

# City of Sand Point

## FY 2000 Personnel Policies and Procedures Manual



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# **CHAPTER 1**

## **FUNCTIONS OF THIS MANUAL**

### **Section 1-A      Employee Acknowledgement**

I, \_\_\_\_\_ (employee), acknowledge the existence of this Personnel Manual and that I was given a copy of this Manual on the date signed below. I further acknowledge that I may, at any time, ask for clarification of a policy found in this Manual. I also understand that this Manual is City property.

I further understand that this Manual does not create a contract with the City for any purpose and that the provisions of this Manual may be expanded, modified or eliminated at any time.

A copy of this signed acknowledgment will be kept in my permanent personnel file.

Printed Name: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

## Section 1-B Mayor's Letter

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(Date)

To: All City Employees  
Re: Personnel Policies

This Manual has been prepared as a guide and reference for the employees of the City of Sand Point. The Manual has the unqualified approval of the Sand Point City Council and City Administrator.

We believe that it is in the best interest of the organization and our employees to have written personnel policies because of the complex legal nature of the employment relationship. It is essential that all city employees understand the role of these policies in meeting the organization's objectives and in limiting our legal exposure.

Any policy, however, is only as good as its implementation. Supervisors who are in direct contact with and responsible for, a group of employees are essential to effective policy implementation. You are the individuals who must translate these ideas and principles into action. We depend upon you for the successful development of a productive, legal, and harmonious working environment for all our employees.

Also, the City recognizes that Sand Point is a fishing community and as an employer, we will work with our employees to accommodate requests for short-term leaves-of-absence to work in the fishing industry, if it is mutually beneficial to the City and employee to do so.

I request that you thoroughly familiarize yourself with the contents of this Manual so that all personnel policies of the organization may be administered fairly and effectively.

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Mayor

## Section 1-C Purpose of This Manual

**Policy:** It is the policy of the City that this Manual should be used as an outline of the basic personnel policies, practices, and procedures for the organization.

**Comment:**

(1) This Manual contains general statements of City policy and should not be read as including the details of each policy. Additionally, this Manual should not be interpreted as forming an express or implied contract or promise that the policies discussed in it will be applied in all cases. The City may add to the policies in the Manual or revoke or modify them from time to time. It will try to keep the Manual current, but there may be times when policy will change before this material can be revised.

(2) All Manuals are City property. The Personnel Officer (or designee) is responsible that all employees receive a copy of this Manual.

(3) A Personnel Policy Committee, which includes the Personnel Officer, may be established to review and authorize changes in the City's personnel policies. Department heads and supervisors are encouraged to recommend changes or new policies. The Personnel Officer is responsible for disseminating new policy information.

(4) Department heads and supervisors should refer to the Manual whenever questions of policy interpretation or implementation arise. Issues needing clarification should be referred to the Personnel Officer or the Personnel Policy Committee (if established).

5) As used in the Manual:

- (a) The word "City" shall mean the City of Sand Point;
- (b) The words "shall" or "will" should be interpreted as mandatory and the word "may" as permissive;
- (c) The masculine gender should be interpreted to include the feminine gender;
- (d) "Supervisor" means an individual with the authority to assign, direct, and review the work of two or more subordinates; and
- (e) "Immediate family" means the employee's spouse, brother, sister, parent, child, stepchild, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, and any other member of the employee's household.

## **CHAPTER 2**

# **EMPLOYEE-EMPLOYER RELATIONS**

### **Section 2-A      Personnel Officer**

**Policy:**        It is the policy of the City that the Mayor functions as the Personnel Officer and as head of the Personnel Department.

**Comment:**

(1) The Mayor, as head of the Personnel Department, supervises the work of the department's staff.

(2) The Mayor is responsible for handling the City's human resources function and, in that capacity, deals with all matters concerning human resource management. In addition, the Mayor provides staff assistance to supervisors and department heads in developing, communicating, and carrying out the City's personnel policies.

(3) The Mayor's responsibilities include the following:

- (a) Planning and formulating general personnel policies;
- (b) Overseeing compliance with all federal, state, and local employment laws;
- (c) Overseeing recruiting, interviewing, testing, selection, placement, and orientation of new employees;
- (d) Implementing special education, counseling, training, and development;
- (e) Coordinating the appraisal, transfer, promotion, layoff, recall, demotion, and termination of employees;
- (f) Administering compensation programs for both exempt and nonexempt employees;
- (g) Administering employee benefit plans and programs and the disclosure of information concerning benefits.
- (h) Implementing appropriate disciplinary and grievance procedures
- (i) Maintaining personnel records and evaluating personnel programs and policies.

### **Section 2-B      Code of Employer-Employee Relations**

**Policy:**        It is the policy of the City to implement fair and effective personnel policies and to require all employees to support the organization's best interests.

**Comment:**

(1) The City is committed to a mutually rewarding and direct relationship with its employees. Thus, the City attempts:

- (a) To provide equal employment opportunity and treatment regardless of race, religion, color, sex, age, national origin, disability, or military status;
- (b) To provide compensation and benefits comparable to the work performed;
- (c) To establish reasonable hours of work based on the City's goals and service needs;
- (d) To monitor and comply with applicable federal, state, and local laws and regulations concerning employee safety;
- (e) To offer training opportunities for those whose talents or needs justify the training;
- (f) To be receptive to constructive suggestions about a job, working conditions, or personnel policies.

(2) The City, as part of its commitment to providing citizens with excellent service, expects all employees:

- (a) To deal with the public in a professional manner;
- (b) To perform assigned tasks in an efficient manner;
- (c) To be punctual;
- (d) To demonstrate a considerate, friendly, and constructive attitude toward fellow employees; and
- (e) To follow the policies adopted by the City.

(3) The City retains the sole discretion to exercise all managerial functions, including the rights:

- (a) To dismiss, assign, supervise, and discipline employees;
- (b) To determine and change starting times, quitting times, and shifts;
- (c) To transfer employees within departments or into other departments and other classifications;
- (d) To determine and change the size and qualifications of the work force;
- (e) To determine and change methods by which its operations are to be carried out;
- (f) To determine and change the nature, location, goods produced, services rendered, quantity, and continued operation of the City; and
- (g) To assign duties to employees in accordance with the City's needs and requirements and to carry out all ordinary administrative and management functions.

**Section 2-C Deleted**

## **Section 2-D Equal Employment Opportunity**

**Policy:** It is the policy of the City to provide equal opportunity in employment to all employees and applicants for employment. No person will be discriminated against in employment because of race, religion, color, sex, age, national origin, disability, or military status.

### **Comment:**

(1) This policy applies to all terms, conditions, and privileges of employment and all policies of the City, including hiring, probationary period, training, orientation, placement and employee development, promotion, transfer, compensation, benefits, educational assistance, layoff and recall, social and recreational programs, employee facilities, termination, and retirement.

(2) Any communication from an applicant for employment, an employee, a government agency, or an attorney concerning any equal employment opportunity matter should be referred to the Mayor.

(3) While overall authority for implementing this policy is assigned to the Mayor, an effective equal employment opportunity program cannot be achieved without the support of supervisory personnel and employees at all levels. Any employees who believe they have suffered from discrimination have a responsibility to report this concern to their supervisor or the Personnel Department.

## **Section 2-E Productive Work Environment**

**Policy:** It is the policy of the City to promote a productive work environment and not to tolerate verbal or physical conduct by any employee that harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive, or hostile environment.

### **Comment:**

(1) Employees are expected to maintain a productive work environment that is free from harassing or disruptive activity. No form of harassment will be tolerated, including harassment for the following reasons: race, national origin, religion, disability, pregnancy, age, military status, or sex. Special attention should be paid to the prohibition of sexual harassment.

(2) Each supervisor and manager has a responsibility to keep the workplace free of any form of harassment, and in particular, sexual harassment. No supervisor or manager is to threaten or insinuate, either explicitly or implicitly, that an employee's refusal or willingness to submit to sexual advances will affect the employee's terms or conditions of employment.

(3) Other sexually harassing or offensive conduct in the workplace, whether committed by supervisors, managers, nonsupervisory employees, or nonemployees, is also prohibited. This conduct includes:

(a) Unwanted physical contact or conduct of any kind, including sexual



- flirtations, touching, advances, or propositions;
- (b) Verbal harassment of a sexual nature, such as lewd comments, sexual jokes or references, and offensive personal references;
- (c) Demeaning, insulting, intimidating, or sexually suggestive comments about an individual's personal appearance;
- (d) The display in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects, pictures, or photographs;
- (e) Demeaning, insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages.

Any of the above conduct, or other offensive conduct, directed at individuals because of their race, national origin, religion, disability, pregnancy, age, or military status is also prohibited.

(4) Any employee who believes that a supervisor's, manager's, other employee's, or nonemployee's actions or words constitute unwelcome harassment has a responsibility to report or complain about the situation as soon as possible. The report or complaint should be made to the employee's supervisor; or to the department head or Mayor if (1) the complaint involves the supervisor or manager, or (2) the complainant does not feel comfortable involving the supervisor or manager in the complaint.

(5) Complaints of harassment will be handled and investigated under the City's grievance policy (see Grievance Procedure, Section 6-C), unless special procedures are considered appropriate. All complaints of harassment will be investigated promptly and in as impartial and confidential a manner as possible. Employees are required to cooperate in any investigation. A timely resolution of each complaint should be reached and communicated to the parties involved.

(6) Any employee, supervisor, or manager who is found to have violated the harassment policy will be subject to appropriate disciplinary action, up to and including termination. The City prohibits any form of retaliation against employees for bringing bona fide complaints or providing information about harassment.

## **Section 2-F Personnel Records**

**Policy:** It is the policy of the City to maintain personnel records for applicants, employees, and past employees in order to document employment-related decisions, evaluate and assess policies, and comply with government recordkeeping and reporting requirements.

**Comment:**

(1) The City tries to balance its need to obtain, use, and retain employment information with a concern for each individual's privacy. To this end, it attempts to maintain only the personnel information that is necessary for the conduct of its business or required by federal, state, or local law.

(2) The Personnel Department is responsible for overseeing recordkeeping for all personnel information and will specify what information should be collected and how it should be stored and secured.

