

*Employee Handbook*  
*of*  
*Personnel Policies*

***CITY OF HARRAH***

***JULY 1, 2006***

**APPROVED BY CITY COUNCIL JUNE 1, 2006**

**EMPLOYEE ACKNOWLEDGMENT FORM**

The undersigned acknowledges that he/she has received and has reviewed a copy of the Employee Handbook of Personnel Policies of the City of Harrah/Harrah Public Works Authority.

I understand that I am governed by the contents of the Handbook and that it is my responsibility to familiarize myself with the personnel policies of the City. **I acknowledge and agree that nothing contained in the Handbook creates a contract of employment with the City of Harrah, that I am deemed to be an employee at will and that the policies and procedures contained in the Handbook do not give rise to a property right in continued employment.** I recognize and agree that no individual is authorized to alter or modify the terms and conditions of employment without authorization of the City Council. I further understand that this Handbook supersedes any prior versions and that the City of Harrah retains the right to revoke, change or amend any of the policies and procedures in the Handbook at any time, with or without prior notice.

I have read or have had read to me the above statement, understand its meaning and agree to comply with the same.

\_\_\_\_\_  
Applicant/Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

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## ***WELCOME***

### **TO ALL EMPLOYEES OF THE CITY OF HARRAH**

The City Administration welcomes you to the organization and encourages you to read and become familiar with the contents of this Employee Handbook. You will find that it contains helpful and valuable information about the policies, rules, regulations, benefits, procedures and opportunities available to you as an employee of the City. It is also intended to be a guide in assisting you in performing your duties and responsibilities for the City to the best of your ability and in aiding you in developing and realizing your potential as a valued employee.

The policies in this Handbook are designed to serve as guidelines. They are not intended to and do not create any kind of contractual relationship and are subject to change at the discretion of the City Council, with or without notice. While the policies and procedures outlined in this Handbook should provide you with answers to most general questions you might have regarding your employment relationship with the City, it cannot cover every situation that might arise. If you have questions about these guidelines, or require further information, you should consult with your Department Head, with the City Manager or with the Human Resources Director. The City welcomes your suggestions for improvement either to the policies and procedures included in this Handbook or to other job related areas and subjects.

Please read this Handbook carefully and retain it for future reference. It is important that you familiarize yourself with the contents of the Handbook as soon as possible. A well-informed employee has the best potential for succeeding in his or her assigned position.

The City welcomes you and wishes you success.

## SECTION 100

### INTRODUCTION

#### 101 - PURPOSE

The purpose of this Handbook is to provide a working guide to the personnel policies, practices and benefits of employment with the City of Harrah. **The Handbook is not a legal document, does not constitute a contract of employment and does not give rise to a property right in continued employment with the City. The employment relationship with the City is terminable at will at any time with or without cause.** The City Council retains the right to revoke, modify, change or amend any of the policies and procedures at any time. Any employee who has a question regarding any of the policies and procedures contained in the Handbook is encouraged to direct any inquiries to their Department Head, the Human Resources Director or the City Manager.

#### 102 - SCOPE

Except as set forth below, this handbook applies to all employees of the City of Harrah and the Harrah Public Works Authority. The provisions of the City Charter and City Ordinances will supersede any conflicting provisions contained herein. Any reference to the masculine form in these policies shall also be applicable to the feminine form.

#### 103 - EXCLUSIONS

The provisions of this Handbook will not apply to members of the City Council, to volunteers, **reserve officers, seasonal employees (Added and Approved by City Council June 20, 2013)** persons appointed to Boards and Commissions, the City Attorney, Municipal Judge and independent contractors. Furthermore, to the extent any provision of a Collective Bargaining Agreement to which the City is a party, conflicts with a provision of this Handbook, the provision of the Collective Bargaining Agreement shall prevail.

#### 104 - GENERAL INFORMATION

- A. Personnel Records - An employee has the right to review his personnel file during regular business hours only and only in the presence of the Human Resources Director. No item may be removed from an employee's personnel file without the written authorization of the Human Resources Director with the concurrence of the City Manager.

- B. Change of Address and/or Telephone Number - Employees are required within five (5) business days to report any change of address and/or telephone number to the Human Resources Director.
- C. Secondary Employment - Employment with the City of Harrah is the primary employment for each person. Secondary employment is permissible provided it does not interfere, in any manner, with an employee's ability to perform assigned duties as a City employee or to timely respond when called back to assist with unexpected circumstances and/or emergencies. City employees may not be engaged in secondary employment at any time while scheduled to work for the City and may not use any City property in the performance of such employment. An employee must obtain written approval of the Department Head for secondary employment, which approval will not be unreasonably withheld.
- D. Use of City Vehicles - Employees with City vehicles may use them for breaks and lunch hours but must stay within City limits. Employees may not use City vehicles and equipment for personal reasons or personal business. See Section 610.
- E. Financial Interest - An employee may have no financial interest in any contract, service or other work performed by or for the City. Employees shall neither solicit nor accept money, free or preferred service, benefits, or consideration from any person, business or organization in return for special interests or favors. An employee having any questions concerning what is encompassed within this section should direct such questions to the Department Head, City Manager or Human Resources Director.
- F. Political Activity - Employees may attend and express their views and opinions at City Council meetings or any other public meetings. Employees may participate in political activity; provided, the political activity shall occur only during off-duty hours, while not in uniform, while not on City property and while not using any City property. No employee will be forced, threatened, intimidated or coerced into campaigning, making a financial contribution to or obligating himself to contribute labor in support of any candidate for office.
- G. News Release - Employees are to respect the confidentiality of City business. Any news releases to the press or other media concerning City business shall be given only by persons designated by the City Manager.
- H. Endorsements and Referrals - Employees shall not recommend or suggest, in any manner, except in the transaction of personal business, the employment, procurement, or patronizing of a particular product, professional service, commercial service or enterprise.
- I. Solicitations and Collections - During working hours, employees may only solicit contributions, subscriptions, sell tickets, or collect donations for pre-approved charitable

causes, provided that Departmental operations are not unduly impeded. Prior approval by the City Manager is required.

- J. Use of Telephone - The use of City telephones for personal calls is to be kept to a minimum. When it is necessary to make or receive personal calls during working hours, they are to be kept as brief as possible. Abuse of telephone privileges for personal calls will result in disciplinary action.
- K. Public Relations - Employees of the City are in a position of public trust and, as such, must be courteous and helpful, accepting their responsibilities as public servants, and be attentive to citizens who seek assistance, information, or desire to register a complaint. Employees are to keep in mind that their primary obligation is to render impartial, efficient, and effective service to the public in the discharge of their duties.
- L. Tobacco Policy - The City is committed to providing a healthy and safe working environment. In keeping with this commitment and state law, tobacco use is not permitted in City Buildings or within twenty-five (25) feet of the entrance or exit of any building **and or** in City Vehicles ~~if a member of the public is in the vehicle. (Amended and Approved by City Council July 20, 2006) (Removed and Approved by City Council June 20, 2013)~~
- M. Firearms - To insure the safety of employees and the public, no employee is allowed to carry a fire arm, whether concealed or not, within City buildings unless the duties of the employee's position require the carrying of a weapon.

## SECTION 200

### EMPLOYMENT PRACTICES

#### 201 - EQUAL EMPLOYMENT OPPORTUNITY/NON-DISCRIMINATION POLICY

The City of Harrah is committed to providing equal opportunity to all employees and applicants for employment. There shall be no discrimination against any employee or applicant on the basis of race, color, creed, religion, national origin, age, sex, disability or veteran's status. This commitment extends to every aspect of employment, including recruitment, selection, placement, training, compensation, promotion, transfer, layoff, recall and disciplinary action.

