

CITY

OF

EMMETSBURG

**PERSONNEL
POLICY
MANUAL**

Revised and Printed: May 2001

Adopted by Emmetsburg City Council Resolution #01-13

DEFINITIONS

ADMINISTRATION: The City Administrator

APPROPRIATE GOVERNING BODY: Generally identifying the City Council

CLASSIFICATION: Identification of any given position with regard to its level of responsibility, remuneration, and requirements.

EMPLOYER: The City of Emmetsburg

IMMEDIATE FAMILY: Employee's spouse, children, parents, brothers and sisters, grandparents, grandchildren, spouse's parents, brothers and sisters.

ON CALL DUTY: Employee so designated must perform certain duties regardless of the day of the week, and be available for 24-hour emergency call.

Section I: Objective

It is the objective of this manual to provide written principals, procedures and other information pertinent to the employment of any individual by the City of Emmetsburg, and to protect the needs, rights, and privileges of all parties when identifying adequate and fair use of the human resources.

Section II: General Policy

It is the general policy of the City of Emmetsburg that personnel problems will be dealt with on a uniform and equitable basis.

It is also the policy of the City of Emmetsburg that the citizens of the City can and should expect reasonable service from a competent staff, and that the staff recognizes its obligation to conscientiously serve the public interest with which it is entrusted.

Section III: Disclaimer

Unless you are given a written contract signed by the City Clerk specifying an employment term, your employment is “at will”. This means that both the City of Emmetsburg and the employee have the right to terminate employment at any time with or without cause. Nothing in this Handbook nor any oral or written representation by any employee, official, manager, or supervisor of the City of Emmetsburg shall be construed as a contract of employment.

Section IV: General Provisions

Article A: Equal Employment Opportunity

Our policy is to select, place, train, and promote the best qualified individuals based upon relevant factors such as work quality, attitude, and experience, so as to provide equal employment opportunity for all our employees in compliance with applicable local, state and federal laws, and without regard to non-work-related factors such as race, color, religion/creed, sex, national origin, age, disability, pregnancy, citizenship or marital status.

This equal opportunity policy applies to all City of Emmetsburg activities, including, but not limited to, recruiting, hiring, training, transfers, promotions and benefits.

Article B: Employment of Relatives

1. Employment or transfer of immediate family members to work in the same department with another member of his/her immediate family is prohibited.
2. This article also applies to the hiring of immediate family members of any employee in an administrative, executive, supervisory or professional capacity, and Chapter 71 of the Code of Iowa shall apply in all cases where appropriate.
3. Only special cases can be excepted from this regulation, and then only with the recommendation of administration, and the final approval by the appropriate governing bodies.

Article C: Harassment is Forbidden

A fundamental policy of the City of Emmetsburg is that the workplace is for work. Our goal is to provide a workplace free from tensions involving matters, which do not relate to the City of Emmetsburg's business. In particular, an atmosphere of tension created by non-work-related conduct, including ethnic, racial, sexual or religious remarks, animosity, unwelcome sexual advances or requests for sexual favors, or other such conduct does not belong in our workplace.

Harassment of employees or of applicants by other employees is prohibited. Harassment includes, without limitation, verbal harassment (epithets, derogatory statements, slurs), physical harassment (assault, physical interference with normal work or involvement), visual harassment (posters, cartoons, drawings), and innuendo.

Sexual harassment is a violation of state and federal law. It includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact and other verbal or physical conduct, or visual forms of harassment of a sexual nature when submission to such conduct is either explicitly or implicitly made a term or condition of employment or is used as the basis for employment decisions or when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

You cannot be forced to submit to such conduct as a basis for any employment decision and the City of Emmetsburg will do its best to keep itself free of any conduct, which creates an intimidating, hostile, or offensive work environment for our employees.

What To Do If You Feel Our Policy Has Been Violated

In the event that any sort of ethnic, racial, religious, or sexual harassment, or similarly abusive verbal or physical conduct interferes with any individual's work performance or creates an intimidating, hostile or offensive work environment, we urge you to contact your manager or supervisor.

If you feel uncomfortable bringing the matter to your manager or supervisor, or if your manager or supervisor is thought to be involved in the harassment, you may contact the city clerk, who, to the extent possible, will treat the matter with the degree of confidentiality that you require. If you feel uncomfortable bringing the matter to the city clerk, or if the city clerk is thought to be involved in the harassment, you may contact the mayor, who, to the extent possible, will treat the matter with the degree of confidentiality that you require. Charges of harassment will be promptly and thoroughly investigated and a report will be made to you concerning the results of the investigation.

If the City of Emmetsburg determines that harassment has occurred, appropriate relief for the employee bringing the complaint and appropriate disciplinary action against the harasser, up to and including discharge, will follow. A non-employee who subjects an employee to harassment in the workplace will be informed of our City of Emmetsburg's policy and appropriate action will be taken. In all cases, the City of Emmetsburg will make follow-up inquiries to ensure that the harassment has not resumed.

An employee who remains unsatisfied after investigation by his/her manager or supervisor may seek review from the city clerk. The city clerk may direct or conduct an independent investigation, including witness interviews and statements concerning the complaint. Additionally, the city clerk may take further remedial or disciplinary action as is appropriate.

The City of Emmetsburg understands that these matters can be extremely sensitive, and so far as possible, will keep all employee complaints and all communications, such as interviews and witness statements in strict confidence.

The City of Emmetsburg will not tolerate retaliation against any employee who complains of sexual harassment or provides information in connection with any such complaint.

Article D: Incompatible Activities

1. An employee shall not become involved in any activity, which requires so much time that it impairs attendance or efficiency in the performance of his/her regular duties.
2. An employee shall not engage in any employment, activity or enterprise, which is in conflict with duties as an employee. With the exception of

Firemen, Emergency Medical Team, Police Reserve or other approved emergency squads.

Article E: Personnel Officer

1. The appointed chief executive of administration shall serve as personnel officer unless another is appointed by the governing bodies.
2. The personnel officer will administer employer/employee relations according to existing Federal, State and City Codes, and regulations contained herein.

Article F: Selection of Appointed Chief Executives

1. The appointed Chief Executive of Administration shall be named by a majority vote of the appropriate governing body, after receiving the recommendations of a special committee appointed by the appropriate governing body.

