injured on the job who are unable to return to their regular job classification upon returning to work. See **Policy 2.01.01 – Return to Work Program** for details.

### *Accidents on the Job*

Accidents are instances whereby a City employee is injured, causes injuries to co-workers or private citizens, or causes damage to City or private property in the course of their normal business activities. Employees are responsible to report all accidents promptly to their immediate supervisor and fill out and file an incident report form. In some cases, accidents may require a briefing with the City Administrator and / or the department head.

## 7.3 INDIVIDUALS WITH DISABILITIES

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act, known as the ADAAA, are federal laws that prohibit employers with 15 or more employees from discriminating against applicants and individuals with disabilities and that when needed

provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

It is the policy of the City to comply with all federal, state, and local laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC).

Furthermore, it is our City policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

The City will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation or if the accommodation creates an undue hardship to the City.

#### *Procedure for Requesting an Accommodation*

Qualified individuals with disabilities may make requests for reasonable accommodation to the City Administrator. On receipt of an accommodation request, the City administrator will meet with the requesting individual and the individual's supervisor to discuss and identify the precise limitations resulting from the disability and the potential accommodation(s) that the City might be able to make to help overcome those limitations.

The City Administrator, and, if necessary, a medical review officer and/or appropriate management representatives identified as having a need to know (e.g., the individual's supervisor/department head), will determine the feasibility of the requested accommodation, considering various factors, including, but not limited to, the nature and cost of the accommodation, the availability of tax credits and deductions, outside funding, the facility's overall financial resources and organization, and the accommodation's impact on the operation of the facility, including its impact on the ability of other employees to perform their duties and on the facility's ability to conduct business.

The City Administrator will inform the employee of the City's decision on the accommodation request or on how to make the accommodation. If the accommodation request is denied, employees will be advised of their right to appeal the City's decision to the City Council by submitting a written statement to the City Administrator along with the reasons for the request.

The City Council will review all employee appeals. After reviewing an employee's appeal, the City Council will notify the City Administrator of its decision, which will be final. The City Administrator will, in turn, notify the individual making the appeal of the Council's decision.

## **8. EMPLOYEE CONDUCT AND WORK RULES**

As an integral member of the City team, you are expected to accept certain responsibilities, adhere to acceptable business principles in matters of personal conduct, and exhibit a high degree of personal integrity at all times. To maintain a safe, efficient, and harmonious organization, the rules and regulations listed below have been established for City employees. This not only involves sincere respect for the rights and feelings of others, but also demands that both in your business and your personal life you refrain from any behavior that might be harmful to you, your coworkers, and / or the City, or that might be viewed unfavorably by the public at large.

Whether you are on or off duty, your conduct reflects on the City. You are, consequently, encouraged to observe the highest standards of professionalism at all times. Each rule reflects a common understanding of what behavior is acceptable for City employees, but these rules are not necessarily the only areas in which disciplinary action may be taken if conduct or circumstances require. These rules may be modified by the City as changing conditions warrant. The City may take whatever disciplinary action it deems appropriate in response to an offense, even if it is not included in the following list. You must also understand that any offense, whether or not it is included in these work rules, may result in disciplinary action, up to and including discharge, without prior warning.

**While it is not possible to list all the offenses for which an Employee will be disciplined, the following are examples of inappropriate, unacceptable conduct that will result in discipline to the employee, up to and including termination from employment with the City:**

1. Theft or willful destruction of property of the City or any employee.
2. Falsifying or supplying false information for the completion of City records.
3. Violating the City's nondiscrimination and/or sexual anti-harassment policy (**Policy 2.02.01**).
4. Use of official position for personal advantage or gain.
5. Wasting time during the workday.
6. Insubordination or refusing to perform work or reasonable instructions.
7. Possession or use of intoxicants or narcotics on City property.
8. Possession of explosives, firearms, or other concealed weapons on the City premises without permission.