The City Manager and the Human Resources Director have been assigned the responsibility of ensuring that all phases of personnel administration are in harmony with this policy. The responsibility for administering this policy is delegated to Department Heads and Supervisors.



## 202 - PROFESSIONAL CONDUCT AND ANTI-HARASSMENT POLICY

The City of Harrah desires to have a professional and congenial work environment and will take reasonable steps to insure that the work environment is pleasant for all who work here. All employees are expected to treat others with courtesy, consideration and professionalism. The City of Harrah will not tolerate the harassment of any employee or citizens by any other employee, supervisor, citizen or vendor. Employees may not use epithets, slurs or other terms or language designed to threaten, insult, intimidate or show hostility to another. Employees are prohibited from posting or circulating in the workplace any written or graphic materials or other objects that attack, defame, belittle, degrade or show hostility or aversion to any person or group of people. In an effort to avoid even the appearance of impropriety, this policy is more stringent than certain state and federal laws. Consequently, an employee may be found to have violated this policy even though his conduct would not give rise to a violation of state or federal law.

Harassment for any discriminatory reason, such as race, gender, national origin, disability, age, religion or veteran status is prohibited not only by State and Federal laws but also by the policies of the City. The City of Harrah prohibits not only unlawful harassment but other types of unprofessional and discourteous conduct. Accordingly, derogatory, racial, ethnic, religious, age, gender, sexual orientation, sexual or other inappropriate remarks, slurs, "jokes," written material or actions will not be tolerated in the workplace.

Included in this prohibition is a prohibition against sexual harassment, which includes unwelcome sexual advances, requests for sexual favors, or any other visual, verbal or physical conduct of a sexual nature when:

1. Submission to the conduct is made either implicitly or explicitly a condition of the individual's employment;
2. Submission to or rejection of the conduct is used as a basis for an employment decision affecting the harassed employee; or
3. The harassment has the purpose or effect of unreasonably interfering with the employee's work performance or of creating an environment, which is intimidating, hostile or offensive to the employee.

Each employee must exercise his own good judgment to avoid engaging in conduct that may be perceived by others as harassment. Forms of harassment include, but are not limited to:

1. Verbal: Sexual innuendos, racial or sexual epithets, derogatory slurs, off-color jokes, propositions, threats or suggestive or insulting sounds;

2. Visual/Non-Verbal: Derogatory posters, cartoons, telefaxes, e-mail, internet contacts, drawings, suggestive objects or pictures, graphic commentaries, leering or obscene gestures;
3. Physical: Unwanted physical contact including touching, interference with the individual's normal work movements or threatening gestures; and
4. Other: Making or threatening reprisals as a result of a negative response to a harassing action.

Any employee or applicant who feels that he or she has been subjected to harassment or otherwise has been discriminated against due to his or her race, color, religion, national origin, gender, sexual orientation, age, disability or veteran status, or who witnesses harassment of or discrimination against another employee, should promptly report the incident to the City Manager or Human Resource Director. A complaint form is attached as Appendix "A" to the Handbook. All complaints of harassment or discrimination will be investigated. In determining whether alleged conduct constitutes harassment or discrimination, the totality of the circumstances, the nature of the harassment and the context in which the alleged incidents occurred will be considered. Except as deemed necessary to investigate and remedy violations, management will keep any complaint and the information revealed in the investigation as confidential as possible.

All employees are strongly encouraged to use the complaint procedures set forth herein if they believe they have been subjected to discrimination or harassment. Before it becomes a serious problem and the conduct interferes with an individual's work performance or creates a hostile environment, employees are encouraged to notify management of conduct that may violate this policy. That will allow management time to address the situation. If the employee believes that a supervisor or management employee has engaged in harassment, the employee is encouraged to use the supervisory by-pass procedure attached as Appendix "B" to the Handbook.

The initiation of a complaint, in good faith, will not be grounds for discipline. It is a violation of the City's policy for an individual to be disciplined or otherwise disadvantaged as a result of a good faith resort to this complaint procedure. However, deliberately reporting false allegations may be considered as a form of harassment and may subject an employee to appropriate discipline.

If a person is determined to have violated this policy, the City will take appropriate action designed to prevent any further incidents of inappropriate behavior. If necessary, this could include disciplinary action up to and including termination. In addition, management and supervisory employees may face disciplinary action if they fail to take corrective action after becoming aware of the existence of harassment or discrimination, regardless of whether the victim has filed a formal complaint.

### 203 - THE AMERICANS WITH DISABILITIES ACT (ADA)

The City will take all reasonable steps to insure that interview, hiring and employment practices do not conflict with the provisions of the Americans with Disabilities Act. The City will provide reasonable accommodation to a person with a disclosed disability in terms of application, hiring and job retention so long as such accommodation does not result in an undue hardship. It is the responsibility of every employee to comply with the provisions of the ADA and to create a positive work environment.

### 204 - ALCOHOL AND CONTROLLED SUBSTANCES POLICY AND TESTING PROCEDURES

The City requires a commitment from all employees to keep an alcohol and drug-free workplace. As a condition of employment, employees must abide by the terms of this policy. The unlawful manufacture, distribution, possession or use of an illegal substance or the use or possession of alcohol is prohibited anywhere in the workplace or on City property.

Use of a controlled substance is not prohibited when prescribed by an authorized medical practitioner for treatment and when used as directed. In these circumstances, employees are to inform their supervisors that they are taking medicines, which may result in side effects.

As a condition of employment, an employee must notify the Human Resources Director of any criminal drug statute conviction no later than five (5) days after such conviction. Criminal drug statute means a criminal statute involving manufacture, distribution, dispensation, use or possession of a controlled substance. Upon conviction of any such violation, the City will take appropriate disciplinary action against the employee, up to and including termination, and/or requiring the employee to satisfactorily participate in an abuse rehabilitation program.

A copy of the City of Harrah's complete Alcohol and Controlled Substances Policy and Testing Procedures applicable to employees and applicants covered by this Handbook is attached as Appendix "C" to the Handbook.

### 205 - NEPOTISM

Neither the City Manager, the City Council nor any other authority of the City government may appoint or elect any person related to the City Manager, any Council member, or himself, or in the case of a plural authority, to one of its members, by affinity or consanguinity within the third degree, to any office or position of profit in the City Government. However, this shall not prohibit an officer or employee from continuing in the service of the City. This includes any spouse, child, brother, sister, parent, uncle, aunt, niece, nephew or cousin. In addition, it is the policy of the City not to employ persons related to one another within the third degree in the same department or in positions where one person might be in a supervisory position to a relative.

## 206 - HIRING PROCEDURE

Initial employment with the City will be based on merit (an applicant's qualifications, skills, aptitude, previous experience and education as they relate to the essential functions of a particular position) and fitness.

- A. Request to Fill Vacancy - The Department Head will notify the City Manager and the Human Resources Director of a position vacancy. All job vacancies at any level will be advertised internally and will be advertised externally as deemed appropriate on a case-by-case basis. Internal announcements will be distributed to each department for posting on bulletin boards.
  
- B. Eligibility for Hire - Any person will be deemed eligible for initial employment in the City service who:
  - 01. Meets the minimum requirements established for the position;
  - 02. Is able to perform the essential functions of the position with or without reasonable accommodation;
  - 03. Has not been convicted of or pled guilty to a felony or to a misdemeanor which would indicate that the person is not fit for City employment;
  - 04. Does not have a record of previous unsatisfactory service in City employment or elsewhere of such a nature as to demonstrate unsuitability for employment in the position for which he/she has applied;
  - 05. Is otherwise qualified under the personnel policies.
  