Article G: Promotion From Within

1. Whenever possible, and in cases of equal qualifications, vacancies for all positions in the City services will be filled from present employees, usually within the same department.
2. Interdepartmental transfer of qualified employees is permissible with prior approval of administration. Transfers will be based upon the best interest of the City and transfer is not guaranteed by virtue of age or length of service, but such criteria may be considered.
3. Vacancies will be posted as defined in Section V, Article B, paragraphs 1 and 2 of this manual. All parties interested in promotion under this article are required to file a formal application for the vacancy. Accompanying the application should be information such as:
 - a. Length of service to the City.
 - b. Past performance evaluations
 - c. Recommendation of supervisor(s).
4. Practice under this article will be followed so that ability will be recognized; turnover in personnel will be minimized; and employees and the public will regard government service as a career.

Section V: Types of Employment

Article A: Full Time Employment

1. Full time employment of an individual is on a continuous basis for an indefinite period of time. Employees must work at least thirty (30) hours per week, on a continuous basis, and are subject to all rules and regulations provided in this manual. They shall receive all applicable fringe benefits and approved holidays.
2. Unless you are given a written contract signed by the City Clerk specifying an employment term, your employment is **“at will”**. This means that both the City of Emmetsburg and the employee have the right to terminate employment at any time with or without cause. Nothing in this Handbook nor any oral or written representation by any employee, official, manager, or supervisor of the City of Emmetsburg shall be construed as a contract of employment.

Article B: Temporary/Seasonal Employment

1. Temporary/Seasonal Employment will be for a specific job or limited period of time, such as seven (7) months of the year or less, or a limited number of hours per week, generally less than thirty (30) hours. Such employees are subject to special rules and regulations, and are not eligible for fringe benefits.
2. In the event a temporary/seasonal employee receives full time employment, all benefits will begin on the date the full time employment begins. Any service time under temporary employment will not be considered for any purpose.

Article C: Part Time Employment

1. Employees not covered under Articles B1 or B2 of this section shall be considered part time. Those employed in positions under this article will not earn fringe benefits but must comply with the rules and regulations that govern full time employees. Remuneration will be on an hourly rate basis. Department heads will recommend the hourly rate and employee, subject to Administration approval.
2. In the event a part time employee receives a full time position, all benefits will begin on the date the full time employment begins. Any service as a part time employee will not be considered for any purpose.

Section VI: Regulations for Employment

Article A: Applicant Qualifications

1. Applicant's age shall be that required by Chapter 92 of the Iowa Code.
2. Applicant must meet qualifications required in job need or job classification. This could include such things as a valid vehicle operator's license, and a residential telephone.
3. For job classifications where response to emergency calls is probable, applicants may be required to live within or in close proximity to the city limits at the time of employment, or be willing to locate therein within a reasonable length of time. Exceptions to this regulation shall only be granted by action of the appropriate governing body following recommendation by administration.

Article B: Hiring Policy

1. All persons, with the exception of the Police Chief, will be hired by the appropriate governing body, upon the recommendation of the administration.
2. Department heads will be consulted for recommendations for job requirements.
3. In cases of equal qualifications for any one position, veterans will be given preference, pursuant to Chapter 70 of the Iowa Code. This practice also applies to promotions and transfers from within.

Article C: Physical Condition

1. A post-offer physical examination by a licensed physician may be required of successful applicants for certain job classifications within the City. However, the information obtained from a physical examination shall be handled according to the requirement of the *Americans with Disabilities Act* (the "Act"), and the results of such an examination shall only be used in accordance with the Act.
2. Examinations under paragraph one directly above will be given by a physician of the employer's choice, or the employee's personal physician with prior approval by the administration. In either case, cost of the examination under this article will be paid by the employer.

Article D: Americans with Disabilities Act

As stated elsewhere in this Handbook, the City of Emmetsburg shall not discriminate against any applicant or employee because of a disability. The City of Emmetsburg will endeavor at all times to provide reasonable accommodations to applicants or employees with a disability. A disability will affect a person's employment only when and if it is determined that individual cannot perform the essential functions of the job, even with a reasonable accommodation.

The City will keep medical information confidential, consistent with federal and state law.

Article E: Disqualification of Applications

1. Administration may reject applications for employment for any one of the following:
 - a. Failure to meet minimum qualifications.
 - b. Applicant is known to abuse drugs or intoxicants to excess.
 - c. Application contains known false or fraudulent statements.
2. Rejections may be appealed to appropriate governing bodies by the applicant.

Section VII: Hiring Procedure

Article A: Determination of Need

1. The Department Head will be responsible for advising Administration regarding needs in their departments for additional personnel, approaching retirements, resignations, leave of absence, or other vacancies within his/her department as far in advance as possible.
2. Department Head shall furnish date of need, as well as recommending number, classification, education, training and experience requirements pertinent to filling positions.
3. In the event the vacancy is a Department Head, Administration will provide information under paragraphs 1 and 2 of this article.
4. Administration and/or the appropriate departmental committee shall review all facts pertinent to hiring requests. If the request is reasonable, and in the best interest of the City, possible funding will be analyzed. If the needs are tolerable within approved budgets, or financial resources, the recruitment process may begin.

5. All appointments, regardless of position, must be approved by the appropriate governing body, or bodies, only after receiving the recommendations of the supervisor and administration.

Article B: Recruitment Procedure

Recruitment will be under the supervision of administration. If administration determines there are no qualified City employees for promotion or transfer, the following procedure is mandated to fill all full time position vacancies:

1. Notice of vacancy must be posted and advertised by the office of the City Clerk for a minimum of 10 working days prior to application closing date.
2. Advertising may be done in one or more of the following:
 - a. Emmetsburg Democrat & Reporter
 - b. Local radio stations
 - c. Job Service of Iowa
 - d. Major newspapers of Iowa or states bordering Iowa
3. All applications received will remain in the custody of the City Clerk until the closing date for applications arrives.

