

LETTER OF WELCOME

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

PERSONNEL POLICY MANUAL

CITY OF EARLHAM, IOWA

REVISED ~~MAY-12~~[DATE], ~~2014~~2025

PERSONNEL POLICY MANUAL DEFINITIONS

Commented [JE1]: I know most of these definitions are taken from Iowa Code; however, as applied in this manual, they are specifically in referenced to the City of Earlham, Iowa, and I would be that delineation.

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. As used herein, unless specifically indicated otherwise, the term "City" shall be in reference to the City of Earlham, Iowa.
2. "Clerk" means the recording and record keeping officer of a city regardless of title. As used herein, unless specifically indicated otherwise, the term "Clerk" shall be in reference to the Clerk of the City of Earlham, Iowa.
3. "Council" means the governing body of a city. As used herein, unless specifically indicated otherwise, the term "Council" shall be in reference to the Council for the City of Earlham, Iowa.
4. "Council Member" means a member of a Council, including an alderman. As used herein, unless specifically indicated otherwise, the term "Council Member" shall be in reference to a Council Member of the City of Earlham, Iowa.
5. "Employer" means a person, business firm, etc. that hires one or more persons to work for wages or salary. As used herein, unless specifically indicated otherwise, the term "Employer" shall be in reference to the City of Earlham, Iowa.
6. "Employee" means a person hired by another or by a business firm, etc. to work for wages or salary. As used herein, unless specifically indicated otherwise, the term "Employee" shall be in reference to and Employee of the City of Earlham, Iowa.
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.

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ARTICLE I

CAVEAT

THESE PERSONNEL POLICIES DO NOT CONSTITUTE AN EMPLOYMENT CONTRACT, A PROMISE OF CONTINUED EMPLOYMENT OR AN IMPLIED CONTRACTUAL DUTY BETWEEN THE CITY AND ANY OF ITS EMPLOYEES. ~~AND ALL EMPLOYEES ARE EMPLOYEES AT WILL.~~ THESE POLICIES MAY BE CHANGED, AMENDED, REVISED OR DISCONTINUED FROM TIME TO TIME BY THE CITY COUNCIL OF THE CITY OF EARLHAM, IOWA.

ARTICLE II

WORK RULES

The employer may from time to time adopt or amend departmental work rules. The employees shall comply with all work rules. Any complaints as to the reasonableness of new or existing work rules shall be resolved through the department head, city clerk, mayor and/or city council.

ARTICLE III

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 pursuant to the Drug and Alcohol Policy of the City and in accordance with applicable law.~~

Commented [JE2]: There are legal parameters surrounding what classes of employees may be subject to random testing - that is your CDL-required pool. Others may be subject to pre-employment, reasonable suspicion or other appropriate and legally permissible testing.

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

ARTICLE IV

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.

Commented [JE3]: I typically see a 6 month probationary period for original hires with a 90 day period for promotional appointments. This is purely a policy decision for the City, I just wanted to note what most Cities use as a probationary period for original hires to allow more time to evaluate their performance before they become permanent.

Commented [CC4R3]: We would like to stick with the 90 days from hire date

Commented [CC5R3]:

ARTICLE V

EVALUATIONS

All permanent full-time and permanent part-time employees shall receive an annual employee performance evaluation. The Human Resources committee may review evaluations prior to their presentation to the employee. Evaluations will be performed by the employee's supervisor and/or mayor and should take place in November. Interim evaluations may be provided as needed to assist in improved job performance.

ARTICLE VI

LEAVE OF ABSENCE

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.

ARTICLE VII **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~~Superintendent, Water/Waste Water ~~Superintendant~~Superintendent, 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.

ARTICLE VIII **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

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Commented [CC6]: We would like to not have any residency requirements, beside living in the state of Iowa. If there is any advice or legal terminology we should put here, please let us know, otherwise we would like to remove all of this.

Commented [JE7R6]: You can remove this Section in its entirety.

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.

ARTICLE IX **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).
Employees submit a request to City Council for payout of PTO; however, approval of any payout request shall be reserved for extraordinary circumstances and at the sole discretion of the City Council. Approved PTO payout requests, if approved by City Council, are irrevocable.