- C. Filling vacancies - When a vacancy occurs in a position that is eligible to be filled, the following procedures will be used, unless, for the good of the service, the City Manager approves an exception to the screening process.
  - 01. City Employees: City employees meeting the City's requirements may be given preference in filling vacancies. However, the City reserves the right to hire externally if it is deemed to be in the best interest of the City.
  - 02. Application: All applications for employment will be filed on forms provided by the City. Current employees must submit statements bringing their applications up-to-date in order to make application for promotions or transfers.
  - 03. Use of Commercial or State Employment Agencies: Applications may be accepted from commercial employment agencies or from the State Employment Services.

The applicant will be required to complete the City's application form and go through the same testing requirements.

04. Interviews and Screening: The Department Head, with the assistance of the Human Resources Director, will screen job applications to ensure the applicants have the minimum qualifications of the position, that the responses are correct, and that references are indicative of a proper employment history. Employee's work histories may also be reviewed.
  05. Competitive Examinations: Competitive examinations may be given if deemed necessary. They may be oral, written, physical agility, skills, rating of experience and training, psychological, polygraph or any combination thereof.
  06. Interviews: Job interviews will be conducted by the Supervisor/Department Head and the Human Resources Director. On completion of interviews, the Supervisor/Department Head shall submit his recommendation to the City Manager.
- D. Disqualification from Consideration - Fraud, misrepresentation, concealment, or dishonesty on any part of the application form or resumé the examination process or any attempt to obtain special consideration will disqualify an applicant for employment. Further, an applicant will be disqualified if he tests positive on the post-offer drug and alcohol screening.
- E. Post Offer Medical Examinations. Post offer pre-employment physicals and drug/alcohol screening may be required for applicants to be hired for a full time position. Certain temporary positions may also require physicals.
- F. Hiring: Final hiring decisions for positions will be made by the City Manager.

#### 207 - DEFINITION OF EMPLOYEES

- A. Introductory - An individual will be deemed to be in an introductory status for six ~~(6)~~ **(12)** **(Amended and Approved by City Council June 20, 2013)** months from the date of initial employment. An introductory employee shall have no grievance rights or rights to a hearing before the Personnel Review Board. see section 607
- B. Regular/Full Time - An employee who has satisfactorily completed an introductory period. Completion of the introductory period does not confer on any employee any status other than **employment at will**.

- C. Temporary/Part Time - Anyone employed for seasonal work or for a specific period of time or regularly for ~~less than twenty-four (24)~~ no more than thirty two (32) hours per week worked is considered temporary/part time. A temporary/part time employee is entitled to Workers' Compensation and Social Security benefits but is not eligible for any other City benefits. **(Changed and approved by City Council 7-16-09)**
- D. Non-exempt - Employees who are not exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA) as amended are paid by the hour and are entitled to compensatory time off at the rate of one and one-half (1-1/2) times their regular hourly rate for all overtime hours worked.
- E. Exempt - Employees who are exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA) as amended are considered executive, administrative, and professional employees.

## SECTION 300

### PAY ADMINISTRATION

#### 301 - POSITION CLASSIFICATION & PAY PLAN AND JOB DESCRIPTIONS

The City of Harrah provides a position and pay plan for all budgeted, regular, full time positions. A copy of the Pay Plan is attached as Appendix "D." This Pay Plan is subject to being amended, from time to time, at the discretion of the City Council. Job descriptions are provided to assist with screening applications, for job restructuring, for pay administration and performance appraisals. The position classifications and job descriptions will be reviewed and adjusted as needed to take into account changes in job structures or duties and the addition or deletion of classifications and functions within the City. Pay ranges may be adjusted to account for cost-of-living increases and re-evaluations of skills or duties within a classification.

#### 302 - PAY PERIOD

Paychecks will be issued every two weeks on a day specified by the City Manager. Time will begin on Sunday and end on Saturday. Employees are required to work 8 hours per day – forty hours per week unless otherwise specified by the Department Head. Employees are required to submit their weekly timesheet to their Department Head no later than the following Monday. If a city observed holiday falls on payday, checks will be issued on the normal workday preceding the holiday. Prior written authorization must be received in the Human Resource Office before a paycheck will be released to anyone other than the employee or the Department Head. Direct Deposit is available to employees who provide the appropriate bank documentation to the Human Resource Office. **(Changed and approved by City Council 11-17-08)**

303 - Longevity Pay

In addition to regular compensation, and when funds are available and appropriated by the City Council in the annual budget, the City will provide longevity pay in recognition of the tenure and dedication of employees after five years of continuous service as of June 30 at the following rate:

5-9 years	\$ 240.00
10-14 years	\$ 480.00
15-19 years	\$ 720.00
20-24 years	\$ 960.00
25 plus years	\$1,200.00

Longevity pay may be authorized by the City Council, at its discretion, to be paid ~~in connection with the last pay check~~ on or before August 15 ~~for any given fiscal year~~ where the ~~current~~ previous fiscal year revenues for the General Fund and the Public Works Authority ~~are~~ were at least ten (10%) percent above actual expenditures for both funds ~~for the year~~. Longevity pay will be included as an expenditure in making this determination. (Council Amended 7-21-15)

304 - Clothing Allowance

Members of the Fire Department will be provided with a clothing allowance in an amount to be determined by the City Council from time to time.

**SECTION 400**

**EMPLOYEE BENEFITS**

The City provides certain benefits for eligible employees. The City reserves the right to amend, suspend or terminate any of these benefits at its sole discretion. All statements contained herein are mere summaries of the plans. Details of certain plans are contained in individual plan summary booklets or documents. If any statement herein is in conflict with the official plan document, the official plan document will control.

401 - GROUP INSURANCE

The City provides for group health insurance coverage for full time employees and makes coverage available for their dependents. Coverage is available on the first day of the month following sixty (60) days of employment. The City will pay for the coverage for the employee. Subject to the decision of the City Council from time to time, the City may elect to contribute to the cost of dependent coverage. All employees electing dependent coverage will be responsible for the payment of all premiums not paid by the City for such coverage.

402 - HOLIDAYS

All employees are granted fourteen (14) paid holidays per calendar year as recognized by the City. The authorized holidays are as follows:

NEW YEAR’S DAY .....	January 1 <sup>st</sup>
MARTIN LUTHER KING.....	3rd Monday in January
PRESIDENT’S DAY .....	3 <sup>rd</sup> Monday in February
GOOD FRIDAY.....	Friday before Easter
MEMORIAL DAY .....	Last Monday in May
INDEPENDENCE DAY .....	July 4th
LABOR DAY .....	1 <sup>st</sup> Monday in September
COLUMBUS DAY.....	2 <sup>nd</sup> Monday in October
<b>(Amended and Approved by City Council October 5, 2006)</b>	
VETERAN’S DAY .....	November 11th
THANKSGIVING DAY .....	4 <sup>th</sup> Thursday in November
DAY AFTER THANKSGIVING .....	4 <sup>th</sup> Friday in November
CHRISTMAS EVE .....	December 24th
CHRISTMAS DAY .....	December 25 <sup>th</sup>
FLOATING HOLIDAY.....	8 Hours/10 Hours

When a holiday occurs on Saturday, it shall be observed on the preceding Friday. When a holiday occurs on Sunday, the following Monday shall be observed. ~~If an employee is required to work on an authorized holiday, the employee shall be entitled to receive eight hours of time to be taken within the fiscal year.~~ If an employee is required to work on an authorized holiday, the employee shall accrue Holiday leave hours equivalent to the normal work day and the accrued leave must be taken within the fiscal year. **(Amended and approved by City Council 9-10-09)** ~~In order to qualify for holiday compensation, the employee must work his entire shift the day before the holiday and the entire shift after the holiday unless the day off has been pre-approved.~~ **(Deleted and approved by City Council 1-24-13)** An employee on an authorized leave with pay on the day the holiday occurs shall be paid for the holiday rather than the authorized leave.