(3) Employees have a responsibility to keep their personnel records up to date and should notify the Personnel Department in writing of any changes in at least the following:

- (a) Name;
- (b) Address;
- (c) Telephone number;
- (d) Marital status (for benefits and tax withholding purposes only);
- (e) Number of dependents;
- (f) Addresses and telephone numbers of dependents and spouse or former spouse (for insurance purposes only);
- (g) Beneficiary designations for any of the City's insurance, disability, pension, and profit sharing plans; and
- (h) Persons to be notified in case of emergency.

In addition, employees who have a change in the number of dependents or marital status must complete a new Form W-4 for income tax withholding purposes within ten days of the change, if it results in a decrease in the number of dependents.

(4) Employees may inspect their own personnel records and may copy, but not remove, documents in the file. Inspections by employees must be requested in writing to the Personnel Department and will be scheduled at a mutually convenient time. Records that are considered to contain sensitive or confidential plans or information may be excluded from the inspection, and all inspections must be conducted in the presence of a designated member of the Personnel Department. A reasonable charge, not to exceed the actual cost to the City, will be made for any copies of records made by the employee.

(5) Employees who believe that any file material is incomplete, inaccurate, or irrelevant may submit a written request for file revisions to the Personnel Department. If the request is not granted, the employee may place a written statement of disagreement in the file and make a complaint using the regular grievance procedure.

(6) Only supervisory and management employees who have an employment-related need-to-know for information about another employee may inspect the files of that employee. The inspection must be approved by the Personnel Department and should be recorded in the file inspected.

(7) Employees are to refer all requests from outside the City for personnel information concerning applicants, employees, and past employees to the Personnel Department. The Personnel Department normally will release personnel information only in writing and only after obtaining the written consent of the individual involved. Exceptions may be made to cooperate with legal, safety, and medical officials who need specific employee information. In addition, exceptions may be made to release limited general information, such as the following:

- (a) Employment dates;
- (b) Position held; and
- (c) Location of job site.

## **CHAPTER 3**

# **EMPLOYMENT POLICIES & PROCEDURES**

### **Section 3-A      Hiring**

**Policy:**        It is the policy of the City to be an equal opportunity employer and to hire individuals solely on the basis of their qualifications and ability to do the job to be filled.

**Comment:**

(1)        Supervisors and department heads who need to fill a job opening or want to add a new job position should submit an employment request to the Mayor for approval. All requests will be reviewed, but those for new job positions will be evaluated in greater detail before being approved.

(2)        The City will normally try to fill job openings above entry level by promoting from within, if qualified internal applicants are available. In addition, the City will normally give consideration to any known qualified individuals who are on layoff status before recruiting applicants from outside the organization.

(3)        The Personnel Department will be responsible for recruiting the candidates and should use the recruitment methods and sources it considers appropriate to fill the openings.

(4)        During the recruitment, hiring, and orientation process, no statement should be made promising permanent or guaranteed employment; and no document should be called a contract unless, in fact, a written employment agreement is to be used. All employees of the City should be aware that employment with the City is at-will and should not make any representations otherwise. To be considered for job openings, the following procedures should be followed:

- (a)        Any candidate for employment must fill out and sign an employment application form in order to be considered for hiring.
- (b)        Applicants determined to be qualified for consideration for available job openings will be interviewed and given any tests required for the job.
- (c)        The decision whether to hire the applicant is to be made by the Mayor.
- (d)        Following a decision to hire the applicant, the Personnel Department will make an offer of employment, which should include any necessary contingencies or disclaimers. The Personnel Department will then determine whether the applicant has the legal right to work in the United States and, where appropriate, conduct credit, personal reference, and criminal conviction checks. A prior conviction, taken by itself, will not necessarily disqualify an applicant. If the applicant accepts the offer, and if a medical examination is required, the Personnel Department should arrange for the examination. Such an examination will be paid by the City.

- (e) If the background, medical, or any other subsequent investigation discloses any misrepresentation on the application form or information indicating that the individual is not suited for employment with the City, the applicant will be refused employment or, if already employed, may be terminated.
  - (f) The Personnel Department will consider requests for accommodation of disabilities and religious beliefs and will determine what, if any, accommodation will be made.
  - (g) The Personnel Department is responsible for orientation of new employees and the processing of their employment forms; the supervisor is responsible for any necessary job training.
- (6) The City will consider a member of an employee's immediate family for employment if the applicant possesses all the qualifications for employment. An immediate family member may not be hired, however, if the employment would:
- (a) Create either a direct or indirect supervisor/subordinate relationship with a family member; or
  - (b) Create either an actual conflict of interest or the appearance of a conflict of interest.

These criteria will also be considered when assigning, transferring, or promoting an employee. For purposes of this policy, "immediate family" includes: the employee's spouse, brother, sister, parents, children, step-children, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, and any other member of the employee's household.

- (7) Employees who marry or become members of the same household may continue employment as long as there is not:
- (a) A direct or indirect supervisor/subordinate relationship between the employees; or
  - (b) An actual conflict of interest or the appearance of a conflict of interest.

Should one of the above situations occur, the City will attempt to find a suitable position within the City to which one of the affected employees may transfer. If accommodations of this nature are not feasible, the employees will be permitted to determine which of them will resign.

(8) Former employees who left the City in good standing may be considered for reemployment. Former employees who resigned without written notice or who were dismissed for disciplinary reasons may not be considered for reemployment. A former employee who is reemployed will be considered a new employee from the date of reemployment unless the break in service is less than thirty days, in which case the employee will retain accumulated seniority. Length of service for the purposes of benefits is governed by the terms of each benefit plan. Employees who retire may be eligible, in certain circumstances, to be considered for rehire.

## **Section 3-B Employment Agreements**

**Policy:** It is the policy of the City that it may execute written employment agreements with certain of its employees.

**Comment:**

(1) The Mayor or a specific designee is the only City representatives authorized to enter into a written employment agreement on behalf of the City with any employee.

(2) Written employment agreements normally will set out the significant terms and conditions of an individual's employment. These terms and conditions generally include:

- (a) The length of time that the agreement will last and how, if at all, it can be renewed;
- (b) The job title and job description, reserving to the City the right to change the employee's duties as the City's interests require;
- (c) The employee's salary;
- (d) Any other forms of compensation, such as health insurance, pension, incentive plans, or perquisites; and
- (e) Provisions for the termination of employment.

(3) Employment agreements covered by this policy may include any or all of the following elements, depending on individual circumstances:

- (a) Relocation Expenses: The agreement should specify that payment of, or reimbursement for, relocation expenses by the City will only be made when agreed to in advance and may be contingent upon the completion of a satisfactory period of employment after relocation.
- (b) Special Training and Education: Coverage should specify that employees who are selected for an extended period of training or education paid for by the City will be required to return to work for the City at the conclusion of the program. Employees who do not return to work or who return but terminate employment (whether voluntarily or otherwise) within one year of course completion, may be required to reimburse the City for the costs of the training or education.
- (c) Early Termination Protection and Compensation: The agreement should specify the event or events that will trigger the provision, the amount and timing of special compensation to be paid, and any events or circumstances that will void the provision.
- (d) Arbitration and Mediation: The provision should specify whether the City and the employee agree to submit any dispute over the terms, conditions, or termination of employment to nonbinding mediation or to binding arbitration before an arbitrator from a recognized arbitration service. A provision for arbitration should also state that arbitration precludes the right to pursue legal action in any state or federal court and is the employee's exclusive remedy.

(4) Employees are encouraged to review carefully any employment agreement and to consult with legal counsel if necessary to understand the terms of the agreement.

## Section 3-C Orientation and Training

**Policy:** It is the policy of the City to try and provide orientation programs for new employees and to conduct or support training programs that it determines to be appropriate.

**Comment:**

(1) The Personnel Department is responsible for the overall development and coordination of the orientation program and for implementing the portions that cover the history, philosophy, policies, benefits, and new employee files and documentation. Each supervisor is responsible for orientation as it applies to introducing the new employee to the specific job and department and may select a coworker to serve as a sponsor to facilitate the new employee's transition.

(2) Supervisors are responsible for recommending employees for special training programs, for providing on-the-job training, and for arranging outside trainers. In addition, the City, to the extent feasible, will maintain a library of self-instructional programs and materials for employee use. Training will normally be conducted during regular working hours.

(3) Only the Mayor may approve employee participation in continuing education and training programs when that instruction is regarded as beneficial or considered necessary for satisfactory job performance. In some cases, employees may be required to enroll in and complete the programs satisfactorily.

(4) The Mayor may approve, upon recommendation of the appropriate department head or supervisor, employee participation in special programs, either external or in-house, dealing with supervisory, professional, or management development; cost reduction; quality improvement; or compliance with government regulations.

(5) The City may consider the feasibility of sponsoring or conducting special programs for groups of employees when continuing education and in-service programs are required for licensing or for re-certification of a license. Under those circumstances, it will apply for approval by the licensing authority and will attempt to comply with all requirements established by that authority. However, it may at its discretion cancel, modify, or withdraw from any certification or program.

## Section 3-D Employment Categories and Classifications

**Policy:** It is the policy of the City to supplement the regular workforce as needed with temporary or part-time employees.

**Comment:**

- 1) Employment categories are as follows:
  - (a) Regular FULL-TIME employees are those who are not in a temporary position and who are regularly scheduled to work the City of Sand Point's full-time schedule of 32 hours per week or more. Generally, they are eligible for the City of Sand Point's

benefit package, subject to the terms, conditions, and limitations of each benefit program. Regular full-time employees shall be a part of the classified service for the purpose of hiring and promotions, unless they occupy a management or confidential position that has been designated in writing as a non-classified position.

- (b) A regular PART-TIME employee is an individual who is hired for an indefinite period, but who works less than a normal workweek. This class of employees is not eligible for the City of Sand Point's benefit package.
  - (c) A TEMPORARY employee generally is an individual who is hired either part time or full time for a specified, limited period. This class of employees is not eligible for the City of Sand Point's benefit package. Other flexible staffing classifications or arrangements may be added as needed.
- (2) Temporary and part-time positions generally will be filled as follows:
- (a) The head of the department with the need will attempt to fill the position by transfers from within the department.
  - (b) If the position cannot be filled from within the department, the department head will submit a request to the Personnel Department. The Personnel Department will then try to fill the request by transferring employees from other departments.
  - (c) If it is necessary to hire temporary or part-time employees from outside the City, the procedures contained in Hiring, Section 3-A, will be used.