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/Employee Relation Committee.

ARTICLE X **HOLIDAYS**

Section A. Designated Holidays

The City will observe the following holidays:

January 1 st	President's Day	Memorial Day
July 4 th	Labor Day	Veteran's Day
Thanksgiving Day	Day following Thanksgiving	½ of December 24 th

Revised

waived by the City Council, except for courses required for maintenance of minimum qualification for the position held.

December 25th

½ of December 31st

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Section B. Observance

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.

ARTICLE XI
OVERTIME

Section A. Definition

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

Commented [JE8]: Is this all permanent employees, or do you exclude FLSA exempt folks? If you exclude your FLSA-exempt folks, then I'd delineate that here so it's not construed as applying to everyone.

Section B. 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.

Section C. 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.

ARTICLE XII
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.

ARTICLE XIII **PAY PERIOD**

Section A. 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.

Section B. Weekends and Holidays

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

Section C. 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.

Section D. I.P.E.R.S.

All permanent City employees, full-time and part-time, will be required to participate in the Iowa Public Employees Retirement system (I.P.E.R.S.) if the employees' gross wages are at least \$300 1,000 or more for in two (2) consecutive quarters worked, or when a person is employed for 1040 hours or more in a calendar year.

Section E. Payroll Checks

All City employees hired on or after July 1, 2005, shall be required, as a condition of employment, to have their payroll checks directly deposited in a financial institution of the employee's choice. For employees hired before July 1, 2005, who do not wish to have their payroll checks directly deposited, All city employees' payroll checks will be available for employees to pick up at City Hall or from the Department Head on payday. If a payroll check is not picked up by the end of four (4) working days, the check will be directly mailed to the employee.

Commented [JE9]: We cannot mandate direct deposit for employees hired before July 1, 2005, pursuant to Iowa Code section 91A.3(a).

ARTICLE XIV **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 accordance with Iowa Code section 70A.9 and shall be submitted in the same manner as reimbursement for expenses.

ARTICLE XV **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~~-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.

ARTICLE XVI **CITY EQUIPMENT AND VEHICLES**

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. Failure to comply with these requirements shall constitute just cause for disciplinary action up to and including termination of employment.

ARTICLE XVII **GENERAL**

Section A. Program Participation

The City may participate in such State, Federal or school-sponsored programs as it deems advisable to provide assistance to permanent full-time employees.

Section B. Individual Raises

The City may grant or impose adjustments to the wages of any individual employee during the duration of the employment without adjustment of pay to any other employees.

Section C. Permanent Employees

An employee who completes the applicable probationary period shall be deemed to be a permanent employee, unless otherwise described at the time of hiring.

Section D. Breaks

Fifteen (15) minute breaks will be allowed in the A.M. and the P.M. to be taken on the job, unless permission is given by the supervisor to do otherwise. Lunch breaks are unpaid will be deducted from time worked from each day if used.

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Commented [CC10]: This is just a small typo error. Section D. lunch breaks are unpaid and will be deducted from time worked from each day if used.

Commented [JE11R10]: Understood -thanks.

Section E. Dress Code

Employees must wear clothing appropriate for any duties required by their job description.

Section F. Good Housekeeping

All employees are responsible for keeping their work areas clean and orderly. This includes buildings, grounds and vehicles.

Section G. Employee-Employee Relations

Employees should attempt to resolve any problems by following the chain of command. If a situation arises, the employee should talk to their immediate supervisor in an attempt to resolve the issue. If that is not possible, the employee should address the next official of authority, ending with the Mayor and Council.

Section H. Employer-Employee Relations

When a question arises, do not hesitate to contact the Mayor. Problems should be communicated promptly and within the city organization. Every effort should be made to reach a satisfactory solution through discussion between the employee and the Mayor. If necessary, the council may also be consulted.

If the Mayor is not available to consult on any employee question or City business, the Mayor Pro-Tem will be responsible for the decision.

Section I. OSHA Regulations

Employees are to be familiar with and comply with OSHA regulations. Accidents must be reported to immediate supervisor, ~~city City clerk~~Clerk, and insurance carrier.