403 - VACATION LEAVE

Full time employees will be eligible to accrue annual leave which may be used for vacations, time off to attend to business and for personal reasons. Accrual of annual leave is computed from the anniversary date of employment. Annual leave accrues at the following rate:

4-0-5 years	<u>0-71 months</u>	7 hours per month	84 hours per year
6-10 years	<u>72-131 months</u>	8 hours per month	96 hours per year
11 or more years	<u>132+ months</u>	10 hours per month	120 hours per year



Vacation leave will begin accruing the first day of employment, but is not available to be used within the first 6 months of employment. (amended 5-15-14) Vacation leave is to be taken in the year in which it is accrued. However, employees may carry forward no more than one year of accrued vacation leave into the next fiscal year. At the beginning of each fiscal year, employees are to designate, to the extent possible, the times when they wish to use vacation leave during that fiscal year to allow Department Heads to plan work schedules and projects. Upon termination from employment, employees will be paid for accrued but unused vacation leave. Employees may take only the amount of leave time, which has been accrued. Under normal circumstances, unearned annual leave will not be advanced to employees.

**Exception:** All City Employees, as of August 31, 1989, may accrue vacation leave up to the accrued vacation as of August 31, 1989, plus one year accrued vacation leave and may receive pay for same (if still accrued) at retirement or termination, but not to exceed 240 hrs.

All requests to use vacation leave must be approved in advance by the Supervisor/Department Head and scheduled so as not to unduly disrupt the efficient operations of the Department. It is the responsibility of the Supervisor/Department Head to ensure that the employee's vacation leave is scheduled within twelve (12) months of the employee's anniversary date of employment. Accrued vacation leave may be scheduled in increments of a minimum of two (2) hours but not more than a maximum of eighty (80) hours. Requests for scheduling of vacation leave in excess of eighty (80) hours will require approval of the Department Head.

On June 1<sup>st</sup> and December 1<sup>st</sup> of each year, if funds are available and with approval by the City Manager, (Amended and approved by City Council 6-16-10) an employee who has accrued but unused vacation leave in excess of forty (40) hours may request that the City buy back vacation leave in increments of forty (40) hours. In addition, any employee who has accrued more than forty (40) hours of vacation leave may donate up to one-half of all accrued vacation leave to any other employee who has sustained a prolonged illness or injury and who has exhausted all of his/her own vacation and sick leave.

#### 404 - FAMILY MEDICAL LEAVE ACT

The City of Harrah has adopted a Family Medical Leave Act policy for all eligible employees as defined by the Act. A copy of the policy is attached as Appendix "E" to the Handbook.

#### 405 - ILLNESS AND INJURY

Regular, full time employees shall accrue sick leave at the rate of eight (8) hours per month beginning the first day of employment, but is not available to be used within the first 6 months of employment. The maximum accrual shall be 800 hours. After an employee has a balance of 800 hours of accrued sick leave, the employee will not continue to accrue sick leave until the balance falls below 800 hours.

~~Unused sick leave benefits shall not be payable to the employee upon termination of employment or resignation. An employee who retires under current retirement requirements, shall be paid one half (1/2) of their accrued sick leave up to a maximum of four hundred (400) hours. (CC approved removal 3-14-19 with effective date 4-1-19)~~

Sick leave may be used: 1) when employees are incapacitated by illness or injury; 2) for medical, dental, or optical diagnosis or treatment; 3) after exposure to a contagious disease when attendance at duty, in the opinion of the Department Head, would jeopardize the health of other employees; 4) illness of a member of the employee's immediate family (defined Art. 409); or 5) in compliance with the City's Family Medical Leave Act policy.

In cases of absences for a period of three (3) days or more, a physician's report and the release for full duty must be received before the employee is allowed to return to work. A licensed physician's statement is required to be submitted to Human Resource every consecutive thirty (30) day period of such absence containing the following information confirming the employee's continued inability to perform his normal duties. The City reserves the right to require the returning employee to submit to a fitness for duty examination by a physician selected by the City, which examination will be paid for by the City. If all accrued sick leave, annual leave or compensatory time is exhausted, and the employee is unable to return to work, the employee may be granted "leave without pay" in accordance with the City's FMLA policy. If the employee is still unable to return to work, he may be separated from employment. Such separation shall be considered a resignation in good standing. Employees may take only the amount of sick leave earned. Sick leave shall not be used for annual leave.

01. Excessive sick leave usage or continued illness may be cause for an employee to be placed on "Physical Report Status." Further, the Supervisor/Department Head may require a physician's release at any time should an illness be in question or if the employee's performance is hindered because of illness. Any employee discovered abusing sick leave privileges will be subject to disciplinary action.
02. **(All of #2 was deleted-Amended and Approved by City Council, October 5, 2006)**
03. An employee out on sick leave will not be authorized to engage in any other secondary employment without the expressed written permission of the City Manager.
04. ~~An employee who retires under current retirement requirements, shall be paid one-half (1/2) of their accrued sick leave up to a maximum of four hundred (400) hours. (CC approved removal 3-14-19 with effective date 4-1-19)~~

## DONATION OF SICK LEAVE

Any employee who has accrued a total of two hundred (200) hours or more of sick leave may donate up to but not to exceed one-half (1/2) of their total amount accrued to any employee who has sustained a prolonged injury or illness. Such donations will not be approved until the recipient has exhausted all of their own annual, Holiday or Sick Leave. Final approval must be granted in writing by the City Manager. No employee shall donate as much leave as to reduce their total accrued sick leave below one hundred (100) hours.

## 406 - ON THE JOB INJURIES

### A. Reporting Injuries:

01. An employee shall report as soon as possible to his Supervisor, Department Head, or to the Human Resources Manager any on-the-job injury regardless of the extent of the injury. Without good cause, failure to report an injury immediately is a violation of City policy and the employee may be subject to disciplinary action.
02. The Supervisor/Department Head shall secure first aid and determine if the employee needs further medical attention. If any reasonable doubt exists, the employee should be examined by a medical doctor/medical facility selected by the City.
03. ~~With the approval of the City, an employee may use his own personal physician. However, the City reserves the right to have the City's physician examine the employee prior to and during the treatment except for emergencies. The employee and his Supervisor must obtain a medical authorization form from the Human Resources Director prior to such alternative treatment. Exceptions to this procedure may be granted in the case of an emergency but a telephone call must be made by the Department Head or his designee informing the Human Resources Director of the injury.~~ Injured employee will be treated by physician selected by the City. (amended 5-15-14)
04. The City Manager and the Human Resources Director must receive a full report of any injury, signed by the employee, if possible, and the immediate supervisor within three (3) working days. Employees will also be supplied with a copy of a form to be completed by the attending physician/health care provider in order for payment to be made to the physician and/or hospital.

### B. Employees on injury leave must return to duty at the earliest practical date. Employees on injury leave may be required to submit proof of continuing disability to the City Manager

and the Human Resources Director. Employees returning to regular, non-restricted duty must submit a “Release to Work Without Restrictions” form from the attending or City’s physician to the Human Resources Director.

- C. Fitness for Duty Exam: An employee may be required to undergo a fitness for duty examination by the City’s physician to determine whether the employee is able to perform the essential functions of the position with or without accommodation. If an accommodation is not possible without an undue hardship to the City, the employee’s services may be separated.
- D. Nothing in this section shall be construed, deemed or interpreted as abridging or interfering with an employee’s rights under the Oklahoma Workers’ Compensation Act, nor shall any provision of such laws abridge or interfere with the benefits provided under this section or the rights of the City reserved herein.
- E. Employees unable to work due to a job related injury are not authorized to work any secondary job for compensation without the approval of the City Manager.