9. Intentional punching of another employee's timecard or alteration of timecard.
10. Sleeping during working hours.
11. Soliciting or accepting gratuities from citizens for the performance of your job.
12. Stealing property from coworkers, citizens, or the City.
13. An employee determined to be an aggressor in a fight on City premises.
14. Conviction of a crime carrying a penitentiary sentence.
15. Leaving work site during working hours without signing out, unless with authorized permission or performing activities related to the employee's job.
16. Reporting to work under the influence of intoxicants or narcotics.
17. Disorderly conduct including use of profane or abusive language, intimidating, threatening, or provoking fellow employees, or other acts showing lack of respect for other people and property.
18. Deliberate defacing of bulletin boards, material thereon, walls or other properties of the City or fellow employees.
19. Working on personal unrelated work duties on City time.
20. Engaging in excessive, unnecessary, or unauthorized use of City's supplies, particularly for personal purposes.
21. Sabotage, causing damage or destruction of tools, equipment, or other property belonging to the City or fellow employees.
22. Failure to comply with a request of supervisory personnel to submit personal packages being brought onto or out of the work site for inspection.
23. Unauthorized altering or repairing of equipment.
24. Incompetence, inefficiency, or negligence in the performance of duty.
25. Soliciting, collecting, distributing, or selling on City time without authorization.
26. Soliciting, collecting, distributing, or selling City property without written authorization.

27. Unauthorized operation of equipment or use of material or property of City or fellow employees.
28. Smoking in restricted areas.
29. Willful violation of safety and health requirements.
30. Habitual tardiness or absences without just cause.
31. Horseplay including running, pushing, shoving, throwing objects, playing practical jokes, and otherwise disturbing fellow employees.
32. Failure to call and notify the City of an absence prior to the start of work.
33. Leaving workstation unnecessarily.
34. Failure to fill out employee's own timecard in accordance with standard procedure.
35. Failure to be at the work site at starting time or stopping before quitting time.
36. Unauthorized parking, excess speed, or other acts of disregard for fellow employees in moving traffic on City property.
37. Unauthorized use of City telephones except in case of emergencies.
38. Impeding, obstructing, or failing to cooperate with an inquiry or investigation conducted by the City.

## **8.1 DISCIPLINARY POLICY**

Discipline is necessary for the efficiency of the City's operations. If your performance, conduct, work habits, overall attitude, or demeanor becomes unsatisfactory in the judgment of your supervisor or other management, whether based on any of the items listed in the immediately preceding section of this handbook, or any other City policies, rules, regulations, or conduct in which you engage, you will be subject to disciplinary action, up to and including possible termination of employment.

This policy establishes broad guidelines designed to achieve fair and equitable treatment of employees. It does not, either by itself or in conjunction with any other City documents, policy, practice, procedure, or verbal statement, create an employment contract, express or implied, or define the employment relationship. It does not establish a rule that requires progressive discipline, or create a contract that employment will not be terminated except for certain offenses or only after certain disciplinary steps have been taken or warnings issued. The City reserves the

right to change this policy from time to time as needs dictate, and to deviate from these guidelines to appropriately address the circumstances of each situation.

Whenever an employee's performance, work habits, attitude, or demeanor becomes unsatisfactory in the judgment of the City, based on violations of either the rules listed above, or other City policies, rules, procedures, or expectations, you will be subject to disciplinary action, up to and including discharge. Certain offenses, if appropriate and justified under the circumstances, may be corrected using progressive discipline:

1. Oral reprimand or warning
2. Written reprimand or warning
3. Suspension with loss of pay
4. Demotion
5. Discharge

If appropriate and justified under the circumstances, following a discussion of the matter, a reasonable time for improvement or correction may be allowed before any further disciplinary action is initiated. In situations where an oral warning has not resulted in the correction of the condition, or where more severe initial action is warranted, the supervisor will have discretion to utilize one of the other available disciplinary measures. Documented oral warnings and written warnings shall be provided to the employee and a copy placed in the employee's personnel file.

In those cases where one or more written reprimands have not proven to be effective, or in those cases where the seriousness of the events or conditions warrant it, and the supervisor desires to impose discipline more severe than a written warning, including suspensions, demotions, and termination, the matter shall be determined by the City Administrator or Police Chief for police department staff. An employee desiring to appeal the decision of the City Administrator or Police Chief shall go directly to Step Three of the Grievance Procedures in section 10.

