



City of Ketchum

### CITY COUNCIL MEETING AGENDA MEMO

Meeting Date:  Staff Member/Dept:

Agenda Item:

**Recommended Motion:**

No formal action is requested at this time. Staff is seeking feedback on any desired edits. Staff will place on December 18<sup>th</sup> agenda for formal action.

**Reasons for Recommendation:**

- Existing handbook has not been updated since 2015.
- City retained BestDay HR to review handbook for all federal/state employment regulations as well as best practices.
- An Employee Engagement Committee was formed consisting of two representatives from all departments to ensure strong employee participation during the update process.

**Policy Analysis and Background (non-consent items only):**

Due to the extensive re-formatting and content changes, “track changes” document format was not possible. The 2015 existing document is attached for reference.

Staff will have a brief presentation to recap attachment one which outlines the significant changes, and stand for questions/guidance from the Council.

**Sustainability Impact:**

None.

**Financial Impact:**

None OR Adequate funds exist in account:	NONE
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**Attachments:**

1. Handbook Update Overview
2. 2023 Updated Handbook
3. 2015 Current Handbook

# ATTACHMENT 1

## City of Ketchum | Handbook Updates

<b>BestDay HR-led updates:</b>	
Clarified in the introduction who the handbook applies to, the purpose of the handbook, and the role of the City Administrator, Mayor, and City Council regarding approving or changing the handbook	Page 6
Greatly enhanced the definitions and expectations around what is unacceptable harassment and discrimination, added an anti-bullying section, and described how an employee with a disability can be accommodated	Pages 8-10
Added a pregnancy accommodation section to comply with a new federal law	Page 10
Shortened and combined the sections outlining prohibited conduct by employees to make it easier to read	Pages 39-42
Clarified important sections related to drug and alcohol testing	Pages 48-52
Eliminated ambiguous language in the holiday section; added a chart	Pages 22 & 23
Added a flexible workweek section	Pages 18 & 19
Added a parental leave section	Page 27
Added mandatory language regarding reporting child abuse	Pages 52 & 53
Added important sections regarding the Family and Medical Leave Act	Pages 30-39
Clarified the discipline process	Page 43
Tuition reimbursement got an overhaul and is now Education Assistance	Page 29

<b>Employee Engagement Committee-led updates:</b>	
Added a section describing the City’s approach to compensation and benefits. This section is important as it describes the goal of the City’s programs with a focus on recognizing employee contributions and doing this in an equitable and fiscally responsible manner.	Page 14
Added a section about hybrid work – which outlines how an employee goes about requesting to split their workday or work week between working onsite at a City location and working from home or another location. This is an approval-based policy that is meant for unique situations for limited periods of time.	Page 18
Changed vacation accrual so employees accrue vacation more quickly. For example, it is proposed that employees who have been with the City for two years begin accruing 10 hours of vacation a month. An employee currently must be employed five years before receiving that amount. Employees receive additional vacation days at 5, 10, 15, and at 20 years receive their maximum accrual. The City’s current vacation policy requires an employee to have 30 years of service before they hit their maximum accrual.	Pages 21 & 22
Clarifying the purpose of sick leave. Amended to include all full-time employees.	Page 24
Retitling “Catastrophic Leave” to “Compassionate Leave,” which is a more recognized title.	Page 26
Clarified how Parental Leave ties to the Family Medical Leave Act.	Page 27
Breaks/meal periods now has language that you do not have to come in/stay late in order to take a break.	Page 19
The performance management policy is on hold as we evaluate some research that the Planning & Building Department did on this topic	Page 44



# City of Ketchum, Idaho Employee Handbook

Revised and Adopted [date]

## Table of Contents

<b>WORKING AT THE CITY OF KETCHUM .....</b>	<b>6</b>
<b>EMPLOYEE POLICY HANDBOOK .....</b>	<b>6</b>
<b>EQUAL EMPLOYMENT OPPORTUNITY.....</b>	<b>7</b>
<b>PROHIBITION AGAINST HARASSMENT, BULLYING, AND RETALIATION.....</b>	<b>8</b>
1. Discrimination and Harassment.....	8
2. Bullying .....	9
3. Protection Against Retaliation.....	9
4. Complaint Reporting and Handling .....	9
<b>REASONABLE ACCOMMODATION .....</b>	<b>10</b>
1. Disability and Religious Accommodations .....	10
2. Pregnancy Accommodation.....	11
<b>EMPLOYEE SELECTION, COMPENSATION, TIMEKEEPING, AND SCHEDULES .....</b>	<b>11</b>
1. Employment Status.....	11
2. Recruitment and Selection .....	12
a. Recruitment and Selection Guides.....	12
b. Transfers at the City’s Request.....	13
c. Employment Forms to be Completed .....	13
d. Employee Personnel Files.....	13
e. Access to Personnel Files.....	13
3. Employee Compensation.....	14
a. Compensation and Benefits Approach .....	14
b. Compensation Administration .....	14
c. Compliance with State and Federal Pay Acts .....	14
d. Classification Plan .....	14
e. On Call and Call Back Pay.....	15
f. Right to Change Compensation.....	15
g. Wage Payment and Overtime .....	15
h. Extra Hours.....	16
i. Overtime/Compensatory Time Authorization and Use .....	16
j. Compensatory Time Eligibility and Accrual .....	16
k. Payoff of Accrued Compensatory Time .....	16
l. Workweek.....	16
m. Trading Shifts .....	17
n. Volunteered Time .....	17
o. Working Out of Classification.....	17
4. Reporting and Verifying Time Records .....	17
5. Pay Periods.....	18

6.	Hybrid Work .....	18
7.	Flexible Schedules and Workweeks .....	18
a.	Flexible Schedule and Compressed Schedule .....	19
b.	Approval Process.....	19
c.	Cancelling a Schedule .....	20
d.	Supervisor Review .....	20
e.	Other Considerations.....	20
<b>EMPLOYEE LEAVE, HOLIDAYS, AND BENEFITS .....</b>		<b>21</b>
1.	Annual Vacation Leave .....	21
a.	Full Time Employees .....	21
b.	Accrual Limits .....	21
2.	Holidays .....	22
a.	Holidays Falling on Days Off.....	23
b.	Working on a Holiday .....	23
c.	Recognized Holidays .....	23
3.	Leave.....	23
a.	Sick Leave .....	23
b.	Bereavement Leave .....	25
c.	Leaves of Absence.....	25
d.	Compensation while Serving on Jury Duty or as a Witness in a Court Proceeding.....	25
e.	Military Leave.....	26
f.	Compassionate Leave .....	26
g.	Parental Leave.....	26
4.	Benefits .....	27
a.	Benefits for Part-time or Casual/ Seasonal Employees.....	27
b.	Insurance Coverage.....	27
c.	Retired Employee's Health Insurance .....	27
d.	Retirement .....	28
e.	Education Assistance .....	28
f.	Miscellaneous Benefits.....	29
g.	Transfer of Benefits with Employee Transfer .....	29
<b>FAMILY AND MEDICAL LEAVE (FMLA).....</b>		<b>29</b>
1.	FMLA .....	29
2.	Eligibility.....	29
3.	Reasons for Leave .....	30
4.	Amount of Leave.....	30
5.	Intermittent Leave or a Reduced Work Schedule.....	30
6.	Employee Notice Requirement .....	31
7.	Designation of FMLA Leave .....	31
8.	Employee Status and Benefits During Leave.....	31

9.	Employee Status After Leave .....	32
10.	Use of Paid and Unpaid Leave.....	32
11.	Intent to Return to Work from FMLA Leave.....	33
	<b><i>FAMILY AND MEDICAL LEAVE – MILITARY RELATED .....</i></b>	<b><i>33</i></b>
1.	Employee Eligibility.....	33
2.	FMLA for Active Duty .....	33
3.	Exceptions .....	34
4.	Care for a Servicemember with a Serious Illness or Injury.....	34
5.	Amount of FMLA for Active Duty .....	35
6.	Amount of FMLA Leave .....	35
7.	Requesting FMLA Leave .....	36
8.	Certification For Active Duty Leave .....	37
9.	Certification For Leave To Care For A Servicemember With A Serious Illness Or Injury .....	37
10.	While On FMLA Leave.....	37
11.	Scheduling FMLA Leave .....	37
12.	Pay and Benefits During FMLA Leave .....	38
13.	Return From Military-Related Leave .....	38
	<b><i>RULES OF EMPLOYEE CONDUCT .....</i></b>	<b><i>39</i></b>
	<b><i>CORRECTIVE ACTION.....</i></b>	<b><i>42</i></b>
	<b><i>PERFORMANCE MANAGEMENT .....</i></b>	<b><i>43</i></b>
	<b><i>PROBLEM RESOLUTION.....</i></b>	<b><i>44</i></b>
	<b><i>EMPLOYEE USE OF CITY VEHICLES .....</i></b>	<b><i>44</i></b>
	<b><i>USE OF PORTABLE ELECTRONIC DEVICES WHILE DRIVING OR BICYCLING .....</i></b>	<b><i>45</i></b>
	<b><i>EMPLOYEE TRAVEL .....</i></b>	<b><i>45</i></b>
1.	Same Day Out of Town Travel .....	45
2.	Out of Town Overnight Travel .....	46
	<b><i>TELECOMMUNICATIONS SYSTEMS POLICIES .....</i></b>	<b><i>46</i></b>
	<b><i>ELECTRONIC MAIL AND INTERNET POLICY .....</i></b>	<b><i>47</i></b>
	<b><i>DRUGS AND ALCOHOL .....</i></b>	<b><i>48</i></b>
1.	On-the-Job Use, Possession or Sale of Drugs or Alcohol.....	48
2.	Legal Drugs and Medication .....	48

3. Illegal Drugs.....	48
4. Searches .....	49
5. Drug and Alcohol Screening.....	49
a. Pre-Employment, Post-Offer Screening.....	49
b. Reasonable Suspicion Testing .....	49
c. Random Testing .....	50
d. Post-Accident Drug and Alcohol Testing.....	50
e. Test Refusal .....	51
f. Employee Assistance Program .....	51
g. Safe Harbor Referral .....	51
h. Contract Personnel .....	52
i. Commercial Driver’s License.....	52
<b>CHILD ABUSE REPORTING .....</b>	<b>52</b>
<b>GENERAL PROVISIONS .....</b>	<b>53</b>
1. Travel Expense Reimbursement.....	53
2. On-the-Job Injuries .....	53
3. Nepotism.....	54
4. Use of City Meeting Space .....	54
<b>SEPARATION OF EMPLOYMENT.....</b>	<b>55</b>
1. Resignation.....	55
2. COBRA Benefits .....	55
3. Final Paycheck .....	55
4. Exit Interview .....	55
5. Reductions in Force.....	56
6. Eligibility for Rehire.....	56
7. Return of City Property .....	56
<b>ACKNOWLEDGEMENT OF RECEIPT OF EMPLOYEE HANDBOOK .....</b>	<b>57</b>

## WORKING AT THE CITY OF KETCHUM

Welcome to the City of Ketchum. We are grateful you have joined us. The following is information we believe will help you as you begin your career with the City.

The City is a political subdivision of the State of Idaho, though it is not a part of state government. The City Council serves as the governing body for the City. The City Council's primary authority is to establish terms and conditions of employment with the City administration. The City Council also appoints personnel to help carry out its administrative responsibilities.

The responsibility and authority for the enforcement and administration of the policies and procedures set forth herein are vested in the Mayor, City Administrator, and Department Supervisors.

As with all elected public officials, the City Council is ultimately responsible to the voters of the City of Ketchum. The terms set forth in this Handbook reflect public entity policy at the time of its approval, but they are subject to change at any time, without prior notice, and at the sole discretion of the City Council.

Only the City Council has authority to establish general policy for the City employees. Each employee should recognize that even when serving as an employee in the office of an elected or appointed official, that individual remains an employee of the City. The terms and conditions set forth in this Handbook, and in the resolutions and policy statements which support it, cannot be superseded by any other official's commitment, without the express written agreement of the City Council. That is particularly true for terms or conditions which would establish a financial obligation for the City now or in the future. It is important that all employees understand the relationship between policy adopted by the City Council and department policy implemented by other elected officials.

## EMPLOYEE POLICY HANDBOOK

The purpose of the Employee Handbook (Handbook) is to inform employees of the City's general personnel policies and to ensure uniform application throughout City departments. The Handbook is not all-inclusive, but addresses the topics most likely to be encountered in the City's day-to-day operations.

The policies in this Handbook are not intended to supersede City ordinances or other applicable laws; and in case of any conflict between these policies and such ordinances or laws, the latter shall prevail.

THE POLICIES IN THIS HANDBOOK ARE NOT INTENDED AND SHALL NOT BE CONSTRUED TO CONSTITUTE AN EXPRESS OR IMPLIED CONTRACT OF EMPLOYMENT. The City reserves the right to change or rescind these policies and regulations with or without notice, and to determine the application of these policies to specific circumstances. The City further reserves the right to alter or eliminate any benefits provided to its employees. Any alteration, elimination or revision may be made applicable to current as well as future employees.

**The Handbook will be maintained on the City's Inside web page. Departments shall provide employees without computers, access to a department computer upon request in order to access the Handbook. All employees shall read the electronic policies regularly, check for changes or revisions, and abide by their content. Employees who have questions about the policies contained**



**in the Handbook, including any changes or revisions, shall contact their supervisor for explanation and clarification. Being aware of and understanding the City's policies contained in the Handbook is the employee's responsibility.**

Certain provisions of this Handbook state that disciplinary action may result from specified conduct. The inclusion of these provisions does not, and is not intended to limit, in any way, the imposition of disciplinary action for other types of conduct or for other reasons.

The provisions of this Handbook apply to all City employees, except as otherwise specified within the Handbook or by ordinance, state or federal statute, rule, regulation, or collective labor agreement. Bargaining unit employees shall refer to their collective bargaining agreements for applicable terms and conditions of employment. This handbook shall apply for any topic or situation not superseded by the collective bargaining agreement.

Any matter not specifically covered by the Handbook or departmental rules and procedures shall be administered by the City Administrator in a manner consistent with the Handbook.

**WAIVER OF RULES:** The City Administrator reserves the right to temporarily waive any policy in specific instances when such waivers are legal, warranted and justified in the interests of a more effective and responsive system of personnel administration. Any subsequent changes from the City will supersede the contents of this Handbook.

If any chapter, section or portion of this Handbook is found to be invalid by a duly constituted authority, it shall not affect the validity of the balance of these policies and procedures. If any portion of these policies and procedures are in conflict, the most recent amendments shall apply.

## **EQUAL EMPLOYMENT OPPORTUNITY**

The City is committed to providing equal employment opportunity for all persons without regard to race, color, religion, gender, age, national origin, sexual orientation, gender identity, disability, veteran status, or any other applicable legally protected status.

Equal opportunity extends to all aspects of the employment relationship, including hiring, transfers, promotions, training, discipline, working conditions, compensation, benefits, and other terms and conditions of employment.

Additionally, the City is committed to providing an employment environment that is free from discrimination and harassment. All individuals associated with the City are expected to conduct themselves at all times so as to provide a working atmosphere free from discrimination and harassment.

Employees who believe they have been subjected to discrimination or harassment related to their race, color, religion, gender, age, national origin, sexual orientation, gender identity, disability, veteran status, or any other applicable legally protected status should report the behavior in accordance with the processes outlined in this Handbook.

# PROHIBITION AGAINST HARASSMENT, BULLYING, AND RETALIATION

## 1. Discrimination and Harassment

Discrimination and harassment consist of unwelcome conduct, whether verbal, physical or visual, that is based on a person's race, color, religion, gender, age, national origin, sexual orientation, gender identity, disability, veteran status, or any other applicable legally protected status. Discrimination or harassment that affects job benefits, interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment will not be tolerated.

A specific category of harassment is sexual harassment. Sexual harassment is unwelcome sexual advances, requests for sexual favors or visual, verbal, or physical conduct of a sexual nature when: (1) submission to such conduct is made a term or condition of employment; (2) submission to or rejection of such conduct is used as a basis for employment decisions affecting the individual; (3) such conduct unreasonably interferes with an employee's work performance or creates an intimidating, hostile or offensive working environment; or (4) employment, pay, benefits, title, position or other opportunities for advancement or training are conditioned on the submission to such unwelcome sexual advances or requests.

The following are examples of prohibited conduct that violate the City's prohibition against discrimination and harassment:

- Threats, intimidation, hostile acts, ridicule, gestures, or offensive conduct regarding one's protected status.
- Slurs, "slang," derogatory, or other verbal conduct that denigrates or shows hostility or aversion toward an individual
- Jokes or pranks regarding one's protected status or mimicking speech/accents.
- Oral, written, visual, or electronic material that stereotypes, degrades, belittles, mocks, or shows hostility toward one's protected status.
- Display or circulation of offensive printed, visual, or electronic materials or pictures.
- Unwanted physical contact or sexual conduct of any kind, including flirtations, touching, advances, propositions, or requests for sexual favors.
- Verbal comments of a sexual nature such as derogatory comments, sexually explicit jokes, sexual innuendo, or comments about a person's body.
- Visual conduct such as leering or staring at one's body parts or making sexual gestures.
- Verbal or physical conduct that is directed at an individual because of their sex or sexual orientation.
- Stereotyping or denigrating terms about a person's physical or mental disability.
- Conditioning a raise or promotion on sexual favors.

This list provides examples and is not all-inclusive. Courteous, respectful, non-coercive interactions between employees that are welcomed by both individuals are not in violation of this policy.

## 2. Bullying

The City requires employees to treat one another with dignity and respect. The City will not tolerate any degree of bullying behavior. Bullying is an ongoing and deliberate misuse of power in relationships, by one or more individuals, through repeated verbal, physical and/or social behavior that intends to cause physical, social and/or psychological harm. It is abusive conduct that may include:

- Threatening, humiliating, or intimidating behaviors;
- Work interference/sabotage that prevents work from getting done;
- Verbal or physical abuse.

The following conduct will not be tolerated and are examples of bullying treatment.

- Verbal bullying. Slandering, ridiculing, or maligning a person or their family; persistent name-calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.
- Physical bullying. Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property.
- Gesture bullying. Nonverbal gestures that can convey threatening messages.
- Exclusion. Socially or physically excluding or disregarding a person in work-related activities.

## 3. Protection Against Retaliation

The City forbids retaliation of any kind against employees who in good faith report discrimination, harassment, and/or bullying prohibited by any of its policies or against employees who participate in any investigation of such complaints. This means that an employee will not suffer economic harm, including but not limited to a loss of wages or benefits, as punishment for making a good faith report of violations of this policy or for participating in an investigation of such reports. If an employee feels they have been subjected to any form of retaliation, they should report the conduct to the City Administrator. If the City Administrator is the subject of the complaint, the employee should report concerns to the Mayor or the City's human resources representative.