#### 407 - RETIREMENT

- A. Regular, full time employees are covered under a retirement plan(s). All employee contributions to the retirement systems are handled through payroll deduction. Participation in one of the plans is mandatory.
- B. Social Security - All employees are subject to Social Security FICA/Medicare deductions. City and employee contributions are made in accordance with the law.

#### 408 - ALLOWANCES

- A. Travel - All trips out of town for City business and training must be approved in advance by the City Manager. Employees who are on approved assignment for the City shall be eligible for reimbursement for lodging, conference/seminar registration fees, meals, and transportation (personal vehicle) expenses. The reimbursement may be subject to being taxed based on the then existing Internal Revenue Service regulations. Employee may request advances for these allowances subject to management approval. The following criteria will be used to determine reimbursement:
  - 01. Original receipts will be required for lodging and meals. Between meal snacks and drinks will not be reimbursed. The City will not pay for any alcoholic beverages.

02. A maximum of Thirty-six dollars (\$36.00), including tips, per day will be allowed for meals. As noted, the reimbursement may be subject to being taxed. Further, an employee will not be eligible to be reimbursed for a meal if the meal is provided as part of the registration fee.
03. Mileage will be reimbursed according to the current Internal Revenue Service allowance when a personal vehicle is used. In the event that an employee has a City issued vehicle, that vehicle must be used unless the Department Head determines that it is in the best interest of the Department that the vehicle remain available for common use. If a commercial airline is used, economy fare must be used.
04. Charges for tolls and parking fees will be reimbursed.

Claims for reimbursement are to be made on the City's travel forms (see Appendix F) and individual receipts are required. An employee wishing to attend a conference, seminar or other meeting must submit a request, in writing, to the City Manager for approval along with an agenda and itemization of expected costs.

B. Credit For Hours Worked - Employees attending approved official City business at the request of the City shall be given credit for hours worked based upon the following criteria:

01. Credit for attendance will be based upon the starting time of the function and the ending time of the function, less meal periods or social hours.
02. Credit for hours of travel will be based on the total hours of travel from the point of departure and return to the point of departure, when the hours of travel require leaving and returning outside the normal workday. When travel time is scheduled, consideration will be given to provide for the safety of the employee in relation to the number of hours spent driving to and returning from the official City assignment.
03. For official assignments that last more than one (1) day, the travel time outside the normal workday is figured from the point of departure on the first day and return to point of departure on the completion day.
04. Out of state functions will be considered on a case-by-case basis as far as travel time is concerned.

#### 409 - OTHER LEAVE PROVISIONS

- A. Military Leaves of Absence and Restoration of Position - A full time employee who is a member of the reserve component of any branch of the Armed Forces and who is either ordered to active duty or is required to attend annual training tours of duty is entitled to the benefits pursuant to applicable state and federal laws as amended from time to time. An employee returning from military leave is entitled to re-employment to his former position in accordance with State and Federal Laws. A copy of the employee's orders must accompany any request for time off.
- B. Leave of Absence Without Pay - A leave without pay may be requested by a regular full time employee following one full year of service. Exceptions to the time in service requirement may be made at the discretion of the City Manger in unusual circumstances. The leave request must be submitted in writing to the Human Resources Director for consideration by the City Manager stating the reason for the leave and the approximate time. A leave of absence must not interfere with the normal operations of the Department. Any leave shall not exceed six (6) months. An extension of leave time may be requested due to an emergency or extenuating circumstances. Benefits will not accrue during this period. Except as provided in the City's FMLA policy, health insurance benefits will only continue upon payment of full premiums by the Employee.
- C. Voting - Any employee will be allowed a reasonable amount of time off up to the maximum required by state law in order to vote should the employee be unable to vote at any time other than working hours due to requirements of the City. The employee must request time off to vote at least one (1) day prior to the election.
- D. Absence Without Leave - Absence without leave means any absence of an employee from duty without specific authorization. Whenever an employee is absent from work without prior authorization, the employee shall not receive pay for such absence and may be subject to disciplinary action.
- E. Abandonment of Position - An employee who is absent from work for two (2) consecutive working days without prior authorization shall be deemed to have abandoned and resigned his position effective at the beginning of the first day of unauthorized absence. The employee's separation will be reported as a resignation by abandonment of position.
- F. Civil Leave - An employee will be given time off with pay when performing jury duty or when required to serve as a witness in any criminal or civil proceeding as a result of his/her duties for the City not to exceed thirty (30) days in any twelve month period. This does not apply to testimony in non-city related business. The compensation paid by the Court to the employee for such duty is to be deposited to the General Fund of the City. If an employee is involved in a personal court action, he may be granted leave to attend to his business; however, the time off will be charged to his vacation leave or compensatory time and, thereafter, will be leave without pay.

- G. Bereavement Leave- An employee may be granted up to three (3) days off with pay for funeral leave per year. Such leave will be allowed for an employee to attend the funeral, make arrangements for or to perform related activities involving an immediate family member defined as spouse, children, parents, grandparents, grandchildren, brother or sister (all to include step, half or foster relationships). Funeral leave may also be used by an employee for situations involving an employee's spouse's immediate family.

#### 410 - EDUCATIONAL INCENTIVES

Subject to annual appropriation of funds by the City Council and at the discretion of the City Council on an annual basis, the City may provide the following educational incentives:

Associate Degree from an accredited college or university:	\$ 50.00 per month
Bachelors Degree from an accredited college or university:	\$100.00 per month

A certified copy of a transcript from an accredited college or university conferring the degree must be provided.

For Public Works employees only, and in lieu of the education incentives set forth above, the following incentives may be provided at the sole discretion of the City Council and subject to sufficient appropriations:

1. Completion of correspondence course approved by the City Manager in the field of water or sewer maintenance: \$25.00 per month per course up to a maximum of \$75.00 per month.
2. Attainment of water, sewer or lab license higher than required by the position held by the employee: \$25.00 per month per license up to a maximum of \$100.00 per month.

This provision includes a C license or above for Public Works Technician, a B license or above for the Public Works Supervisor and an A license or above for the Waste Water Treatment Plant Supervisor. Water and Sewer Laboratory licenses must be one grade above the basic laboratory license to qualify.

### **SECTION 500**

#### **HOURS OF WORK AND ATTENDANCE**

##### 501 - WORK PERIOD

The work period is a standard seven (7) day workweek which begins Sunday morning at 0001 hours and ends the following Saturday at 2400 hours. When necessary, emergency and essential functions will operate 24 hours per day, seven days per week.

#### 502 - OVERTIME

- A. Non-exempt employees are entitled to receive compensatory time off at the rate of one and one-half (1-1/2) times for all hours actually worked over forty (40) in the standard work period as defined in Subsection 501. Except in an emergency, all overtime work must be pre-approved by the Supervisor/Department Head with final approval by the City Manager before the time records are turned in. Over time pay is not authorized. Whenever possible, compensatory time off is to be taken in the same pay period in which it is earned. However, if this is not possible, the City reserves the right to schedule the compensatory time off at its discretion.

#### 503 - LUNCH PERIODS

Whenever possible, employees, other than police and fire department employees, will be granted a non-paid one (1) hour lunch period each work day. The lunch period for police and fire employees shall be included in the forty hours of paid work. Lunch periods may vary from department to department depending on daily work schedules. Supervisor/Department Head shall schedule lunch periods so that normal service to the public will not be interrupted during the workday.

#### 504 - SCHEDULES

Supervisor/Department Heads shall schedule shifts and working hours necessary for the efficient operations of their Departments.