Article C: Selection Procedure

1. Upon receipt of applications from the Department Heads or City Clerk, Administration will select the best-qualified applicants.
2. The best-qualified applicants will be called in for interviews. Departmental or special committees may wish to sit in on these interviews.
3. References and former employers of those applicants successfully completing an interview will be contacted, and a thorough, final investigation will be conducted by Administration.
4. If interview and investigation does not produce acceptable personnel, further recruitment may be ordered.
5. Full time appointment will be made by the appropriate governing body from qualified acceptable applicants. Additional interviews may be conducted by the governing body.

Article D: Placement Procedure

1. Employee will present Office of City Clerk with tax withholding and insurance information, physical examination reports if required and other information specifically requested by Administration.
2. Each full time employee will serve an orientation period as an integral part of the examination process.
3. Duration of orientation period will be no less than six months, but may be up to one year, depending on written policy of the particular department. This period can be extended by Administration if cause can be shown.
 - a. Vacation and sick leave time will not be earned during the first six (6) months of the orientation period. However, once the orientation period is satisfactorily completed, vacation and sick leave will be accrued and credited retroactive to the date of employment.
4. Dismissal for any employee during any period can be carried out by administration with approval of the governing body. However, appeal may be granted, under Section X of this manual.
5. A written report shall be made at the end of each employee's orientation period by the department head. The report shall be submitted to Administration three (3) days after the end of orientation and carry the department head evaluation and recommendation. Employee shall receive a copy of the report.

Section VIII: Wage and Hour Regulation

The City will conduct all operations in compliance with the Fair Labor Standards Act. Under this Act, employees cannot waive their rights.

Article A: Exemption of the Act

1. Those employees who serve in an administrative, executive, or professional capacity and meet the requirements of the Fair Labor Standards Act regulations:
 - a. City Administrator
 - b. City Clerk
 - c. Chief of Police
 - d. Director of Public Properties
 - e. City Attorney
 - f. Librarian
 - g. Community Development Director

2. Also exempt are employees of departments that do not operate more than seven months of the calendar year:
 - a. Seasonal Recreation Workers
 - b. Seasonal Park Workers
 - c. Seasonal Dredge Operators

Elected officials are exempt as well as are their personal staff.

Article B: Non-Exempt

1. All other employees will come under the protection of the FLSA and must be compensated for time worked in excess of forty (40) hours in any 168 hour work period at a rate of 1-1/2 times the regular rate. (Reference Section VI, Article E, Paragraph 3)
2. In the case of Police Departments, which are treated differently under the Act, each employee must be compensated for time worked in excess of 171 hours in any consecutive 28 day work period at a rate of 1-1/2 times the regular rate.

Article C: Pay Period

1. Employees of all departments will be paid on a bi-weekly basis, with each period beginning with the start of work on Friday and running through the next 14 consecutive calendar days.
2. Remuneration will cover time for work performed during the pay period immediately preceding any given payday.

Article D: Work and Date Reports

The Department Head is responsible to record hours worked by each employee in his/her Department.

1. A daily record of hours worked must be kept for each employee, and maintained for at least three (3) years.
2. This time record will be reviewed and initialed by the Department Head before submitting to the accounting department for processing payroll.

Article E: Compensation

1. Regular pay will be that compensation stated in the job classification that is earned during regular work hours.
2. All overtime work will be paid in either overtime pay or compensatory time off, depending upon the policies put in place by the appropriate governing body.
3. Compensatory time off will be granted at the rate of 1-1/2 hours for every hour worked over regular hours, or fraction thereof down to 1/2 hour.
 - a. Employee regular work time will be compensated for to the closest 1/2 hour. Less than fifteen (15) minutes will be disregarded. Fifteen (15) minutes or over will earn 1/2 hour. Time absent will be calculated in like manner.
 - b. Employees responding to calls from their homes will be compensated for one and one half (1-1/2) hours for the first one hour served or portion thereof unless stated otherwise in an approved written departmental manual, agreement or contract. If time served on said call exceeds one hour, employee will be compensated according to paragraph 3 above.
4. Except for emergencies, employees will not work overtime unless requested to do so by department head or other supervisor.
5. In an emergency, the employee should use his/her best judgment, and justify the need for overtime in their next contact with the department head.
6. The department head may, in some instances, rearrange work hours within a seven (7) day work period, or in the case of the Police Department, a 28 day work period, to avoid excess overtime. For work period, see Article F, paragraph 1 and 2 of this section.
7. Use of accumulated compensatory time off must be scheduled by each department head to avoid disruption of service to the public.
8. Accumulated compensatory time off will not exceed 40 hours; everything over 40 hours will be canceled. Any comp time at termination will be compensated at prevailing salary or hourly-wage rate.
 - a. Accumulation of compensatory time off may be more restrictive if stated in an approved written departmental manual, agreement or contract.
9. Compensatory time off will be used only with the approval of the department head.

Article F: Work Period and Hours

1. Unless otherwise provided for in separate manuals, agreements or contracts, a work period for all departments of the City of Emmetsburg, except for the Police Department, will be described as that 168 hour period beginning with the end of the work day Friday and running 7 consecutive days to the end of work day the following Friday.
 - a. Workday start and end times may vary from department to department in order to better serve the public. Work day start and end times will be established by the appropriate governing body and shall be monitored by administration.
2. Work period for the Police Department will consist of 28 consecutive days. These periods, commencing on August 1, 1985 at 6:30 a.m., will be determined one year in advance and posted at the department headquarters.
3. Work hours for all departments functioning at least 40 hours per week, except the Police Department, is considered to be a regular daytime work shift consisting of 8 hours each day, Monday through Friday.
4. Work hours for Police Department will be in rotating shifts specifically outlined in the personnel manual of that department.
5. The exception to Section VI, Article F, Paragraphs 3 and 4 is an employee who periodically serves "on call" duty during any given 168 hour work period.
6. "On Call" will be that duty periodically served during a work period, that must be performed each day regardless of the day of the week. Emergency calls are also included.
7. The Street and Solid Waste Departments will be the only departments serving regular "on call" duty. An employee serving this duty may pursue personal interests as long as he/she remains available for telephonic or radio call to work.
8. Unless otherwise provided for in separate manuals, agreements or contracts, Unemployees serving "on call" duty for any week will, for duties and emergency calls, for both days, during hours from 8 a.m. to 4:30 p.m., earn a total of 8 work hours. These hours will constitute a rearrangement of ordinary work hours, and will be compensated for by equal time off later in the work period.