## 4. Complaint Reporting and Handling

All employees of the City are responsible for helping to enforce this policy against discrimination, harassment, bullying, and/or retaliation. The reporting procedure outlined below should be used by any employee who believes they have been subject to, or have witnessed, workplace discrimination, harassment, bullying, or retaliation. The City's reporting and handling procedure provides for a prompt, thorough, and objective investigation as well as appropriate disciplinary action.

1. The unwanted behavior should be addressed immediately. The employee should tell the offender that the behavior in question is not acceptable, needs to stop, and any repeat of the behavior will be reported. An offender could include another City employee or any other person that interacts with the employee while the employee is at work or performing work for the City. If an employee is uncomfortable confronting the offending individual, if the conduct is serious in nature irrespective of any attempt to tell the individual to stop, or if the behavior did not stop

upon the employee's request, the employee should immediately report the conduct as outlined below.

2. The City has several options for reporting potential violations of this policy. As soon as possible, any employee who believes they have been subjected to any form of discrimination, harassment, bullying, or retaliation or have observed or are otherwise aware of such conduct, should provide a written or verbal report to their supervisor or the City Administrator. If the supervisor or City Administrator potentially violated this policy, employees can bring their concerns to the City Attorney. The report should be dated and signed and include details of the incident(s), the names of individuals involved, the names of any witnesses, and any documentary evidence (notes, pictures, emails, etc.).

The City endeavors to protect the privacy and confidentiality of all parties involved but cannot assure complete confidentiality. Confidentiality is maintained on a "need to know basis" to the extent permitted by the circumstances and consistent with the City's obligations to conduct an effective investigation. A timely resolution of each complaint will be reached, and appropriate corrective action, up to and including termination, will be taken promptly against any employee engaging in discrimination, harassment, bullying, and/or retaliation. Employees are expected to take full advantage of the complaint reporting procedures, as well as any preventive measures or corrective opportunities that the City provides to avoid any discrimination, harassment, bullying, and/or retaliation.

## REASONABLE ACCOMMODATION

### 1. Disability and Religious Accommodations

In compliance with applicable laws ensuring equal employment opportunities to qualified individuals with disabilities and to individuals whose sincerely held religious beliefs conflict with work obligations, the City will work with employees to provide a reasonable accommodation. A reasonable accommodation is a change or adjustment to the job application process, work environment, or work processes that would make it possible for a qualified individual with a disability to perform the essential functions of the job or an adjustment to the work environment that will allow the employee to comply with their religious beliefs.

An employee who requires an accommodation should contact their supervisor or the City Administrator and request an accommodation. The employee should specify the need for accommodation and that it is requested due to an inability to perform essential job functions or due to a conflict between religion and work. While the employee may request certain accommodations, the City may propose and may decide on alternative reasonable accommodation. The City will make an individualized assessment and provide employees with a reasonable accommodation, unless doing so would result in an undue hardship to the City or a direct threat to the health or safety of themselves or others that cannot be reduced or eliminated by reasonable accommodation.

## 2. Pregnancy Accommodation

The City will provide reasonable accommodations to employees and applicants with limitations related to pregnancy, childbirth or related medical conditions, unless the accommodation will cause undue hardship to the City's operations.

An employee or applicant may request an accommodation due to pregnancy, childbirth or a related medical condition by submitting the request in writing to their supervisor. The accommodation request should include an explanation of the pregnancy-related limitations, the accommodation needed and any alternative accommodation(s) that might be reasonable. Depending on the nature of the accommodation, the individual may be requested to submit a statement from a health care provider substantiating the need for the accommodation.

Upon receipt of a request for accommodation, the supervisor will contact the employee or applicant to discuss the request and determine if an accommodation is reasonable and can be provided without significant difficulty or expense, i.e., undue hardship.

While the reasonableness of each accommodation request will be individually assessed, possible accommodations include allowing the individual to:

- Sit while working.
- Drink water during the workday.
- Receive closer-in parking.
- Have flexible hours.
- Receive appropriately sized uniforms and safety apparel.
- Receive additional break time to use the bathroom, eat and rest.
- Take time off to recover from childbirth.
- Be excused from strenuous activities and/or activities that involve exposure to compounds deemed unsafe during pregnancy.

The City will not require an employee to take time off if another reasonable accommodation can be provided that will allow the employee to continue to work.

## EMPLOYEE SELECTION, COMPENSATION, TIMEKEEPING, AND SCHEDULES

### 1. Employment Status

Employees of the City are considered **"AT WILL"** and may be terminated with or without cause absent prior notice, regardless of any clause in this Handbook. Employee wages or salary, benefits, and job duties are affected, in part, by an employee's classification and job title. However, none of the employee classifications create permanent employment status for any City employee. The primary classes of employees and their respective status is outlined as follows:

**Full-Time Employee:** Employees whose typical work schedule calls for thirty (30) or more hours of scheduled work during each seven (7) calendar-day payroll period. Full-time employees shall receive employee benefits provided by the City as such benefits now exist or may be subsequently changed.

**Part-Time Employee:** Any person who works less than thirty (30) hours a week, whose employment is expected to be on a continual basis in a regularly budgeted class or position. Such persons are considered “employees” but do not receive benefits of full-time employees, nor do they enjoy any appeal rights, unless approved by the City Administrator.

**Temporary/Casual/Seasonal Employees:** Employees who provide services for the City on a a) seasonal basis or b) temporary basis or c) whose scheduled hours of employment for the entity are typically fewer than nineteen and three quarters (19.75) hours during each seven calendar-day payroll period are classified as casual employees. Casual employees will receive no benefits provided to regular employees, except those required by law or those provided by express written authorization. Employees who average 20 hours or more of work over a six-month period are required to join the PERSI state retirement plan and pay the employee contributions as outlined under PERSI rules.

**Paid On-Call Firefighters:** The Ketchum Fire Department is a combination department comprised of full-time staff and paid on-call employees. The paid on-call members of the Fire Department are not covered by this Handbook. A separate handbook sets forth personnel rules for these employees.

**Significance of Employee Classification.** The procedures for hiring, promotion, and transfer of full-time employees shall be subject to the provisions of this policy. Disciplinary and appeal actions concerning part-time or casual/ seasonal and temporary employees are not subject to guidelines set forth in this Handbook.

**Statutory Employees.** Appointed officers, pursuant to Idaho Code, are the City Clerk, Treasurer, City Attorney, Chief of Fire Services, and City Administrator. The terms and conditions of employment of these appointed officers is pursuant to applicable Idaho law, employment documentation between the City and the specific individual, or as outlined in this Handbook. Unless specifically agreed to otherwise, these appointed officers are at-will employees.

## 2. Recruitment and Selection

### a. Recruitment and Selection Guides

The City typically uses a competitive hiring process to fill regular full and part-time positions. However, the Mayor, City Council, and/or City Administrator may determine, consistent with business needs, to select staff by whatever employment process deemed reasonable providing it is consistent with applicable laws.

A Department Head shall notify the City Administrator in writing when a vacancy is anticipated or occurs in the department.

When using a competitive hiring process, vacant positions will be posted to allow external and internal applicants to apply. Typically, positions are posted for a minimum of five (5) consecutive workdays. A workday is defined as days that City Hall offices are open to the public.

#### **b. Transfers at the City's Request**

Transfers of current employees may be made at the City's request to satisfy management or operational needs. Additionally, a current regular employee who has gone through the City's competitive hiring process may be transferred or promoted into a regular position within their own or another department, without having to post the vacancy, provided the employee is qualified for the position and the transfer/promotion is approved by the respective Department Heads and City Administrator.

#### **c. Employment Forms to be Completed**

The following pre-employment forms must be completed before an employee may begin work for the City:

- Employment application form.
- Background check
- Drug test, if applicable to the position
- CDL Driver's only drug screening
- Immigration form (I-9).
- Insurance information for self and dependents.
- Completion of W-4 Form.
- Direct deposit ACH authorization form
- Acknowledgement and Receipt of Employee Handbook.

#### **d. Employee Personnel Files**

The official employee records for the City shall be kept in the office of the City Treasurer. Within these personnel files will be kept all records of payroll, employee performance evaluation, employee status, and other relevant materials related to the employee's service with the City. Materials may be contributed by any supervisory personnel and the employee, as long as the material is relevant to the employee's performance and tenure.

#### **e. Access to Personnel Files**

It is the policy of the City to allow limited access to the personnel files as required by law. Based upon the inherent confidentiality of personnel matters, access to other employees' personnel files shall be only with the authorization of the City Administrator, Mayor, City Treasurer, or the City Attorney. Department Heads, or Division Managers, with approval from the Department Head, are authorized to review personnel files of their department.

Information regarding personnel matters will only be provided to outside parties with a release from the employee or in limited circumstances where the release is deemed necessary with the concurrence of

the City Treasurer who supervises the records and the City Attorney. Each employee shall have the right to review materials placed within their employment file at any reasonable time. Copies of materials within a personnel file are available to each employee without charge. However, personnel files shall not be removed from the premises where they are kept.

### **3. Employee Compensation**

#### **a. Compensation and Benefits Approach**

The City takes a wholistic approach in providing compensation and benefits. Regarding compensation, the City's aim is for employees to feel valued and financially supported. Regarding benefits, the City's aim is for employees to have an understandable variety of benefits to address varied individual needs. In striving to achieve these aims regarding compensation and benefits, the City evaluates the following components:

- Fiscal responsibility and an acknowledgement that the City has one budget and values long-term financial forecasting to try and create stability for its employees
- Internally equitable
- Externally competitive and comparable in the marketplace
- Recognition for employee contributions, performance, skills, certifications, and accomplishments

#### **b. Compensation Administration**

An employee's rate of pay is based on an assessment of the position, training, experience and the market for similar jobs. An increase in the wage rate or salary is dependent upon City budget considerations as well as each individual employee's job performance.

New hires will be placed at a salary based on their knowledge, education and experience as determined by the Department Head with the approval of the City Administrator, provided it is within the approved appropriation for that department.

#### **c. Compliance with State and Federal Pay Acts**

The City shall comply with all State and Federal pay acts respecting the compensation of employees for services performed in the public service.

#### **d. Classification Plan**

All employees of the City shall be classified in the position they hold with the City in the following manner:

- a. Elected officials.
- b. Exempt employees (as defined by the Fair Labor Standards Act "FLSA").
- c. Non-exempt employees (as defined by the FLSA).
- d. Part-time or casual employees.



#### e. On Call and Call Back Pay

On-call time refers to time outside an employee's regularly scheduled work hours during which they have concluded their regular shift and have left the worksite yet is expected 1) to be easily reached by telephone, text, radio or pager, 2) is ready and fit to work, and 3) is expected to respond within one hour to a problem or emergency situation. For on call pay, eligible non-exempt employees will be compensated for two (2) hours of pay at straight time for a twenty-four (24) hour period. On call pay is not considered time worked.

Callback pay refers to unexpected instances when a non-exempt employee is requested to return to work at a time they were not expected to work, or called in to perform work on a day they were not expected to work. Non-exempt employees are guaranteed a minimum of two (2) hours of pay for a call back.

#### f. Right to Change Compensation

The City reserves the right to change general compensation through the budget process for any reason deemed appropriate by the City Council. Compensation may also be adjusted based upon job performance and the availability of funds to maintain a solvent entity budget.

#### g. Wage Payment and Overtime

The FLSA requires all employees to be classified according to the provisions of the law. Therefore, for purposes of paying any compensation, all employees are classified as either "Exempt" or "Non-Exempt." Exempt refers to employees who are not covered by and are "exempt" from the FLSA's overtime requirements.

Regular employees who are non-exempt under the FLSA and applicable state wage and hour laws are eligible for either overtime pay or compensatory time at a rate of one and one-half times their regular hourly rate for actual hours worked in excess of forty (40) hours in one FLSA work week. Temporary non-exempt employees are eligible to earn overtime but are not eligible to earn compensatory time. As a condition of employment, the City retains sole discretion to provide non-exempt employees with compensatory time off in lieu of cash overtime.

Part-time non-exempt employees are not eligible for overtime pay or compensatory time until they have worked over 40 hours in their FLSA work week.

Employees who serve as sworn law enforcement officers and as fire fighters will be subject to special exceptions found in the FLSA (See 207K).

According to the FLSA, only actual hours worked are computed for purposes of determining hours worked for overtime calculation. Therefore, the City will not count paid leaves of absence, such as vacation or any other time for which the employee is compensated but does not actually perform work when computing hours worked in a work week, unless specifically outlined in this Handbook.

#### h. Extra Hours

When required by heavy work demands or customer service needs, the City can require any employee to work extra hours. The City will attempt to give at least one day's notice when extra hours must be worked, but reserves the right to require any employee, exempt and non-exempt, to work extra hours when the need arises.

#### i. Overtime/Compensatory Time Authorization and Use

Employees shall seek and receive authorization from their supervisor prior to working overtime or accumulating compensatory time. Employees are expected to seek prior approval from their supervisor to use compensatory time. The supervisor shall allow an employee to use the employee's accrued compensatory time within a reasonable amount of time after requested, provided such use does not unduly disrupt the operation of the department or work unit.

#### j. Compensatory Time Eligibility and Accrual

Non-exempt regular employees are eligible to accrue compensatory time but are not authorized to accrue more than 80 hours of compensatory time during a fiscal year. Non-exempt employees who have accrued 80 hours of compensatory time shall be paid for any additional hours worked in accordance with the City's overtime procedures. Employees must use their compensatory time before using accrued vacation.

#### k. Payoff of Accrued Compensatory Time

All non-exempt employees' unused, accrued compensatory time balances, in excess of forty (40) hours shall be paid down toward the end of each fiscal year. No payment shall be made for the first 40 hours of accrued compensatory time until separation of employment or as allowed in this policy.

Employees promoted from non-exempt to exempt positions shall be paid for accrued compensatory time prior to their promotion. Non-exempt employees shall be paid for all accrued compensatory time when:

- Changing to a lower paying position and/or
- Changing departments or funds

#### l. Workweek

The City designates all employees (except shift firefighters) FLSA workweeks to be 12:00 a.m. Saturday through 11:59 p.m. Friday. 9/80 schedules are not permitted for exempt or non-exempt employees. The FLSA workweek has been designated by the City and it shall not be changed for the purpose of avoiding overtime payment. Shift firefighter's workweek is as defined in the collective bargaining agreement.

#### m. Trading Shifts

A Department Head may allow employees to trade shifts if it will not create an overtime situation in terms of hours worked and provided that: (a) it is voluntarily agreed to by both employees and (b) it is at the employees' request.

#### n. Volunteered Time

Non-exempt employees of the City shall not "volunteer" time for the purpose of avoiding overtime.

#### o. Working Out of Classification

Compensation for working out of classification is provided as monetary recognition to an employee for the assumption and performance of duties normally performed by an employee of higher classification.

The assumption and performance of the duties of the higher classification must encompass the full range of responsibilities of the higher classification. This shall not apply to temporary assignments which are made pursuant to prior mutual agreement between the employee and the immediate supervisor for the purpose of providing a training opportunity to the employee, for a mutually agreed upon period of time.

The performance of such duties must be for an extended period of time, wherein a need exists to fulfill the duties and responsibilities of the vacant position. An extended period of time is generally considered as an assumption of duties and responsibilities that will last in excess of thirty (30) calendar days. Pay will be retroactive to the first day those duties were assumed.

Working out of classification compensation for employees shall be allowed only after written recommendation of the Department Head and concurrence by the City Administrator. For employees who are asked to work out of classification as a Department Head, the City Administrator shall recommend a proposed salary adjustment to the Mayor for approval. Recommendation and designation shall be accomplished prior to the assumption of the higher classification responsibilities.

The employee's compensation will be increased to the starting salary of the higher classification in which the employee is substituting, or five percent (5%), whichever is higher.

When the temporary assignment is completed, the employee's salary will be readjusted to its previous level, or the level where it would have attained, including general salary adjustment and step increases, if the out of classification pay had not been made. The employee's date of hire and anniversary date will remain unchanged throughout the temporary assignment.

### 4. Reporting and Verifying Time Records

It is the responsibility of each non-exempt employee to properly record time that they worked during a payroll period. Each time sheet shall bear the electronic signature of the employee with a statement verifying its accuracy and a counter approval signature by a supervisor indicating that the hours claimed were actually worked. By recording clock in and clock out times and/or by diligently recording any deviations from their regular work hours on their time record, employees are certifying that their time

record accurately reflects their hours worked and absences. Failure to carry out these duties may result in delay in payment and disciplinary action.

## 5. Pay Periods

Each employee is paid every two (2) weeks, and the regular payday is every other Friday. If the payday falls on a holiday, the payday will occur on the first business day preceding the holiday.

## 6. Hybrid Work

Hybrid work is when an employee splits their work week or workday between working at a designated onsite City location and their home or another pre-approved offsite location. Hybrid work is meant for unique personal circumstances, requires supervisor approval, and is typically for limited periods of time. There are some City positions that do not align with hybrid work with the main determination being whether all essential job duties can be effectively and safely performed offsite through remote access to the City's technology systems.

Employees that believe they need hybrid work must provide their supervisor:

- A verbal or written request with the reason to perform hybrid work;
- The duration and schedule related to the requested hybrid work;
- Any other relevant information that the employee believes is relevant and/or as the supervisor requests.

If the supervisor approves hybrid work, the employee and supervisor will monitor the hybrid work arrangement to ensure it meets the needs of the City. All relevant City policies and procedures apply to hybrid work. Hybrid work can end at the supervisor's discretion based on the needs of the department and/or the City.

If an employee is denied hybrid work or is informed that a hybrid work arrangement is ending, the employee may request a review of the situation from the supervisor and City Administrator. Ultimately, the decision of the supervisor and City Administrator on the situation is the final determination.

Internet, office set-up, travel costs, including mileage to and from the employee's work responsibilities while performing hybrid work, are ineligible for reimbursement.

Employees are responsible for maintaining their hybrid workspace in a safe condition. Employees are responsible for determining any tax implications, if any, related to maintaining a hybrid workspace.

## 7. Flexible Schedules and Workweeks

Each City department establishes the work schedules for employees assigned to that department. Because the nature of the work varies across the City, starting and ending times vary according to the needs of individual departments. Consequently, employees may be assigned to begin and/or end their workday outside of the typical 8:30 a.m. to 5 p.m. Monday through Friday schedule. Additionally,

employees may be assigned to work a compressed schedule, or begin and/or end their workweek on a Saturday or Sunday.

Business needs permitting, departments may also offer a flexible work schedule or compressed work schedule to accommodate personal, family, and other obligations. The City permits employees to have flexible schedules and compressed work schedules when such schedules align with the City's and department's business needs.

#### a. Flexible Schedule and Compressed Schedule

A flexible schedule is a schedule that allows employees to start or end their workday outside the typical 8:30 a.m. to 5 p.m. Monday through Friday work schedule.

A compressed schedule allows employees to work the equivalent of a full 40-hour work week in fewer than five days.