#### 506 - ABSENTEEISM

Except in an emergency, any employee absent from work shall be responsible for notifying his Supervisor/Department Head, or in his absence the City Manager or Human Resources Director, two (2) hours in advance when he is to be off and when he will report back to work. Any employee who fails to comply with this rule may be subject to disciplinary action.

#### 507 - TARDINESS



Each employee must be ready to work at the starting time and work up to the quitting time. Inexcusable or habitual tardiness will be grounds for disciplinary action up to and including termination.

#### 508 - RECORDING OF TIME WORKED

Supervisors are required to keep an accurate record of hours worked by each employee. The time sheet shall reflect only authorized hours of work unless an exception is made by the City Manager.

- A. Mechanized record of time - Where available, employees are required to utilize time clocks at least four (4) times daily: when they report to work, leave for lunch, return from lunch, and leave work at the end of the shift. An employee may not clock in sooner than seven (7) minutes before the beginning of his shift. Exceptions must be approved by the Supervisor/Department Head and the City Manager. After-hours work and overtime must be authorized before such hours are worked. Employees will not tamper with the time clock or alter the timecard in any way. An employee found guilty of tampering with the time clock/cards or of clocking in or out for another employee will be subject to discipline up to and including termination.
- B. Time Sheets - Time sheets will be maintained for each employee. An employee's wages are computed directly from this record, which must be signed by the employee. Supervisors/Department Heads shall validate the hours worked and sign the time sheets before submitting them to the Payroll Clerk. The Supervisor/Department Head shall make all notations or alterations to the employee's timecard or time sheet. If the employee disagrees with any notation or alteration, the employee is required to sign a statement detailing the reason for refusing to certify the notation or alteration.

#### 509 – COMPENSATION FOR “CALL-BACK” PERSONNEL

During a local, state, or federally declared disaster or emergency, certain “critical “ or “essential” personnel may be asked to return to, or remain at work. In cases of emergency, where excessive overtime may be required, the City Manager may authorize personnel to remain or return to work and may authorize overtime to be paid to all employees, which would include salaried and hourly, rather than comp. time.

This must be enforced regardless of whether there is an officially declared disaster or not.  
**(509 added to policy and approved by City Council 12-20-07)**

## SECTION 600

### IN-SERVICE PROVISIONS

#### 601 - TRAINING AND SAFETY

Training is an important part of the success and efficiency of the City's services and is instrumental to employee development. It is viewed as a shared responsibility between the employee and management. The goal is to broaden the knowledge and skills of the employee in areas related to his job performance, to provide skills for enhanced career development and to ensure the best possible service to the public. Because degrees of training may differ between departments, the responsibility for the development of employee training programs is assigned to the Supervisors/Department Heads. They will review training needs at regular intervals to assure that effective training is accomplished within the department.

The City is committed to providing a safe and healthy workplace for all employees. Responsibility for observance of safe work practices is shared by each employee. Therefore, employees are required to attend safety training and apply the information provided by any in-service safety training manual. An employee is to immediately notify the Supervisor/Department Head of any unsafe condition in the workplace.

- A. Tuition assistance for city employees will be provided for those who have requested assistance for courses in advance of enrollment and which are administered by an accredited college, university, or technical training center. Tuition is limited to the maximum of the highest in-state tuition and fees charged per credit hour by public Oklahoma Universities or Colleges. To be acceptable for reimbursement of tuition, each course taken must provide training which will tend to improve the services which the employee was hired to perform or may be reasonably expected to perform and said course must be completed with a grade of "C" or higher. When a letter grade is not awarded, a "Satisfactory" level is acceptable. Correspondence needed towards a degree must be attached to the individual's request for reimbursement. The request must be approved by the Supervisor and the City Manager and filed in the individual's personnel file.

Upon successful completion of an approved course or courses, the applicant will initiate a claim on a purchase order for reimbursement of tuition as follows:

1. The employee must present a receipt from the university or college reflecting the amount paid for the tuition.
2. The employee must present a grade report from the university or college reflecting a grade of "C" or higher, or "Satisfactory".

3. The above items must be attached to a completed purchase order.
4. Reimbursement will be done on the following scale: “A” will be reimbursed at 100%, “B” will be reimbursed at 75%, and “C” will be reimbursed at 50%. Anything below “C” will not be eligible for reimbursement under this benefit.
5. Any employee using the City’s funds to obtain a degree, must upon obtaining said degree, sign a statement stating they will stay employed with the City of Harrah for an additional four (4) years. If the City terminated the employment, the employee is no longer held to signed statement. **If employee resigns from position within the four (4) years, employee will be required to reimburse the city at the following prorated schedule:**

<b><u>100% up to one (1) year</u></b>
<b><u>75% greater than one (1) year but less than two (2) years</u></b>
<b><u>50% greater than two (2) years but less than three (3) years</u></b>
<b><u>25% greater than three (3) years but less than four (4) years</u></b>

**(Added and Approved by City Council June 20, 2013)**
6. The City Manager will be responsible for determining which fund the monies for this benefit is budgeted and the total expenditure per semester will be \$3000 for all employees.
7. Upon enrollment, the employee may submit to the City Manager enrollment forms and degree requirements to allocate funds out of the allowable monies for this benefit that will be dependent upon the above scale for reimbursement.

**Section 600-A was added and Approved by Harrah City Council on July 19, 2007**

**602 - PROMOTION**

The City will attempt to promote from within the workforce when it is determined that it would be in the best interest of the City and public. However, the City reserves the right to hire from outside sources for any position. In considering a promotion from within the workplace, the City will consider the person’s merit (the employee’s qualifications, skills, aptitude, attitude, performance evaluations and attendance) and fitness for the position. An employee may apply for a promotion after he has been in his current position for at least six (6) months.

If an employee is selected for promotion, he will receive a higher level of pay than what he is currently receiving, in accordance with the current pay plan adopted by the City Council. If the employee fails to meet the standards set for the position within a six (6) month period, the employee may be returned to his previous job classification if available, at the discretion of the City Manager and his pay decreased to that level.

No employee may be promoted or transferred to a position, which will result in that person being in a supervisory role in relationship to a spouse or family member. For the purpose of this policy, a supervisory role is defined as one where the person has direct or indirect input over the subordinate employee's pay, job evaluations, disciplinary recommendations, promotions, demotions or day-to-day supervision. Further, no employee may transfer into a position, which will result in the person being supervised by a spouse or family member. Family member is defined to include parent, child, brother, sister, aunt, uncle, cousin, niece, nephew, parent-in-law, brother-in-law or sister-in-law (all to include step, half and foster relationships).

In the event a situation arises in conflict with this provision, the impacted persons will be given three (3) months to resolve the conflict by one of the parties transferring to another department, resigning, accepting a demotion to a non-supervisory position or the like.

### 603 - TRANSFER

An employee may request a transfer after he has been in his position for at least six (6) months, or may be asked to transfer to a different Department if it is in the best interest of both Departments and if the employee meets the qualifications for that position. The employee shall be placed in the pay step deemed appropriate by the Supervisor/Department Head and approved by the City Manager.

### 604 - DEMOTION/REASSIGNMENT

An employee may be reassigned to another available open position for which he is qualified if his position has been abolished or if he is unable to perform the duties of his current position. An employee may be demoted for disciplinary purposes. The employee shall be placed in the pay step deemed appropriate by the Supervisor/Department Head and approved by the City Manager.

### 605 - PERFORMANCE EVALUATION

The purpose of an evaluation is to:

Maintain or improve the employee's job satisfaction and morale;

Advise the employee of his strengths and weaknesses and what is expected of him in performing his duties;

Serve as a basis for promotion, demotions, reassignments and/or discipline;

Build and strengthen the Supervisor/Department Head and employee's work relationship; and

Determine the employee's possible merit pay for a given fiscal year.