The City reserves the right to use whatever discipline it decides is appropriate in any situation, up to and including discharge, without regard to the general discipline guidelines explained above.

Employees are free to resign their employment with the City at any time and for any reason and the City retains the same right regarding termination of employment.



## **8.2 ABSENTEEISM & TARDINESS**

The City expects all employees to assume diligent responsibility for their attendance and promptness. Recognizing, however, that illnesses and injuries may occur, the City has established sick leave and disability benefits plans to compensate full-time regular employees for certain time lost for legitimate medical reasons, including time off to secure necessary treatment. Prorated sick leave has been established for part-time regular employees. (Please consult the appropriate sections of this handbook for information regarding these benefits.)

If you must be absent because of illness or any other cause, you must notify your supervisor by your regularly scheduled starting time or as soon thereafter as possible on each day of your absence unless you are granted an authorized medical leave, in which case different notification procedures apply. Failure to properly notify City management results in an unexcused absence. The same procedure applies if you find that you are going to be late.

Your attendance record will be taken into consideration during performance appraisal review. Absenteeism or tardiness that is unexcused or excessive in the judgment of the City is grounds for disciplinary action, up to and including dismissal.

## **8.3 PERSONAL APPEARANCE AND DEMEANOR**

All employees represent the City. Your neat appearance and dress must be consistent with job responsibilities. They help to create a professional atmosphere and reflect a good image of the City and you as an individual.

Discretion in style of dress and behavior is essential to the efficient operation of the City. Employees are, therefore, required to dress in appropriate casual business attire appropriate to the position and to behave in a professional, businesslike manner. Please use good judgment in your choice of work clothes and remember to conduct yourself at all times in a way that best represents you and the City of Adel.

Employees are also required to keep their work environment clean and orderly. Before departing at the end of their workday, employees should lock all files and cabinets and clear all work materials from desk surfaces, especially materials of a sensitive or confidential nature.

Employees failing to adhere to proper City standards with respect to appearance and demeanor are subject to disciplinary action.

## **8.4 ELECTRONIC COMMUNICATION**

### *Purpose*

The purpose of this policy is to provide guidelines regarding the use of the City's electronic communication systems. For the purposes of this policy, electronic communication includes, but

is not limited to, email, Internet access, voicemail, text messaging, audio and video conferencing, and facsimile messages.

This policy has been adopted to protect City employees who use the electronic communication systems and to protect the City. Inappropriate use of electronic communication may result in embarrassment to the City of Adel and to you.

This policy is applicable to all City employees and officials.

#### *Usage*

Employees are encouraged to utilize electronic communication as an appropriate means of communication and research to improve the quality and productivity of employees. Employees shall use these services responsibly and limited primarily to City business purposes.

Non-exempt employees shall not engage in work-related e-mail during non-work hours unless previously directed by the employee's department head or designee.

All electronic and telephonic communication systems and all communications and information transmitted by, received from, or stored in these systems are the property of the City.

Employees are not permitted to use a code, access a file, or retrieve any stored communication unless authorized to do so or unless they have received prior clearance from an authorized City representative.

Employees who are terminated, laid off, or on an extended leave of absence have no rights to the contents of their email messages and are not allowed to access the City's electronic communication systems.

#### *Privacy*

The City reserves the right to monitor electronic communication without prior notification to employees. Users should have no reasonable expectation of privacy in the use of these resources. All electronic communication systems are subject to all state and federal rules and laws, including the **Electronic Communications Privacy Act of 1986**.

All passcodes and passwords are the property of the City. No employee may use a passcode, password, or voicemail access code that has not been issued to that employee or that is unknown to the City.

To ensure that the use of electronic communication systems and business equipment is consistent with the City's legitimate governmental interests, authorized representatives of the City may monitor the use of such equipment from time to time.

### *Public Information*

Electronic communication is considered to be a public record and may be subject to public disclosure in accordance with applicable law.

### *Security*

Email, Internet access, and other electronic communication systems may not be secure. This is true for the City's systems as well. Employees using electronic communications systems should assume that their messages can be intercepted or monitored by unauthorized persons.