#### b. Approval Process

Employees who would like to work a flexible schedule and/or compressed workweek shall make their request verbally or in writing to their Department Head or designee. Whether an employee's request is granted is at the discretion of the department in consultation with the City Administrator. Employees' requests for flexible schedules are evaluated on a case-by-case basis and may not be feasible in some departments or for certain positions.

When evaluating an employee's request, the following factors should be considered:

- Nature of the employee's responsibilities;
- Reasons for the employee's request;
- Staffing levels required to maintain service and production levels;
- Department's capacity to handle changing workloads;
- Employee's work record, including punctuality, reliability, productivity, and ability to meet deadlines;
- Potential for an increase in the department's overtime/compensatory time numbers;
- Employee's willingness to depart from a flexible schedule when needed;
- Seasonal or cyclical changes in workloads might restrict the ability to grant flexible schedules during certain times of the year; or
- Other business needs.

Departments are responsible for ensuring flexible schedules are granted in a manner that does not violate the city's Equal Opportunity Employment responsibilities.

If a department is unsure of how a flexible schedule will affect their operations, the department can approve a flexible schedule for a limited period, so they can evaluate whether the flexible schedule interferes with or hinders a business need.

If an employee's request for a flexible schedule is approved, the department shall document the new schedule and its effective date and notify the City Clerk.

As discussed and agreed to between an employee and supervisor, employees may take paid breaks lasting 15 minutes or less, or unpaid meal breaks lasting 30 minutes or more. The agreed upon schedule should align with the needs of effectively providing services and balancing an employee's need for breaks/meal periods during a workday. The City does not expect an employee to adjust their regular work schedule in order to accommodate the taking of a break.

#### c. Cancelling a Schedule

There is no right to a flexible schedule. The City retains the right to cancel or suspend a flexible schedule. If the timeframe for canceling the flexible schedule is not mutually agreed upon between the department and the employee, the department shall provide the employee with notice at least ten (10) business days prior to canceling the flexible schedule. This timeframe may be shortened based on a stated emergency.

#### d. Supervisor Review

Supervisors are expected to periodically evaluate how an employee's flexible schedule affects the employee's productivity, leave usage and accruals, the number of overtime or compensatory hours worked, holiday pay, and on-call/call-in pay.

Departments can require an employee adjust their work hours, within the parameters of applicable wage and hour laws and City policies and regulations, to ensure the employee does not work over 40 hours within their FLSA workweek creating an overtime/compensatory time liability for the City.

#### e. Other Considerations

Non-exempt employees are not restricted from working hours or days outside their approved flexible schedule, providing all alterations to their approved schedule, including hours worked over 40 in the employees FLSA work week, are approved in advance by the employee's supervisor and meet the requirements of the City's wage and overtime requirements. Non-exempt employees can be required to depart from their flexible schedule to work overtime hours.

Exempt employees are expected to work as needed to meet business needs; therefore, a flexible schedule does not restrict exempt employees from working outside their approved schedule, including a flexible schedule.

Flexible schedules resulting in employees regularly working more than 12 hours per day are not permitted unless agreed to by the employee and supervisor and approved by the City Administrator.

As outlined in the Holiday policy, flexible schedules that consist of working more than 8 hours in a day do not change the amount of holiday pay an employee receives.

## EMPLOYEE LEAVE, HOLIDAYS, AND BENEFITS

The City offers a number of employee benefits for full-time employees only. These benefit offerings are subject to change or termination in the sole discretion of the City Council or the City Administrator. If a program is terminated and not replaced with comparable benefits, participants will be notified. In some cases, there may be a waiting period before coverage begins. The policy terms may also limit coverage or eligibility depending on the number of hours an employee works. For information on these, consult the applicable benefits booklet or contact your supervisor or the City Administrator.

### 1. Annual Vacation Leave

#### a. Full Time Employees

Vacation leave is available to full-time employees who have completed the equivalent of six (6) months of full-time employment. Each full-time employee, except shift work assigned firefighters, who completes thirty (30) consecutive days of employment with the City accrues paid annual leave according to the length of such consecutive employment as follows:

YEARS OF SERVICE	VACATION ACCRUAL
Up to two (2) years of continuous service	8 hours a month/96 hours a year
Two (2) years, but less than five (5) years of continuous service	10 hours a month/120 hours a year
Five (5) years, but less than ten (10) years of continuous service	12 hours a month/144 hours a year
Ten (10) years, but less than fifteen (15) years of continuous service	14 hours a month/168 hours a year
Fifteen (15) years, but less than twenty (20) years of continuous service	16 hours a month/192 hours a year
Twenty (20) years of continuous service or more	20 hours/240 hours a year

#### i. Shift Work

Shift work firefighters shall accrue vacation leave in accordance with the effective Collective Bargaining Agreement.

#### b. Accrual Limits

The maximum accrual for regular, full-time employees is 300 hours.

An employee shall receive supervisor approval to take vacation time. Whenever possible, vacations are scheduled as requested by the employee, subject to the City's needs in ensuring proper service coverage and in balancing the various requests of employees. For purposes of leave accrual, all past service shall be included in determining the duration of employment, provided that such service is continuous with no separation longer than six (6) months, or military service, or on written approved leave of absence or under conditions of reinstatement.

Upon separation from employment, after six (6) months' continuous service, all employees shall receive a lump-sum payment for earned, but unused vacation leave at the hourly rate of pay for the employee's grade and step. Nonexempt employees also receive a lump sum payment for unused compensatory time. Where possible, such payment, in addition to the regular salary payment, shall be made to the employee on the regular payroll immediately following the employee's termination. In the event of an employee's death, payment for accrued vacation leave shall be made to the employee's estate.

## 2. Holidays

Twelve official holidays are provided for full-time employees. A paid holiday is computed at the employee's regular rate of pay. A paid holiday in which the employee does not work shall be considered time worked for the purpose of overtime or compensatory time calculations for non-exempt employees.

Employees who have full-time active status on the date of any holiday shall receive compensation for that day even though they do not work on the holiday as long as the holiday falls on the employee's regularly scheduled workday. The City Administrator, as necessary, may change the holiday schedule at any time.

Eligible holiday hours for regular employees equates to 8 holiday hours for employees working 30 or more hours per week. If a non-exempt employee is typically scheduled to work more than 8 hours, such as a 4/10 shift, in order to not receive a reduction in pay, the employee may account for the excess scheduled hours by:

- Using accrued vacation
- Using accrued compensatory time
- Flexing their schedule within the same FLSA workweek with supervisor approval
- Taking leave without pay

For example, if a full-time employee is regularly scheduled to work 10 hours and is eligible for an 8-hour holiday, the employee has the option of accounting for the remaining two hours by using vacation, compensatory time, taking leave without pay, or by working two additional hours within the same FLSA workweek with prior supervisor approval. Supervisors are encouraged, if business needs allow, to accommodate an employee's request to flex a work schedule. Sick leave shall not be used to make up the extra hours.

If a holiday falls during an employee's vacation, the holiday will not count as a vacation day.



Employees shall not be compensated for unused holidays upon separation of employment.

**a. Holidays Falling on Days Off**

Generally, for employees who work Monday through Friday, holidays falling on Saturday are observed on the preceding Friday and those falling on Sunday are observed on the following Monday. However, when a designated holiday falls on an employee’s regularly scheduled day off, other than Saturday or Sunday, the employee shall receive straight compensatory time for the number of eligible holiday hours allowed.

**b. Working on a Holiday**

If a non-exempt employee is required to work on a holiday, the employee will receive 1.5 times the normal hourly rate for all hours actually worked on the holiday, plus 8 hours of holiday pay. At the employees discretion, the holiday hours may be awarded in compensatory time.

**c. Recognized Holidays**

New Year’s Day	Labor Day
Martin Luther King, Jr./ Human Rights Day	Veteran’s Day
President’s Day	Thanksgiving Day
Memorial Day	Day After Thanksgiving
Juneteenth	Christmas Eve Day
Independence Day	Christmas Day

In addition, any day appointed by the President of the United States, or by the Governor of the State of Idaho, or the Mayor of Ketchum for a holiday.

**3. Leave**

**a. Sick Leave**

Qualified employees begin to earn sick leave at the completion of the first full month after the date of hire. Full-time employees accrue sick leave benefits at the rate of 9 hours for each calendar month of continuous employment. Part-time employees and seasonal employees do not earn sick leave benefits. Employees do not earn sick leave benefits during any portion of a leave when they are not receiving their regular wages.

Sick leave may be used for the employee and when the employee is attending to their immediate family members. Sick leave can be used for the following reasons:

- Illness or injury
- Health care visits
- Mental and emotional health needs
- Preventative self-care

When a business need arises regarding the use of an employee's sick leave, the City may request medical certification from the employee. Employees may be required to present a fitness-for-duty release from their health care provider prior to returning to work.

Employees who know in advance that they need to use sick leave shall provide their supervisor as much notice as possible. If an emergency or sudden illness prevents the advance notification, notification shall be provided as soon as possible.

Employees that use sick leave for reasons that qualify under the Family and Medical Leave Act (FMLA) shall comply with the FMLA's procedural requirements addressed in the Family Medical Leave section.

Upon supervisor review and approval, a non-exempt employee may be entitled to compensatory time in a workweek where the employee takes sick leave and also works outside of their regular hours of work. This provision may also apply to other approved special circumstances.

All sick leave shall be forfeited at the time of separation from service, and no employee shall be reimbursed for accrued sick leave at the time of separation; however, if the employee is reinstated to service within ninety (90) days after the date of separation, all sick leave credits accrued at the time of separation shall also be reinstated.

Notwithstanding the above, employees with a minimum of ten (10) years of service qualify for a payment for a portion of their accumulated sick leave at the time of separation. This payment is computed as follows:

- Retirement after ten (10) years of continuous employment:
  - Cap of 1,080 hours or fifty (50) % of accrued sick leave hours, whichever is less, times current Idaho hourly minimum wage.
- Retirement after fifteen (15) years of continuous employment:
  - Cap of 1,620 hours or seventy-five (75) % of accrued sick leave hours, whichever is less, times current Idaho hourly minimum wage.
- Retirement after twenty (20) years of continuous employment:
  - Cap of 2,200 hours or 100 (100) % of accrued sick leave hours, whichever is less, times current Idaho hourly minimum wage.

At the election of the employee this payment can be either:

- A cash payment to the employee, a cash payment deposited directly into employee's 401k or other qualified retirement savings plan, or a combination of both (up to the qualifying limits), or

- Used to pay for a continuation of the City’s Medical/Dental Insurance coverage for that employee and/or their family as proscribed by COBRA, or
- Used to pay the premiums for some other Medical Insurance Plan for which that employee and/or their family qualify, or
- Deposited directly into a qualifying Health Savings Account (HSA) type of Medical Insurance Plan (up to the qualifying limits).

**b. Bereavement Leave**

Up to three (3) days of additional paid leave of absence for a death in the immediate family (spouse, parents, grandparents, children, grandchildren, brothers and sisters). This time off may be used to arrange for and attend a funeral or memorial service and to attend to other family matters. Additional leave may be granted from accrued vacation and/or sick leave. When there are unique circumstances related to bereavement leave and the employee needs additional time off, the employee should confer with their supervisor and the City Administrator.

**c. Leaves of Absence**

The City Administrator, after recommendation by the supervisor, may grant up to fifteen (15) days unpaid leave for any justifiable purpose when the employee’s vacation and sick leave has been exhausted. An employee may request, in writing, an unpaid leave of absence for up to fifteen (15) days. However, no employee is guaranteed a leave of absence. Unpaid leave in excess of thirty (30) days shall require written approval of the City Council.

Because of fluctuating City needs, the City cannot guarantee reemployment when an employee’s leave of absence expires. If the employee’s position or comparable position is not available, the employee’s name will be placed on a hiring list and considered for future vacancies if the employee meets the qualifications.

**d. Compensation while Serving on Jury Duty or as a Witness in a Court Proceeding**

Employees receiving a jury summons or a summons to appear as a witness in a court proceeding should immediately advise their supervisor so arrangements can be made to accommodate the absence. In recognition of performing the responsibilities of a citizen, leave will be granted to full-time employees called to jury duty or to serve as a court witness. Full pay will be provided during the first three days of service. The City will pay the difference between the income employees receive from a scheduled forty (40) hour work week and the compensation received for jury duty, excluding mileage compensation. After the first three days employees may elect to use accrued vacation time or an unpaid leave of absence. Special allowance may be made by the City Administrator upon a showing of inordinate hardship.

If employees are dismissed from jury duty before the end of the workday, they must report to their supervisor for instructions on whether to return to work for the remainder of the workday.

In the event that the commitment to a trial may last for an extended period of time, employees must notify their supervisor. Jury duty for an exceptionally long duration may be compensated upon the discretion of the City Administrator.

#### e. Military Leave

A paid leave of absence will be granted to participate in ordered and authorized field training, subject to a maximum number of days as set by the Department Head. The City will comply with the provisions of applicable federal and state laws related to leaves of absence for military service. If paid leave is not available, employees who are required to attend annual military training or other active military duty may take the time as either regular vacation or unpaid leave.

#### f. Compassionate Leave

Employees may donate leave time to any City employee who has exhausted their sick leave time and who requires absence from work due to illness or injury in accordance with FMLA. The following applies to donations:

- Donations may be made in a minimum of 1 (one) hour increments. For every hour of sick, vacation or compensatory time donated by the donor, the recipient will be credited with one hour of sick leave. The pay levels of the two employees shall not affect the transaction.
- A donating member must retain a minimum of 144 hours of sick leave for their own use.
- A recipient can receive a combined maximum to the equivalent of the maximum allowable leave time in accordance with FLMA.
- An employee who returns to work either on a limited duty or on a part time basis may continue to use the donated time up to the maximum allotment.
- The donated time will not count as the donor's hours worked in any pay period.
- Participation as a donor is voluntary. A donor cannot be directly or indirectly intimidated, threatened, or coerced, or promised any benefit by any employee for the purpose of donating or using leave.
- Unused donated time will be returned to the donor or donors in the event the time is no longer needed.
- Donated time shall not count towards any leave cash out or conversion to retirement upon the employee's separation from the City.

#### g. Parental Leave

The City recognizes that it is in a unique position to be a model for other government organizations. As such, in an effort to provide an opportunity for parents to bond and welcome a new child to their family, the City offers paid parental leave.

Parental leave is available to regular, full-time employees, regardless of gender.

Employees become eligible for parental leave the first day of the month following 6 months of regular employment. The leave may be used only for the birth of the employee's natural child or adoption of a child (up to the age of 18 years old) in order to promote bonding with the child. When an employee is eligible for Family Medical Leave (FMLA), paid leave under this program will run concurrently with FMLA (please refer to the Family and Medical Leave policy for details). Employees shall designate, at the time they request FMLA, when parental leave will be used during the FMLA period. FMLA eligibility does not dictate parental leave eligibility.

Parental leave refers to paid time off following the birth of an employee's natural child or the legal placement of a child with an employee for the purposes of adoption. The maximum amount of paid parental leave is six (6) work weeks. However, employees may be eligible for additional leave, such as Family and Medical Leave, which may be paid or unpaid as outlined in that policy.

Parental leave may be taken in a single, continuous block of time or in one workday increments. However, employees are only eligible for parental leave one time in the 12 months following the birth/adoption date.

The employee's actual workweek counts as a week of leave regardless of the number of hours worked.

Parental leave shall be requested at least 30 days prior to the child's anticipated due date/adoption date, absent any unforeseeable circumstances.

#### **4. Benefits**

The City, through the City Administrator, reserves the right to change, condition, or terminate any benefits set forth in this section. No employee shall acquire any rights in any current or future status of benefits except as law otherwise requires.

##### **a. Benefits for Part-time or Casual/ Seasonal Employees**

Part-time or casual/ seasonal employees shall only receive Worker's Compensation Insurance and hours worked.

##### **b. Insurance Coverage**

The City provides health, vision and dental insurance to full-time employees and offers family coverage at the employee's option. Insurance coverage begins on the first day of the month following the start of employment with the City. All coverage is subject to policy terms and to change at any time. Claims procedures are administered by the City Treasurer's Office.

Limited life insurance coverage and limited disability programs may be provided to full-time employees. Questions regarding the terms of these programs should be directed to the City Treasurer.

Worker's Compensation insurance covering job-related injuries is provided for all employees. Questions about worker's compensation insurance should be directed to the City Treasurer's Office.

##### **c. Retired Employee's Health Insurance**

The City offers health insurance to retired employees under the following conditions and eligibility rules:

1. An employee must be a full-time, active employee of the City and enrolled under the III-A plan for a period of at least one year prior to being eligible for the benefit. Elected officials are excluded from coverage.

2. Attain the Rule of 80/90 as defined by PERSI (For purposes of the definition of the Rule of 80/90 the PERSI definition applies, notwithstanding whether an employee is participating in PERSI, or
3. An employee may retire early if:
  - a. Employment ends employment after meeting the minimum age requirement, and
  - b. Employee has at least 60 months of full-time employment with that employer or 60 months of credited service, whichever applies.
4. Minimum Age Requirements for Early Retirement
  - a. General members—The minimum retirement age for general members is 55. Employees may retire the first day of the month following the month they turn 55.
  - b. Public Safety Officers—The minimum retirement age for public safety officers (police/firefighters) is 50. Employees may retire the first day of the month following the month they turn 50.
  - c. Members with Mixed Service who have accrued service credit as both a general member and as a public safety officer have mixed service. The minimum retirement age for someone with mixed service will be between age 50 and 55.
5. There can be no lapse in coverage. The employee must transition from active to retiree status with no lapse in coverage. If they leave the plan after their employment ends for any length of time, they are no longer eligible for retiree coverage.
6. Survivor Benefits are also extended to retirees' dependents. If a retiree passes away while covered under the III-A, their covered spouse and dependents are allowed to remain on the III-A plan until the spouse becomes Medicare eligible. As previously stated there cannot be a lapse in coverage.
7. When a retiree reaches the age of 65 and is termed from the plan, their covered spouse and dependents are also termed from the plan.
8. These rules also apply to the vision and dental plans, if applicable.

#### d. Retirement

The retirement plan of the City combines benefits of the Public Employees Retirement System of Idaho (PERSI) with Social Security (FICA)). PERSI charges a percentage of an employee's gross salary, which is presently exempt from the Federal and State income taxes, and the City matches this with an additional larger contribution. Contact the City Treasurer for further information.

#### e. Education Assistance

The City offers employees financial assistance with their education. Education assistance applies towards college courses, certificate programs, and professional/technical badges. All of these categories are considered Professional Development. Education assistance is guided by the following:

- Professional Development must directly relate to the employee's present or potential promotional assignment within the City.
- Departments must have sufficient budgetary resources prior to approval. Absence of budgeted funds is reason for the denial of the request.
- If approved, the City shall reimburse the cost of the Professional Development opportunity.
- To participate in the City's Education Assistance program, an employee must submit a request to their supervisor and obtain approval from the Department Head prior to enrolling in the Professional Development opportunity.