9. All other extra-ordinary hours (hours served which are not ordinary work hours or on-call duty) worked will be compensated with overtime pay or compensatory time off at the 1-1/2 rate.

Article G: Paid Holidays

1. Unless otherwise provided for in a separate manual, agreement or contract, the following days are recognized as paid holidays:
 - a. New Years Day
 - b. Presidents Day
 - c. Memorial Day
 - d. Independence Day
 - e. Labor Day
 - f. Veterans Day
 - g. Thanksgiving Day
 - h. Christmas Day
 - i. Floating Holiday (Personnel Day (Res No 10-05)
 - j. Day after Thanksgiving (Res No 11-33)
 - k. Christmas Eve Day (Res No 16-33)
2. If a recognized holiday falls on Saturday, the preceding Friday will be observed. If the holiday falls on Sunday, the following Monday will be observed.
3. Unless otherwise provided for in a separate manual, agreement or contract, employees who draw duty on a holiday will receive an alternative day off at a later date. Selection of an alternate day may be made by the employee with the supervisor's approval, or as stated in written departmental policy.
 - a. Alternate days cannot be carried over and must be used within 12 months of the time it is earned.
 - b. An alternate day cannot be approved until it is earned.
 - c. In case of employee termination, employee will be paid for any unused alternate day at his/her regular hourly basis.

Article H: Emergency Call

1. All employees are subject to emergency call.

2. Employees answering emergency call will be compensated under Section VI, Article E, Paragraph 3B of this manual, or according to the terms of special departmental manuals, agreements or contracts.
3. Employees answering emergency call who are already serving “on call” duty will be compensated under Section VI, Article F, Paragraphs 8 and 9 of this manual, or according to the terms of special departmental manuals, agreements or contracts.
4. Paragraph 2 above does not apply to supervisory or administrative personnel.

Section IX: Regulations for Employee Conduct

Article A: General Conduct

The City of Emmetsburg has always maintained the highest standards of public service. Therefore, in all dealings with the public and with each other, all City of Emmetsburg employees are expected to respect the dignity of each individual. With the foregoing in mind, the City of Emmetsburg has developed policies and rules for the benefit of us all.

Some of the policies have already been outlined earlier in this Handbook. Others are contained in the following list. You are encouraged to read this list of actions and to understand them fully. Many of these things have never been a problem for the City of Emmetsburg, and we hope to keep it that way. If any one of these actions or any one of the previously mentioned actions or similarly egregious actions is taken by you, it can result in disciplinary action up to and including dismissal:

1. Improperly treating or servicing a fellow employee, customer or any other non-employee.
2. Insubordination or lack of cooperation.
3. Failing to follow City of Emmetsburg job instructions.
4. Failing to follow instruction of, or to perform work requested by, a supervisor or manager.
5. Failing to meet a City of Emmetsburg measure of efficiency and productivity.
6. Placing long distance personal phone calls or making or receiving excessive personal phone calls on City of Emmetsburg time.
7. Unauthorized or excessive absences (including late arrival and early departure) from work.
8. Sleeping on City of Emmetsburg property or during the time in which you are supposed to be working.
9. Abusing, wasting, or stealing City of Emmetsburg property or the property of any City of Emmetsburg employee or non-employee.
10. Removing City property or records without written authorization.

11. Falsifying your employment application or other personnel records.
12. Falsifying City reports or records (including timesheets).
13. Violating the law on City premises, including gambling.
14. Fighting or starting a disturbance on City of Emmetsburg premises or while performing job duties, including, but not limited to, assaulting or intimidating a City of Emmetsburg employee or non-employee.
15. Unauthorized possession of firearms, weapons, or dangerous substances while performing job duties or on City of Emmetsburg premises.
16. Reporting to work in a condition unfit to perform your duties, including reporting to work with measurable amounts of illegal drugs or controlled substances in your system or being under the influence of alcohol or drugs or controlled substances.
17. Consuming or selling alcohol, illegal drugs or controlled substances on City premises or while performing your job duties.
18. Smoking, eating and drinking in prohibited areas.
19. Violating a City safety rule or practice or creating or contributing to unhealthful or unsanitary conditions.
20. Acting in conflict with the interests of the City.
21. Disclosing confidential City information without authorization.
22. Unauthorized solicitation or distribution on City property.
23. Using profanity toward others.
24. Failing to fully cooperate in any City investigation.

All employees are expected to work efficiently and harmoniously and to meet the requirements and standards for their position.

Article B: Employee Monitoring

1. Basic Policy

The employee's work output, whether it is paperwork, computer files, products, customer calls, or customer interaction, belongs to the City of Emmetsburg. As such, that work output is always subject to review by the City, whether it is stored electronically, on paper, or in any other form. In addition, business equipment, including computers, desks, and lockers, belong to the City of Emmetsburg and are subject to search or investigation. Because the City is sensitive to the legitimate privacy rights of employees, every effort will be made to guarantee that workplace monitoring is done in an ethical and respectful manner.

2. Electronic Tools

As a City, we increasingly use and exploit electronic forms of communication and information exchange. Employees may have access to one or more forms of electronic media and services (computers, e-mail, telephones, voice-mail, fax machines, external electronic bulletin boards, wire services, on-line services, the Internet, and the World Wide Web).

The City encourages the use of these media and associated services because they make communication more efficient and effective, and because they are valuable sources of information, e.g., about vendors, customers, and services. However, electronic media and services provided by the City are City property, and their purpose is to facilitate City business.

Electronic media and services are provided for City use. Limited, occasional, or incidental use of electronic media (sending or receiving) for personal, non-business purposes are understandable and acceptable--as is the case with personal phone calls. However, employees need to demonstrate a sense of responsibility and may not abuse the privilege.

Electronic media (sending or receiving) may never be used for soliciting outside business ventures, advertising for personal enterprises, or soliciting for purposes that are non-City related.

Electronic information created and/or communicated by an employee using e-mail, word processing, City programs, spreadsheets, voice-mail, telephones, Internet/BBS access, etc. will not generally be monitored by the City of Emmetsburg. However, the following conditions should be noted:

The City also reserves the right, in its discretion, to review any employee's electronic files and messages and usage to the extent necessary to ensure that electronic media and services are being used in compliance with the law and with this and other City policies. Employees should therefore not assume electronic communications are totally private and confidential and should transmit highly sensitive information in other ways.