**Employees using passcodes are required to keep them confidential as they are responsible for the information a password is designed to protect.**

### *Digital Devices*

The Mayor, City Council, City Administrator, authorized Department Heads, and authorized City Staff are provided a digital device from the City. These devices are the property of the City, and those employees or officials that are assigned such devices are bound by this Electronic Communication Policy and all other applicable policies.

The devices must be properly maintained, in clean and working fashion, and not to be exposed to materials or elements that may lead to damage of the devices. In the event that your assigned device becomes damaged, you must immediately report the damage to the City Administrator.

When a device has been lost, stolen, or damaged, the City shall bear the full cost of repairing or replacing the device. If the device is lost, stolen, or damaged (not including hardware or software system malfunctions) a second time, the City shall bear half the cost of repairing or replacing the device, and the employee or official who has been assigned the device shall bear half the cost. If the device is lost, stolen, or damaged three or more times (not including hardware or software system malfunctions), the employee or official who has been assigned the device shall bear the full cost of repairing or replacing the device. If the device is damaged and under warranty, the repair or replacement of the device shall proceed according to the warranty.

You must create an individual, dedicated sign-on password for your assigned device and keep it on file with the City Administrator and IT staff. The City will create a password for you if you do not make one yourself. No employee or official may use a different password or alter their password unless the new password is provided to the City Administrator and IT staff.

The device may only be used by the employee or official to which that device was issued and assigned.

Personal correspondences, including emails or text messages, sent and received from the digital devices may be subject to public disclosure. Any notes or documents created or edited on the digital devices may also be subject to public disclosure.



In order to limit the perception of wrongdoing, instant messaging, email, or other digital correspondence of any form between members on the digital devices shall not be permitted during a bona fide meeting of the Council, its committees, or any commission or board meeting.

Within three days of an employee or official's separation from the City, the device shall be returned to the City. The employee or official shall not tamper with, delete, or remove any content from the device prior to turning it in. Once the City has received the device, the City shall back it up and "wipe" it (remove all content) or restore it to its factory settings.

#### *Permissible Use*

Employees shall use the electronic communication systems primarily for the purpose of conducting City business relating to the mission, function and work tasks of the City of Earlham. Provisions for incidental personal use are outlined later in this policy.

#### *Prohibited Uses*

The City of Earlham's electronic communication systems may not be used for illegal or wrongful purposes. Several examples of prohibited activity are listed here:

1. Infringe the copyright or other intellectual property rights of third parties.
2. Violate or infringe on the rights of any other person, including the right to privacy.
3. Distribute defamatory, false, inaccurate, abusive, obscene, pornographic, profane, sexually oriented, threatening, racially offensive, or otherwise biased, discriminatory, or illegal material.
4. Violate City regulations prohibiting sexual harassment.
5. Content that promotes, fosters, or perpetuates illegal discrimination of any kind.
6. Restrict or inhibit users from using the system or the efficiency of the electronic communication systems.
7. Solicit funds.
8. Gamble.
9. Promote or distribute political messages.
10. Conduct "spoofing," in which you construct your message so that it appears to be from someone else.

11. Attempt unauthorized access to data, breach security, or intercept any electronic communication on any system without proper authorization

#### *Personal Use*

Employees may use electronic communication systems for personal use provided that the following guidelines are met:

1. It is incidental.
2. It does not interfere with the job performance of the employee or co-workers.
3. It does not generate a direct cost to the City.
4. It is outside of work hours. (i.e. break, lunch, before or after work)

#### *Violations*

The use of the City's electronic communication systems is a privilege afforded to authorized users. This privilege may be revoked at any time for violations of this policy.

The Mayor or Police Chief will evaluate violations of this policy on a case by case basis. Employees found to have violated this policy, or to have engaged in illegal or unethical practices, will be subject to disciplinary action, which could include termination of employment and criminal prosecution.

### **8.5 HARASSMENT**

The City of Adel is committed to providing all of its employees with a workplace free from harassment. The City maintains a strict policy prohibiting sexual harassment and harassment on the basis of sexual orientation, gender identity, race, color, national origin, religion, sex, physical or mental disability, age, marital status, veteran status or any other characteristic protected by applicable laws. This prohibition applies to all employees, volunteers, vendors, residents, or citizens of the City. No employee of the City of Adel is expected to tolerate any conduct prohibited by this policy from anyone while at work or engaged in City business.