- The employee must submit evidence of satisfactory completion of the Professional Development opportunity.
- The employee shall refund the City a proportional amount of the Professional Development opportunity if the employee terminates employment or is terminated for cause within two (2) calendar years of completion of the approved course. To determine the prorated amount, the approved cost of the Professional Development opportunity will be divided by twenty-four (24) months and the employee will be responsible for repaying the cost of the course less the prorated amounts for the months worked since completion of the course.

All employees who pursue professional certification (i.e. paramedic licenses, Police Academy, Water and Wastewater Operator’s License, etc.) and who participate in the Education Assistance program, at the City’s Expense, will be required to accept the following reimbursement schedule if the employee voluntarily leaves employment with the City.

<u>Date of Separation</u>	<u>% of Reimbursement</u>
Up to 12 months from receiving assistance	100%
12-18 months from receiving assistance	50%
18-24 months from receiving assistance	25%

#### f. Miscellaneous Benefits

In addition to the benefits listed above and on the previous pages, other miscellaneous benefits are available to full-time regular employees. The City may offer miscellaneous benefits to its employees in accordance with the policies or other documents which establish the programs.

#### g. Transfer of Benefits with Employee Transfer

Accrued benefits for each employee continue to the benefit of that employee if the employee transfers from one department to another within the City. Any such transfer will not result in a reduction of benefit offerings separate and apart from those realized by employees similarly situated.

## FAMILY AND MEDICAL LEAVE (FMLA)

### 1. FMLA

The City complies with the Family and Medical Leave Act (FMLA) and will grant up to 12 weeks of leave during a 12-month period to eligible employees (or up to 26 weeks of military caregiver leave).

### 2. Eligibility

To be eligible for leave under this policy, employees must meet **all** of the following requirements:

- Have worked at least twelve (12) months for the City
- Have worked at least 1,250 hours for the City over the twelve (12) months preceding the date the leave would commence.

- Currently work at a location where there are at least fifty (50) employees within seventy-five (75) miles.

The 12 months of employment do not have to be consecutive. All periods of absence from work due to or necessitated by service in the uniformed services are counted as hours worked in determining eligibility.

### 3. Reasons for Leave

To qualify as FMLA leave under this policy, the leave must be for one of the following reasons:

- The birth of a child or placement of a child with the employee for adoption or foster care.
- To care for a spouse, child or parent who has a serious health condition.
- For a serious health condition that makes the employee unable to perform the essential functions of his or her job.
- For any qualifying exigency arising out of the fact that a spouse, child or parent is a military member on covered active duty or on call to covered active duty status.
- To care for a covered service member with a serious injury or illness.

### 4. Amount of Leave

An eligible employee can take up to 12 weeks of FMLA leave during any 12-month period. The City will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the City will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

An eligible employee can take up to 26 weeks for the FMLA military caregiver leave during a single 12-month period. For this military caregiver leave, the City will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

Eligible spouses who both work for the City may only take a combined total of 12 weeks of leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent “in-law”) with a serious health condition. Both may only take a combined total of 26 weeks of leave to care for a covered injured or ill service member (if each spouse is a parent, spouse, child or next of kin of the service member). Employees should also refer to the City’s Parental Leave and short-term disability policies for potential leave benefits and to learn how Parental Leave and short-term disability interacts with FMLA leave.

### 5. Intermittent Leave or a Reduced Work Schedule

Employees may take FMLA leave in one consecutive block of time, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave



to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member) in a 12-month period.

The City may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth or placement for adoption or foster care.

For the birth, adoption or foster care of a child, the City and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced-hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the City's operations.

## **6. Employee Notice Requirement**

All employees requesting FMLA leave must provide verbal or written notice of the need for leave to the department supervisor or City Administrator or designee.

When the need for the leave is foreseeable, the employee must provide the City with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave fewer than 30 days in advance, the employee must provide notice of the need for the leave either the same day the need for leave is discovered or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the City's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

Within five business days after the employee has provided this notice, the City Administrator or designee will complete and provide the employee with a Notice of Eligibility and Rights and request a medical certification or other supporting documentation as necessary.

## **7. Designation of FMLA Leave**

Within five business days after the employee has submitted the required certification or other documentation, the City Administrator or designee will complete and provide the employee with a written response to the employee's request for FMLA leave using the FMLA Designation Notice.

## **8. Employee Status and Benefits During Leave**

The City will continue an employee's health benefits during the leave period at the same level and under the same conditions as if the employee was continuously at work.

While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of insurance premiums. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the City Treasurer's office. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave.

The City will provide 15 days' notification prior to the employee's loss of coverage. If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the City will require the employee to reimburse the City the amount it paid for the employee's health insurance premium during the leave period.

If the employee contributes to a life insurance or disability plan, the City will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay their portion of the premiums, or the City may elect to maintain such benefits during the leave and pay the employee's share of the premium payments. If the employee does not continue these payments, the City will discontinue coverage during the leave. If the City maintains coverage, the City may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

## **9. Employee Status After Leave**

An employee who takes leave under this policy may be asked to provide a fitness for duty clearance from a health care provider. This requirement will be included in the City's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one that is virtually identical in terms of pay, benefits and working conditions. The City may choose to exempt certain key employees from this requirement and not return them to the same or similar position when doing so will cause substantial and grievous economic injury to business operations. Key employees will be given written notice at the time FMLA leave is requested of their status as a key employee.

## **10. Use of Paid and Unpaid Leave**

An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member may use accrued paid leave and compensatory time during FMLA leave.

Leave for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA.

An employee who is using military FMLA leave for a qualifying exigency may use all accrued paid leave and compensatory time during FMLA leave. An employee using FMLA military caregiver leave may use all accrued paid leave and compensatory time during FMLA leave.

## 11. Intent to Return to Work from FMLA Leave

On a basis that does not discriminate against employees on FMLA leave, the City may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

## FAMILY AND MEDICAL LEAVE – MILITARY RELATED

The following addresses Family and Medical Leave (FMLA) for eligible employees when the employees' circumstances qualify for leave due to a spouse, child, or parent being called up for or on active duty in the Armed Forces, or to care for a servicemember who is their spouse, child, parent, or next of kin and becomes seriously ill or injured while serving on active duty in the Armed Forces.

### 1. Employee Eligibility

To be eligible for FMLA, employees shall have worked for 12 months and have worked at least 1,250 hours in the 12 months prior to taking FMLA.

Previous periods of employment with the City can be counted to meet the 12-month service requirement. Employment periods prior to breaks in employment of seven years or more are not counted; however, employment periods prior to a break in employment of more than seven years are counted if such breaks are due to National Guard or Reserve military duty.

Employees who return to work from National Guard or Reserve military duty are credited for the time that they are on military leave to meet the 1,250 hours of service.

### 2. FMLA for Active Duty

Eligible employees can take up to 12 weeks of FMLA in a 12-month period because employees' circumstances qualify due to a spouse, child, or parent who is a servicemember of the Armed Forces' Reserve components or National Guard or retired servicemember of the Armed Forces or Reserves and is on active duty or called to active duty status in support of a contingency operation. FMLA is not available for servicemembers who are part of the Regular Armed Forces. Circumstances that qualify for leave include:

- Short-notice deployment activities
- Military events and related activities
- Childcare and school activities • Financial and legal arrangements
- Counseling activities
- Rest and recuperation activities
- Post-deployment activities, and/or
- Additional activities as mutually agreed upon by the City and the employee

### 3. Exceptions

Eligible employees can take up to seven calendar days of FMLA for short-notice deployments beginning on the date servicemembers are notified of an impending call or order to active duty. Short-notice deployment leave can be used to address issues that arise from servicemembers' call or order to active duty seven calendar days or less prior to the date of deployment. Employees also can take up to five days of FMLA for rest and recuperation. Rest and recuperation leave can be used to spend time with servicemembers on short-term, temporary rest and recuperation leave during a period of deployment.

A call for active duty refers only to a federal call to active duty; a state call for active duty is not covered unless under order of the President according to federal law in support of a contingency operation.

A contingency operation refers to a military operation that is designated by the Secretary of Defense as an operation in which members of the armed forces are or can become involved in military actions, operations, or hostilities against an enemy of the United States or opposing military force or a military operation that results in the call, order to, or retention on active duty of members of the uniform service according to federal military law or any other provision of federal law during a war or national emergency that is declared by the president or Congress.

### 4. Care for a Servicemember with a Serious Illness or Injury

Eligible employees can take up to 26 workweeks of FMLA during a single 12-month period to care for a servicemember who is their spouse, child, parent, or next of kin with a serious illness or injury incurred in the line of duty while on active duty as a member of the Armed Forces, including the National Guard or Reserves, and is: undergoing medical treatment, recuperation, or therapy; assigned as an outpatient to a military medical treatment facility; assigned to a unit providing command and control of Armed Forces' members who are receiving outpatient medical care; or on the temporary disability retired list. Leave is not available for former servicemembers of the Regular Armed Forces, Reserves, or National Guard and servicemembers on the permanent disability retired list.

A serious illness or injury is an illness or injury that servicemembers receive while they are in the line of duty on active duty and makes them medically unfit to perform the duties of their office, grade, rank, or rating.

A child of a servicemember is a biological child, adopted child, or foster child; a stepchild; a legal ward; or a child for whom a servicemember has day-to-day responsibilities to care for and financially support. The child can be any age.

A parent of a servicemember is servicemembers' biological mother or father or person who had day-to-day responsibilities to care for and financially support servicemembers as children. Parents do not include parents-in-law.

Next of kin of a servicemember is the nearest blood relative other than the servicemembers' spouse, parent, son, or daughter in the following order of priority: blood relatives who have legal custody of servicemembers; brothers and sisters; grandparents; aunts and uncles; and first cousins, unless servicemembers have specifically designated in writing another blood relative as their nearest blood

relative. If no designation is made and there are multiple family members with similar levels of relationship to servicemembers, all such family members are considered next of kin.

If a dispute arises about whether leave qualifies as FMLA, Human Resources will discuss resolution of the dispute with employees. Any discussions and the decision about leave will be documented.

## 5. Amount of FMLA for Active Duty

The City designates the 12-month period as a “rolling” 12-month period backward from the date employees take any FMLA. During this 12-month period employees can take FMLA because employees’ circumstances qualify due to a spouse, child, or parent who is a servicemember of the Armed Forces’ Reserve components or National Guard or retired servicemember of the Armed Forces or Reserves and is on active duty or called to active-duty status in support of a contingency operation.

## 6. Amount of FMLA Leave

A single 12-month period of leave to care for a servicemember with a serious illness or injury begins on the first day employees take leave to care for the servicemember and ends 12 months after that date. If employees do not take the full 26 workweeks of leave during a single 12-month period, they forfeit the remaining amount of leave. The City provides leave on a per servicemember, per injury basis.

Employees can take more than one period of 26 workweeks of leave if leave is used to care for different servicemembers or to care for the same servicemember who has a subsequent serious illness or injury, except that no more than 26 workweeks of leave can be taken within any single 12-month period. Employees can take more than one period of 26 workweeks of leave for a servicemember, with more than one serious injury or illness, only when the injury or illness is a subsequent injury or illness. If employees take leave to care for more than one servicemember or for subsequent serious injuries or illnesses of the same servicemember and the single 12-month periods overlap, employees are limited to 26 workweeks of leave in each single 12-month period.

If servicemembers’ serious injury or illness extends beyond employees’ 26 workweeks of leave, employees cannot take additional FMLA to care for the servicemember unless employees are eligible for leave to care for a family member with a serious health condition.

The 26 workweeks of FMLA to care for a servicemember with a serious illness or injury can include leave taken for other FMLA-qualifying reasons, but no more than 12 workweeks of such leave can be used for other FMLA-qualifying reasons. For example, employees can take 12 workweeks of leave for the birth of a child and 14 workweeks of leave to care for a seriously ill or injured servicemember.

If two spouses work for the City and take FMLA to care for a servicemember with a serious illness or injury, they are limited to a total of 26 workweeks of leave during the single 12-month period for all FMLA-qualifying reasons. They remain subject to the 12-workweek limit for the portion of leave that can be taken to care for a newborn child or seriously ill parent.

## 7. Requesting FMLA Leave

Employees who request FMLA because employees' circumstances qualify due to a spouse, child, or parent who is a servicemember of the Armed Forces' Reserve components or National Guard or retired servicemember of the Armed Forces or Reserves and is on active duty or called to active-duty status in support of a contingency operation must notify their supervisors as soon as practicable.

Employees who request FMLA to care for a servicemember with a serious illness or injury must give 30 days' advance notice to their supervisors. If employees fail to provide notice, they can be required to explain to their supervisors why such notice was not provided. If employees request FMLA to care for a servicemember with a serious illness or injury and such leave was previously approved, employees must specify the particular reason for leave or the need for FMLA. Employees who cannot provide at least 30 days advance notice of their need for leave must notify their supervisors as soon as practicable.

When employees are previously approved for leave due to more than one FMLA-qualifying reason, the City may inquire further to determine for which qualifying reason the leave is needed.

After employees submit requests for leave, the City will provide the following notices within five business days:

- FMLA Eligibility Notice that states whether employees are eligible for FMLA. Employees do not receive additional eligibility notices for subsequent FMLs during a 12-month leave period if their eligibility status remains unchanged; if employees' eligibility status changes, the City will notify them of any ineligibility for leave within five business days of the request.
- FMLA Rights and Responsibilities Notice that describes employees' rights and responsibilities under FMLA and consequences for failing to comply. If specific information in the notice changes, the City will provide written notice to employees within five business days of receiving employee's first notice of need for leave after any change; the notice will reference the prior notice and provide new information. At any time, the City can be contacted about and will respond to any questions about employees' rights and responsibilities under FMLA.
- FMLA Leave Designation Notice that describes whether leave is designated and counted as FMLA. If employees' leave qualifies as leave to care for a servicemember with a serious illness or injury and leave to care for family member with a serious health condition, it will be designated as leave to care for a servicemember with a serious illness or injury in the first instance. Employees will receive one designation notice for each FMLA-qualifying reason per 12-month leave period. Employees also will receive written notification if any information changes in designation notices for subsequent requests within five business days.

Employees are notified of the number of hours, days, or weeks that will be counted against their 12 or 26 weeks of leave. If such information is known at the time leave is designated, employees will be notified in the designation notice. If it is not possible for the City to provide such information, employees will receive such information upon request once in a 30-day period when leave is taken during that time. If employees receive oral notice from the City of such information, they will receive written confirmation no later than the following payday unless the payday is less than one week from the oral notice in which case written confirmation will be provided no later than the subsequent payday.

## 8. Certification For Active Duty Leave

Employees who request leave due to a spouse, child, or parent who is a servicemember of the Armed Forces' Reserve components or National Guard or retired servicemember of the Armed Forces or Reserves and is on active duty or called to active duty status in support of a contingency operation must provide the City with a copy of servicemembers' active military orders and other certification.

## 9. Certification For Leave To Care For A Servicemember With A Serious Illness Or Injury

Employees who request leave to care for a military servicemember with a serious illness or injury incurred while serving on active duty in the Armed Forces must obtain certification completed by authorized health care providers. Health care providers from the federal Department of Veterans Affairs, federal Department of Defense, and DOD TRICARE network and non-network private health care providers are authorized to complete certification for such leave.

## 10. While On FMLA Leave

During FMLA, employees must keep their supervisors informed of the estimated duration of leave and their intended date to return from leave. While on leave, if employees need to take more or less FMLA than originally anticipated, they must notify the City within two business days. While on FMLA employees shall not engage in other employment.

## 11. Scheduling FMLA Leave

FMLA can be taken all at once or, under certain circumstances, on an intermittent or reduced leave schedule. Intermittent leave is leave taken in separate blocks of time for a single FMLA-qualifying reason. An FMLA reduced leave schedule is a work schedule that reduces employees' usual number of working hours per workday or workweek. Employees will be informed whether they can take intermittent leave or a reduced leave schedule when they apply for FMLA. When it is physically impossible for employees using intermittent leave or working on a reduced schedule leave to begin or end their work midway through a shift, the entire time that employees are absent will be designated as FMLA.

Employees who request intermittent leave or a reduced leave schedule because employees' circumstances qualify for leave due to a spouse, child, or parent who is a servicemember of the Armed Forces' Reserve components or National Guard or retired servicemember of the Armed Forces or Reserves and is on active duty or called to active-duty status in support of a contingency operation must provide proper notice and required certification.

Employees who request intermittent leave or a reduced leave schedule must arrange medical treatments and appointments to minimize work disruptions. The City can transfer such employees temporarily to positions that permit them to take intermittent leaves or reduced leave schedules with limited work interruptions.

Employees who take intermittent leave or a reduced leave schedule and are unable to work required overtime because of a FMLA-qualifying reason can have the hours that they would have been required to work counted against their 12 or 26 weeks of leave.

## 12. Pay and Benefits During FMLA Leave

FMLA is unpaid. The City allows employees use their accrued leave, including compensatory time, concurrently with FMLA. Employees shall comply with the City's policies on accrued paid leave when such leave is substituted for unpaid FMLA. Employees who are not eligible for accrued paid leave, or have exhausted their accrued paid leave, or do not meet the requirements of the City's policies regarding accrued paid leave, shall take unpaid FMLA.

The City will continue an employee's health benefits during the leave period at the same level and under the same conditions as if the employee was continuously at work.

While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of insurance premiums. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the City Treasurer's office. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave.

The City will provide 15 days' notification prior to the employee's loss of coverage. If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the City will require the employee to reimburse the City the amount it paid for the employee's health insurance premium during the leave period.

If the employee contributes to a life insurance or disability plan, the City will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay their portion of the premiums, or the City may elect to maintain such benefits during the leave and pay the employee's share of the premium payments. If the employee does not continue these payments, the City will discontinue coverage during the leave. If the City maintains coverage, the City may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

## 13. Return From Military-Related Leave

Employees who return from FMLA will be reinstated to their former positions or to positions with equivalent pay, benefits, and other employment terms and conditions. If employees are no longer qualified for their former positions because of their inability to attend certain work-related functions or classes as a result of leave, the City will provide them with a reasonable opportunity to fulfill those conditions upon returning to work.

Certain "key" employees, who are among the highest paid employees at the City, might not be reinstated to any position. "Key" employees will be notified of their status in writing when they apply for FMLA and will receive notice at that time of the potential consequences with respect to reinstatement



and maintenance of health benefits if they are not reinstated. The City will notify “key” employees in writing the reasons for denying reinstatement when such decision is made. The City will make a final determination whether to reinstate “key” employees if they request job restoration; such employees will be notified in writing of the City’s final determination.

## RULES OF EMPLOYEE CONDUCT

The City expects and encourages a work environment of respect and professionalism. All City employees are required to conduct themselves in a respectful and courteous manner that is appropriate for the workplace. This policy applies to all City employees, elected officials, representatives, and volunteers. While it is impossible to list every type of conduct that is acceptable/unacceptable, the following are the City’s expectations and also includes examples of conduct that when violated may result in disciplinary action, up to and including termination.