ARTICLE XVIII
INSURANCE

Section A. 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 ~~75~~80% of the premium costs for additional spouse and/or family coverage ~~up to \$200.00 per month.~~ Employees who decline group health and dental insurance shall not receive any remuneration for declining such insurance coverage.

Section B. Life Insurance

Full premium for group life insurance in the amount of ~~\$40~~50,000 will be offered and paid by

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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.

Section C. Short-Term Disability Insurance

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

Section D. 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.

ARTICLE XIX
EMPLOYEE WELL BEING

The City will require a physician's statement for any employee returning to work after a non-work related injury or hospitalization.

ARTICLE XX
DRUG FREE WORKPLACE

The policy of this City is to maintain a drug-free workplace. In carrying out this policy of a drug-free workplace, the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in this workplace, or any premise where City business is carried out, is strictly prohibited. A "controlled substance" within the meaning of this policy means any controlled substance in Schedules I through IV of Section 202 of the Controlled substances Act (21 U.S.C. 81 and as further defined in regulation 21 C.F.R. 1308.11-1308.15) as well as any applicable Iowa Statutes regulating alcohol and controlled substances, generally 730.5 ad 125.1. Any violation of this prohibition will result in discipline up to and including discharge.

The Drug Free Workplace Act of 1988 requires you to report any conviction under a criminal drug statute for violations occurring on the Employer's premises, or off the Employer's premises while conducting official business. A report of a conviction must be made to your Department Head with five (5) working days after the conviction. Failure to do so will result in employee's immediate ~~dismissal from your position~~ termination.

The State of Iowa has a strong public policy favoring the treatment and rehabilitation of substance abusers which is outlined below:

1. That substance abusers and others suffering from chemical dependency be afforded the opportunity to receive quality treatment and directed into rehabilitation services which will help them resume a socially acceptable and productive role in society.

2. To encourage substance abuse education and prevention efforts and to ensure that such

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Commented [CC12]: Small typo here as well. the paragraph that starts with the drug free workplace act of 1988.
The last sentence should say – Failure to do so will result in employee's termination.

Commented [JE13R12]: Changed - thanks.

efforts are coordinated to provide a high quality of services without necessary duplication.

3. To ensure that substance abuse programs are being operated by individuals who are qualified in their field whether through formal education or practical experience.

Code of Iowa Section 730.5 sets forth rigorous requirements on the part of the Employer in regard to drug testing, exemptions, prohibitions, search and seizure and related enforcement procedures.

DRUG AND ALCOHOL POLICY

It is the policy of the City of Earlham to provide and maintain a drug-free workplace for all city employees. This policy is in compliance with the Drug-Free Workplace Act of 1988 (Public Law 100-690 Title V Subtitle D) and applies to all city employees.

1. The City of Earlham recognizes the following:
 - a. City employees are a valuable resource to the citizens they serve and the City of Earlham as an employer.
 - b. The use of illegal drugs or abuse of controlled substances or alcohol in the workplace is detrimental to city employees.
 - c. Employees have a right to work in a drug-free environment and to work with persons free from the effects of drugs and alcohol.
 - d. Drug and alcohol abuse in the workplace interferes with and reduces the operational efficiency of city government and undermines the public's trust and its functions.
2. Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is the City of Earlham's intent and obligation to provide a drug-free work environment.
3. The unlawful manufacture distribution, dispensation, possession or use of a controlled substance on the employer's premises or while in a city vehicle, vessel, and aircraft or while conducting the employer's business is prohibited. Violations of this policy will result in disciplinary action, up to and including termination and may have legal consequences.
4. The City recognizes drug and alcohol dependency as illnesses and a major health problem. The city also recognizes drug and alcohol abuse as a potential health, safety and security problem. Employees needing help in dealing with such problems are encouraged to seek medical attention.
5. In order to comply with the Drug-Free workplace Act of 1988, employees of a grantee directly engaged in the performance of work pursuant to the provisions of the grant are required to report any conviction under a criminal drug statute for violations occurring on the employer's premises or all of the employer's premises while conducting city

Commented [JE14]: I would recommend retaining this policy in its current form - most D&A policies are lengthy and a revised policy would not be considerably shorter. I would recommend maintaining it as-is.

business. A report of a conviction must be made to the employee's supervisor and to the Mayor within five (5) days after the conviction.