Computers, specifically the electronic mail system and the Internet, are not to be used to create, and should not ever display, any offensive or disruptive messages. Among those which are considered offensive are any messages which contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, gender, sexual orientation, religious or political beliefs, national origin, or disability.

Employees must respect the confidentiality of other people's electronic communications and may not attempt to read, "hack" into other systems or other people's logins, or "crack" passwords, or breach computer or network security measures, or monitor electronic files or communications of other employees or third parties except by explicit direction of City management.

Article C: Job Performance Reviews

1. During your employment with the City of Emmetsburg, Administration or your immediate supervisor will evaluate your work periodically. The evaluator will undertake a formal review of your work performance giving consideration at each review to changes in your job content or responsibilities.
2. Your salary is monitored in this manner so that it accurately reflects your job and your performance. Based upon the evaluation of your supervisor/Administration, and on your total work record, your salary may be adjusted. It should be understood, however, that increases in your salary are not an automatic part of the performance review but are within the City of Emmetsburg's discretion based upon your entire work record and the evaluation of your supervisor/Administration.

Article D: Attendance

The City of Emmetsburg relies on employees to report to work regularly and on time. If an employee is going to be late or absent, he/she must contact his/her supervisor or administration immediately. If it is necessary for an employee to leave early, the employee must obtain approval from the appropriate supervisor in advance. The supervisor or administration may require the employee to make up any lost work time.

The City will take disciplinary action, up to and including discharge, where attendance is unacceptable.

This policy shall not be construed to conflict with the Americans with Disabilities Act, the Family and Medical Leave Act, the Iowa Civil Rights Act, and other applicable federal and state laws.

Article E: Appearance

1. Uniforms will be worn by employees whose department furnishes uniforms.
2. All clothing will be reasonably presentable, commensurate with each employee's duties.
3. Safety clothing and apparel, such as hard hats, goggles, etc., will be provided, and must be used at all times commensurate with the hazards of the duty being performed, or as directed by individual department supervisors. Failure to comply with this regulation may result in disciplinary action under Section IX of this manual.

Article F: Use of Employer Property & Equipment

1. Telephone.

Contact with the public is vital to our business. Telephone courtesy is a priority because, to the public, yours may be the only City of Emmetsburg voice on the phone.

- a. Answer the telephone promptly and identify yourself per departmental guidelines.
- b. Make sure your telephone is attended when you are away from it.
- c. Speak clearly.
- d. Take careful and complete messages for co-workers.
- e. Do not leave someone on hold for more than a few seconds.

The City recognizes that there may be an occasion when it is necessary to make or receive a personal call at work. Abuse of this privilege is subject to disciplinary action.

2. Vehicles

- a. Care and maintenance of vehicles will be according to each department policy.
- b. When not in use, vehicles will be sheltered if facilities are available.
- c. Use of vehicles for personal needs is not authorized.

3. Facilities and Equipment.

- a. Department Heads will be responsible to inspect facilities periodically for deterioration and needed repairs.
- b. Recommendations for upkeep or improvements should be made to administration or chairperson of the proper council committee.
- c. Facilities or equipment shall not be used for employees personal needs.
- d. Equipment shall not be removed from City property or the work-site unless employee is serving "on call" duty.

- e. There will be no riders in mobile equipment other than employees, or persons necessary to perform a particular service to the City.

4. Credit Cards & Reimbursable Expenditures.

- a. The regulation of the Department's credit card shall be under the direction of the Department Head or Supervisor.
- b. The Department Head or Supervisor shall retain the credit card when not in use by other employees.
- c. It shall be the responsibility of the Department Head or Supervisor to know the whereabouts of the credit card at all times.
- d. Any authorized employee of the department may use the credit card by obtaining it from the Department Head or Supervisor.
- e. Credit cards may be used only when personnel are on official business of the employer.
- f. Credit cards shall be used for reimbursable expenditures incurred while on authorized business and shall NEVER be used for any personal expenses.
- g. No other means of payment is acceptable unless prior approval by the Department Head or Supervisor.
- h. A receipt shall be obtained for each expenditure.
- i. All receipts along with the credit card will be submitted to the Department Head or Supervisor upon completion of employer business.
- j. The Department Head or Supervisor will be responsible for reconciling receipts with statements, and presenting in orderly manner to the City Clerk for payment.

Article G: Personal Contact with Public

- 1. Complaints from the public shall be handled courteously to avoid confrontations.

2. Officers and employees shall report all complaints or misunderstandings to his/her immediate superior, even though it may seem insignificant.

Article H: Confidentiality

Employees of the City of Emmetsburg may, from time to time, learn confidential business information. During and after employment with the City, confidential business information may not be shared with non-employees of the City, and may only be shared with City employees on a need-to-know basis. Violation of this policy may result in disciplinary action up to and including immediate discharge.

The City will provide employee information to outside agencies only upon written authorization of the employee or as provided by law. Most banks, credit agencies or other parties requiring employment information will provide the employee with the appropriate form.

The City standard credit or other reference letters are limited to confirming dates of employment, job title, and current rate of pay. All requests for employment verification must be received by the City Clerk in writing. City response will be in writing unless special arrangements are made in advance with the City Clerk. The City does not provide letters of recommendation.

The City protects employees' confidentiality and expects the employees to protect the City's confidences as well. Supervisors may not give out any information about an employee and must refer any phone calls seeking such information to the City Clerk. Under no circumstances may a Supervisor or Manager verify employment over the phone.

In addition, the City also expects that employees respect the privacy of your fellow employees, both with employees and non-employees. Personal information about any employee may not be discussed with other employees or non-employees without written City of Emmetsburg authorization.

Article I: Personnel Records

1. Each employee is responsible for updating personnel information with the City Clerk in writing when there is a change in address, telephone number, marital status, emergency contact, or number and names of dependents.
2. Tax information must be kept current. W-4 forms are available from the City Clerk throughout the year.
3. All records maintained by the City Clerk are the property of the City. Employees may view personnel files in the presence of the City Clerk or their designee.
4. Personnel material is shared within the City only on a need-to-know basis.