All evaluations will be maintained in the employee's personnel file.

A. Introductory Period Evaluation - ~~During the six (6) month introductory period, the immediate Supervisor/Department Head will monitor the employee's work habits, ability, and performance. If the Supervisor/Department Head considers the employee's overall performance to be satisfactory, regular full-time status will be recommended on completion of the introductory period. The Supervisor/Department Head shall keep the employee informed of his job performance throughout the introductory period.~~  
**Employee's will be evaluated during the first six (6) months of their twelve (12) month introductory period. If the Supervisor/Department Head considers the employee's overall performance to be satisfactory, employment will continue and a second evaluation will be completed at the end of the twelve (12) month introductory period. If the employee's overall performance is satisfactory, regular full-time status will be recommended on the completion of the introductory period. It is the responsibility Supervisor/Department Head to keep the employee informed of his job performance throughout the introductory period. (Amended and Approved by City Council June 20, 2013)**

B. Annual Evaluation -Within thirty (30) days prior to the employee's anniversary date of employment in his current position, the immediate Supervisor/Department Head will evaluate the employee's quality and quantity of work performed. If the performance evaluation is satisfactory or better, and if the employee is not at the maximum of his pay range, the Supervisor/Department Head may submit a recommendation for a pay increase for the employee. The Supervisor/Department Head shall discuss the employee's job performance evaluation with the employee.

#### 606 - DISCIPLINARY ACTION

The regulation of acceptable conduct is necessary for the orderly and efficient operation of the City and for the benefit and protection of the rights and safety of all employees and citizens. The following guidelines and procedures are designed to promote understanding of what is considered "unacceptable conduct." These are guidelines only and other unacceptable conduct may result in disciplinary action being imposed on the employee.

A. Progressive Discipline: The City will attempt to follow a system of progressive discipline for those offenses that are not serious. Progressive discipline might include counseling,

oral reprimand/admonishment, written reprimand, suspension, demotion or reassignment, disciplinary probation and discharge. However, progressive discipline is only a guideline and the City retains the right to impose whatever level of discipline it deems appropriate for any unacceptable conduct when deemed in the best interest of the City.

B. Disciplinary Procedures: While the express purpose of discipline is to correct inappropriate performance or behavior, discipline may be punitive in nature and will be based on an employee's status or classification, past performance and behavior, the severity of the circumstances and the evidence warranting any action. When reviewing the degree of discipline to be imposed, the areas to review may include, but are not limited to, the following:

- Severity of the action;
- Policy or procedure violated and the employee's knowledge thereof;
- Past work history;
- Degree of damage/injury to equipment, property or persons;
- Length of service;
- Degree of insubordination, if any;
- Cover-up or false statements or records;
- Prior safety record, if applicable;
- Violation of a disciplinary probation agreement;
- Cooperation during any investigation.

Employment is at will and may be terminated when such action is deemed for the good of the service. To assist employees and supervisors in understanding the disciplinary philosophy of the City, the following factors may be considered in determining the appropriate level of discipline. These factors are designed to serve merely as guidelines and the City of Harrah reserves the right to impose discipline for any reason deemed necessary for the good of the service and to select the level of discipline it deems appropriate for any single offense up to and including termination.

C. Disciplinary Reasons: The following are examples of the type of infractions, which normally would warrant severe discipline including termination. This list is not intended to be all-inclusive.

01. Insubordination: Gross neglect of duty, refusal to comply with management's lawful instructions or violation of or refusal or inciting others not to comply with departmental or City rules and regulations.
02. Negligent misuse, willful or malicious damage to, or destruction of, City property or property of others.
03. Theft, misappropriation or misuse of City property.

04. Conviction of or plea of guilty to any felony, or any criminal misconduct on or off duty involving moral turpitude or conduct that shocks the conscience of the community or brings the City's good name into disrepute because the conduct is public. A plea of "nolo contendere" will be considered tantamount to a conviction.
05. Disorderly or offensive conduct while on duty; disgraceful or offensive conduct while on or off duty, when such behavior threatens public respect for the City service or the public order, safety, or health.
06. Deliberate discourtesy to the public.
07. Habitual tardiness, unauthorized or excessive absences or abuse of sick leave, falsification of leave usage, sleeping on duty except when accepted as a normal portion of the job assignment.
08. Acceptance of a gift or fee or other valuable thing in the course of or in connection with work, other than items of nominal value.
09. Improper use of Authority: Use of official position or authority for personal profit or advantage; inducing or attempting to induce any employee to commit an unlawful act or to act in violation of any lawful departmental regulations or professional ethics; discussing with unauthorized persons any confidential information gained through employment with the City.
10. Falsification of records, including application records or papers, time records, claims against the City, or falsification of any City record.
11. Being under the influence of intoxicants or drugs while on duty, or while in any City vehicle or possession, use or distribution of alcohol or illegal substances while at work or on City property.
12. Unreasonable failure to follow any safety policy, rule or regulation; gross negligence in the performance of duties; or any conduct that would place the employee, citizens or fellow employees or City property at risk.
13. Smoking in unauthorized areas.
14. Vending, soliciting, or collecting contributions on City time or City premises without prior authorization.
15. Violation of the City's policy against discrimination or harassment.

16. Excessive garnishments, tax liens or wage assignments as regulated by State law.
  17. Loss of appropriate licenses or certificates necessary to the function of the job or requirements for original appointment to the job.
  18. Job abandonment.
  19. Fighting or gambling on duty or while on City property.
  20. Failure to maintain “conditions of employment” as outlined in any disciplinary probation agreement.
  21. Consistent inability to perform assigned duties in an acceptable manner.
  22. Any behavior that impedes, interrupts, contradicts or jeopardizes the effective functioning of the City.
- D. The following are examples of infractions, which if not repeated, would generally warrant less severe discipline. This list is not intended to be all-inclusive. Repeated violations or cumulative violations would result in more severe discipline.
01. Violations of policies or procedures when proof exists that the employee had no knowledge or reason to have knowledge of the infraction.
  02. Minor first violations of a policy or procedure, not considered a safety violation and not involving damage to or loss of City equipment, property, material or supplies, or any injury to any person.
  03. Initial substandard performance before the employee is placed on notice.
  04. Minor attendance problems.
  05. Initial non-conformance with acceptable dress codes or hygiene standards.
  06. Failure to report known violations of policy or procedure.
  07. Failure to become knowledgeable of policies, procedures or work routines/processes.
  08. Conviction of a misdemeanor, including minor traffic offenses on the job. A plea of “nolo contendere” is tantamount to a conviction. A plea bargain from a felony



may or may not fall within this category based on the seriousness of the offense and whether it fits the definition of conduct unbecoming an officer.

09. Violation of traffic laws, parking ordinance, or noncompliance with accepted traffic safety practices.

E. Authority to Suspend and Length of Suspension

Summary Suspension: When it is deemed for the good of the service to immediately remove an employee from active service because he is a danger to the public, fellow employees, or to the City, a summary suspension with pay may be issued by the City Manager prior to finalizing the investigation.

607 - DISCIPLINARY HEARING PROCEDURES

Employees who are subject to potential disciplinary action involving reassignment with loss of pay, demotion, suspension without pay or termination will be offered an administrative hearing before the Personnel Review Board before any final action is taken. This hearing procedure is available only to regular, full time employees.