1. Shall be prompt and regular in attendance at work or other required functions. If an employee will be unable to report to work, or will be late, the employee must let their immediate Supervisor know as soon as possible, and always before the scheduled starting time. If the Supervisor is unavailable, a message may be left that includes the reason for being late or absent and a telephone number where the employee may be reached. If an employee’s absence or tardiness is due to an emergency, the employee should call in, or have someone call in on the employee’s behalf, as soon as possible.
2. Shall comply with the dress standards established in a department for which the employee works. The City Administrator or other department head may set dress standards. In the absence of any departmental dress standards, clothing shall be appropriate for the functions performed and shall present a professional appearance to the public.
3. Shall dedicate primary efforts to City employment with secondary employment subject to approval by the department head or City Administrator. The request for secondary employment shall be made in writing. This policy excludes paid on call firefighters.
4. Shall not accept gifts, gratuities or loans from organizations, business concerns, or individuals with whom the employee has official relationships while on business of the City in violation of applicable laws. No gift may be accepted which would create the impression that the giver was seeking special favor from the employee.
5. Shall not serve on any board or commission which regulates or otherwise affects the official duties or personal interests of an official or employee in a way that could create disadvantage for other members of the public or advantage for the employee.
6. Shall not release personnel information or any other public record absent adherence to state law and without the express authority of the public official responsible for custody of the record or without an order from a court of competent jurisdiction.
7. Shall not use substances, unlawful or otherwise, which will impair the employee’s ability to function as a valued and competent part of the City’s work force. Smoking and use of tobacco products is prohibited in all City-owned buildings and vehicles. Smoking by employees is permitted only during rest or meal periods and only outside of City buildings. As the abuse of alcohol or any other drug is a serious threat to both personal health and job performance, employees are strictly prohibited from possessing, selling, consuming, or being under the influence of alcohol or drugs, except as authorized by a physician, while on the job.

8. Shall not engage in conduct in the operation of a motor vehicle that impairs the ability of the employee to perform job functions even though the driving conduct does not occur during hours of employment.
9. Shall not engage in workplace or public conduct otherwise detrimental to the accomplishment of the goals established by the City Council or the official or department for whom the employee works.
10. Shall not engage in criminal conduct of any kind while on or off duty. City employees are expected to behave in a lawful manner and failure to do so is a violation of the trust placed in such employees by the public and the appointing official.
11. Shall not engage in conduct away from work that, although not criminal, may reflect adversely upon the City or its officials or otherwise impair the employee's ability to perform.
12. Shall avoid conflicts of interests in appointments and working relationships with other employees, contractors and potential contractors in the City and related agencies.
13. Work cooperatively and constructively with fellow workers and members of the public to provide public service of the highest quality and quantity.
14. Give efforts to accomplish the work of the City for public benefit in accordance with policies and procedures adopted by the City Council and elected officials. Each employee shall be subject to the administrative authority of the Mayor, City Administrator and the department head who supervises the department where the employee works.
15. Adhere to any code of ethics in their profession and not engage in conflicts of interest or use their public position for personal gain.
16. Follow all rules for care and use of public property to assure that the public investment in equipment is protected and that the safety of the public and other workers is maintained.
17. Abide by all departmental rules whether they be written or issued orally by the supervisor. No employee shall be required to follow the directive of a supervisor that violates laws of any local jurisdiction, the state, or the United States.
18. Abide by all pertinent statutes, and City ordinances concerning the dissemination of information to the public from public records or about public matters. The decision to release information from the public records or to disclose writings or other information in the hands of a public official belongs with the responsible official who has official custody of that record. Each employee shall maintain the confidential nature of records or information that is not open to public scrutiny in accordance with the direction of the responsible official.
19. Adhere to the defined work schedule and procedures for an exception to normal work schedules. Each employee shall follow all rules regarding the reporting of work hours and the approval which must be given for pay record submittal. Failure to follow such rules may be grounds for delayed payment of wages, salaries, or reimbursements, or for imposition of appropriate disciplinary penalties.
20. Follow all rules regarding work hours, breaks and lunch periods, including provisions granting supervisors authority to adjust them. Timing of work hour, including breaks and lunch periods, may be changed to accommodate the completion of necessary work.
21. Follow all rules for reporting accidents on the job. Each employee shall cooperate in the reporting and reconstruction of any job-related accident in order that workplace hazards can be eliminated and that proper consideration can be accorded to injured workers and the public.
22. Report any accidents observed to have occurred on City property or involving City property. Each employee shall provide as much information as they can from the observations made in the course of activities associated with the employee's work. Such information should be reported to the employee's immediate supervisor as soon as physically possible and reasonable

efforts should be made to assist those persons in need. A workers compensation injury report may need to be completed.

23. Follow all rules regarding safety in the workplace whether established formally by the department or by outside agencies. Employees are encouraged to suggest ways to make the workplace or work procedures safer.
24. Keep their general work area clean and orderly. While the City employs custodial services to maintain larger areas, individual employees are responsible for the neatness of their own work areas. Computers used in conjunction with employee workstations shall be used for office-related functions only. Passwords assigned to employees shall be kept confidential and changed on a periodic basis. Employees must not write their login password and information down or share it with others.
25. Maintain security of records and property of the City. Employees shall immediately report any suspicious circumstances or missing items to their supervisor. All employees shall secure their individual workstations using designated log off prompts or other password-related security checks when away from their station.
26. City Employees should not disclose any confidential information, or disclose information from internal discussions, related to property, permitting, government, or affairs of the City without prior approval of the City Attorney or City Administrator. Under no circumstances should an employee use such information to advance the financial or private interests of the employee or others.
27. Perform such obligations and duties as are necessary to carry out the work of the City in an efficient and effective manner at minimal costs and with limited risk to the public and fellow workers.
28. Use City issued credit cards in a lawful and fiscally responsible manner. Such credit cards may only be used for valid authorized expenses. Credit cards shall be issued by the City Treasurer and may be revoked for any reason. City credit card policy must be signed and retained in an employee's personnel file.
29. Engage in abusive, unprofessional, or inappropriate conduct to fellow employees or to the public, or use abusive or inappropriate language in the presence of fellow employees or the public. Abusive language shall include, but is not limited to, profanity and loud or harassing speech.
30. Engage in malicious gossip and/ or spreading rumors; engaging in behavior designed to create discord and lack of harmony; willfully interfering with another employee's work output or encouraging others to do the same.
31. Use work time for personal business including but not limited to the following actions: selling of goods and services, voicing religious, political, social, or personal views to members of the public during the workday. Employees should minimize the amount of work time spent on similar activities engaged in with fellow employees. While employed, it is essential to maintain a clear distinction between personal opinions and representing the City's views. When expressing personal opinions, whether in person or on social media, it is crucial for an employee to clarify that the opinions are the employee's and not reflective of the City's position.
32. Engage in political activities while on duty in public service. This rule shall not apply to elected officials. Employees shall enjoy full political rights when not carrying out their work obligations.
33. Provide false or misleading information on employment applications, job performance reports, or any other related personnel documents or papers.
34. Harass or discriminate in the treatment of co-workers or members of the public on the basis of a protected class status.

35. Violate state statutes or local rules regarding the inappropriate use, alteration, destruction, or removal of any public records required by law to be kept by the entity or other public officials.
36. Abuse employee benefit offerings by taking unjustified sick leave, annual vacation, or otherwise participate in a scheme or deception designed to create incorrect personnel records or to claim benefits which are not deserved in accordance with City policy.
37. Violate rules concerning absence from the workplace without proper authorization. Employees must obtain prior permission as required by the City policy for use of annual leave, sick, bereavement, or other types of leave granted by the City.
38. Engage in prolonged visits with children, friends, or family members, salespersons or others not related to City business, whether in person, over the telephone or in an electronic manner, including email and instant messenger, or engage in any personal endeavor which interfere with the course of work in the office or department in which the employee serves.
39. Use telephones, computers or other City property in the office or workplace in a manner that disrupts the work or workflow. Workplace equipment shall not be used for any purpose relating to the employee's business or other personal interests.
40. Fail to report to the City Administrator within forty-eight (48) hours, or in accordance with the Drug Free Workplace Act, a felony or misdemeanor conviction, excluding minor traffic violations.
41. Disregard any rule established by the Mayor, City Administrator, or department head to maintain order and productivity in the workplace.
42. The City strictly prohibits a supervisor from dating or engaging in a romantic or sexual relationship with an employee that they supervise. Romantic or sexual relationships between other employees shall not create conflicts of interest or discord or distractions that interfere with other employees' productivity.
43. Employees are encouraged to report in good faith any waste of public funds, property or resources, any unsafe acts, or any violation of law, City policies or regulations. When possible, such reports should be at a time and in a manner that gives the City a reasonable opportunity to correct the waste or violation.
44. Employees are expected to fully cooperate with investigations. This policy prohibits any adverse action against an employee for participating or giving information in an investigation, hearing, court proceeding, legislative or other inquiry, or other form of administrative review. Employees who engage in adverse actions or retaliation are subject to disciplinary action, up to and including termination of employment, and may be subject to civil fines pursuant to applicable law.
45. Employees are prohibited from making reports when the employee knew or reasonably should have known the report was malicious, false or frivolous.

## CORRECTIVE ACTION

The City's corrective action procedures are designed to provide City departments a standardized process to communicate expectations and prevent a recurrence of undesirable employee behavior. Outlined below are the progressive steps of the City's discipline procedure. The City reserves the right to combine or skip steps depending on the facts of each situation and the nature of the offense. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling or training; the employee's work record; and the impact the conduct and/or performance has on the work group or organization.

Discipline is typically administered in a progressive manner so that the least amount of corrective action needed is used to correct the employee's conduct. However, as determined by the City, the discipline issued will depend on the seriousness of the behavior, which could include termination as the first disciplinary step. All matters involving discipline will remain confidential to the extent possible.

The following actions, in no particular order, are among the available disciplinary steps that can be taken by the City Administrator or Department Head in response to personnel policy violations:

- Oral warning
- Written warning
- Formal written reprimand
- Suspension with or without pay
- Involuntary demotion
- Probation
- Termination

There is no appeal from any of the above levels of discipline. However, the City requires that employees receive written notice and an opportunity to be heard before any of the following actions occur - termination of employment, an involuntary demotion when there is a loss in pay, or an unpaid suspension. The employee will receive a Notice of Intent to Discipline outlining what the employee allegedly did, referencing any policies or regulations, rules, laws, or previous directives that the employee allegedly violated, a statement that termination, involuntary demotion, or unpaid suspension may be issued if a violation is found, and sets forth a time to discuss the contents of the letter.

The meeting to discuss the contents of the Intent to Discipline letter will include the Department Head, the City Administrator, and the employee. At the meeting, the employee will be informed of the information supporting the allegations and will have an opportunity to share any relevant information. If the employee fails to attend the meeting, the City will base the decision on the available information.

The Department Head and City Administrator will consider all of the information and make a decision and notify the employee in writing of the outcome of the Intent to Discipline meeting. There is no internal appeal of the written decision.

**PERFORMANCE MANAGEMENT** – *The City is working in partnership with the Employee Engagement Committee to create an improved tool for providing feedback on employee performance, which is currently undergoing beta testing with the Planning & Building Department.*

Each employee may be evaluated at six months of employment to receive any cost of living adjustment or bonus program increases and then on an annual basis to assess the performance of that employee in the job being performed for the City. Formal performance appraisals are usually conducted after an employee's first six-months of employment with the City in a new position of responsibility. Thereafter, formal performance evaluations may take place at the end of each year thereafter. Formal evaluations may also be completed at other times as the need arises.

Regular performance appraisals provide both the employee and their supervisor the opportunity to discuss how well each employee is meeting expectations, to clarify job responsibilities, make corrections

when needed, and to explore possibilities for the development of skills and advancement. Each evaluation will be given on the basis of the direct supervisor's observations of the employee's performance, the accuracy of the employee's work in addition to the quantity, and additional efforts expended by the employee on behalf of the City. Each supervisor must complete a standard evaluation form, or other format provided by the City Administrator, which shall be placed in the employee's permanent record file. The City may ask the employee to sign the performance appraisal to indicate that it was reviewed with the employee, but the employee's signature does not signify that the employee agrees or disagrees with the City's evaluation.

## **PROBLEM RESOLUTION**

Employees are encouraged to openly discuss employment-related concerns with their supervisors at any time. Supervisors should maintain an open-door approach for such discussions. If a concern develops into a grievance, the following process can be used to resolve employment related grievances promptly. A grievance is a work-related matter, excluding matters or issues where a separate review or hearing process exists, such as allegations of discrimination or harassment and discipline and termination decisions.

If an informal discussion between the employee and their direct supervisor does not resolve the employee's concerns, the employee must put in writing their concerns and provide this to the supervisor within ten workdays of when the informal discussion occurred. If a resolution is reached, this must be documented and signed and dated by the employee and the supervisor. The supervisor shall put the written resolution in the employee's personnel file. If resolution is not reached, the supervisor shall provide a written reason to the employee.

If resolution is not reached, the employee can appeal in writing the supervisor's decision to the next level of supervision. The next level supervisor must receive the employee's written appeal within five workdays of when the employee received the supervisor's written decision. The next level supervisor can choose to meet with the employee to discuss the matter. If a resolution is reached, this should be documented and signed and dated by the employee and the next level supervisor. The next level supervisor must put the written resolution in the employee's personnel file. If resolution is not reached, the supervisor shall provide a written reason to the employee.

If resolution is not reached or the next level of supervision is the City Administrator, the employee can appeal the decision to the City Administrator or Mayor, if the City Administrator is the subject of the grievance. The employee's appeal must be in writing and submitted within five workdays of receiving the previous level supervisor's decision. The City Administrator/Mayor can choose to meet with the employee to discuss the matter. The City Administrator/Mayor will make a final, written determination of the matter. There is no appeal from the final determination. The final written determination will be placed in the employee's personnel file.

## **EMPLOYEE USE OF CITY VEHICLES**

If an employee uses one of the City's vehicles or uses their own vehicle while performing their work duties, the following applies:

1. To use a City owned vehicle, the employee must have and carry with them a valid Idaho driver's license. If an employee uses their own vehicle for City business, evidence of satisfaction of insurance and a copy of their current driver's license must be kept in the employee's personnel file.
2. Employees may not loan out City-owned vehicles or equipment to others without permission from the City Administrator, or Department Head. The employee must operate a vehicle in a safe, courteous and lawful manner.
3. Employees may not use City-owned vehicles for personal use, including but not limited to errands and travel to and from an employee's home, unless otherwise authorized by the City Administrator or Department Head.
4. If an employee has a City-owned vehicle for use on an on-going basis, the employee must maintain the vehicle in proper working order.
5. Employees must not operate a City vehicle while under the influence of drugs, alcohol, or any controlled substance.
6. Employees must promptly notify their supervisor and the City Administrator of any citations for moving violations or accidents, and provide a copy of the employee's driving record upon request. Any citation will require the Employee to submit to a drug or alcohol test, unless waived by the City Administrator. Vehicle damage may require the Employee to submit to a drug or alcohol test.
7. Each employee must report any state-imposed driving restrictions to their immediate supervisor. Each employee is also obligated to notify their supervisor in the event that their driving abilities are impaired by anything other than state restrictions.
8. Only authorized signs shall be placed on any City owned vehicle.

## USE OF PORTABLE ELECTRONIC DEVICES WHILE DRIVING OR BICYCLING

The use of portable electronic devices shall be prohibited while an employee is operating a motor vehicle or bicycle on City business. Use of a hands-free system such as Bluetooth or headphones, or an affixed GPS system, or a vehicle mounted mobile data computer is permitted.

Portable electronic device means a hand-held, mobile telephone, personal digital assistant, MP3 or other hand-held music player, electronic reading device, laptop computer, pager, broadband personal communication device, GPS or navigation system, electronic gaming device or portable computing device.

Handheld cell phone use is permitted in the event of an emergency, such as calling 9-1-1 to report a crime or an accident. Even in an emergency situation, it is best to pull over and come to a complete stop before using or operating any mobile or handheld device.

## EMPLOYEE TRAVEL

1. Same Day Out of Town Travel

Travel time to and from out of town training or meetings will be considered time worked for employees classified as non-exempt under wage and hour laws. Employees must submit all receipts along with a travel expense voucher in order to receive reimbursement. The time spent in traveling to and returning from the other City is work time, except that the City deducts/does not count that time the employee would normally spend commuting to the regular work site.

## 2. Out of Town Overnight Travel

For overnight travel, travel time during the employee's regular workday is compensable for employees classified as non-exempt under wage and hour laws. Therefore, if an employee will be away from home overnight, the travel should be planned and scheduled (whenever possible) to occur during the employee's normal work hours. The time is not only hours worked on regular working days during normal working hours but also during corresponding hours on nonworking days.

Employees shall use the most practical mode of travel from the standpoint of time and expense. Supporting documentation shall be attached to the travel expense voucher.

Reimbursement for travel by common carrier shall be limited to the lowest cost means of travel unless it is impractical or not available. When for personal reasons a traveler is authorized by the Department Head to use a private conveyance in lieu of a common carrier, reimbursement will be limited to an amount for travel, meals, lodging and miscellaneous expenses equal to the amount which would have been incurred had the travel been by common carrier. Authorized travel time shall be limited to that which would have been allowed had the employee traveled by common carrier. Unless the Department Head specially authorized a leave of absence, excess travel time incurred by the authorized use of a private conveyance for personal reasons during working hours shall be charged to the travelers accrued leave.

A Travel Request Form shall be submitted and approved prior to any travel taking place. For reimbursement of travel expenses, a Travel Expense Report shall be filed by the employees for reimbursement of expenses, which must be approved by the department head. The purchase of alcohol will not be reimbursed.

## TELECOMMUNICATIONS SYSTEMS POLICIES

Personal use of telephones, faxes, electronic mail and Internet access is strongly discouraged and must not interfere with the employee's work. City communications and electronic equipment are provided for business purposes.

Telephones: The City recognizes that employees may be required to use the telephone for personal calls. Employees may be required to reimburse the City any charges resulting from their personal use of the telephone and other communications systems owned and operated by the City. Personal calls should be kept to a minimum and should not interfere with an employee's work duties.



Mail: The use of City paid postage for personal correspondence is not permitted. Employees should not use the City address for regular receipt of personal mail.

Facsimile: Transmission using City facsimile machines are to be made for business purposes.

Cellular Phones: The City may issue cellular telephones to employees when necessary for the efficient conduct of business. Use of the cellular telephones is restricted to City business, with the exception of de minimis personal use.

Certain employees of the City are required to use their personal cell phones to conduct business. Other employees may choose to use their personal phone as their primary phone for City business. Subject to approval of the City Administrator, the City will pay a \$30.00 monthly phone stipend as reimbursement for using a personal phone for City business. Messages generated and received on these phones, including audio, text and visual may be considered City property. As such, City may be subject to Idaho public records request laws.