Article J: Officer & Employee Ethics & Standards

1. Engaging in and pursuing other business interests while on regular duty is prohibited. (Reference to Section VIII, Article F, #7)
2. Soliciting support for any political party or candidate while on regular duty or in the City work place or area is prohibited.
3. No reward, gift or other forms of remuneration shall be accepted or given, which is not in compliance with Chapter 68B of the Iowa Code, as amended. This rule shall apply to all officials and employees, voting members of boards and commissions, locally elected or appointed, whose vote, judgment or decision is binding on the residents of the City.

Article K: Drug and Alcohol Policy

To help insure a safe, healthy and productive work environment for our employees and others, to protect the City of Emmetsburg property, and to insure efficient operations, the City has adopted a policy of maintaining a workplace free of drugs and alcohol.

Note: Employees in certain job classifications will be subject to drug and alcohol regulations found in the Code of Federal Regulations, Title 49, Parts 199, 382 and 40. Rules and regulations in addition to those found herein which affect those job classifications are found in the City's *Substance Abuse Prevention Program*.

1. Individuals under the influence of drugs and/or alcohol on the job pose serious safety and health risks not only to themselves, but also to all those who surround or come into contact with the user. Therefore, possessing, using, consuming, purchasing, distributing, manufacturing, dispensing or selling alcohol or controlled substances, or having alcohol or controlled substances in your system without medical authorization during your work hours, on City of Emmetsburg premises or while on duty will result in disciplinary action up to and including immediate termination.
2. In accordance with the Federal Drug Free Workplace Act, employees must notify the City of Emmetsburg of any criminal drug statute conviction for a violation in the workplace no later than 5 days after such conviction. Failure to timely notify the City of Emmetsburg of a conviction for a criminal drug statute violation occurring in the workplace will be subject to disciplinary action up to and including termination.

3. If an employee voluntarily admits to having an alcohol or drug abuse problem, information on an approved facility for treatment will be provided. Any expenses of the treatment and rehabilitation program shall be paid for entirely by the employee with the employee health insurance provider funding as provided by the benefit plan. If an employee is required to take time off in order to participate in such a program, the employee will be permitted to use sick leave, vacation time and/or unpaid leave.

Section X: Disciplinary Action Plan

The objective of this section is to provide procedures for fair and reasonable disciplinary action.

Article A: Disciplinary Action

1. If an employee violates a law, rule or policy, an oral warning should be given by his/her supervisor. The Supervisor should prepare a written record of the oral warning, including the nature and date of the offense, and place said record in the employee's personnel file.
2. A written reprimand may then be issued by the Department Head and should be signed by the supervisor and employee, and made a part of the permanent record by placing the written reprimand in the employee's personnel file. A copy of the signed reprimand shall be provided to both the employee and Administration.
3. The Department Head, with approval of Administration, may suspend a subordinate up to 30 days with or without pay in any year for serious or repeated violations.
4. Upon recommendation of Department Head, and approval of Administration, an employee may be recommended to the governing body for dismissal for serious violation(s) of the law, City rules or policy, moral standards or other serious offenses that are considered detrimental to the City government or service.
 - a. Administration will initiate dismissal action by immediate written notice to the employee, stating:
 - (1) The allegations against him/her,
 - (2) Governing body will set a time a place for hearing before the governing body, and
 - (3) That employee and any witnesses will be heard.

- b. The procedures of Section X shall be followed where applicable and governing body decision if final.

Article B: Disciplinary Procedure

1. A Department Head may administer discipline, independent of superior authority, under Articles A1 and A2 of this section.
2. A Department Head, with the approval of Administration, may administer discipline under Article A3 of this section.
3. Administration may take disciplinary action against any subordinate under any article of this section.

Article C: Right of Appeal

Any employee subjected to disciplinary action has the right to appeal according to Article B, Paragraph 4, Section X, "*Grievances & Appeals*", of this manual.

Section XI: Grievances and Appeals

Article A: Purpose

It is not intended that this section infringe on management's ability to provide service, or carry out authority granted under Article IX, but rather to guarantee that regulations and policies are administered in a fair and equitable manner.

Article B: Procedure

1. Upon occurrence giving rise to a problem or grievance, any employee should within 3 working days of the occurrence consult with his or her supervisor, reviewing facts and regulations to resolve the matter at a department level.
2. If a solution is not found at a department level, the officer or employee may within 10 working days of the occurrence appeal to Administration, in writing, giving the date of the occurrence, all facts and circumstances, and action taken.
3. If none of the above procedures renders a satisfactory solution, and employee, within 30 working days of the occurrence giving rise to the

grievance, or Section IX Discipline Action, may appeal in writing to the appropriate governing body with notice to Administration who shall forward all records, transcripts and evidence to the governing body.

4. The governing body shall review the record and, within 10 working days of receiving written notice, set a date, time and place for a hearing and notify the parties involved.
5. The governing body shall review all records, evidence, findings and decisions and call any witnesses requested by either party or member. The governing body shall issue a finding of facts and decision in the matter.
6. All decisions of the governing body shall be final and binding, unless local, state or federal law prescribes further action.

Article C: Records

1. Administration shall keep account of all proceedings under this Section.
2. Such records shall be managed as determined by the governing body in accordance with Chapter 21, Code of Iowa.
3. Such records shall not be used for evaluation of service or performance.

Section XII: Separation from Service

Article A: Resignation

1. All regular full time employees are expected to give at least 14 calendar days notice prior to date of intended separation.
2. All supervisory and administrative personnel are expected to give at least thirty calendar days notice prior to date of intended separation.
3. Written resignations shall be filed with Administration by Department Heads.

Article B: Retirement

1. All employees shall be retired at the age of seventy (70).
2. Retirement date will be the last day of the month in which an employee reaches seventy (70) years of age.

3. Special contract for employment may be negotiated with an individual who is retired or beyond the maximum age when it is determined by the governing body that circumstances dictate a need.
4. Such contracts would be negotiated on an annual basis.