(3) Regular full-time employees who are given temporary transfers are not considered temporary employees unless their job has been eliminated and only temporary employment is available.

(4) The City may use students and other similar applicants for flexible staffing purposes, as allowed by law. Minor applicants generally will be required to provide a certificate of age. The Personnel Department will handle the assignment of students to special temporary or part-time jobs that are part of training programs.

(5) Eligibility of temporary and part-time employees for paid absences, vacations, and holidays is governed by policies contained in Short-Term Absences, Section 5-H; Annual Leave, Section 5-F; and Holidays, Section 5-G. An employee whose status changes from full-time to part-time may use any days of paid absence or vacation earned as a full-time employee. An employee whose status changes from temporary or part-time to full-time will be considered as hired on the date of the change of status for purposes of eligibility for paid absences and vacation. Information concerning eligibility of temporary and part-time employees for other City benefits, if any, is available from the Personnel Department.

## **Section 3-E Probationary Period**

**Policy:** It is the policy of the City that all new employees and all present employees transferred or promoted to a new job should be carefully monitored and evaluated for an initial probationary period.

**Comment:**

(1) The probationary period is 180 calendar days after date of hire or promotion. Supervisors should observe carefully the performance of each employee in a new job position. Where appropriate, weaknesses in performance, behavior, or development should be brought to the employee's attention for correction.

(2) Supervisors may prepare a written evaluation of the employee's job performance by the end of the first six months on the new job. If written, the evaluation should include a recommendation whether the employee should continue in the position. Copies of the evaluation should be forwarded to the department head and the Personnel Department for inclusion in the employee's personnel file. If no evaluation is completed, the employee will be considered to have successfully completed their probationary period.

(3) An employee who receives an unsatisfactory evaluation may be given additional time in 30-day increments to demonstrate their ability to do the job, if the supervisor feels additional time is warranted in order to achieve acceptable job performance.

(4) Supervisors may recommend the termination of a newly hired employee at any time during the probationary period. A recommendation for termination should be submitted in writing to the Personnel Department for review and should include an evaluation and a list of actions taken to assist the employee. Action to terminate must have the approval of the Mayor.

(5) Newly hired employees are eligible for employee benefits at the time of their initial hire. Transferred or promoted employees remain eligible for all benefits while demonstrating their ability to perform their new jobs. The probationary period will be extended by the number of workdays missed due to excused leave of absence(s).

(6) At the discretion of management, transferred or promoted employees who are unable to perform satisfactorily in their new jobs may be returned to their original jobs, if a vacancy exists, or may be terminated.

## **Section 3-F      Transfer**

**Policy:** It is the policy of the City that it may, at its discretion, initiate or approve employee job transfers from one job to another.

**Comment:**

(1) The City may require employees to make either a temporary or long-term job transfer in order to accommodate the organization's business needs. The City will try to limit the number and duration of temporary transfers that it requests of individual employees in a twelve-month period.

(2) Employees may request a voluntary job transfer. To be eligible for a voluntary transfer, employees normally must meet the requirements of the new position, have held their current position for at least six months, have a satisfactory performance record, and have no adverse disciplinary actions during the same period.



(3) Job openings for which management solicits candidates from within the City will be posted on the bulletin board and/or announced in employee publications. However, as it considers appropriate, management will fill job openings or make transfers without posting notices.

(4) Eligible employees who request a transfer generally will be considered in the following order:

- (a) Employees in the same department as the job opening;
- (b) Employees at the same location but in departments other than the one where the opening occurs;
- (c) Employees who are being considered for layoff because of a reduction in force or because of the elimination of their job; and
- (d) All other employees.

## **Section 3-G Promotion**

**Policy:** It is the policy of the City to offer employees promotions to higher-level positions when appropriate. Management prefers to promote from within and may first consider current employees with the necessary qualifications and skills to fill vacancies above the entry level, unless outside recruitment is considered to be in the City's best interest.

### **Comment:**

(1) All employees are encouraged to seek advancement opportunities and to obtain promotion and career guidance from their supervisor, department head, and the Personnel Department.

(2) Employee eligibility for promotion will be determined by the requirements of the new job. In addition, to be considered, employees must have held their current position for at least six months, have a satisfactory performance record, and have no disciplinary actions during the same period.

(3) Job openings and promotions for which management solicits candidates from within the City will normally be posted on the bulletin board and/or announced in employee publications. However, as it considers appropriate, management may fill job openings or make promotions without posting notices. When job openings or promotion opportunities are posted:

(4) Employee candidates for promotion will normally be screened and selected on the basis of attendance and work records, performance, and job-related qualifications including, in some instances, aptitude or achievement tests. Seniority will be considered if two or more candidates are judged to be equally qualified based on merit, work record, and other qualifications. In addition, employees seeking promotion may be required to have a medical examination if the examination is job-related and consistent with business necessity.

(5) Promoted employees will be subject to the provisions of the Probationary Period policy in their new positions. (See Probationary Period, Section 3-E)

## Section 3-H      **Outside Employment**

**Policy:**      It is the policy of the City to allow its employees to engage in outside work or hold other jobs, subject to certain restrictions as outlined below.

**Comment:**

(1)      The City requires that employees' activities and conduct away from the job must not compete or conflict with or compromise its interests, or adversely affect job performance and the ability to fulfill all responsibilities to the City. This requirement, for example, prohibits employees from performing any services for customers on nonworking time that are normally performed by City personnel. This prohibition also extends to the unauthorized use of any City tools or equipment. In addition, employees are not to solicit or conduct any outside business during paid working time.

(2)      All employees, including part-time employees, must obtain prior written approval from the Mayor before undertaking any outside employment or other work activity. Failure to do this may result in disciplinary action.

(3)      Full-time employees are not encouraged to engage in outside employment, but may be permitted to do so if granted permission by the Mayor.

(4)      Employees are cautioned to consider carefully the demands that additional work activity will create before requesting permission to seek or accept outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If outside work activity causes or contributes to job-related problems, it must be discontinued.

(5)      Employee requests for permission to accept outside employment, including self-employment, should be submitted in writing to the Mayor. The request should include any pertinent information about the outside employer, the nature of the job, the hours of employment, and potential conflicts with the primary job

(6)      In evaluating requests for outside work, the Mayor will consider whether the proposed employment:

- (a)      May reduce the employee's efficiency in working for the City;
- (b)      Involves working for an organization doing a significant amount of business with the City, such as major contractors and suppliers; or
- (c)      May adversely affect the City's image.

(7)      Employees who have accepted outside employment may not use paid sick or personal absence time to work on the outside job. Fraudulent use of sick or personal absences will result in disciplinary action.

## Section 3-I      **Medical Procedures**

**Policy:**      It is the policy of the City that applicants to whom a conditional offer of employment has been extended and current employees may be required to undergo

medical tests, procedures, or examinations whenever management determines that these are necessary for the safe or efficient operation of the organization.

**Comment:**

(1) Successful applicants for employment may be required as a condition of employment to take a medical examination to establish their fitness to perform the jobs for which they have applied without endangering the health and safety of themselves or others. If management determines that an examination is appropriate to a particular position, all applicants for the job to whom a conditional offer of employment has been made should be examined.

(2) Employees may be required to have a medical examination on other occasions when the examination is job-related and consistent with business necessity. For example, a medical examination may be required when an employee is exposed to toxic or unhealthful conditions, requests an accommodation for a disability, or has a questionable ability to perform current job duties or the duties of the job for which the employee is being considered.

(3) Employees are encouraged, but not required, to have physical examinations periodically during their employment and to participate in wellness programs.

(4) Medical examinations required by the City will be paid by the City and will be performed by a physician or licensed medical facility. Medical examinations paid for by the City are the property of the City, and the examination records will be treated as confidential and kept in separate medical files. However, records of specific examinations, if required by law or regulation, will be made available to the employee, persons designated and authorized by the employee, public agencies, relevant insurance companies, or the employee's doctor.

(5) Employees who need to use prescription or nonprescription legal drugs while at work must report this requirement to the Personnel Department if the use might impair their ability to perform the job safely and effectively. Depending on the circumstances, employees may be reassigned, prohibited from performing certain tasks, or prohibited from working if they are determined to be unable to perform their jobs safely and properly while taking the prescription or nonprescription legal drugs.

(6) The City reserves the right to require acceptable confirmation of the nature and extent of any illness or injury that requires an employee to be absent from scheduled work. The City also may require a second and, if necessary, third medical opinion regarding these actions.

## **Section 3-J      Serious Diseases**

**Policy:**      It is the policy of the City that employees with infectious, long-term, life-threatening, or other serious diseases may work as long as they are able to perform the duties of their job without undue risk to their own health or that of other employees, customers, or members of the public.

**Comment:**

(1) Serious diseases for the purposes of this policy include, but are not limited

to: cancer, heart disease, major depression, multiple sclerosis, hepatitis, tuberculosis, human immunodeficiency virus (“HIV”), and acquired immune deficiency syndrome (“AIDS”).

(2) The City will support, where feasible and practical, educational programs to enhance employee awareness and understanding of serious diseases.

(3) Employees afflicted with a serious disease are to be treated no differently than any other employee. Therefore, if the serious disease affects their ability to perform assigned duties, those employees will be treated like other employees who have disabilities that limit their job performance.

(4) Employees who are diagnosed as having a serious disease and who want an accommodation should inform their supervisor or the Personnel Department of their condition as soon as possible. Supervisors and the Personnel Department should review with the employee City policy on issues such as employee assistance, leaves and disability, infection control, requesting and granting accommodations, the City’s continuing expectation regarding the employee’s performance and attendance, and available benefits.

(5) Employees who have a serious disease and who want an accommodation should provide the Personnel Department with any pertinent medical information needed to make decisions regarding job assignments.