6. Compliance with the terms and reporting requirements of this policy is required as a condition of employment for all employees.

All city employees required to have a Commercial ~~Drivers~~Driver's License per their job description and all applicants for employment positions which require a Commercial ~~Drivers~~Driver's License per applicable job description are subject to the following provisions.

PROVISIONS:

1. The goals of the city's policy and the testing of employees is to insure a drug and alcohol free work environment, to reduce and help eliminate drug and alcohol related accidents, injuries, fatalities and property damage.
2. The following conduct is prohibited:
 - a. Employees are prohibited from using, being under the influence of, or possessing illegal drugs.
 - b. Employees are prohibited from using or being under the influence of legal drugs that are being used illegally.
 - c. Employees are prohibited from using or being under the influence of legal drugs whose use can adversely affect the ability to work safely.
 - d. Employees are prohibited from buying, selling, soliciting to buy or sell, transporting or possessing illegal drugs while on city time or property.
 - e. Employees are prohibited from using alcohol four (4) hours prior to performing work duties.
 - f. Employees are prohibited from using or being under the influence of alcohol at any time while on duty, eight (8) hours post-accident or until tested.
 - g. Employees are prohibited from possessing any amount of alcohol (including medications or over-the-counter remedies containing alcohol) while on duty.
 - h. Testing positive for drugs and/or alcohol.
 - i. Refusing to be tested for drugs and/or alcohol.
 - j. Refusing to submit to testing as directed by the city.
 - k. Failing to stay in contact with the city while awaiting test results.

Commented [CC15]: Do we need to have commercial Driver's License in here, since this is talking about all employees or should we be more specific for who should have a commercial license vs a drivers license?

Commented [JE16R15]: No, that is contained in the job description and this testing process is designed to be DOT compliant for safety-sensitive position.

3. An employee who violates these prohibitions will be subject to disciplinary action by the city up to and including discharge, as mandated by the DOT. In addition, any employee who is convicted by the judicial system of a felony for a drug or alcohol related matter will be subject to disciplinary action up to and including discharge.

4. Required Tests

- a. ~~Pre-Employment / Prior to Transfer~~ – This test will be conducted before an applicant is transferred or hired or after an offer to hire, but actually performing safety sensitive functions.
- b. ~~Post-Accident~~ – Testing is conducted after “DOT” accidents on employees whose performance could have contributed to the accident. A “DOT” accident is defined as: (1) an accident that involves the death of a human, (2) when the driver receives a citation for a moving violation involving the accident, and with a person is transported from the accident scene to receive immediate medical treatment; or at least one vehicle requires towing from the scene of the accident.

Testing performed by a law enforcement officer may be utilized as the city’s post-accident test (provided breath alcohol testing is conducted with the EBT on the CPL and by law enforcement officer certified on the EBT). The driver is required to contact his/her supervisor immediately with the officer’s name, badge number and telephone number.

In the event a law enforcement official does not perform testing on a driver involved in a DOT accident, the driver must report for a urine drug screen and alcohol test. Breath alcohol testing should be performed within two (2) hours following the accident. Reasons for not obtaining a test within two (2) hours of the accident must be documented. Blood alcohol testing must be performed within eight (8) hours following the accident. Reasons for not obtaining a test within eight (8) hours must be documented. Urine drug testing must be performed within thirty-two (32) hours following the accident. Failure to obtain a urine drug screen must have an explanation documented.

A driver who has submitted a post accident test will, at the city’s discretion either be assigned to a non-safety sensitive function or be placed out of service pending the results or the testing.

A driver testing positive or who refuses to submit to a post-accident drug and alcohol test will be subject to disciplinary action up to and including discharge.

- e. ~~Random Testing~~ – Random testing of drivers/employees is required under DOT regulations and/or city policy and these tests must be unannounced. Random selection must ensure every driver will have an equal chance of being selected each time. A driver will be notified of his/her selection and instructed to report to the collection site immediately.
- c. Breath/Alcohol tests shall be performed immediately before, during or just after the performance of a safety-sensitive function. If a driver is performing a safety-sensitive

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function at the time of notification, the city will insure that the driver cease to perform that function and proceed to the testing site as soon as possible.