Article C: Reduction in Force

1. Reduction in force may be used when it has been determined necessary by the governing body.
2. A study committee consisting of two or more members of the governing body and one from Administration will be appointed to analyze the problem and make selections.
3. Reduction in force will be based on services discontinued, employee experience, service time and other matters pertinent to the situation.
4. All employees separated under this article will receive at least 14 calendar days notice prior to date of separation.
5. Employees separated under this article will remain eligible for re-employment and will be reinstated based on the same criteria on which they were separated.
6. An employee separated under this article and re-employed, will retain vacation leave benefits commensurate with previous service time, and will recapture unused sick leave.

Article D: Dismissal

1. Dismissal under this article may be used for cause, pursuant to Section X, Article A, paragraph 5, and sub-paragraphs 5a and 5b of this manual.

Article E: Final Separation Procedure

1. Return of all City property.
2. Settlement for damaged or lost articles.
3. Settlement for unused and/or accrued vacation or holiday leave time according to computer records.
4. Settlement for unused compensatory time according to computer records.
5. Exit interview or written release notice.

6. Written notice of option to continue group insurance coverage.

Section XIII: Employee Benefits

Article A: Insurance

1. Health & Dental Insurance: Each regular full time employee, the employee's spouse and children shall be entitled to this protection under the insurance plan currently subscribed to by the employer.
2. Life Insurance and Accidental Death and Dismemberment: Each regular full time employee shall be entitled to this protection as described by provisions of the current health insurance plan.
3. Disability Insurance: Each regular full time employee shall be entitled to this protection as described by provisions of the current health insurance plan.
4. Employees make no contribution to be entitled to protection under paragraphs 1, 2, & 3 of this article.

Article B: Retirement Pensions

1. Employees contributions are made to the Iowa Public Employee's Retirement System as prescribed by the Iowa Code and as it is applied to various departments.
2. Employer contributions are made to the FICA as prescribed by the Social Security laws as they apply to various departments.
3. Employer will make no contributions to individual retirements programs, but will cooperate with assisting in a withholding program when possible.

Article C: Allowances

1. Privately-Owned Vehicle: Use of a private vehicle by an employee on employer business is allowed with prior consent of Department Head. For such use, the employee will be reimbursed at the current maximum rate allowed by the Internal Revenue Service, or the State Code of Iowa, which ever is the lesser.

Article D: Vacation Leave

1. Vacation leave for regular full time employees is earned according to the following schedule:
After 1 year of employment.....40 Work Hours
After 2 years of employment.....80 Work Hours
After 7 years of employment.....120 Work Hours
After 15 years of employment.....160 Work Hours
After 25 years of employment.....200 Work Hours
2. Such vacation leave shall accrue, commencing on the date of regular full time employment, and each employee's record will be credited on the anniversary date of regular full time employment.
3. Unless prior approval is obtained from Department Head and Administration, vacation leave cannot be accumulated, and must be used in the 12 month period immediately following the date leave was earned and credited.
4. Vacation leave shall not accrue during any period of absence without pay.
5. Use of vacation leave must be approved in advance by the employee's immediate supervisor. (Supervisor must plan annual leave schedule in advance for the department.)
 - a. No more than 80 hours of vacation time will be used consecutively without prior approval of the department supervisor.
6. Any deviation from policy under this article must be prior approved by Administration.
7. Vacation time accrual during orientation period will be according to Section V, Article D, Paragraph 3, sub-paragraph a of this manual.

Article E: Sick Leave

1. Sick leave for full time employees will accrue at the rate of 8 hours for each full month of employment.
2. Sick leave shall accumulate to a maximum of 720 hours.
 - a. When, as a result of illness or injury, an employee has used a number of sick leave days equal to that specified in the City's disability insurance policy, the employee shall follow the claim procedures as described in this policy, even though the employee may have accrued additional sick leave.
 - b. After formal request by administration and approval of the governing council, use of additional accumulated sick leave may be granted beyond the number of sick leave days as specified in the City's disability insurance policy.

3. Separation from employment shall cancel all unused sick leave not affected by any existing incentive programs.
4. Sick leave shall not accrue during any period of absence without pay including disability leave.
5. The employee, at the discretion of his/her supervisor, may be required to supply a doctor's report when an injury, illness, or disease causes the employee to be absent from work for over two consecutive days.
6. All vacation leave and sick leave time accrued under Article D & E of this section will be stored on the computer at an hourly basis, and the information reported to each full time employee on their payroll check stub.
7. Use of sick leave may be for physical or mental illness, bodily injury, disabilities resulting from pregnancy or childbirth, or contagious disease, and meets one or more of the following:
 - That employee requires confinement.
 - That employee is unable to perform assigned duties.
 - That performance of assigned duties would jeopardize employee's health or recovery.
 - That performance may endanger other employees' well being.
8. Employee must notify his/her immediate supervisor of the need to use sick leave as soon as reasonable possible.
9. Sick leave accrual during orientation period is handled according to Section V, Article D, Paragraph 3, sub-paragraph a of this manual.

Article F: Family and Medical Leave Policy

1. **Eligibility.** In order to be eligible for Family and Medical Leave:
 - **an employee must work at a site where 50 or more employees work within 75 miles. As the City does not employ 50 employees, no employees are eligible for FMLA leave. The rest of this policy is for informational purposes only.**
 - an employee must have worked for the City of Emmetsburg for at least 12 months; and
 - an employee must have worked for the City for at least 1,250 hours during the year preceding the start of the leave.

Because employees are not eligible for Family and Medical Leave, his or her request for leave will be covered by the City of Emmetsburg's general leave policy found elsewhere in this Handbook. **Although employees of the City of Emmetsburg are not covered by the Family and Medical Leave Act, an employee may use up to**

56 hours of sick leave per year when a member of that employee's immediate family has an illness that requires that employee's attendance, assistance in travel or other aid. Such use of sick leave will be granted at the discretion of administration.

When an employee is eligible for Family and Medical Leave Act leave, he or she may take leave in the following circumstances:

- Fan an employee's own serious health condition that makes the employee unable to perform the functions of the employee's job;
 - for serious health conditions of an employee's child, spouse, or parent where the employee is needed to care for that family member;
 - upon the birth of a child to care for the child; or
 - because of the placement of a child with an employee for adoption or foster care.
2. **Return to Work.** Unless otherwise permitted by law, at the end of the approved Family and Medical Leave, the employee will be offered restoration to the same position he/she held when leave commenced or to an equivalent position. Employers may choose to exempt certain highly compensated employees from this requirement and not return them to the same or an equivalent position.