# **CHAPTER 4**

## **RULES OF WORK**

### **Section 4-A Employee Supervision**

**Policy:** It is the policy of the City that the work of all employees will be assigned, directed, and reviewed by supervisory personnel. Employees ordinarily will have only one supervisor to whom they report.

**Comment:**

(1) A primary role of each supervisor is to provide a link between management and nonmanagement employees. Accordingly, supervisors are expected to communicate the goals and policies of management to the employees under them. They also are expected to communicate back to management the attitudes, suggestions, and complaints of their employees.

(2) In addition to mastering the technical skills needed in their work unit, supervisors must be able to lead and motivate their employees to do their best work. Thus, supervisors should be prepared to:

- (a) Treat employees as individuals;
- (b) Give recognition for good performance and provide guidance when improvement is needed;
- (c) Explain when and why changes are necessary;
- (d) Recommend employees with growth potential for promotion, even if it means losing them to other units;
- (e) Show integrity by admitting mistakes instead of shifting the blame to others;
- (f) Be impartial and let employees know the reasons for any decisions that might be interpreted as unfair;
- (g) Demonstrate a desire for good performance by setting work goals and standards for employees;
- (h) Create a feeling of teamwork among employees; and
- (i) Set good examples by holding themselves to the standards of conduct and performance that they demand of their employees.

(3) Supervisors are responsible for ensuring that management's goals for employee conduct and performance are achieved and that the personnel policies established by this Manual are implemented. Therefore, supervisors' duties include:

- (a) Recommending the hiring of personnel and overseeing special job training;
- (b) Keeping employees informed about their work assignments, work progress, and opportunities for advancement;
- (c) Scheduling vacations and lunch breaks;
- (d) Controlling absenteeism and tardiness, and approving requests for time off;
- (e) Verifying employee time cards and scheduling overtime when

- necessary;
  - (f) Complying with applicable federal and state laws and regulations concerning nondiscrimination, sexual harassment, and employee conduct;
  - (g) Maintaining neat and orderly work areas;
  - (h) Implementing suggestion, disciplinary, and problem review; and
  - (i) Ensuring that employees observe all rules and regulations.
- (4) Nothing in this policy should be considered as a contract or promise, express or implied, to employees that supervisors will in each case perform any or all of the activities described above, or that those activities will be performed the same way in each case.

## **Section 4-B      Hours of Work**

**Policy:**      It is the policy of the City to establish the time and duration of working hours as required by workload, customer service constraints, the efficient management of human resources and any applicable law.

**Comment:**

(1)      The normal workweek is Monday through Sunday, beginning and ending at midnight on Sunday, and consisting of forty hours.    The normal workday will consist of eight hours of work with an unpaid meal period.    Rest or coffee breaks are considered as time worked.

(2)      Each department head, in consultation with the Mayor, will determine the schedule of hours for employees.    The department head will inform employees of their daily schedule of hours of work, including meal periods and rest or coffee breaks, and of any changes considered necessary by the City.

(3)      Department heads may schedule overtime or extra shifts when it is necessary.    Supervisors will assign overtime to nonexempt employees (those employees who are subject to the minimum wage and overtime provisions of the Fair Labor Standards Act) in the particular job for which overtime is required.    Employees are not permitted to work overtime without the prior approval of their supervisor, department head or Mayor.    For the purposes of overtime compensation, hours worked in excess of eight (8) during a workday or forty (40) during a workweek will be counted.

(4)      Employee attendance at lectures, meetings, and training programs will be considered hours of work if attendance is required by management.

(5)      All nonexempt employees are required to complete an individual time record showing the daily hours worked.    Time records cover one pay period and must be completed by the close of each workday.    The following points should be considered in filling out time records:

- (a)      Employee time records should be checked and signed by the supervisor involved.    Unworked time for which an employee is entitled to be paid (paid absences, paid holidays, or paid vacation time) should also be entered by the employee on the time record.

Authorized overtime should be entered by the employee and approved by the supervisor;

- (b) Unapproved absences are not be considered as hours worked for pay purposes; and
- (c) Filling out another employee's time record or falsifying any time record is prohibited and may be grounds for disciplinary action, up to and including termination.

(6) Personnel employed in executive, administrative, professional, or certain computer-related capacities generally are exempt from the provisions of the Fair Labor Standards Act. These employees are not required to fill out hourly time records but must account for daily attendance. In addition, exempt employees will not receive overtime compensation, but occasionally may be eligible for compensatory time-off after working abnormally long hours.

## **Section 4-C Employee Safety**

**Policy:** It is the policy of the City to comply with all applicable federal, state, and local health and safety regulations and to provide a work environment as free as practicable from recognized hazards. Employees are expected to comply with all safety and health requirements whether established by the City or by federal, state, or local law.

### **Comment:**

(1) Supervisors are responsible for ensuring that employees under their supervision understand and comply with all City safety rules, regulations, and procedures. Supervisors' safety responsibilities include:

- (a) Being familiar with all safety and health procedures relevant to the operations under their supervision;
- (b) Inspecting their work areas periodically;
- (c) Training their employees in safety matters or arranging for safety training where appropriate;
- (d) Identifying conditions that are recognized as being unsafe; and
- (e) Reporting accidents and injuries immediately and ensuring that any injured employee is referred to appropriate medical care.

(2) Employees should report to their supervisor all observed safety and health violations, potentially unsafe conditions, and any accidents resulting in injuries to employees.

(3) Employees are encouraged to submit suggestions concerning safety and health matters.

(4) The City will provide special clothing or equipment, or reimburse for it, when special clothing or equipment is required by law or by City policy. Employees are responsible for the proper use and maintenance of the clothing and equipment.

(5) Supervisors should not discharge or discriminate in any manner against an employee because the employee has instituted a safety-related proceeding, has testified in that type of proceeding, or has otherwise exercised any right provided by law.

- (6) Violations of City safety rules, regulations, or procedures will result in disciplinary action, up to and including termination.

## **Section 4-D Maintenance of Work Areas**

**Policy:** It is the policy of the City that work areas must be kept clean and orderly at all times.

**Comment:**

(1) Employees are responsible for maintaining their work areas in a clean and orderly fashion. To fulfill this responsibility, each employee should, at a minimum, do the following:

- (a) Place coats, boots, umbrellas, and other items of clothing in designated areas so that work stations are not unnecessarily cluttered;
- (b) Consume any food or beverages in employee rest areas so that work areas are kept free of food and related litter; and
- (c) Prior to the end of the workday, clean and store all tools and equipment and properly secure any items, papers, or information of value.

(2) Supervisors are responsible for having their employees maintain their work areas according to the requirements of this policy. Each supervisor should:

- (a) Make sure that aisles, floors, and walls are free of debris and other unnecessary items and that all end-of-the-shift tasks have been performed;
- (b) Monitor the facilities and equipment and issue maintenance requests where appropriate;
- (c) Arrange for the removal of any items from the workplace that are not needed for the flow of business or the enhancement of employee comfort;
- (d) Report any existing or potential workplace hazards and safety violations; and
- (e) Ensure the proper disposal of all trash, waste, and scrap.

(3) The City will attempt to maintain the temperature, lighting, and noise level of its facilities at a level that is comfortable for employees yet appropriate for the nature of its operations. Employees should inform their supervisor of any concerns about working conditions.

- (4) Employees must abide by the smoking restrictions established by state or local law and may smoke only in areas where it is specifically permitted by City policy.



## Section 4-E Smoking

**Policy:** It is the policy of the City to comply with all applicable federal, state, and local regulations regarding smoking in the workplace and to provide a work environment that promotes productivity and the well being of its employees.

### **Comment:**

(1) The City recognizes that smoking in the workplace can adversely affect employees. Accordingly, smoking is restricted at all of its facilities. As used in this section, “smoking” includes cigarettes, cigars, pipes, vaporizers or “e-cigarettes” and any other form of burning or combusting tobacco, oils, or nicotine. Marijuana use of all types is prohibited and covered under Section 6-B.

(2) Smoking is prohibited inside all City facilities except for areas where it is specifically authorized. The Mayor is responsible for implementing and monitoring smoking regulations, and supervisors are expected to enforce the regulations. The smoking policy applies to employees during working time and to visitors while on the City’s premises.

(3) Smoking is prohibited in City-owned vehicles.

(4) Employees are expected to exercise common courtesy and to respect the needs and sensitivities of coworkers with regard to the smoking policy. Smokers have a special obligation to keep smoking areas litter-free and not to abuse break and work rules. Complaints about smoking issues should be resolved at the lowest level possible, but may be processed through the City’s grievance procedure. Employees who violate the policy will be subject to disciplinary action.

(5) The City does not discriminate against individuals on the basis of their use of legal products, such as tobacco, if the use occurs during nonworking time and off of the City’s premises.

## Section 4-F Attendance and Punctuality

**Policy:** It is the policy of the City to require employees to report for work punctually and to work all scheduled hours and any required overtime. Excessive tardiness and poor attendance will not be tolerated.

### **Comment:**

(1) Supervisors should notify employees of their starting, ending, and break times. Employees are expected to be engaged in carrying out their duties during all scheduled work time and should be ready to begin working at their scheduled starting time. Supervisors should record all absences and, for nonexempt employees (those subject to the minimum wage and overtime requirements of the Fair Labor Standards Act), any tardiness or early departure exceeding ten minutes.

(2) Employees should notify their supervisor as far in advance as possible

whenever they are unable to report for work, know they will be late, or must leave early. The notice should include a reason for the absence and an indication of when the employee can be expected to report for work. If the supervisor is unavailable, notification should be made to the Mayor or his designee.

(3) Employees will be compensated during authorized absences in accordance with City policies. All nonexempt employees will not receive compensation for time missed because of tardiness or early departure if the time missed exceeds 10 minutes after starting time or before quitting time. Failure to notify the City properly of any absence may result in loss of compensation during the absence and may be grounds for disciplinary action.

(4) Employees who are delayed in reporting for work more than 30 minutes and who have not notified their supervisor of their expected tardiness may lose their right to work the balance of the work day. In addition, employees who report for work without proper equipment or in improper attire may not be permitted to work. Employees who report for work in a condition considered not fit for work, whether for illness or any other reason, will not be allowed to work.