The Personnel Review Board will be composed of three current city employees of supervisory rank or above who are not employed in the same department as the employee under consideration. The Board shall hear testimony and evidence concerning the basis for the recommendation of discipline. The employee shall have the right to be present and to present evidence and testimony on his behalf. If the employee intends to be represented by counsel, he is to notify the Human Resources Director at least two (2) working days prior to the hearing. The procedures for initiating a hearing shall be as follows:

01. The Department Head will prepare a statement of charges with supporting facts and with a recommendation for discipline. A copy will be provided to the employee, the City Manager and the Human Resources Director. The employee will be notified, in writing, of the recommendation.
02. If the employee desires a hearing before the type of discipline enumerated above becomes final, he must submit a request for a hearing, in writing, with the City Manager within three (3) business days of receipt of the statement of charges.
03. The employee will be notified, in writing, of the date, time and place for the hearing, which shall be scheduled no sooner than three business days after the employee's request for a hearing.

04. Following the hearing, the Board will prepare written findings of facts and recommendations for discipline, if any, and present the same to the City Manager for consideration and possible action. The employee shall be notified of the decision of the City Manager in writing.
05. The findings and recommendations of the Board are advisory only and the final decision rests with the City Manager, which decision shall be final and binding. An employee utilizing the right to a hearing before the Personnel Review Board waives all other grievance or arbitration rights or procedures.

#### 608 - GRIEVANCE PROCEDURE

The City's policy is to encourage employees to make grievances known in an appropriate manner without fear of reprisal. Employees are encouraged to discuss with their Supervisor/Department Head any problems or issues which have the potential to create a negative or adverse atmosphere and/or to impede an employee's performance. The intent of the City's grievance procedure is to fairly and expeditiously resolve problems through open, direct, honest two-way communication and to ensure, to the extent possible, that such problems/issues do not continue.

An employee who feels aggrieved is to verbally discuss the situation with the Supervisor/Department Head in an effort to informally address potential problem areas. Should the grievance directly involve the Supervisor/Department Head, the employee may proceed to the Human Resource Director.

The Department Head is to investigate the matter and take appropriate action to resolve the problem in a fair and timely fashion. If the grievant is not satisfied with the results obtained, the employee may submit a written account of the problem/issue and any action taken to the Human Resources Manager. Such statement must include:

1. A statement of the problem;
2. Names of the parties involved;
3. The employee's perception of the Supervisor's/Department Head's response to the problem;
4. Identification of the areas satisfied by the Supervisor's/Department Head's response and identification of the areas that remain unresolved.

The Human Resources Manager, with the assistance of the City Manager, may then consult with the parties in an effort to bring about a fair, expedient, equitable solution, and may further investigate the situation, if necessary.

#### 609 - SEPARATIONS

Upon separation from employment, the employee will be required to return all City property before his final pay check is issued. The separation date is the employee's last day to work except when an employee becomes disabled in which case the last day paid is the separation date. Upon separation, the Human Resources Manager will conduct an exit interview. This provides the employee with an opportunity to receive any benefit forms, to have any questions answered and to provide information related to the reasons for leaving City employment, where applicable.

- A. Resignation - All employees, except temporary employees, are expected to give at least ten (10) working days notice prior to their last day of work. Failure to do so may be cause for denying future employment with the City. An employee resigning in good standing may be considered for re-employment by complying with all requirements for a new employee.
- B. Layoff - When there is a shortage of work or funds, or when the abolishment of a position becomes necessary, an employee(s) may be laid off. Recall of laid-off employee(s) may be considered at the discretion of the City when clearly in the best interest of the City if the position is re-established or if a vacancy becomes available for which the employee is qualified.
- C. Retirement - Retirement as outlined in this handbook and the official applicable plan documents.
- D. Disability - An employee who is unable to perform the essential functions of the position and where an accommodation would impose an undue hardship on the City may be separated as permitted by State and Federal law.
- E. Death of Employee - In the event of the death of a City Employee, termination shall be effective as of the date of death. Compensation due will either be paid to the beneficiary as designated by the employee or to the estate of the employee.
- F. Termination - Termination will be for the good of the service.

#### 610 - USE OF CITY PROPERTY

All employees are expected to exercise care in the use of City property. Personal use of City property or equipment is prohibited. Negligence in the care and use of City property, personal use of such property, or unauthorized removal of City property, may result in discipline. City

equipment and property may not be removed without prior authorization from the City Manager. Employees are prohibited from working on personal projects or outside businesses or activities during regular work hours. Employees violating these policies will be subject to discipline up to and including termination.

All employees are expected to exercise proper care in the use of all City property, tools and equipment. Any employee who loses City property or equipment, or who negligently damages the same, shall be responsible for the reasonable cost in replacing the items.

The City provides property and equipment to employees to assist them in carrying out their duties such as office equipment, computers, computer accounts, radios, voice mail, e-mail, fax machines, cellular telephones, furniture, lockers, vehicles and the like. All items remain the property of the City. These items are not for the exclusive use of any one employee. As these items are the property of the City, it reserves the right to inspect, review, audit, intercept, access, disclose and monitor such property, equipment and information systems at any time, with or without notice, and during or after regular work hours. All such items must be returned upon the request of the Supervisor/Department Head or the City Manager.

No employee is authorized to modify any such items without the prior written permission of the employee's supervisor. This includes, without limitation, a prohibition against loading floppy disks, software programs or CD-ROM operations onto the City's computers without prior permission. Employees are prohibited from removing City computers and software for use elsewhere. Computer games are prohibited on City equipment. No employee is authorized to change the lock on or use a personal lock on City owned equipment without specific written permission from the Department Head. An employee may only install and use a password on a City computer with the consent of the City Manager. All passwords, except those on law enforcement computers, must be provided to the City Manager. All passwords on law enforcement computers must be provided to the Chief of Police.

The City strives to maintain a workplace free of harassment and is sensitive to the diversity of its employees. Therefore, the City prohibits the use of computers, e-mail systems, voice mail and all other communications and information systems in any manner which is disruptive, offensive, disrespectful or harmful to the morale of the employees. Fraudulent, harassing, obscene or unlawful messages and/or materials are not to be sent, printed or stored on City equipment.

All City provided property and equipment are to be used only in the furtherance of legitimate City business. The City's information system is not to be used to solicit or proselytize for personal, political, commercial or religious causes, outside organizations or other non-job related personal matters. This policy does not prevent brief personal communications between employees or between employees and family members so long as it does not become time consuming and does not detract from day-to-day operations.

## 611 - VEHICLE OPERATION AND MAINTENANCE POLICY

Certain positions require the use of a City vehicle. Only employees assigned by a Supervisor/Department Head to a vehicle are authorized to drive that vehicle. An employee using a City vehicle must maintain it in a clean and orderly condition and ensure that it is properly fueled at the end of each shift. If a vehicle becomes unsafe to drive for any reason, a written report must be prepared and delivered to the Supervisor/Department Head and the City Manager.

Certain positions may require that a City vehicle be assigned to an employee on a long term basis. The employee holding that position is responsible for ensuring that all licenses and inspections are kept current, and that necessary servicing and repairs are performed.

The following conditions shall apply to the use of any City vehicle:

1. All employees utilizing a City vehicle must hold a valid appropriate driver's license as required by State law.
2. Traffic citations received while operating a vehicle are the responsibility of the driver operating the vehicle.
3. Smoking is not permitted in City vehicles.
4. City vehicles will be operated at all times in conformance with state and local laws. The driver and all passengers shall wear safety restraints at all times.

### **Accidents:**

1. All vehicular accidents must be reported immediately to the police department, the Supervisor/Department Head and the City Manager.
2. An "*Accident Reporting Form*," (see Appendix G) is contained in the glove compartment of each City vehicle. This form must be completed by the driver at the scene of the accident or as soon thereafter as possible.

City employees may be transported in City vehicles while on duty or while engaged in City business. In addition, elected City officials, members of City Boards and Commissions, City volunteers, persons in police custody and persons designated by the City Manager may ride in City vehicles. All other persons may only be transported in a City vehicle in the case of an emergency or with permission of the City Manager.