An employee whose Family and Medical Leave exceeds 12 weeks within a 12-month period will not be guaranteed a job upon return from the leave, unless otherwise required by law.

An employee who fails to return to work at the end of an approved medical leave will be considered as having voluntarily terminated.

Employers may require that upon returning from leave due to an employee's serious health condition, the employee must provide Certification from his/her health care provider that the employee is able to resume work and that the employee is fit for duty with regard to the serious health condition that caused the employee's need for Family and Medical Leave.

3. **Request for Leave.** Employees must provide 30 days prior notice if the leave is foreseeable. If an employee is unable to provide such notice, notice must be provided as is practicable.

An employee undergoing planned medical treatment will be required to make a reasonable effort to schedule the treatment to minimize disruption to the employer's operation.

4. **Certification.** An employee requesting a Family and Medical Leave for a serious health condition must provide the employer with Certification from a health care provider.

The employee should furnish the required Certification when requesting the leave or soon after the leave is requested, but not more than 15 calendar days from the start of the requested leave, unless it is not practical under the particular circumstances. During the leave, employers may also require that the employee obtain recertification of the medical condition supporting the leave.

The employer has the right to require an employee to obtain an opinion by a health care provider designated and paid for by the employer either before or during the leave. If there is a disagreement, a third health care provider will settle the dispute.

5. **Disability/Workers Compensation Benefits:** Employees on a Family and Medical Leave due to their own serious health condition may be eligible for payments from other sources such as Workers' Compensation, State Disability or disability insurance, if any. Employees should ask their employer if they think they are eligible for these benefits.

6. **Intermittent Leave:** If an employee requests intermittent leave it may be necessary for the employer to transfer him/her to another position that will better accommodate an intermittent or reduced schedule.

7. **Substitution of Paid Leave:** Employees taking Family Medical Leave to care for a child, spouse, or parent with a serious health condition or for their own serious health condition must use all of their available accrued and unused paid sick and personal days and vacation as part of the leave.

Employees on Family and Medical Leave for the birth or the placement of a child must use all of their available accrued and unused vacation and personal days as part of the leave.

8. **Benefit Continuation:** Employers must continue to maintain group health insurance coverage for the employee and, where applicable, for his or her dependents during the Family and Medical Leave, up to a maximum of 12 weeks in a 12-month period. Employees must, however, arrange to pay the premium contributions they previously had deducted in order to continue group health or other insurance for themselves and, where applicable, their dependents during the Family and Medical Leave.

If an employee fails to return to work at the end of the Family and Medical Leave, the employer may require the employee to reimburse it for the amount the employer paid for the employee's health insurance premiums during the leave.

Article G: Leave of Absence

1. The Department Head, with approval of Administration, may grant leaves of absence without pay.
2. No leave under this Article shall exceed 360 hours unless with prior approval by the governing body.

3. Prior to approval under this Article, it must be determined by the Department Head that such leave would not be detrimental to the operation of the affected department.
4. During leave under this Article, all employee benefits will be suspended and cease to accrue.
5. Insurance coverages will continue if a pro rata premium is paid by the employee.

Article H: Death Leave

1. In case of death in the “immediate family”, a full time employee may be granted up to 40 hours leave with pay.
2. In case of death other than “immediate family” members, full time employees may be granted leave time at the discretion of Administration.

Article I: Court Duty Leave

1. Employees will be granted Court Duty leave with pay.
2. In the event of being called as a plaintiff, defendant or witness in a case unrelated to employer business, employee is not entitled to leave with pay.
3. Any compensation received from the Court while on paid jury duty leave will be turned over to the employer. This does not apply to reimbursement for travel or other expenses.

Article J: Military Leave

1. Employees who are members of the Reserves or the National Guard will be granted, upon request, an unpaid leave of absence for military training duty. However, they must present their orders in advance to the City Clerk. Employees eligible for vacation may use their vacation for their military leave.
2. A military leave will also be granted to employees who enter active military service in the Armed Forces or who are ordered for an initial period of active duty for training in the Reserves or the National Guard. Employees will be paid for any unused vacation, if eligible, on a pro rata basis for that year in accordance with the terms of the vacation policy set forth in this Handbook. Employees who return to work after an extended absence for military service are eligible for reinstatement in accordance with applicable law. They must, however, seek reinstatement within the required time limits and be qualified for work.

3. Employees with questions regarding military leave are encouraged to contact Administration.

Article K: Maternity Leave

1. A full time female employee may use accrued sick leave, vacation leave, or other applicable leave authorized in this manual, or by the State Code of Iowa, when approved by Administration.
2. A full time male employee may be granted use of up to 40 hours of accrued sick leave by Administration after providing adequate reason for need.

Article L: Disability Leave

1. Disability leave will begin after 160 hours of sick leave has been used by the employee.
2. If workman's compensation is in effect, disability leave does not apply.

Article M: Administration of Leave Time

1. All leave time used under any article of this section must have the approval of an employee's immediate supervisor or Administration.
2. Each supervisor is responsible, and will be held accountable, to see that proper leave time information, including their own, is provided to Administration/City Clerk for recording, and that such time is used according to their direction and approval.

Section XIII: Severability Clause

Should any section or provision of the personnel policy manual be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the policy as a whole or any part thereof, other than the section or provision so declared to be invalid.

Section XIV: Policies Subject to Change:

The City of Emmetsburg continually reviews its personnel policies and employee benefits and reserves the right, in its sole discretion, to modify, supplement, amend or delete any of the provisions contained in this Handbook or any employee benefits at any time. This Handbook does not represent the entire policies of the City of Emmetsburg but is designed to give guidance to many essential City of Emmetsburg personnel policies.

Section XV: Effective Date

This personnel policy shall be in force and effective of the passing of City Council Resolution #01-13, dated May 14, 2001.

ACKNOWLEDGMENT

I hereby acknowledge that I received my Handbook describing the City of Emmetsburg's policies and my benefits as an employee of the City. I have read and understand the City of Emmetsburg's policies contained herein and am fully aware of my obligations at all times to fully comply with the responsibilities that are imposed on me as a condition of employment.

Date

Employee Signature

Name (Please Print)

Reviewed: May 2013, April 2016