(5) Employees are expected to report for work during inclement weather conditions if the City does not declare an emergency closing. Employees who are unable to report because of weather conditions may be granted an authorized unpaid absence. Employees who are late because of weather conditions will be given a chance to make up their missed time if work schedules and conditions permit.

(6) Nonexempt employees will not be required or permitted to work any period of time before or after scheduled starting or quitting times for the purpose of making up time lost because of tardiness, unauthorized absence, authorized absence, or any other reason if the result will be that the employee works more than eight hours during the day or forty hours during the workweek.

(7) Employees must report to their supervisor after being late or absent, give an explanation of the circumstances surrounding their tardiness or absence, and, when applicable, certify that they are fit to return to work. The supervisor should record the information in the employee's file and forward a copy to the Personnel Department. When appropriate, the supervisor should counsel the employee on the importance of good attendance and warn that excessive tardiness or absences will lead to discipline, up to and including termination.

(8) Employees must obtain permission from their supervisor in order to leave the City premises during working hours. In addition, employees who are frequently away from the premises for business reasons should inform their supervisors of their whereabouts during working hours.

(9) Unauthorized or excessive absences or tardiness will result in disciplinary action, up to and including termination. An absence is considered to be unauthorized if the employee has not followed proper notification procedures or the absence has not been properly approved. Generally, absences in excess of those allowed by City policy more than three times in a three-month period are grounds for discipline.

(10) Employees who are absent from work for three consecutive days without giving proper notice to the City will be considered as having voluntarily quit. At that time, the City will formally note the termination and advise the employee of the action by certified mail to the employee's last known address.

## **CHAPTER 5**

### **PAY AND BENEFITS**

#### **Section 5-A      Salary Administration**

**Policy:**      It is the policy of the City to pay compensation that is nondiscriminatory and competitive. However, all compensation policy decisions must take into consideration the City's overall financial condition.

**Comment:**

(1)      The Mayor is responsible for coordinating the continuing internal review of all compensation and for making sure that each job is evaluated and assigned the correct salary range. This review should determine whether compensation accurately and fairly reflects each individual's responsibilities and performance.

(2)      The Mayor will, when considered appropriate, participate in or conduct compensation surveys covering other employers with similar jobs. This and other available information should be used to help set pay policy and to determine the relative competitive position of the City's pay structure.

(3)      New employees generally will be hired at the starting rate assigned to their salary range. Higher starting rates may be granted depending on an applicant's experience or skill level or other competitive considerations

(4)      Compensation decisions generally should be based on performance, length of service, and budget considerations.

(5)      Employees who are not satisfied with their compensation or who have questions about the City's salary administration and benefits program should direct their concern to their supervisor, or Mayor.

(6)      If budgeted and approved each year by the City Council, all permanent, non-contractual employees who have completed their Probationary Period will receive a one-step (3%) COLA pay increase effective July 1<sup>st</sup>. Permanent, non-contractual employees hired before July 1<sup>st</sup> who have not completed their Probationary Period will receive a COLA increase upon completion of their Probationary Period. Permanent, non-contractual employees hired after July 1<sup>st</sup> are not eligible for a COLA pay increase in the fiscal year in which they were hired.

#### **Section 5-B      Pay Procedures**

**Policy:**      It is the policy of the City to pay employees by check or direct deposit on a regular basis and in a manner so that the amount, method, and timing of wage payments comply with any applicable laws or regulations.

**Comment:**

(1) Beginning December 16, 2013, employees will be paid every other Friday. The first pay period under this new change will cover December 16 thru December 29. Completed timesheets must be submitted to the Finance Department no later than Tuesday for the previously completed payroll period. Late or missing timesheets may prevent an employee from receiving their pay in a timely fashion.

(2) Employees on each payday will receive, in addition to their pay, a statement showing gross pay, deductions and net pay. Federal and Social Security taxes will be deducted automatically. No other deductions will be made unless required or allowed by law, contract or employee obligation. Employees may elect to have additional voluntary deductions taken from their pay only if they authorize the deductions in writing.

(3) Employees who discover a mistake in their paycheck, lose their paycheck, or have it stolen should notify the Personnel Department immediately. In the case of a mistake, the error will be remedied promptly. In the case of loss or theft, the Personnel Department will attempt to stop payment on the check and reissue a new one to the employee. However, the employee is solely responsible for the monetary loss, and the City will not be responsible for the loss or theft of a check if it cannot stop payment on the check.

(4) Employees who are eligible for annual leave may receive an advance on their vacation pay as long as an approved request for it is submitted to the Personnel Department at least 15 days prior to the beginning of the vacation. Under normal circumstances, no other advances or loans for employees will be made without the approval of the Mayor.

(5) Nonexempt employees (those not exempt from the provisions of the Fair Labor Standards Act) will be paid overtime compensation at the rate of one and one-half times their regular hourly rate for work in excess of either eight hours during their normal workday or forty hours during their normal workweek. (For a more detailed discussion of exempt and nonexempt status, see Hours of Work, Chapter 4B).

(6) Employees should discuss any questions or concerns regarding their rate of pay and other compensation issues with their department head, Personnel Department or the Mayor.

## **Section 5-C Travel**

**Policy:** It is the policy of the City that business travel must be approved in advance and should be engaged in and reimbursed according to the guidelines below.

**Comment:**

(1) Employees holding jobs that require extensive travel are expected to travel as a condition of employment. For all other jobs, travel is considered only an incidental function of the position, but may be required.

(2) The Mayor must approve all employee travel.

(3) The City may issue guidelines specifying or restricting travel booking requirements. Under normal circumstances, employees should use the most

appropriate form of transportation available, book the least expensive fares, and stay in and eat at moderately priced establishments.

(4) If requested, employees must provide the Mayor with a copy of their itinerary before leaving on business travel.

(5) Employee expenses for approved travel will be paid or reimbursed when properly documented by the employee and approved by the Mayor. Employees who know or anticipate that they will have a special request for travel expense reimbursement should ask for approval from the Mayor before incurring the expense. Any travel expenses considered unreasonable under the circumstances will not be paid or reimbursed and are the employee's personal responsibility.

(6) Employees may obtain a cash advance for approved business travel by submitting a written request at least 15 days prior to travel. This request is to be submitted to the Mayor. Cash advances are City property, and their use must be properly documented and approved as outlined in Comment (5), above.

(7) Time spent by nonexempt employees (those covered by the minimum wage and overtime requirements of the Fair Labor Standards Act) in traveling away from home on City business during normal working hours is considered hours worked for pay purposes.

(8) Employees traveling on City business are representatives of the City and are expected to maintain a high level of professionalism and to follow all of the City's policies and rules.

(9) Employees will receive out-of-pocket travel reimbursement either by:

(a) Per Diem: A daily per diem rate of \$200. Employees will receive a full days Per Diem the day of departure and \$50 Per Diem the day of return. If lodging is provided (paid) by the City or sponsoring agency, the City shall pay \$50 per day Per Diem for meals and incidental expenses.

(b) Actual Expenses: Employee may submit receipts for lodging, meals, transportation, etc. for reimbursement based on the requirements outlined in this section.

## **Section 5-D      Automobile Usage**

**Policy:** It is the policy of the City to provide vehicles for business use, to allow employees to drive on City business, and to reimburse employees for business use of personal vehicles according to the guidelines below.

### **Comment:**

(1) Employees may not drive vehicles for City business without the prior approval of their supervisor. Before approval, the supervisor must check the driving record, verify the existence of a valid driver's license and make certain that the employee is eligible for coverage under any applicable City insurance.

(2) Employees whose jobs require regular driving as a condition of employment must be able to meet the driver approval standards of this policy at all

times. In addition, employees holding those jobs must inform their supervisors of any changes that may affect their ability to meet the standards of this policy. For example, employees who lose their licenses must report this to their supervisors. For all other jobs, driving is considered only an incidental function of the position.

(3) City vehicles will be assigned to those departments that have demonstrated a continuing need for them, based on availability and funding.

(4) Employees who need transportation in the course of their normal work may be assigned a City vehicle. All other employees needing transportation for City business may use vehicles assigned to their department or assigned by the Mayor. As a last alternative, when no City vehicles are available, employees may use their own vehicles for business purposes, but only with the prior approval of their supervisor.

(5) Employees who drive a vehicle on City business must, in addition to meeting the approval requirements above, exercise due diligence to drive safely and to maintain the security of the vehicle and its contents. Drivers also must make sure that the vehicle meets any City or legal standards for insurance, maintenance, and safety. Employees are responsible for any driving infractions or fines that result from their driving and must report them to their supervisors.

(6) Employees are not permitted, under any circumstances, to operate a City vehicle, or a personal vehicle for City business, when any physical or mental impairment causes the employee to be unable to drive safely. This prohibition includes circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of illness, medication, or intoxication.

(7) **SMOKING IS PROHIBITED** in any City-owned vehicle or motorized piece of equipment.

(8) Employees may use City vehicles for nonbusiness purposes only with the prior approval of their supervisor.

(9) Employees who use their personal vehicles for approved business purposes will receive a mileage allowance of \$0.50 per mile for the use. This allowance is to compensate for the cost of gasoline, oil, depreciation, and insurance.

(10) Employees must report any accident, theft, or damage involving a City vehicle or a personal vehicle used on City business to their supervisor and the Personnel Department, regardless of the extent of damage or lack of injuries. These reports must be made as soon as possible but no later than forty-eight hours after the incident. Employees are expected to cooperate fully with authorities in the event of an accident. However, they should not make any statements other than in reply to questions of investigating officers.

(11) Time spent by nonexempt employees (those covered by the minimum wage and overtime provisions of the Fair Labor Standards Act) in driving a City or personal vehicle on City business during normal working hours is considered hours worked for pay purposes. Commuting time before the start and after the end of the workday is not treated as work time for pay purposes.

(12) City-owned vehicles will be kept clean and free of debris and clutter. It is the responsibility of the assigned driver to maintain the appearance (both interior and exterior) of their assigned vehicle. Vehicles generally assigned to a department are the responsibility of that department head.