A driver who tests positive or refuses to submit to a test is medically unqualified to drive or perform a safety-sensitive function. In addition, a driver who tests positive, refuses to submit, or fails to report for the test, will be subject to disciplinary action, up to and including discharge.

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- d. — Reasonable Cause – a driver/employee will be required to submit to a drug and alcohol test when the city has reasonable cause to believe the driver/employee has used drugs or alcohol in violation of this policy.

Reasonable cause will exist when a driver's/employee's appearance, behavior, speech or odors (of breath) or just physical symptoms indicate drug or alcohol use. Observations must be personally observed and documented by at least one city trained official. A "trained official" is one who has undergone at least two (2) hours of education which includes behavior, physical, speech and performance indicators of possible drug and alcohol use.

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Whenever a driver/employee is notified of a reasonable cause to be tested, he/she will be expected to immediately report to the collection site. The driver/employee will be accompanied by a city representative to the collection site.

After a positive test, the city representative will transport the driver/employee home or attempt another means of transportation by contacting a family member or another person designated by the driver.

If the driver/employee refuses alternate transportation, the city reserves the right to take whatever means are appropriate to protect the driver/employee and public, imposing disciplinary action up to and including discharge.

The driver/employee being tested under reasonable cause will be considered unqualified to work and at the city's discretion either be assigned to a non-safety sensitive function or be placed out of service, pending the results of the testing. In addition to the penalties imposed by IDOT, a driver/employee whose reasonable cause test is positive, who refuses or fails to submit to a test, will be subject to disciplinary action, up to and including discharge.

Return to duty/follow up testing – The city is not obligated to reinstate or rehire any driver/employee who has been discharged for violating any DOT or city prohibition or requirement concerning drugs and alcohol. Should the city decide to reinstate a driver/employee, he/she will be required, at their own expense, to submit and pass a drug and alcohol test before returning to duty. The driver/employee must also be evaluated by a substance abuse professional and submit to follow-up testing as prescribed by the substance abuse professional, all of which, will be paid for by the driver/employee.

Follow-up testing will be required for a driver/employee who is determined by a substance abuse professional to have a drug or alcohol-related problem. The driver/employee will be required to submit to a minimum of six (6) tests during the first twelve (12) months following return to duty and may be extending up to sixty

(60) months. All follow-up testing will be unannounced and without prior notice to the driver/employee and at the driver's/employee's expenses.

In addition to penalties imposed by DOT, a driver/employee whose return to duty/follow-up test is positive, refuses or fails to submit to a test will be subject to a test will be subject to disciplinary action, up to and including discharge.

- e. Testing – Testing will be performed in accordance with DOT's procedural protocols and safeguards set forth in Part 40 of Title 49 of the federal Code of Regulations. (CRF)
- f. Drug Testing Procedures:
 - 1. Protocol to insure driver/employee is correctly identified.
 - 2. Chain of custody procedure to insure the specimen has not been tampered with.
 - 3. Drug testing will be performed by a laboratory certified by the Substance Abuse and Mental Health Services Administration. (SAAMSHA), formerly NIDA.
 - 4. Confirmation testing will be conducted after an initial positive screen. The second drug analysis will use gas chromatography/mass spectrometry (GCMS).
 - 5. Positive drug screens will be reviewed by a qualified Medical Review Officer (MRO) prior to being reported to the designated city representative.
 - 6. Urine specimens will be analyzed for the following drugs: (1) cocaine, (2) opiates, (3) marijuana, (4) amphetamines, (5) PCP. The city reserves the right to expand testing in the event DOT mandates such changes.
 - 7. An employee will be permitted to give a urine specimen in privacy, unless he/she gives reason to believe the specimen may be altered or substituted.
 - 8. All drug tests will be administered using the split sample method as required by DOT.
 - 9. At least forty-five (45) milliliters (ml) of urine must be provided in a container.
 - 10. The specimen will then be divided into two bottles by the collector, thirty (30) ml in one and fifteen (15) ml into the second bottle. Both bottles will be sent to the laboratory.
 - 11. The primary bottle (30ml) will be analyzed. The second bottle will be held in the laboratory pending a request from the employee for a second test in the event of a verified positive of the primary test. To exercise the option to have a second bottle sent to a different laboratory, the employee must request in writing to the city's MRO within seventy-two (72) hours of being told to the primary specimen was positive.