## ELECTRONIC MAIL AND INTERNET POLICY

Although employees may have a personal, private password on their City provided technology, the administrator of the information system has access to all electronic mail messages in order to ensure compliance with City policies.

The City does not permit the posting of items for solicitation on bulletin boards or the circulation of memos soliciting sales or contributions to charity, and likewise such posting is prohibited through the electronic mail system.

All City policies concerning conduct of employees, such as courtesy, solicitation, and harassment, apply to the use of the voice mail, electronic mail system and the Internet.

Employees have no personal privacy right to anything created, received, or sent on or from the City's e-mail or voice mail system, and by accessing the system, employees expressly waive any right of privacy in anything that they create, store, send, or receive on the system. By accessing the system, employees further consent to allowing personnel of the City to access all material created, sent, or received on the system.

Employees are not to place personal copies of software or data on any computer without prior authorization. Each employee is responsible for the content of all text, audio or images they place on or over the City e-mail or Internet system.

All items downloaded to the City Web site must be scanned for viruses. All items downloaded from the City site or any other locations must also be scanned for potential viruses. Anti-virus software must be used to scan for viruses before any material is placed on the City internet system.

Electronic information may be a public record pursuant to Idaho law. Accordingly, maintaining such public records shall be at the direction of the City Clerk.

# DRUGS AND ALCOHOL

The City has a vital interest in maintaining safe, healthy and efficient working conditions for its employees. Drug and alcohol use may impose serious safety and health risks to the employee and the workplace and may also impair the efficient operation of the City business. For these reasons, the City has established the following policy with respect to the use, possession or sale of alcohol or drugs.

## 1. On-the-Job Use, Possession or Sale of Drugs or Alcohol

Employees are prohibited from consuming alcohol while working or while on-call. Employees are also prohibited from reporting to work under the influence of alcohol. This includes unanticipated call-in situations. If an employee cannot meet this requirement, it is the employee's responsibility to tell their supervisor, or person initiating the call-in, that they cannot report to work.

Because alcohol is a legal substance, it is not the intention of this policy to prohibit employees from consuming alcohol when not on duty, or while participating in activities or events at City facilities while not on duty, or during the course and scope of employment when the employee's performance of duties has concluded for the day.

Listed below are examples of situations in which the responsible use of alcohol by employees during the course and scope of City business may be acceptable. However, employees are expected to seek prior direction from their Department Head or the City Administrator regarding the appropriateness of consuming alcohol in these situations.

- While attending seminar or conference function where alcohol is being served.
- While traveling on business, provided all work duties for the day have been completed.
- Although alcohol use may be permitted under limited circumstances, employees are expected to use good judgment and behave in a professional and respectable manner while in the course and scope of City business. Misuse of alcohol under these circumstances is a violation of this regulation and may result in disciplinary action up to and including termination.

## 2. Legal Drugs and Medication

Except as provided below, the use or being under the influence of legally obtained drugs, to the extent that an employee is affected in any manner, while performing City business or in a City facility is prohibited to the extent that such use or influence may affect the safety of co-workers or members of the public, the employee's job performance, or the safe or efficient operation of the City facility. An employee may continue to work, even though under the influence of a legal drug, if the City has determined, after consulting with appropriate medical authorities, that the employee does not pose a safety threat to themselves or the safety of co-workers or the public, and that the employee's job performance is not significantly affected by the legal drug. Otherwise, the employee may be required to take a leave of absence or comply with other appropriate actions determined by the City.

## 3. Illegal Drugs

The use, sale, purchase, transfer, or possession of any illegal drug by any employee while in a City facility, vehicle or while performing business is strictly prohibited. The presence of any amount of any illegal drug in or on an employee while performing City business is prohibited.

#### **4. Searches**

The City may conduct unannounced searches for illegal drugs or alcohol on property. Employees shall cooperate in conducting such searches. Searches of employees and their personal property may be conducted when there is reasonable suspicion to believe that the employee or employees may be in violation of this policy. Law enforcement may be involved in this process.

#### **5. Drug and Alcohol Screening**

The City may conduct drug and alcohol screening as outlined in this policy. For the purpose of this policy, a safety sensitive position is defined as a position in which impaired job performance could affect the health and safety of the employee and others. Sensitive positions are those in which the responsibilities of the position require employees to:

- Qualify and maintain qualification standards to carry firearms;
- Perform emergency medical, lifesaving, and/or fire suppression activities;
- Supervise employees during the performance of critical incident functions which require employees to qualify to carry firearms, perform emergency medical, lifesaving and/or fire suppression activities;
- Operate, maintain, or inspect emergency vehicles, heavy equipment, or vehicles having a gross combination weight rating of 26,001 or more pounds and/or life saving equipment used for emergency services;
- Obtain a national security clearance as a condition of employment;
- Exercise custodial responsibility for illegal drugs or precursors;
- Work directly with and oversee minors in the absence of their parent or guardian, or work directly with and oversee vulnerable adults in the absence of their caretaker or guardian;
- Handle hazardous materials that if mishandled, place the public at risk of serious injury.

The job functions associated with these positions directly and immediately relate to public health and safety, the protection of life, and law enforcement.

##### **a. Pre-Employment, Post-Offer Screening**

Individuals applying for safety sensitive positions who are given a conditional offer of employment will be subject to testing for illegal drugs. This includes current employees promoting, demoting, transferring, or being reassigned from a non-safety sensitive position to a safety sensitive position.

##### **b. Reasonable Suspicion Testing**

Any employees will be tested for alcohol and/or illegal drugs when there is reasonable suspicion of on-duty use or impairment. Reasonable suspicion testing may be based upon, among other things: 1) observable phenomena, including but not limited to direct observation of drug or alcohol use or

possession and/or the physical symptoms of being under the influence of a drug or alcohol; 2) a pattern of abnormal conduct or erratic behavior; 3) arrest or conviction for a drug or alcohol-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use or trafficking; 4) information provided by reliable and credible sources or which is independently corroborated; or 5) newly discovered evidence that the employee has tampered with a previous alcohol or drug test. Although reasonable suspicion testing does not require certainty, mere hunches alone are not sufficient to meet the standard for a test.

If an employee is suspected of using alcohol or illegal drugs, the appropriate supervisor will gather all information, facts, and circumstances leading to and supporting this suspicion and present them to the City Administrator in writing.

The employee shall not be allowed to operate a vehicle or perform sensitive duties until the circumstances are evaluated and the supervisor receives higher concurrence. Employees who are subject to reasonable suspicion testing shall at the City's expense be transported to and from the collection facility.

### **c. Random Testing**

Random testing for alcohol and/or illegal drugs will be conducted on employees whose positions are designated as safety sensitive and in accordance with the procedures related to employees required to hold a commercial driver's license.

Random tests will be unannounced and occur throughout the calendar year. The random selections will be conducted by the designated drug testing contractor using a lottery system and City will notify the individual's supervisor or designee and provide the name of the individual selected for random testing. The employee shall not be given advance notice of the scheduled testing. Upon notification by the supervisor, employees shall proceed immediately to the testing site. Because the selection process is truly random, it is possible some employees will be selected multiple times while others may never be selected.

### **d. Post-Accident Drug and Alcohol Testing**

Employees involved in on-the-job accidents or who engage in unsafe on-duty job-related activities that pose a danger to themselves or others or the overall operation of the City may be subject to drug and alcohol testing. Based on the circumstances of the accident or unsafe act, the City Administrator or Department Head may promptly initiate testing when such circumstances involve:

- Death; or
- Serious personal injury requiring immediate emergency room or urgent care center treatment; or
- Damage to government or private property estimated more than \$5,000.

An employee subject to post-accident testing shall remain available for such testing, or the City may consider the employee to have refused to submit for testing. An employee subject to post-accident testing shall not consume alcohol or drugs, either legal or illegal prior to the testing. Exceptions may be

made for prescribed maintenance medications and/or medications administered to treat an injury related to the accident.

#### **e. Test Refusal**

Employees will be considered to have refused testing if they:

- Refuse to test;
- Fail to report for a required test at the scheduled time;
- Engage in conduct that clearly obstructs the testing process;
- Tamper with the test;
- Fail to provide adequate breath or specimen volume without a verified medical explanation.

Employees who refuse to be tested, as described in the test procedures, when so required, shall be subject to the full range of disciplinary consequences up to and including termination.

#### **f. Employee Assistance Program**

Any employee needing help in dealing with problems is encouraged to use the City's Employee Assistance Program (EAP) and the benefits available through the City's medical plan.

#### **g. Safe Harbor Referral**

A fundamental purpose of the City's drug-free workplace policy is to assist employees who themselves are seeking treatment for alcohol or illegal drug use. For this reason, the City will not initiate disciplinary action against any employee regarding the disclosure of their drug or alcohol related problem who meets all three of the following conditions:

- Voluntarily identifies themselves to their supervisor or the City Administrator as a user of alcohol and/or illegal drugs, as they apply to this policy, prior to being identified through other means, or prior to being asked to provide a urine and/or breath sample for testing;
- Obtains evaluation, counseling, or rehabilitation from an approved facility; and
- Thereafter refrains from using illegal drugs or misusing prescription drugs and/or alcohol.

This provision is not intended to allow an employee to evade disciplinary action. The key to this provision's rehabilitative effectiveness is an employee's willingness to admit their problem. Since the key to this provision's rehabilitative effectiveness is an employee's willingness to admit their problem, this provision is not available to an employee who requests protection under this provision after:

- Being identified through other means; or
- Being asked to provide a urine sample for testing; or
- Having had a verified positive test result for alcohol and/or illegal drugs pursuant to this regulation.
- Drug or alcohol related incidents that are subject to discipline and occurred prior to seeking Safe Harbor are not covered by Safe Harbor protections. An employee who requests Safe Harbor will be required to sign an agreement outlining their obligations under Safe Harbor.

#### h. Contract Personnel

The policy provisions stated above are applicable to contract personnel. Violation of these provisions or refusal to cooperate with implementation can result in the City barring contract personnel from City facilities or participating in City operations.

#### i. Commercial Driver's License

The City complies with all provisions outlined in the federal and state laws regulating commercial drivers' licenses.

## CHILD ABUSE REPORTING

It is the City's desire to provide as safe an environment as possible for children who participate in City programs, and to give notice to employees of the reporting requirements of State laws covering child abuse, abandonment, or neglect (abuse).

When an employee has reason to believe that another employee is abusing a child, the following steps should be followed:

- The employee who becomes aware of another employee's suspected abuse shall immediately notify their supervisor of the suspicion. The supervisor shall require the employee to immediately contact Child Services [CPS] or in the case of an emergency, the City Police. Neither the supervisor nor the employee shall engage in any form of investigation.
- The supervisor shall notify their Department Head who will advise the City Administrator that a report has been filed, consistent with State law.

Following the completion of the reporting and investigative process, an in-house debriefing session will be conducted to review each phase, to determine need for additional training, and to review the reporting procedure for possible revisions.

If a child is suspected of being a victim of child abuse, these steps will be followed:

- The employee will immediately notify their supervisor of the suspected abuse and report the suspicions to Child Protective Services [CPS].
- The supervisor shall notify their Department Head who will advise the City Administrator.
- The proper authorities will conduct the investigation. Neither the supervisor nor the employee shall attempt any form of investigation.
- In order to protect the privacy of all persons involved, all phases of the reporting procedure shall remain strictly confidential. The person(s) making the report will remain anonymous, provided their report was made in good faith; however, persons with a legitimate need to know will be notified. Confidentiality of principals and witnesses cannot be guaranteed if criminal investigation or prosecution is pursued.
- Any and all media contact will be exclusively coordinated through the City Administrator.

Any person who has reason to believe that a child has been abused, abandoned or neglected and, acting upon that belief, makes a report of abuse, abandonment or neglect as required by law shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any person who reports in bad faith or with malice shall not be protected.

Any person who makes a report or allegation of child abuse, abandonment or neglect knowing the same to be false or who reports or alleges the same in bad faith or with malice shall be liable to the party or parties against whom the report was made.

## GENERAL PROVISIONS

### 1. Travel Expense Reimbursement

An employee on City business shall be reimbursed for expenses incurred in completing their work-related assignment in accordance with the policies established by the City Administrator. Each employee is responsible for providing verified receipts for any expenses for which reimbursement is requested. All employees traveling or incurring business expenses on behalf of the City as well as those responsible for the approval of these expenses are expected to use prudence, discretion, and good judgment to assist in maintaining control over travel expenses. The City will not pay for entertainment not included in the function package. Additionally, the City will not pay or reimburse for alcohol.

### 2. On-the-Job Injuries

All on-the-job injuries shall be reported to the Department Head within 24 hours of the injury to allow filing of worker's compensation claims in the proper manner. If an employee is disabled temporarily by an on-the-job accident that employee may be eligible for worker's compensation benefits upon submission to the State Insurance Fund. The City Treasurer must make sure the proper forms are filed with the State of Idaho for worker's compensation benefits eligibility. Return to employment will be authorized on a case-by-case basis upon consultation with the supervising official and the State Insurance Fund. Concerns associated with injured worker status may be brought before the supervisor and City Administrator for review.

The City has adopted a wage loss recovery benefit known as Kept on Salary (KOS). This benefit applies to full-time regular employees with a compensable work injury or illness under Idaho Workers' Compensation laws. Under the KOS benefit, if an injured employee is unable to work due to a compensable injury or illness, the employee will receive the difference between the statutory workers' benefit amount and the employee's regular net pay.

The KOS benefit begins after the workers compensation statutory five (5) calendar day waiting period, unless specifically exempt as defined by Idaho Code 72-1104. A KOS eligible employee may receive the KOS benefit for a period of time not to exceed six (6) months. After six (6) months, the employee receives the statutory temporary disability benefit as defined and allowed under applicable Idaho laws.

All time off work must be documented by the treating health care provider.

Employees who are not eligible for the KOS benefit may be eligible to receive the statutory temporary disability benefit.

All time off work must be documented by the treating health care provider.

### 3. Nepotism

No person shall be employed by the City which would result in a violation of the anti-nepotism provisions found in Idaho Code. Any such appointment may be voided by the Mayor if not done voluntarily by the appointing official.

The City shall not hire individuals as part time or full time employees that meet the following:

- An individual who is related within the second degree or married to a Department Head, department manager or supervisor in any department of the City.
- An individual who is married to an existing City employee in the same department. If two employees become married, one employee shall resign within 30 days of the marriage.
- No person related to the Mayor or member of City Council by blood or marriage within the second degree shall be appointed to any clerkship, office, position, employment or duty when the salary, wages, pay or compensation of such appointee or employee is to be paid out of public funds.

Individuals related within the second degree may be hired, subject to approval of the City Administrator, provided neither one is in a supervisory or management position. Should one become a supervisor, manager or director, the other shall resign within 30 days of the new position appointment.

### 4. Use of City Meeting Space

The City makes its meeting rooms available to the public and when employees are off-duty. The meeting rooms are open to individuals and organizations engaged in educational, cultural, intellectual or charitable activities. The City makes its meeting rooms available to area businesses for non-commercial purposes, such as employee meetings or retreats. Neither the City itself nor the meeting rooms are designed to accommodate commercial or pecuniary activities of any kind. This policy does not apply to the use of the meeting facilities for City activities or for activities or events sponsored by the City. "Meeting Facilities" shall include meeting rooms in City Hall, Fire Station One, and Forest Service Park.

The Meeting Facilities of the City shall be available subject to the following conditions:

1. The scheduled use shall not conflict with City sponsored programs or the City's ability to deliver its existing services.
2. The following legend must prominently appear on any sign, advertisement, invitation or other notice or announcement of an event to be held in City Meeting Facilities: "This event is neither sponsored nor endorsed by the City." Failure to include such legend will result in forfeiture of the right to use the applicable Meeting Facilities.
3. Unless approved by the City, use of City Meeting Facilities by an individual or an organization for meetings or events which are open to the members of the general public or which are



advertised or promoted to encourage attendance by members of the general public shall not exceed two times per year and shall not exceed once per month. Use of Meeting Facilities by an individual or an organization for meetings or events at which attendance is limited to organization members and/or their invited guests shall not exceed five times per year and shall not exceed once per month. Meetings which are open to the general public may pose a greater likelihood of imposing additional burdens on City personnel and may be more disruptive to the quiet enjoyment of the City by patrons.

4. The user shall be responsible for assuring that permitted occupancy limits pursuant to applicable fire or safety codes are not exceeded. The user will restore the premises to a clean and neat condition following the assembly. The City will be reimbursed for any costs to the City resulting from the use of a Meeting Facility by an organization or individual. Any fees, conditions, or other requirements for the use of a meeting facility shall be specified in the relevant use agreement.

## SEPARATION OF EMPLOYMENT

### 1. Resignation

In order to resign in good standing employees shall give their supervisor written notice at least fourteen (14) calendar days prior to the employee's last workday. An employee's supervisor may choose to waive the fourteen (14) day notice requirement if they believe individual circumstances warrant it. If the fourteen (14) day requirement is waived, a written resignation letter is still required. The City may deny any request by an employee to rescind a resignation.

Job abandonment shall be defined as an unexcused or unauthorized absence of two (2) working days or more, which shall subject the employee to termination.

### 2. COBRA Benefits

Employees of the City who currently receive medical benefits, who separate from their employment may be eligible to continue those medical benefits at the employees' sole cost and expense for a limited time in accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA).

### 3. Final Paycheck

Upon ending employment with the City, final paychecks will be issued to the employee on the next regular payday or in ten days (excluding weekends/holidays) whichever is sooner. If the employee gives the City Treasurer a written request for earlier payment, the employee will be paid within 48 hours (excluding weekends/holidays) of receipt of the request or the last day worked, whichever is later.

### 4. Exit Interview

Each employee who terminates from employment with the City may participate in an exit interview with the employee's supervisor or in the event of involuntary termination, with the City Administrator. In such interview, the supervisor shall notify the employee when certain benefits will terminate and when

final pay will be issued. The employee will inform the interviewer about their impressions of employment in such interview. An employee exit form, or other written record, will be completed at this point and will be retained in the employee's personnel file.

## 5. Reductions in Force

Employee assignments may be affected by a reduction in force made due to economic or other conditions. The City Administrator or designee reserves the right to make any changes in the work force or assignment of resources that is deemed to be in the organization's best interests. The City Administrator may also specify at the time reductions in force are made what reinstatement preferences may accompany the reductions, if any. Reinstatement preferences may be tied to the classification of the employee, to specialized skills possessed by the employee, or any other non-discriminatory reason.

## 6. Eligibility for Rehire

Former employees who were terminated, resigned in lieu of termination, had poor performance records, quit without proper notice, or were not in good standing with the City are not eligible for rehire.