## Section 5-E Disclosure of Benefits

**Policy:** It is the policy of the City to provide its employees with various welfare and pension benefits. Information and summaries intended to explain these benefit plans will be furnished to all plan participants and beneficiaries on a timely and continuing basis by each individual plan administrator. The City reserves the right to modify, amend, or terminate its welfare and pension benefits as they apply to all current, former, and retired employees. The Administrator of each benefit plan has the discretionary authority to determine eligibility for benefits and to interpret the plan's terms.

### **Comment:**

(1) The City offers certain benefits to eligible employees, including health, life, and disability insurance and retirement plans. Eligibility will depend upon the specific requirements of each benefit plan. The City also provides a number of other benefits such as annual leave, sick leave and holidays.

(2) All benefits provided by the City are described in official documents provided by the individual plan administrator. In addition, these documents are the only official and binding materials concerning the City's welfare and pension benefits. All summaries and communications, both written and verbal, must refer to them as binding in cases of questions or disputes.

(3) The Mayor serves as Administrator of the City's welfare and pension plans. The Administrator is responsible for all communications and disclosures concerning City benefits and for compliance with all applicable laws and regulations. In addition, the Administrator is available, when appropriate, to answer questions concerning the benefit plans.

(4) Participant contributions to benefit plans normally will be deducted from the employee's paycheck.

(5) Employees, spouses, and dependents covered by the City's health benefit plan will be notified, when appropriate, that they have the opportunity to continue their health care coverage, at their own expense, in certain specified situations including layoff, termination, reduction in hours of employment, and separation or divorce.

(6) Full-time eligible employees may opt out of the City's health plan by signing a Medical Waiver. Employees will receive a "Medical Earnings" payment in exchange for opting out of the health plan. The Waiver option is not available to elected officials who receive no other compensation from the City.

## Section 5-F Annual Leave

**Policy:** It is the policy of the City to grant annual leave with pay to full-time employees in accordance with the guidelines established below. Part-time and temporary employees do not receive this benefit.

### **Comment:**

(1) The established vacation year is the calendar year, January 1 through December 31 each year. Vacations are accrued or earned based on the employee's length of service and on the time actually worked. A maximum of 240 hours (30 days) of annual leave is allowed to be carried by an employee at any given time. Further accrual past this amount will not be allowed.

(2) Full-time employees will accrue paid annual leave according to the following schedule:

<u>Years of Service:</u>	<u>Accrue Monthly:</u>	<u>Accrue Yearly:</u>
Upon initial hire	8.0 hours	96.0 hours
After 48 months of continuous employment	12.0 hours	144.0 hours
After 96 months of continuous employment	16.0 hours	192.0 hours

A newly hired employee, who has worked for the city in the past, will be treated as a new employee for the purpose of accrual rates. Employees may not take paid annual leave until they have actually earned the leave. Employees who fail to meet their probationary period forfeits all unused annual leave accrued.

(3) During each annual leave accrual year, employees must work at least ninety percent of their normally scheduled time each month, not including time off for paid short-term absences, vacations, or holidays, in order for the month to count for vacation accrual purposes.

(4) Employees who feel that there is a discrepancy in the calculation of their annual leave or eligibility may request a review of that calculation by the Personnel Department.

(5) Annual leave pay will consist of the employee's regular rate of pay for the period and generally will be paid on the regularly scheduled payday. Employees who want to receive advanced annual leave pay must submit a written request to the Personnel Department at least fifteen (15) days before their annual leave is scheduled to begin.

(6) Generally, employees should submit vacation plans to their supervisor at least four weeks in advance of the requested vacation date. Management reserves the right to designate when some or all vacations must be taken. Supervisors are responsible for ensuring adequate staffing levels and should attempt, when feasible, to resolve vacation scheduling conflicts based on length of service.

(7) The Mayor may allow a maximum of 80 hours of annual leave paid to the employee. This payment in lieu of time off may be granted only once per calendar year.

(8) When employment is terminated, unless employee has not completed the probationary period, employee will receive pay for any unused annual leave accrued at the time of termination up to a total of 240 hours.

(9) If a paid holiday falls within an employee's annual leave period, the employee will receive holiday pay for that day and their annual leave account will not be charged for that holiday.

(10) No allowance will be made for sickness or other compensable type of absence occurring during scheduled annual leave.



## Section 5-G      Holidays

**Policy:**        It is the policy of the City to designate and observe certain days each year as holidays. Eligible employees will be given a day off with pay for each holiday observed. The City recognizes twelve (12) Holidays.

**Comment:**

- (1)    The recognized holidays for the City and the days of observance are:
  1.     The first of January, known as New Year's Day;
  2.     The third Monday in January, known as Martin Luther King Day;
  3.     The third Monday in February, known as Presidents' Day;
  4.     The last Monday in March, known as Seward's Day;
  5.     The last Monday in May, known as Memorial Day;
  6.     The Fourth of July, known as Independence Day;
  7.     The first Monday in September, known as Labor Day;
  8.     The third Monday in October, known as Alaska Day;
  9.     The eleventh of November, known as Veterans' Day;
  10.    The fourth Thursday in November, known as Thanksgiving Day;
  11.    The Friday after Thanksgiving Day;
  12.    The twenty-fifth day of December, known as Christmas Day

(2)    Full-time employees are eligible to receive their regular rate of pay for each observed holiday. Part-time employees are eligible to receive holiday pay only for holidays on which they normally would be scheduled to work and only for their regularly scheduled number of hours. Temporary employees, probationary period employees, and employees on leaves of absence without pay (LWOP) or on layoff are not eligible to receive holiday pay unless the Mayor authorizes, on a case-by-case basis, such pay be granted.

(3)    To receive holiday pay, an eligible employee must be at work or taking an approved absence on the work days immediately preceding and immediately following the day on which the holiday is observed. An approved absence is a day of paid annual leave or paid short-term absence. If an employee is absent on one or both of these days because of an illness or injury, the City may require verification of the reason for the absence before approving holiday pay.

(4)    A holiday that occurs on a Saturday will generally be observed on the proceeding Friday and a holiday that occurs on a Sunday generally will be observed by the City on following Monday.

(5)    If a holiday occurs during an employee's vacation period, that holiday will not be counted as a day of annual leave.

(6)    The City recognizes that some employees may wish to observe, as periods of worship or commemoration, certain days that are not included in the City's regular holiday schedule. Employees may use accrued Annual Leave or take the time off as an unpaid, excused absence.

(7) The City may schedule work on an observed holiday, as it considers necessary. If required to work, employees will receive their regular Holiday pay plus wages at one and one-half times their straight-time rate for the hours worked on a Holiday.

(8) Paid time off for a Holiday will be counted as hours worked for the purposes of determining whether overtime pay is owed.

## **Section 5-H      Short-term Absences (Sick, Bereavement & Jury Leave)**

**Policy:** It is the policy of the City to permit employees to be absent from work on an authorized short-term basis for a variety of reasons, including sickness or injury. To help employees maintain their income during certain authorized absences, the City will provide compensation according to the guidelines below.

### **Comment:**

(1) A short-term absence generally is any absence of five workdays or less. Normally, absences that are longer than five workdays or that are designated as Family and Medical Leave Act absences must be converted to a leave of absence if employment rights are to be maintained. (See Leaves of Absence, Section 5-1)

(2) An authorized short-term absence may include any of the following (the phrase “immediate family” for the purposes of this policy includes the employee’s spouse, brother, sister, father, mother, children, stepchildren, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, and any member of the employee’s household):

- (a) Sickness or injury resulting in the temporary disability of the employee or a member of the employee’s immediate family;
- (b) Death or funeral in the employee’s immediate family (bereavement);

(3) In order for short-term absences to be considered authorized and eligible for compensation, employees must obtain approval for the absence from their supervisor. Employees should give their supervisor as much advance notice as is practicable under the circumstances. Unauthorized absences and absences in excess of what is allowed under this policy, except for an approved leave of absence, will be considered abuses of this policy and are grounds for disciplinary action.

(4) Full-time employees are eligible to be compensated for regular base wages lost during periods of authorized absence to the extent that they have accumulated hours of paid absence as provided under this policy. Hours of paid absence may be accumulated as follows:

<u>Years of Service:</u>	<u>Accrue Monthly:</u>	<u>Accrue Yearly:</u>
Upon initial eligibility	8.0 hours	96.0 hours
After 4 years	12.0 hours	144.0 hours
After 8 years	16.0 hours	192.0 hours

(5) Part-time and temporary employees are not eligible for compensation for short-term absences but may take unpaid absences if approved by the Personnel Department.

(6) Employees will not be paid for approved absences covered by workers' compensation payments.

(7) Short-term absences resulting from jury duty or testifying as a subpoenaed witness will not be charged against an employee's available days of paid absence. Employees will be paid their regular base rate for authorized absences to serve as a juror or subpoenaed witness, up to a limit of two workweeks per calendar year.

(8) Employees may accumulate unused hours of Sick Leave indefinitely. These accumulated hours may be used only for absences detailed above. Unused hours of Sick Leave are not convertible into cash, personal holidays, or vacation. When employment is terminated, unless employee has not completed the probationary period, employee will be paid 25% of unused Sick Leave at their current base pay. Total hours paid cannot exceed 200 hours..

(9) If the absence is due to illness or injury of the employee or a family member, written certification from the health care provider of the ill or injured employee or family member verifying the need for leave is required if the absence exceeds three consecutive days and also may be required for certain shorter absences. Employees who falsify the reason for an absence will be subject to disciplinary action, up to and including termination and compensation for the absence will be stopped immediately.

(10) Employees returning from a short-term absence must report to their supervisor, and, when appropriate, certify that they are fit to return to work. The supervisor should counsel the employee on the importance of good attendance and warn that excessive absences will lead to discipline, up to and including termination.

(11) Compensation during authorized absences will not be granted before days of paid absence have been accrued. In addition, authorized days off for short-term absences will not be considered as working time for calculating weekly overtime compensation.

(12) With prior approval of the Personnel Officer, employees may donate accrued leave generated under this policy to another eligible employee. Donations will only be allowed when an emergency exists and the recipient has exhausted all available leave.

## **Section 5-I Leaves of Absence**

**Policy:** It is the policy of the City to grant employees extended leaves of absence under certain circumstances. Except as stated below, employees will not receive

compensation during a leave of absence.