12. Pending outcome of additional analysis, the employee will continue being considered physically unqualified to perform safety sensitive functions.
 13. The employee will be given the opportunity to speak with the city's MRO to determine if there is a medical explanation for a positive test. This opportunity is given prior to the result being confirmed positive. If a medical explanation exists, the result will be reported as "negative" to the city. If a medical reason does not exist, the result will be reported as a confirmed "positive".
- g. Alcohol Procedures:
1. Alcohol tests will be administered using a breath specimen, given by a trained alcohol technician (BAT) utilizing an approved evidential breath testing device (EBT).
 2. Employees must present personal identification and sign consent for breath alcohol testing. Refusal to present identification or sign consents will be treated as positive tests, the employee will be subject to disciplinary action, up to and including discharge, in addition to penalties mandated by the DOT.
 3. In the event the employee is unable to provide an adequate amount of breath, the employee will be required to submit to an examination by a licensed medical physician to determine whether a valid medical condition exists. If there is no valid medical condition, the test result will be reported as "positive" to the city.
 4. Breath alcohol tests that register less than 0.02 will be reported as "negative", and no additional testing is required.
 5. Breath alcohol tests that register 0.02 or greater will require a second confirmatory test. If the confirmatory test is less than 0.02, the result will be reported to the city as "negative".
 6. Breath alcohol testing that registers 0.02 or greater but less than 0.04 will cause the employee to be removed from any safety sensitive function until the next regularly scheduled duty period, but no less than twenty-four (24) hours. (As mandated by the DOT) The employee may be subject to additional disciplinary action by the city, up to and including disciplinary action by the city, up to and including discharge.
 7. Breath alcohol results that register 0.04 or greater on the confirmatory test will cause the employee at a minimum to be placed out of service until the next regularly scheduled duty period, but no less than twenty-four (24) hours, and will be subject to an additional disciplinary action by the city, up to and including discharge.

h. Confidentiality:

Employee test results are confidential. Test results and other confidential information may only be released to the employer and the substance abuse professional. Any other release of this information is only with the employee's consent as mandated by the DOT.

5. The designated contact person to answer driving questions regarding the City of Earlham's Personnel Policy and controlled substance use on an individual's health, work and personal life; signs and symptoms of alcohol or a controlled substance problem will be the City Clerk or Mayor.

All rules and regulations stipulated by the IDOT Drug and Alcohol Testing Alliance/Commercial Driver's License/Substance Abuse Prevention Program for Drug and Alcohol will be followed and enforced by the City of Earlham.

ARTICLE XXI COMPUTER USE POLICY

The purpose of this policy is to define the terms and conditions under which City employees, including elected officials, are granted access to and use of the City's computer systems, networks, and related technology resources.

1. City Ownership - all computer equipment, software, and electronic communications systems provided by the City remain the property of the City. Employee shall use these resources for work-related purposes in accordance with City policies.

2. Acceptable Use - the City's computer resources shall be used in a responsible, ethical, and lawful manner. Prohibited activities include, but are not limited to:

- Unauthorized access to systems, networks, or data.
- Downloading or distributing illegal, offensive, or inappropriate material.
- Use of City resources for personal financial gain or outside employment.
- Installation of unauthorized software or hardware.
- Use of City computer resources, systems, software or electronic communication for unauthorized personal business.

3. Confidentiality and Security - employees shall protect City data and systems by:

- Keeping login credentials confidential and not sharing them with others.
- Logging out of computers when not in use.
- Reporting any suspected security breaches or unauthorized access immediately to IT personnel.

4. Monitoring and Compliance - the City reserves the right to monitor computer usage, including emails, internet activity, and files stored on City devices, to ensure compliance with policies and applicable laws.