## 7. Return of City Property

All City property shall be returned at or before the time of separation, including but not limited to:

- City credit or purchasing cards
- City uniforms or clothing
- Mobile devices
- Employee identification badge
- Keys to City vehicles and buildings
- City-owned technology
- Tools or other equipment
- Any other City property in possession of the employee

Failure to return items may result in criminal charges.

## ACKNOWLEDGEMENT OF RECEIPT OF EMPLOYEE HANDBOOK

I acknowledge receipt of the City of Ketchum's Employee Handbook (Handbook). I understand that this Handbook is not a contract and cannot create a contract. I understand that I am responsible for familiarizing myself with the contents of the Handbook. I understand that I am obligated to perform my duties of employment in conformance with the provisions of the Handbook and any additional rules, regulations, policies, or procedures from the department where I work.

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

Signature: \_\_\_\_\_

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

cc: Personnel File



# **City of Ketchum, Idaho Employee Personnel Policy Handbook**

**Adopted November 2, 2015**



**PERSONNEL POLICY  
TABLE OF CONTENTS**

WELCOME.....	Page 8
<b>1. GENERAL POLICIES</b>	
A. Introduction to Public Employment.....	Page 9
B. Equal Employment Opportunity Statement.....	Page 10
C. Nepotism Prohibition.....	Page 10
D. Waiver.....	Page 10
E. Saving Clause.....	Page 10
F. Employment Start-up.....	Page 11
G. Payroll Reporting Systems.....	Page 11
H. Distribution of Policy.....	Page 11
<b>2. RULES OF EMPLOYEE CONDUCT</b>	
A. Personal Performance and Behavior.....	Page 11
1. Attendance.....	Page 12
2. Dress.....	Page 12
3. Secondary Employment.....	Page 12
4. Gifts.....	Page 12
5. Serving on Boards.....	Page 12
6. Release of Personnel Info.....	Page 12
7. Use of Substances.....	Page 12
8. Driving Impairment.....	Page 12
9. Employee Conduct.....	Page 13
10-11. Adverse Conduct.....	Page 13

12. Conflicts of Interest.....	Page 13
<b>B. Workplace Conduct.....</b>	<b>Page 13</b>
1. Working Cooperatively.....	Page 13
2. Best Efforts.....	Page 13
3. Code of Ethics.....	Page 13
4. Care of Public Property.....	Page 13
5. Department Rules.....	Page 13
6. Dissemination of Information.....	Page 13
7. Work Schedule.....	Page 14
8. Change of Work Hours.....	Page 14
9. Reporting on the Job Accidents.....	Page 14
10. Reporting Accidents on City Property.....	Page 14
11. Safety in the Workplace.....	Page 14
12. Clean Work Area.....	Page 14
13. Security of Records.....	Page 14
14. Disclosure of Confidential Information.....	Page 14
15. Use of City Vehicle.....	Page 15
16. Performance of Duties.....	Page 15
17. Use of City Credit Cards.....	Page 15
<b>C. Prohibited Workplace Conduct</b>	
1. Under the Influence of Drugs or Alcohol.....	Page 16
2. Unprofessional Conduct.....	Page 16
3. Malicious Gossip.....	Page 16
4. Work Time for Personal Business.....	Page 16
5. Political Activities.....	Page 16
6. Providing False Information.....	Page 16
7. Treatment of Co-workers.....	Page 16
8. Violation of State Statutes.....	Page 16
9. Abuse of Employee Benefits.....	Page 16
10. Absence from Work.....	Page 16
11. Distractions During Work.....	Page 17
12. Use of Telephones or Computers.....	Page 17
13. Criminal Conduct.....	Page 17
14. Disregarding Rules.....	Page 17
15. Dating Employees.....	Page 17
<b>D. Prohibited Discriminatory Harassment Policy</b>	
1. Sexual Harassment.....	Page 17
2. Other Types of Unlawful Harassment.....	Page 18



3. Complaint Procedures.....	Page 19
4. Penalties.....	Page 19
<b>E. Employee Use of City Vehicles</b>	
1. Valid Driver's License.....	Page 19
2. Loaning of City Vehicles.....	Page 19
3. Vehicle Operation.....	Page 20
4. Personal Use.....	Page 20
5. Proper Working Condition.....	Page 20
6. Driver Impairment.....	Page 20
7. Citations.....	Page 20
8. Signs on Vehicles.....	Page 20
9. IRS Reporting.....	Page 20
<b>F. Use of Portable Electronic Devices while Driving or Bicycling</b>	
1. Prohibition of Using Devices While Driving or Bicycling.....	Page 20
2. Definition of Prohibited Devices.....	Page 20
3. Emergency Use.....	Page 20
<b>G. Employee Travel</b>	
1. Same Day Out of Town Travel.....	Page 20
2. Out of Town Overnight Travel.....	Page 20
3. Travel Forms.....	Page 21
<b>H. Telecommunications Systems Policies</b>	
1. Telephones.....	Page 21
2. Mail.....	Page 21
3. Facsimile.....	Page 21
4. Cellular Phones.....	Page 21
<b>I. Electronic Mail and Internet Policy</b>	
1. City Access.....	Page 22
2. Posting of Information.....	Page 22
3. Appropriate Behavior.....	Page 22
4. Employee Privacy.....	Page 22
5. Use of Internet.....	Page 22
6. Personal Use of Internet.....	Page 23
7. City Paid Sites and Software.....	Page 23
8. City Inspections.....	Page 23
9. Violations.....	Page 23
10. Scanning for Viruses.....	Page 23

11. Public Records.....	Page 23
J. Drug Testing	
1. Pre-Employment Screening.....	Page 23
2. On-the-Job Use, Possession or Sale of Drugs or Alcohol.....	Page 24
3. Disciplinary Action.....	Page 24
4. Searches.....	Page 24
5. Drug and Alcohol Screening.....	Page 25
6. Contract Personnel.....	Page 25

### 3. EMPLOYEE CLASSIFICATION, COMPENSATION, AND BENEFITS

A. Classifying Employees For Policy Purposes	
1. Employment Status.....	Page 25
2. Significance of Employee Classification.....	Page 26
3. Statutory Employees.....	Page 26
B. Recruitment and Selection	
1. Determination of Vacancy.....	Page 26
2. Transfers at City Request.....	Page 26
C. Compensation Policies	
1. Salary Administration.....	Page 26
2. Compliance with State and Federal Pay Acts.....	Page 27
3. Classification Plan.....	Page 27
4. On-call and Call Back Pay.....	Page 27
5. Right to Change Compensation.....	Page 27
6. Overtime Compensation-Compliance with Fair Labor Standards Act.....	Page 27
7. Compensatory Time Policy.....	Page 28
8. Reporting and Verifying Time Records.....	Page 29
9. Work Periods/Overtime Authorization.....	Page 29
10. Pay Periods.....	Page 29
11. Compensation while Serving on Jury Duty or as a Witness in a Court Proceeding.....	Page 29
12. Military Leave.....	Page 30
13. Travel Expense Reimbursement.....	Page 30
14. On-the-Job Injuries.....	Page 30
15. Working Out of Classification.....	Page 31

D. Employee Benefits	
1. Annual Vacation Leave.....	Page 32
2. Holidays.....	Page 33
3. Bereavement Leave.....	Page 34
4. Disability Leave.....	Page 34
5. Leaves of Absence.....	Page 34
6. Reductions in Benefits.....	Page 34
7. Benefits for Part-Time or Casual/Seasonal Employees.....	Page 35
8. Insurance Coverage.....	Page 35
9. Retirement.....	Page 35
10. Sick Leave.....	Page 35
11. Tuition Reimbursement.....	Page 36
12. Miscellaneous Benefits.....	Page 37
13. Transfer of Benefits with Employee Transfer.....	Page 37
14. Catastrophic Leave.....	Page 37

#### **4. EMPLOYEE EVALUATION AND DISCIPLINE**

A. Performance Evaluation Procedures	
1. Standard Procedures.....	Page 38
2. Employee Personnel Files.....	Page 38
B. Employee Discipline Procedures	
1. Purpose of Discipline Policy.....	Page 39
2. Disciplinary System Framework.....	Page 39
3. Disciplinary Actions Available.....	Page 39
4. Appeal Hearing.....	Page 39

#### **5. SEPARATION FROM EMPLOYMENT**

A. Reductions in Force (RIF).....	Page 40
B. Resignation Policy.....	Page 40
C. Cobra Benefits.....	Page 41
D. Exit Interview.....	Page 41

**6. APPENDIX A**

A. Acknowledgement of Receipt of the City of Ketchum  
Personnel Policy Manual..... Page 42

## **WELCOME TO THE CITY OF KETCHUM**

This manual represents a collection of the City of Ketchum's employment policies. As Idaho is an "at-will" state, this is not an employment contract and does not guarantee any fixed terms and conditions of employment. This manual is intended for information and guidance.

One of our main objectives is to provide a work environment that supports personal and professional growth. The City of Ketchum is proud of its history and employees. At whatever time you joined us, you were selected because of your skill, experience and commitment to team work elements that are essential to our responsiveness and our ability to provide City of Ketchum residents with high quality service.

This manual is designed to acquaint you with the City and provide you with information about working conditions, employee benefits and some of the policies affecting your employment. You should read, understand and comply with all provisions of the manual. It describes many of your responsibilities as a City employee and outlines the programs developed by the City to benefit employees.

The practices, policies, plans and benefits in this manual apply to all employees. However, no Personnel Policy Manual can anticipate every circumstance or question about policy. As the City continues to evolve, the need may arise at any time to amend or terminate the practices, policies, plans and benefits described in this document. Any subsequent changes approved by the City Council will supersede the contents of this document.

Employees have a duty to familiarize themselves with the contents of the Personnel Policy Manual as soon as possible, for it will answer many questions about employment with the City of Ketchum. It is also suggested that you keep a copy of this manual handy for future reference. Your supervisor will also be available to address any questions not answered in this manual.

Thank you for your service and commitment to the city of Ketchum.

# **THE CITY OF KETCHUM PERSONNEL POLICY**

This Personnel Policy is not a contract. No contract of employment with the city of Ketchum will be valid unless it is signed in accordance with proper procedures by the Mayor and specifically authorized by City Council and unless it is signed by and contains the name of the employee who would be benefited by the contract. All employees of the City are "AT WILL" and can be terminated with or without cause and absent prior notice by the City.

Changes to the policies and benefit offerings outlined in this Handbook are subject to change at any time, without notice. Changes may be made in the sole discretion of the City Council.

## **1. GENERAL POLICIES**

### **A. INTRODUCTION TO PUBLIC EMPLOYMENT**

**The Organization in which you work.** The City of Ketchum is a political subdivision of the State of Idaho, though it is not a part of state government. The City Council serves as the governing body for the City of Ketchum. The City Council has primary authority to establish terms and conditions of employment with the City of Ketchum. The City Council also appoints personnel to help carry out its administrative responsibilities.

The responsibility and authority for the enforcement and administration of the policies and procedures set forth herein are vested in the Mayor, City Administrator, City Clerk, and Department Supervisors.

As with all elected public officials, the City Council is ultimately responsible to the voters of the City of Ketchum. The terms set forth in this booklet reflect public entity policy at the time of its printing, but they are subject to change at any time, without prior notice, and at the sole discretion of the City Council.

Only the City Council has authority to establish general policy for the City of Ketchum employees. Each employee should recognize that although he/she may serve as an employee in the office of an elected or appointed official, he/she remains an employee of the City of Ketchum, not of the official who supervises his/her work. The terms and conditions set forth in this policy, and in the resolutions and policy statements which support it, cannot be superseded by any other official's commitment, without the express written agreement of the City Council. That is particularly true for terms or conditions which would establish a financial obligation for the City of Ketchum, now or in the future. It is important that all employees understand the relationship between policy adopted by the City Council and department policy implemented by other elected officials.

**B. EQUAL EMPLOYMENT OPPORTUNITY STATEMENT**

All selection of City of Ketchum employees and all employment decisions, including classification, transfer, discipline, and discharge, will be made without regard to race, religion, gender, sexual orientation, age, national origin, or non-job-related disability. No job or class of jobs will be closed to any individual except where a mental or physical attribute, gender, or age is a bona fide occupational qualification. It is the policy of the City of Ketchum to comply in all respects with the Americans with Disabilities Act. All objections to application of the City of Ketchum' policy in this regard shall be brought to the attention of the office of the City Administrator, or in the case of objection to actions undertaken by the City Administrator, to the City Attorney.

**C. NEPOTISM PROHIBITION**

No person shall be employed by the City of Ketchum which would result in a violation of the anti-nepotism provisions found in Idaho Code § 59-701, § 18-1359 or its successors. Any such appointment may be voided by the Mayor if not done voluntarily by the appointing official.

The city shall not hire individuals as part time or full time employees that meet the following:

- An individual who is related within the second degree or married to a department director, department manager or supervisor in any department of the city.
- An individual who is married to an existing city employee in the same department. If two employees become married, one employee shall resign within 30 days of the marriage.

Individuals related within the second degree may be hired, subject to approval of the City Administrator, provided neither one is in a supervisory or management position. Should one become a supervisor, manager or director, the other shall resign within 30 days of the new position appointment.

**D. WAIVER.**

The City Administrator or designee, reserves the right to waive any regulation in specific instances when, in his or her opinion, such waivers are legal, warranted and justified in the interests of a more effective and responsive system of personnel administration.

**E. SAVING CLAUSE**

If any chapter, section or portion of this policy manual is found to be invalid by duly constituted authority, it shall not affect the validity of the balance of these policies and procedures. If any portion of these policies and procedures are in conflict, the most recent amendments shall apply.

**F. EMPLOYMENT START-UP**

**a. EMPLOYMENT FORMS TO BE COMPLETED**

The following pre-employment forms must be completed before the employee may begin work for the City of Ketchum:

1. Employment application form.
2. Insurance forms.
3. Immigration form (I-9).
4. Insurance information about dependents.
5. Any other benefit forms necessary for employee information.
6. Background check waiver form.
7. Completion of W-4 Form.
8. Acknowledgement and Receipt of Employee Handbook.

**b. PAYROLL REPORTING SYSTEMS**

Reports of hours worked and time on and off the job must be completed in a timely manner in accordance with procedures established by the payroll officer. Each report of employee time must be signed by both the supervisor and by the employee and shall contain a certification that it is a true and correct record of the employee's time and benefit usage for the time period covered.

**c. DISTRIBUTION OF POLICY**

At time of employment each employee shall receive a copy of this personnel policy. It is the responsibility of the employee to familiarize themselves with the contents of the personnel policy and to acknowledge its receipt.

**2. RULES OF EMPLOYEE CONDUCT**

**A. PERSONAL PERFORMANCE AND BEHAVIOR**

Each employee of the City of Ketchum is expected to conduct him or herself in a manner which does not reflect adversely upon the City. Each employee must recognize that public employees are subject to additional public scrutiny in their public and personal lives because the public's business requires the utmost integrity and care. In order to accomplish the goals of the City of Ketchum as a public institution, each employee is expected to scrupulously avoid personal behaviors which would bring unfavorable public impressions of the City of Ketchum and its officials. In order to accomplish this, each employee:



1. Shall be prompt and regular in attendance at work or other required functions. If an employee will be unable to report to work, or will be late, he or she must let their immediate Supervisor know as soon as possible, and always before your scheduled starting time. If your Supervisor is unavailable, a message may be left with the City Clerk. The message shall include the reason for being late or absent and a telephone number where you may be reached. If an employee's absence or tardiness is due to an emergency, please call in, or have someone call in on the employee's behalf, as soon as possible.
2. Shall comply with the dress standards established in a department for which the employee works. The City Administrator or other department head may set dress standards. In the absence of any departmental dress standards, clothing shall be appropriate for the functions performed and shall present a professional appearance to the public.
3. Shall dedicate primary efforts to City of Ketchum employment with secondary employment subject to approval by the Department Head or City Administrator. The request for secondary employment shall be made in writing. This policy excludes paid on call firefighters.
4. Shall not accept gifts, gratuities or loans from organizations, business concerns, or individuals with whom the employee has official relationships while on business of the City in violation of §18-1359. No gift may be accepted which would create the impression that the giver was seeking special favor from the employee.
5. Shall not serve on any board or commission which regulates or otherwise affects the official duties or personal interests of said official or employee in a way that could create disadvantage for other members of the public or advantage for the employee.
6. Shall not release personnel information or any other public record absent adherence to state law and without the express authority of the public official responsible for custody of the record or without an order from a court of competent jurisdiction.
7. Shall not use substances, unlawful or otherwise, which will impair the employee's ability to function as a valued and competent part of the City of Ketchum's work force. Smoking and use of tobacco products is prohibited in all City-owned buildings and vehicles. Smoking by employees is permitted only during rest or meal periods and only outside of City-owned buildings. As the abuse of alcohol or any other drug is a serious threat to both personal health and job performance, employees are strictly prohibited from possessing, selling, consuming, or being under the influence of alcohol or drugs, except as authorized by a physician, while on the job.
8. Shall not engage in conduct in the operation of a motor vehicle that impairs the ability of the employee to perform job functions even though the driving conduct does not occur during hours of employment.

9. Shall not engage in workplace or public conduct otherwise detrimental to the accomplishment of the goals established by the City Council or the official or department for whom he or she works.
10. Shall not engage in criminal conduct of any kind while on or off duty. City employees are expected to behave in a lawful manner and failure to do so is a violation of the trust placed in such employees by the public and the appointing official.
11. Shall not engage in conduct away from work that, although not criminal, may reflect adversely upon the City or its officials or otherwise impair the employee's ability to perform.
12. Shall avoid conflicts of interests in appointments and working relationships with other employees, contractors and potential contractors in the City and related agencies.

**B. WORKPLACE CONDUCT**

Each employee will be expected to conduct him or herself in the workplace in accordance with the following rules. These rules are not all-inclusive of conduct expected of City employees. Each employee of the City of Ketchum shall:

1. Work cooperatively and constructively with fellow workers and members of the public to provide public service of the highest quality and quantity.
2. Give his/her best efforts to accomplish the work of the City for public benefit in accordance with policies and procedures adopted by the City Council and elected officials. Each employee shall be subject to the administrative authority of the Mayor, City Administrator and the department head who supervises the department where the employee works.
3. Adhere to any code of ethics in his/her profession and not engage in conflicts of interest or use his/her public position for personal gain.
4. Follow all rules for care and use of public property to assure that the public investment in equipment is protected and that the safety of the public and other workers is maintained.
5. Abide by all departmental rules whether they be written or issued orally by the supervisor. No employee shall be required to follow the directive of a supervisor that violates laws of any local jurisdiction, the state, or the United States.
6. Abide by all pertinent statutes, and City of Ketchum ordinances concerning the dissemination of information to the public from public records or about public matters. The decision to release information from the public records or to disclose writings or other information in the hands of a public official belongs with the responsible official who has official custody of that record. Each employee shall

maintain the confidential nature of records or information that is not open to public scrutiny in accordance with the direction of the responsible official.