**Comment:**

(1) The City will comply with the provisions of the federal Family and Medical Leave Act (“FMLA”). The Appendix to this policy outlines the FMLA’s requirements, including the rights and obligations of employees, notification requirements, and the City’s obligations. The City will also comply with all provisions of Alaska Statute Sec. 23.10.500 through Sec. 23.10.550 “Pregnancy, Childbirth and Family Leave” and hereby adopts these Sections by reference. When there is found to be a discrepancy between the state and federal policy, the City will apply that policy found to be most advantageous to the employee.

(2) Employees generally are eligible for leaves of absence if they have completed at least one year of service, or as specified by law. The granting and duration of each leave of absence and the compensation received by the employee, if any, during the leave of absence will be determined by the City in conjunction with applicable federal and state law. The following types of leaves will be considered:

- (a) Sick Leave of Absence: Employees who are unable to work because of a serious health condition or disability may be granted a sick leave of absence. This type of leave covers disabilities caused by pregnancy, childbirth, or other related medical conditions. The City requires certification of an employee’s need for sick leave, both before the leave begins and on a periodic basis thereafter, by the employee’s health care provider.
- (b) Parental Leave of Absence: Female employees, when not disabled by pregnancy or childbirth (see above), and male employees may be granted a parental leave of absence to care for the employee’s child upon birth or to care for a child upon the child’s placement with the employee for adoption or foster care.
- (c) Family Care Leave of Absence: Employees may be granted a family care leave of absence for the purpose of caring for the employee’s child, spouse, or parent who has a serious health condition. The City requires certification of the family member’s serious health condition, both before the leave begins and on a periodic basis thereafter, by the family member’s health care provider.
- (d) Personal Leave of Absence: Employees may be granted a leave of absence to attend to personal matters in cases in which the City determines that an extended period of time away from the job will be in the best interests of the employee and the City.
- (e) Military Leave of Absence: A military leave of absence will be granted if an employee is absent in order to serve in the uniformed services of the United States for a period of up to five years (not including certain involuntary extensions of service). Employees who perform and return from service in the Armed Forces, the Military Reserves, the National Guard, or certain Public Health Service positions will retain certain rights with respect to reinstatement, seniority, layoffs, compensation, length of service

promotions, and length of service pay increases, as required by applicable federal or state law. Employees with one year or more of City service will be eligible for pay during participation in annual encampment or training duty in the U.S. Military Reserves or the National Guard. In these circumstances, the City will pay the difference between what an employee earns from the government for military service and what the employee would have earned from normal straight-time pay on the job. This difference will be paid for up to two weeks in a calendar year.

- (f) Educational Leave of Absence: Employees who want to continue their education in preparation for added responsibilities with the City may be granted an educational leave of absence.

(3) Requests for a leave of absence or any extension of a leave ordinarily should be submitted in writing to the employee's department head at least thirty days before the start of the leave or extension period. When the need for leave or an extension is not foreseeable, employees should give as much notice as is practicable. The department head will forward the request to the Mayor recommending approval or denial. The Mayor will make the final decision concerning the request. All employees on approved leave are expected to report to the Mayor any change of status in their need for a leave or in their intention to return to work.

(4) Every employee on a sick leave or family care leave of absence will be required to use all accrued annual and sick days while on leave. However, employees may not use paid leave if they are receiving compensation under the City's disability or workers' compensation insurance programs. Every employee on a parental, personal, educational or public service leave of absence will be required to use all accrued annual days while on leave.

(5) The City will provide health insurance and other benefits to employees on leave as required by law. Benefits that accrue according to length of service, such as paid vacation, holiday, and sick days, do not accrue during periods of unpaid leave or during periods in which the employee receives workers' compensation or disability benefits.

(6) Employees returning from a leave of absence will be reinstated to their same job or to an equivalent job with equivalent status and pay, as required by law. Employees returning from a sick leave must provide certification of their ability to perform the functions of their job. Employees returning from a military leave also must comply with all of the reinstatement requirements specified by federal law. If the same job or one of equivalent status and pay is not available as a result of a reduction in force, the employee will be treated in the same manner as though he had been actively employed at the time of the reduction in force.

(7) Employees who are unable to report for work because of arrest and incarceration will be placed on a special personal leave of absence. If the employee is unable to secure bail, the leave of absence will continue until final disposition of the charges. If the employee is freed on bail, the employee's department head and the Mayor will decide whether active employment is appropriate pending final disposition of the charges.

(8) If an employee fails to return to work at the conclusion of an approved leave of absence, including any extension of the leave, the employee will be considered to have voluntarily terminated employment.

## **APPENDIX: Notice to Employees Regarding the Family and Medical Leave Act**

The City will comply with all applicable requirements of the Family and Medical Leave Act (“FMLA”).

The FMLA requires private employers with 50 or more employees and all public agencies, including state, local, and federal employers, and local education agencies (schools), to provide eligible employees up to 12 weeks of unpaid, job-protected leave in any 12-month period for certain family and medical reasons. The 12-month period is a rolling period measured backward from the date employee uses any FMLA leave.

### **Employee Eligibility**

The FMLA defines eligible employees as employees who: (1) have worked for the City for at least 12 months; (2) have worked for the City for at least 1,250 hours in the previous 12 months; and (3) work at or report to a worksite which has 50 or more employees or is within 75 miles of worksites that taken together have a total of 50 or more employees.

### **Leave Entitlement**

Eligible employees may take leave for the following reasons: (1) to care for the employee’s child upon birth or to care for a child upon the child’s placement with the employee for adoption or foster care; (2) to care for a parent, spouse, or child with a serious health condition; or (3) when the employee is unable to work because of the employee’s own serious health condition.

Serious health condition. According to the FMLA, a “serious health condition” means an illness, injury, impairment, or physical or mental condition that involves: (1) inpatient care (i.e., an overnight stay), including any period of incapacity or any subsequent treatment in connection with the inpatient care; or (2) “continuing treatment” by a health care provider. For further information on what is considered “continuing treatment,” contact the Personnel Department. Spouses employed by the same employer are jointly entitled to a combined leave of 12 workweeks of family leave to care for a parent who has a serious health condition. However, each spouse may take up to 12 workweeks of leave to care for a child or spouse with a serious health condition.

Birth, adoption, or foster care of children. FMLA leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement. In addition, spouses employed by the same employer are jointly entitled to a combined leave of 12 workweeks of family leave for the birth or placement of a child for adoption or foster care.

Intermittent or reduced work schedule leave. In certain circumstances, eligible employees may take FMLA leave intermittently (for example, in blocks of time) or by reducing their work schedule. If FMLA leave is to care for a child after the birth or placement for adoption or foster care, employees may take their FMLA leave intermittently or on a reduced work schedule only with the City’s permission. If the FMLA leave is because of the employee’s serious illness or to care for a seriously ill family member, the employee may take the leave intermittently or on a reduced work schedule if it is medically necessary.

Employees who want to take FMLA leave ordinarily must provide the City at least 30 days notice of the need for leave, if the need for leave is foreseeable. If the employee's need is not foreseeable, the employee should give as much notice as is practicable. When leave is needed to care for an immediate family member or for the employee's own illness and is for planned medical treatment, the employee must try to schedule treatment in order to prevent disruptions of the City's operations.

In addition, employees who need leave for their own or a family member's serious health condition must provide medical certification from a health care provider of the serious health condition. The City also may require a second or third opinion (at the City's expense), periodic recertification of the serious health condition, and, when the leave is a result of the employee's own serious health condition, a fitness for duty report to return to work.

The City may delay leave to employees who do not provide proper advance notice of the foreseeable need for leave. The City also may delay or deny approval of leave for lack of proper medical certification.

### **Benefits During FMLA Leave**

Employees taking leave under the FMLA are entitled to receive health benefits during the leave at the same level and terms of coverage as if they had been working throughout the leave. If applicable, arrangements will be made for employees to pay their share of health insurance premiums while on leave. If an employee chooses not to return to work from FMLA leave, the City may be entitled to recover premiums it paid to maintain health coverage during the leave.

The employee's use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave. However, the employee must use any accrued paid vacation and sick days during an unpaid FMLA leave taken because of the employee's own serious health condition or the serious health condition of a family member. In addition, the employee must use any accrued paid vacation days (but not sick days) during FMLA leave taken to care for a newborn or newly placed child.

### **Job Restoration After FMLA Leave**

The City will reinstate an employee returning from FMLA leave to the same or equivalent position with equivalent pay, benefits, and other employment terms and conditions. However, an employee on FMLA leave does not have any greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.

Certain highly compensated key employees also may be denied reinstatement when necessary to prevent "substantial and grievous economic injury" to the City's operations. A "key" employee is an eligible salaried employee who is among the highest paid ten percent of employees within 75 miles of the worksite. Employees will be notified of their status as a key employee, when applicable, after they request FMLA leave.

### **Other Provisions**

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

Under an exception to the Fair Labor Standards Act in the FMLA regulations, hourly amounts may be deducted for unpaid leave from the salary of executive, administrative, and professional employees who are exempt from the minimum wage and overtime requirements of the Fair Labor Standards Act, and records of leave may be kept for those employees, without affecting the employee's exempt status. This special exception to the "salary basis" requirements for the FLSA's exemptions extends only to eligible employees' use of leave required by the FMLA.

**NOTE: There are several discrepancies noted between the federal FMLA and Alaska state statute 23.10.500-550. When there is found to be a discrepancy between the state and federal policy, the City will apply that policy found to be most advantageous to the employee. Please refer to the referenced state statute.**



## **CHAPTER 6**

### **DISCIPLINE AND GRIEVANCES**

#### **Section 6-A      Disciplinary Procedure**

**Policy:**        It is the policy of the City that all employees are expected to comply with the City's standards of behavior and performance and that any noncompliance with these standards must be corrected.

**Comment:**

(1)        Under normal circumstances, the City endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. It does, however, retain the right to administer discipline in any manner it sees fit. This policy does not in any way restrict the City's right to bypass the disciplinary procedures suggested.