#### *Sexual Harassment*

See **Policy 2.02.01 – Sexual Anti-Harassment Policy** for details.

#### *Other Types of Harassment*

The City also prohibits other forms of harassment on the basis of race, color, national origin, religion, gender, sexual orientation, gender identity, physical or mental disability, age, marital status, veteran status or any other characteristic protected by applicable laws. Such prohibited harassment includes, but is not limited to, the following:

1. Verbal conduct such as threats, epithets, derogatory comments, or slurs.
2. Visual conduct such as derogatory posters, photographs, cartoons, drawings, or gestures.
3. Written communications containing statements that may be offensive to individuals in a particular protected group, such as racial or ethnic stereotypes or caricatures.
4. Physical conduct such as assault, unwanted touching or blocking normal movement.
5. Retaliation for making harassment reports, threatening to report harassment, or participating in a harassment investigation.

#### *Harassment Complaint Procedure*

Any employee who believes he or she has been subjected to harassment prohibited by this policy should immediately report that behavior to the City Administrator, Finance Director, or any department head with whom the employee works.

If an employee becomes aware of harassing conduct engaged in or suffered by a City employee, regardless of whether such harassment directly affects that employee, the employee should immediately report that information, preferably in writing, to the City Administrator, Finance Director, or any department head with whom the employee works.

Whenever the City is made aware of a situation that may violate this policy, the City will conduct an immediate, thorough, and objective investigation of any harassment claims. If the City determines that prohibited harassment has occurred, it will take appropriate action against any person found to have engaged in prohibited harassment. A determination regarding the alleged harassment will be made and communicated to the person claiming harassment as soon as practical. The type of discipline administered will be dependent upon the severity of the conduct, as well as any other factors presented in the particular circumstances. Employees violating this policy are subject to discipline up to and including termination.

#### *Whistleblower Policy*

The City strictly prohibits retaliation against any person by another employee or by the City for using this complaint procedure, reporting harassment, or for filing, testifying, assisting, or participating in any manner in any investigation, proceeding, or hearing conducted by the City or a governmental enforcement agency. Prohibited retaliation includes, but is not limited to, termination, demotion, suspension, failure to hire or consider for hire, failure to give equal consideration in making employment decisions, failure to make employment recommendations impartially, adversely affecting working conditions, or otherwise denying any employment benefit.



The City does not consider conduct in violation of this policy to be within the proper course and scope of employment and does not sanction such conduct on the part of any employee, including management employees.

## **8.6 DRUG FREE WORKPLACE**

### *Policy*

It is the policy of the City of Adel to comply with the **Drug Free Workplace Act of 1988 (Public Law 100-690)** and to ensure a drug-free workplace. This policy is intended to ensure that the mental and physical capabilities of City employees are not impaired by any controlled substances during the performance of their duties.

### *Procedures*

As a condition of employment each employee is required to abide by the following terms:

1. All full-time, part-time, and paid on call prospective employees who hold a safety-sensitive position identified by the City will be required to pass a drug screen test following a conditional offer of employment with the City.
2. Prospective employees who refuse to take the required drug test, or who fail to cooperate in any aspect of the testing procedure, or who test positive for any of the drugs being screened for will be ineligible for City employment and will be removed from all eligibility lists.
3. City employees may not manufacture, distribute, sell, dispense, possess, consume, or use controlled substances in the workplace, or while in the course of his or her employment, or reasonably prior to or during work time, during work breaks, or during the lunch hour, when such employee will, or can reasonably be expected to be, back on the job undertaking work duties immediately following such work break or lunch period. For the purposes of this policy, controlled substances shall be deemed to include alcohol, barbiturates, narcotics, tranquilizers, amphetamines, hallucinogens, marijuana, and all other substances so defined in federal and state criminal statutes.

### *Safety-Sensitive Positions*

Safety-sensitive positions include but are not limited to all of the following:

1. All patrol and investigative police positions, and other police positions as deemed necessary by the Chief of Police.
2. Fire fighter positions.
3. Lifeguard staff.