5. Return of Equipment - upon termination of employment or end of elected term, all City-owned computer equipment, including but not limited to laptops, desktop computers, mobile devices, and any accessories provided shall be immediately returned to the City.

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6. Violations and Consequences - violations of this policy may result in disciplinary action, up to and including termination of employment, legal action, and financial responsibility at replacement value for damages caused by misuse or missing equipment.

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ARTICLE XXII **PREGNANT WORKERS FAIRNESS** **ACT AND PUMP ACT POLICY**

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Under the federal Pregnant Workers Fairness Act, pregnant workers shall not be discriminated against based on their pregnancy or childbirth complications. Employees with needs related to pregnancy, childbirth, or related conditions (including lactation), may request a reasonable accommodation to enable them to perform their job. The City will provide reasonable accommodations for needs related to pregnancy, childbirth or a related medical condition so long as the requested accommodation does not impose an undue hardship on the City, and if the requested accommodation does impose an undue hardship the City will work with the employee in good faith to identify alternative accommodations that are equally effective and do not cause an undue hardship. The City will not deny employment opportunities or take adverse employment action against otherwise qualified applicants or employees who request or use such reasonable accommodations.

Under the Providing Urgent Maternal Protections for Nursing Mothers Act (PUMP Act), nursing employees have the right to reasonable break time and a space, other than a bathroom, that is shielded from view and free from intrusion to express breast milk while at work. Employees will be provided a reasonable break time for each time the employee has a need to pump breast milk for up to one year following the child's birth. The PUMP Act does not require employees be paid for break time beyond the time an employee already receives for paid break periods. Accordingly, employees may use time allotted for paid break periods as set forth in the handbook to pump. Additional time needed to pump beyond time allotted for paid break periods will require use of applicable paid leave or be in an unpaid status.

ARTICLE XXII **SOCIAL MEDIA POLICY**

The posting of information on any social media page associated with the City of Earlham, whether it is ran by city hall staff, department heads, or board or commission members, is hereby restricted to the business, functions, activities, etc. by the administrator of the page. Comments on these pages are only to be made regarding city business, policies, activities, etc. and are not allowed to reflect negatively on the city, or speak against city functions, policies, activities, etc. Any opinions expressed will be approved by the city.

Posting of information or personal opinion on one's personal social media page(s) is not restricted, as long as the individual does not speak as a representative of the City of Earlham by stating their position (employee, elected official, board or commission member). Violation of this policy will be subject to disciplinary action up to and including termination.

ARTICLE XXIII NEPOTISM POLICY

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It is the City's policy to hire the best qualified person available for each position. Relatives of current employees are eligible for employment with the City, subject to limitations of state law governing the employment of relatives of public officials and employees and the terms of this policy, including but not limited to Iowa Code section 71.1. This policy applies to all City departments and all categories of employment, including full-time, part-time and temporary classifications.

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To avoid the appearance of favoritism and difficulties in administering discipline, the City will not hire, appoint, transfer, promote or otherwise place an individual in a position that involves the supervision of, or by, a family member. For purposes of this policy only, "family member" includes the individual's mother, father, grandparent, spouse, brother, sister, son, daughter, grandchild, great-grandchild, niece, nephew, aunt, uncle, father-in-law, mother-in-law, brother-in-law, son-in-law, or daughter-in-law.

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If a supervisory relationship between family members is created by the marriage of two employees, the two (2) employees will be given the option of deciding who will transfer, if possible, or who will terminate employment. If the decision cannot be made by the two (2) employees in a timely manner, length of service in the department will be the deciding factor and the least senior employee will be transferred if possible. Otherwise, the employment of the least senior employee will be terminated.

The City Council may waive this policy if, in its discretion, it determines it is in the City's best interest to do so.

I, _____, have received the City of Earlham, Iowa Personnel Policy Employee's Handbook Manual. It is my responsibility to read and understand the contents of this manual, and to seek clarification from my supervisor or other City official regarding any provision on do not fully understand handbook. By signing below, I agree and acknowledge I fully understand and will conduct myself in accordance with the provisions of this manual.

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Date

Signature

Witness

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