(2)        The normal application of progressive discipline should be:

- (a)        If an employee is not meeting City standards of behavior or performance, the employee's supervisor should take the following action:
  - (i)        Meet with the employee to discuss the matter;
  - (ii)       Inform the employee of the nature of the problem and the action necessary to correct it; and
  - (iii)      Prepare a memorandum for the supervisor's own records indicating that the meeting has taken place.
- (b)        If there is a second occurrence, the supervisor should hold another meeting with the employee and the Mayor and take the following action:
  - (i)        Issue a written reprimand to the employee;
  - (ii)       Warn the employee that a third incident will result in more severe disciplinary action; and
  - (iii)      Prepare and forward to the Personnel Department a written report describing the first and second incidents and summarizing the action taken during the meeting with the employee. This information will be included in the employee's personnel file.
- (c)        If there are additional occurrences, the supervisor should take the following action:
  - (i)        Issue a written reprimand;
  - (ii)       Recommend in writing to the Mayor that the employee be suspended for up to five working days; or
  - (iii)      Recommend in writing to the Mayor that the employee be terminated. The Mayor alone may act on these recommendations.

(3) The progressive disciplinary procedures described in (2) above may also be applied to an employee who is experiencing a series of unrelated problems involving job performance or behavior.

(4) In cases involving serious misconduct or any time the supervisor determines it is necessary, such as a major breach of policy or violation of law, the procedures contained in Comment (2), above may be disregarded. The supervisor should recommend suspension immediately and, if appropriate, recommend termination of the employee. An investigation of the incidents leading up to the suspension should be conducted to determine what further action, if any, should be taken. (See Comment (6), below.) Employees suspended from work generally will not receive or accrue any employee benefits during the suspension.

(5) At an investigatory interview conducted for the purpose of determining the facts involved in any suspected violation of City rules and regulations, the following procedures normally should apply:

(a) Before the interview, the employee who is suspected of violating City rules and regulations should be told in general terms what the interview is about.

(b) The employee may, upon request, have a coworker present at the interview if the interview covers issues affecting other employees.

(6) Employees who believe that they have been disciplined too severely or who question the reason for discipline are encouraged to use the grievance procedure.

(7) If a disciplined employee works a full year without further disciplinary action under this policy, the next failure to meet behavior or performance standards may be treated as a first occurrence under this policy. However, the City may still consider all past disciplinary actions in evaluating the employee.

## **Section 6-B      Drugs, Narcotics and Alcohol**

**Policy:** It is the policy of the City to maintain a workplace that is free from the effects of drug and alcohol abuse. Using or being under the influence of drugs or alcohol on the job may pose serious safety and health risks.

### **Comment:**

(1) Employees are prohibited from the illegal use, sale, dispensing, distribution, possession, or manufacture of illegal drugs, controlled substances, narcotics, marijuana and or alcoholic beverages on City premises or work sites. In addition, the City prohibits the off-premises abuse of alcohol, marijuana and controlled substances, as well as the possession, use, or sale of illegal drugs, when those activities adversely affect job performance, job safety, or the City's reputation in the community.

(2) Although no longer prohibited by Alaska law in all cases, possession or use of marijuana on City premises or work sites is expressly prohibited. In addition, use of marijuana poses health risks both to the user and to the public if an employee is in a safety sensitive position. Therefore, marijuana use is prohibited to the same extent as other illegal drugs as provided in this section.

(3) To help ensure a safe and healthful working environment, all newly hired employees are required to submit to a drug test, which includes testing for marijuana use. The City will neither hire nor continue to employ, subject to federal and state law restrictions, alcoholics or drug abusers whose current use of those substances prevents them from performing their jobs or who would constitute a direct threat to the property or safety of others.

(4) Employees will be subject to disciplinary action, up to and including termination, for violations of this policy. Violations include, but are not limited to, possessing illegal or non-prescribed drugs and narcotics, marijuana, or alcoholic beverages at work; being under the influence of those substances while working; using them while working; or dispensing, distributing, or illegally manufacturing or selling them on City premises and work sites. Employees, their possessions, and City-issued equipment and containers under their control are subject to search and surveillance at all times while on City premises or work sites or while conducting City business. Employees subject to the Drug-Free Workplace Act who are convicted of any criminal drug violation occurring in the workplace must report the conviction to the Personnel Department within five days, and the Personnel Department is then to take appropriate action as required by law.

(5) Employees may be asked to take a test at any time to determine the presence of drugs, narcotics, marijuana, or alcohol, unless state or federal law prohibits the tests. Employees that agree to take the test must sign a consent form authorizing the test and the City's use of the test results for purposes of administering its discipline policy. It is a violation of this policy to refuse consent for these purposes or to test positive for alcohol, marijuana, or illegal drugs. Policy violations will result in discipline and may result in termination. Tests that are paid for by the City are the property of the City, and the examination records will be treated as confidential. However, records of specific examinations, if required by law or regulation, will be made available to the employee, persons designated and authorized by the employee, public agencies, relevant insurance companies, or the employee's doctor.

(6) Supervisors should report immediately to the Personnel Department any action by an employee who demonstrates an unusual pattern of behavior. The Personnel Department will determine whether the employee should be examined by a physician or clinic and/or tested for drugs and alcohol. Employees believed to be under the influence of drugs, narcotics, or alcohol will be required to leave the premises. A Police Officer should be notified to arrange safe transit.

(7) Employees must report their use of over-the-counter or prescribed medications to the Personnel Department if the use might impair their ability to perform their job safely and effectively. A determination will then be made as to whether the employee should be able to perform the essential functions of the job safely and properly.

(8) Employees who are experiencing work-related or personal problems resulting from drug, narcotic, or alcohol abuse or dependency may request, or be required to seek, counseling help. Participation in counseling, including City-sponsored or required counseling, is confidential and should not have any influence on performance appraisals. Job performance, not the fact that an employee seeks counseling, is to be the basis of all performance appraisals.

(9) Any employee who is abusing drugs or alcohol may be granted a leave of absence to undertake rehabilitation treatment. The employee will not be permitted to

return to work until certification is presented to the Personnel Department that the employee is capable of performing his job. Failure to cooperate with an agreed-upon treatment plan may result in discipline, up to and including termination. Participation in a treatment program does not insulate an employee from the imposition of discipline for violations of this or other City policies.

(10) The City will, to the extent feasible, provide continuing awareness programs about the harmful effects of drug and alcohol abuse.

## **Section 6-C      Grievance Procedure**

**Policy:** It is the policy of the City that employees should have an opportunity to present their work-related complaints and to appeal management decisions through a dispute resolution or grievance procedure. The City will attempt to resolve promptly all grievances that are appropriate for handling under this policy.

**Comment:**

(1) An appropriate grievance is defined as an employee's expressed dissatisfaction concerning any interpretation or application of a work-related policy by management, supervisors, or other employees. Examples of matters that may be considered appropriate grievances under this policy include:

- (a) A belief that City policies, practices, rules, regulations, or procedures have been applied in a manner detrimental to an employee;
- (b) Treatment considered unfair by an employee, such as coercion, reprisal, harassment, or intimidation;
- (c) Alleged discrimination because of race, color, sex, age, religion, national origin, marital status, or disability; and
- (d) Improper or unfair administration of employee benefits or conditions of employment such as scheduling, vacations, fringe benefits, promotions, retirement, holidays, performance review, salary, or seniority.

(2) Employees should notify the City, in a timely fashion, of any grievance considered appropriate for handling under this policy. The grievance procedure is the exclusive remedy for employees with appropriate grievances. As used in this policy, the terms "timely fashion", "reasonable time", and "promptly" generally will mean five working days.

(3) The grievance procedure has a maximum of three steps, but grievances may be resolved at any step in the process. Grievances will be processed until the employee is satisfied, does not file a timely appeal, or exhausts the right of appeal under the policy. A decision becomes binding on all parties whenever an employee does not file a timely appeal or when a decision is made in the final step and the right of appeal no longer exists.

(4) Employees who feel they have an appropriate grievance should proceed as follows:

- (a) Step One: Promptly bring the grievance to the attention of the

immediate supervisor. If the grievance involves the supervisor, then the employee may proceed directly to step two. The supervisor should investigate the grievance, attempt to resolve it, and give a decision to the employee within a reasonable time. The supervisor should prepare a written and dated summary of the grievance and proposed resolution for the employee's personnel file.

- (b) Step Two: Appeal the decision to the City grievance committee, if dissatisfied with the supervisor's decision, or initiate the procedure with the City grievance committee if Step One has been bypassed. This appeal or initial complaint must be made in a timely fashion and in writing. The supervisor's version of the grievance and decision will also be submitted in writing. The City grievance committee will, in a timely fashion, confer with the employee, the supervisor, and any other members of management considered appropriate; investigate the issues; and communicate a decision in writing to all the parties involved. The City grievance committee will be comprised of:

- (1) Two (2) City Council members appointed by the Mayor
- (2) Two (2) City employees selected by the aggrieved employee
- (3) One (1) public citizen acceptable to the other four members

- (c) Step Three: Appeal an unsatisfactory City grievance committee decision to the City Council. The timeliness requirement and procedures to be followed are similar to those in Step Two. The City Council will take the necessary steps to review and investigate the grievance and will then issue a written, final, and binding decision.

(5) Employees are encouraged to consult with the Personnel Department, their supervisors, or other members of management, on a less formal basis regarding employee complaints or disputes.

(6) Final decisions on grievances will not be precedent-setting or binding on future grievances unless they are officially stated as City policy. When appropriate, the decisions will be retroactive to the date of the employee's original grievance.

(7) Information concerning an employee grievance should be confidential. Supervisors, department heads, and other members of management who investigate a grievance may discuss it only with those individuals who have a need to know about it or who are needed to supply necessary background information or advice.

(8) Time spent by employees in grievance discussions with management during their normal working hours will be considered hours worked for pay purposes.

(9) Employees will not be penalized for proper use of the grievance procedure. However, it is not considered proper use if an employee raises grievances in bad faith or solely for the purposes of delay or harassment, or repeatedly raises meritless grievances. Implementation of the grievance procedure by an employee does not limit the right of the City to proceed with any disciplinary action that is not in retaliation for the use of the grievance procedure.

(10) The City may, at its discretion, refuse to proceed with any complaint it determines is improper under this policy.