7. Adhere to the defined work schedule and procedures for an exception to normal work schedules. Each employee shall follow all rules regarding the reporting of work hours and the approval which must be given for pay record submittal. Failure to follow such rules may be grounds for delayed payment of wages, salaries, or reimbursements, or for imposition of appropriate disciplinary penalties.
8. Follow all rules regarding work hours, breaks and lunch periods, including provisions granting supervisors authority to adjust them. Timing of work hour, including breaks and lunch periods, may be changed to accommodate the completion of necessary work.
9. Follow all rules for reporting accidents on the job. Each employee shall cooperate in the reporting and reconstruction of any job-related accident in order that workplace hazards can be eliminated and that proper consideration can be accorded to injured workers and the public.
10. Report any accidents observed to have occurred on City property or involving City property. Each employee shall provide as much information as he or she can from the observations made in the course of activities associated with one's work. Such information should be reported to the employee's immediate supervisor as soon as physically possible and reasonable efforts should be made to assist those persons in need.
11. Follow all rules regarding safety in the workplace whether established formally by the department or by outside agencies. Employees are encouraged to suggest ways to make the workplace or work procedures safer.
12. Keep their general work area clean and orderly. While the City employs custodial services to maintain larger areas, individual employees are responsible for the neatness of their own work areas. Computers used in conjunction with employee workstations shall be used for office-related functions only. Passwords assigned to employees shall be kept confidential and changed on a periodic basis. Employees must not write their login password and information down or share it with others.
13. Maintain security of records and property of the City of Ketchum. Employees shall immediately report any suspicious circumstances or missing items to their supervisor. All employees shall secure their individual workstations using designated log off prompts or other password-related security checks when away from their station.
14. City Employees should not disclose any confidential information, or disclose information from internal discussions, related to property, permitting, government, or affairs of the city of Ketchum without prior approval of the City Attorney or City

Administrator. Under no circumstances should an employee use such information to advance the financial or private interests of yourself or others.

15. If an employee utilizes one of the City's vehicles or one of their own vehicles in the performance of their employment for the City of Ketchum he/she must maintain a current driver's license.
  - a. Each employee must have and carry a valid Idaho driver's license and evidence of satisfaction of insurance, if insurance is to be provided through employee. The City may ask to keep a copy of these in the personnel file.
  - b. No City owned vehicle or equipment may be loaned out to another without prior approval from their supervisor.
  - c. Each employee shall drive in a safe and lawful manner.
  - d. Each employee must report any state-imposed driving restrictions to his/her immediate supervisor. Each employee is also obligated to notify his/her supervisor in the event that his/her driving abilities are impaired by anything other than state restrictions.
  - e. City owned vehicles shall be maintained in good running order.
  - f. Only authorized signs shall be placed on any City owned vehicle.
  - g. No employee shall operate a motor vehicle or any equipment while under the influence of drugs, alcohol, or any controlled substance.
  - h. Each employee shall immediately notify their supervisor of any citations, even if off-duty, for moving violations, or accidents.
16. Perform such obligations and duties as are necessary to carry out the work of the City in an efficient and effective manner at minimal costs and with limited risk to the public and fellow workers.
17. Use City issued credit cards in a lawful and fiscally responsible manner. Such credit cards may only be used for valid authorized city expenses. Credit cards shall be issued by the City Administrator and may be revoked for any reason.

### **C. PROHIBITED WORKPLACE CONDUCT**

The City functions in an environment which emphasizes the importance of quality, reliability, and service. As such the City expects each employee to contribute to the quality, reliability, and excellence of the City's services within the scope of his/her job responsibilities. Failure to meet this standard of performance may be the basis for adjustment in compensation or disciplinary action, up to and including discharge. The

following list of prohibited workplace conduct is representative, but not exhaustive, prohibited conduct within the workplace. Employees of the City of Ketchum **shall not**:

1. Be present in the workplace under the influence of drugs, alcohol, illegal substances, or other substances which would impair the ability of the employee to perform his/her work competently or which would threaten the safety or well-being of other workers or the public. No worker should be absent from work on account of such conduct, even though such conduct does not occur during regular work hours.
2. Engage in abusive, unprofessional, or inappropriate conduct to fellow employees or to the public, or use abusive or inappropriate language in the presence of fellow employees or the public. Abusive language shall include, but is not limited to: profanity and loud or harassing speech.
3. Engage in malicious gossip and/ or spreading rumors; engaging in behavior designed to create discord and lack of harmony; willfully interfering with another employee's work output or encouraging others to do the same.
4. Use work time for personal business including but not limited to the following actions: selling of goods and services, voicing religious, political, or social views to members of the public during the workday. Employees should minimize the amount of work time spent on similar activities engaged in with fellow employees.
5. Engage in political activities while on duty in public service. This rule shall not apply to elected officials. Employees shall enjoy full political rights when not carrying out their work obligations.
6. Provide false or misleading information on employment applications, job performance reports, or any other related personnel documents or papers.
7. Discriminate in the treatment of co-workers or members of the public on the basis of race, religion, gender, age, disability, sexual orientation or national origin.
8. Violate state statutes or local rules regarding the inappropriate use, alteration, destruction, or removal of any public records required by law to be kept by the entity or other public officials.
9. Abuse employee benefit offerings by taking unjustified sick leave, annual vacation, or otherwise participate in a scheme or deception designed to create incorrect personnel records or to claim benefits which are not deserved in accordance with City policy.
10. Violate rules concerning absence from the workplace without proper authorization. Employees must obtain prior permission as required by the City of Ketchum policy for use of annual leave, sick, bereavement, or other types of leave granted by this

personnel policy. Failure to comply with this policy may result in disciplinary action, including dismissal.

11. Engage in prolonged visits with children, friends, or family members, salespersons or others not related to City business, whether in person, over the telephone or in an electronic manner, including email and instant messenger, or engage in any personal endeavor which interfere with the course of work in the office or department in which the employee serves.
12. Use telephones, computers or other City property in the office or workplace in a manner that disrupts the work or work flow nor shall workplace equipment be used for any purpose relating to the employee's business or other personal interests.
13. Engage in criminal conduct of any kind, while on duty or off, including any theft, fraud, violence, or similarly related crimes. City of Ketchum employees are expected to behave in a lawful and socially acceptable manner. For any employee who drives City vehicles or personal vehicles while on City business, conviction of any felony or misdemeanor moving violation may result in discipline, demotion or termination.
14. Disregard any rule established by the Mayor, City Administrator, or department head to maintain order and productivity in the workplace.
15. The City strictly prohibits a supervisor from dating or engaging in a romantic or sexual relationship with an employee that he or she supervises. Romantic or sexual relationships between other employees shall not create conflicts of interest or discord or distractions that interfere with other employees' productivity.
16. Harass a fellow worker or member of the public at any time while in active service of the City of Ketchum, as outlined in the following policy:

#### **PROHIBITED DISCRIMINATORY HARASSMENT POLICY.**

The City of Ketchum is committed to providing all of its employees with a work place free of discriminatory harassment. The City of Ketchum maintains a strict policy prohibiting sexual harassment and harassment on the basis of race, color, national origin, religion, sex, sexual orientation, physical or mental disability, age, veteran status or any other characteristic protected by applicable law. This prohibition applies to all employees, vendors, or customers of the City of Ketchum. No employee of the City is expected to tolerate any conduct prohibited by this policy from anyone while at work or engaged in City business. This policy is not intended to protect anyone who makes a false allegation of discriminatory harassment. The City of Ketchum reserves the right to take appropriate disciplinary action against any employee who makes a false allegation of harassment.

1. **Sexual Harassment.** Sexual harassment shall be defined as unwelcome advances, requests for sexual favors, and other offensive physical and/ or verbal conduct of a

sexual nature. It involves making unwelcome sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature a condition of employment, or making submission to or rejection of such conduct the basis of employment decisions, or creating an intimidating, offensive, or hostile working environment by such conduct.

The following is a partial list of conduct, which would be considered sexual harassment:

- a. Unwanted sexual advances.
- b. Offering employment benefits in exchange for sexual favors.
- c. Making or threatening retaliation after a negative response to sexual advances.
- d. Visual conduct such as leering, making sexual gestures, displaying sexually suggestive objects or pictures, cartoons, calendars or posters.
- e. Verbal conduct such as making or using derogatory comments, epithets, slurs, sexually explicit jokes, comments about an employee's body or dress.
- f. Written communications of a sexual nature distributed in hard copy or via a computer network.
- g. Verbal sexual advances or propositions.
- h. Verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words to describe an individual, suggestive or obscene letters, notes or invitations.
- i. Physical conduct such as touching, assault, impeding or blocking movements.
- j. Retaliation for making harassment reports or threatening to report harassment.

The list is not all-inclusive. Any conduct which might be deemed offensive must be avoided. Sexual harassment can occur between employees of the same sex. It is unlawful for males to sexually harass females or other males, and for females to sexually harass males or other females.

2. **Other types of Unlawful Harassment.** The City of Ketchum also prohibits harassment on the basis of race, color, national origin, sexual orientation, religion, gender, physical or mental disability, age, veteran status or any other characteristic protected by applicable law. Such prohibited harassment includes but is not limited to the following examples of offensive conduct:

- a. Verbal conduct such as threats, epithets, derogatory comments or slurs;
- b. Visual conduct such as derogatory posters, photographs, cartoons, drawings or gestures;
- c. Written communications containing statements, which may be offensive to individuals in a particular protected group, such as racial or ethnic stereotypes or caricatures;
- d. Physical conduct such as assault, unwanted touching or blocking normal movement;
- e. Retaliation for making or threatening to make harassment reports to the City of Ketchum, or for participating in an investigation into harassment allegations.

3. **Complaint Procedures.** Any employee who believes he or she has been subjected to unlawful harassment prohibited by this policy should immediately tell the harasser to stop his/her unwanted behavior and immediately report that behavior, preferably in writing, to the City Administrator or Department Head. The City of Ketchum encourages each employee to use the procedures set forth in this policy to address any sexual harassment problems as quickly as possible.

Whenever the City of Ketchum is made aware of a situation which may violate this policy, the City of Ketchum will conduct an immediate, thorough and objective investigation of any harassment claims. If the City of Ketchum determines that prohibited harassment has occurred, it will take appropriate action against a person found to have engaged in prohibited harassment to ensure that the conduct will not reoccur. Employees violating the policy are subject to discipline up to and including termination.

The City of Ketchum strictly prohibits retaliation against any person by another employee or by the City of Ketchum for using this complaint procedure, reporting harassment, or for filing, testifying, assisting or participating in any manner in any investigation, proceeding or hearing conducted by the City of Ketchum or a governmental enforcement agency.

4. **Penalties.** Potential penalties for violation of any such rules may include but shall not be limited to:
  - a. Leave without pay.
  - b. Suspension for a variable or fixed period.
  - c. Demotion to position with lower compensation and/ or authority.
  - d. Dismissal.
  - e. Reprimand.

These penalties are listed in no particular order nor is there any requirement that a lesser penalty is required prior to termination or other such disciplinary action.

#### **E. EMPLOYEE USE OF CITY VEHICLES**

If an employee uses one of the City's vehicles or uses their own vehicle while performing their work duties, please be aware of and follow these requirements.

1. To use a City owned vehicle, the employee must have and carry with them a valid Idaho driver's license and provide a copy for their personal file. If an employee uses their own vehicle for City business, evidence of satisfaction of insurance and a copy of their current driver's license must be kept in employee's file.
2. Employee may not loan out City-owned vehicles or equipment to others without permission from the City Administrator, Department Head, or City Clerk.



3. Employee must operate vehicle in a safe, courteous and lawful manner.
4. Employee may not use City-owned vehicles for personal use, including but not limited to errands and travel to and from employees home, unless otherwise authorized by the City Administrator or Department Head.
5. If an employee has a City-owned vehicle for use on an on-going basis, employee must maintain said vehicle in proper working order.
6. Employee must not operate a City vehicle while under the influence of drugs, alcohol, or any controlled substance.
7. Employee must promptly notify their supervisor and the City Administrator of any citations for moving violations or accidents, and provide a copy of employee's driving record upon request. Any citation will require the Employee to submit to a drug or alcohol test, unless waived by the City Administrator. Vehicle damage may require the Employee to submit to a drug or alcohol test.

F. USE OF PORTABLE ELECTRONIC DEVICES WHILE DRIVING OR BICYCLING

1. The use of portable electronic devices shall be prohibited while an employee is operating a motor vehicle or bicycle on city business. Use of a hands-free system such as Bluetooth or headphones, or an affixed GPS system, or a vehicle mounted mobile data computer is permitted.
2. Portable electronic device means a hand-held, mobile telephone, personal digital assistant, MP3 or other hand-held music player, electronic reading device, laptop computer, pager, broadband personal communication device, GPS or navigation system, electronic gaming device or portable computing device.
3. Hand held cell phone use is permitted in the event of an emergency such calling 9-1-1 to report a crime or an accident. Even in an emergency situation, it is best to pull over and come to a complete stop before using or operating any mobile or hand held device.

G. EMPLOYEE TRAVEL

1. **Same Day Out of Town Travel.** Travel time to and from out of town training or meetings during regular business hours will be considered time worked. Employees must submit all receipts along with a travel expense voucher in order to receive reimbursement.
2. **Out of Town Overnight Travel.** For overnight travel, travel time during regular business hours is compensable. Therefore if an employee will be away from home

overnight, the travel should be planned and scheduled (whenever possible) to occur during the employee's normal work hours.

Employees shall use the most practical mode of travel from the standpoint of time and expense. Supporting documentation shall be attached to the travel expense voucher.

Reimbursement for travel by common carrier shall be limited to the lowest cost means of travel unless it is impractical or not available. When for personal reasons a traveler is authorized by the Department Director to use a private conveyance in lieu of common carrier, reimbursement will be limited to an amount for travel, meals, lodging and miscellaneous expenses equal to the amount which would have been incurred had the travel been by common carrier. Authorized travel time shall be limited to that which would have been allowed had the employee traveled by common carrier. Unless the Department Director specially authorized a leave of absence, excess travel time incurred by the authorized use of a private conveyance for personal reasons during working hours shall be charged to the travelers accrued leave.

3. A Travel Request Form shall be submitted and approved prior to any travel taking place. For reimbursement of travel expenses, a Travel Expense Report shall be filed by the employees for reimbursement of expenses.

#### **H. TELECOMMUNICATIONS SYSTEMS POLICIES**

Personal use of telephones, faxes, electronic mail and Internet access is strongly discouraged and must not interfere with the employee's work. The City communications and electronic equipment are provided for business purposes. Misuse of such systems may result in discipline or termination.

1. **TELEPHONES:** The City recognizes that employees may be required to use the telephone for personal calls. Employees may be required to reimburse the City for any charges resulting from their personal use of the telephone and other communications systems owned and operated by the City. Personal calls should be kept to a minimum and should not interfere with an employee's work duties.
2. **MAIL:** The use of City paid postage for personal correspondence is not permitted. Employees should not use the City address for regular receipt of personal mail.
3. **FACSIMILE:** Transmission using City facsimile machines are to be made for business purposes. De minimis personal use is permitted, provided reimbursement is paid to the City. All City policies apply to material transmitted.
4. **CELLULAR PHONES:** The City may issue cellular telephones to employees when necessary for the efficient conduct of business. Use of the cellular telephones is restricted to City business, with the exception of de minimis personal use.

Employees should provide cellular telephone numbers only to persons with whom the City is conducting business. Charges for personal cell phone calls will be deducted from the employee's paycheck. Excessive personal use of the City-owned cell phone may result in discipline and/ or termination.

- a. Certain employees of the City of Ketchum are required to use their personal cell phones to conduct City business. Other employees may choose to use their personal phone as their primary phone for City business. Subject to approval of the City Administrator, the City will pay a \$30.00 monthly phone stipend as reimbursement for using a personal phone for City business. Messages generated and received on these phones, including audio, text and visual may be considered City property. As such, they may be subject to records request laws of the State of Idaho.

## **I. ELECTRONIC MAIL AND INTERNET POLICY**

1. Although employees may have a personal, private password, the administrator of the information system has access to all electronic mail messages in order to ensure compliance with City of Ketchum policies.
2. The City does not permit the posting of items for solicitation on bulletin boards or the circulation of memos soliciting sales or contributions to charity, and likewise such posting is prohibited through the electronic mail system.
3. All City policies concerning conduct of employees such as courtesy, solicitation, and harassment, apply to the use of the voice mail, electronic mail system and Internet, and violations are subject to discipline, up to and including termination.
4. Employees have no personal privacy right to anything created, received, or sent on or from the e-mail or voice mail system, and by accessing the system, employees expressly waive any right of privacy in anything that they create, store, send, or receive on the system. By accessing the system, employees further consent to allowing personnel of the City to access all material created, sent, or received on the system.
5. Employees may use the Internet to increase productivity. Employees are expected to comply with all City policies that may be applicable to the Internet. No messages with derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes or sexual orientation may be transmitted or forwarded using the City system. No abusive, profane, or offensive language may be transmitted through the City e-mail or Internet system. The City's harassment policy applies in full to e-mail and Internet use. Employees do not have personal privacy right regarding any matter created, received, stored, or sent on the City e-mail or Internet system or computers. Under no circumstances are pornographic or

harassing materials to be sent, received, viewed, or downloaded using City facilities at any time or using personal facilities during work hours.

6. Personal use of the Internet is not prohibited if it does not interfere with the job responsibilities and productivity. Anonymous messages are not to be sent. Aliases are not to be used. Employees are not to place personal copies of software or data on any computer without prior authorization. Each employee is responsible for the content of all text, audio or images they place on or over the City e-mail or Internet system.
7. If an employee is using an Internet site paid for by the City, employees are expected to only use it for City purposes. All work created or received using City equipment or facilities are City property. Illegal use of software is prohibited.
8. The City monitors its phone systems, networks, and computers. Information stored in or on City facilities is subject to inspection at any time without notice. Employees have no personal privacy right in anything created, received, or sent on or from the computer and/ or Internet system; by accessing the system, employees expressly waive any right of privacy in anything they create, store, send, or receive on the system. By accessing the system, employees further consent to allowing personnel of the City to access all material created, sent, or received on the system.
9. Violation of this City policy may lead to discipline, including discharge.
10. All items downloaded to the City Web site must be scanned for viruses. All items downloaded from the City Web site or any other locations must also be scanned for potential viruses. Anti-virus software must be used to scan for viruses before any material is placed on the City network system.
11. Electronic information may be a public record pursuant to Idaho Code Title 9, Chapter 3; accordingly, maintaining such public records shall be at the direction of the City Clerk.

#### **J. DRUG TESTING**

The City has a vital interest in maintaining safe, healthy and efficient working conditions for its employees. Drug and alcohol use may impose serious safety and health risks to the employee and the workplace and may also impair the efficient operation of the City's business. For these reasons, the City has established the following policy with respect to the use, possession or sale of alcohol or drugs.

1. **Pre-Employment Screening.** The City may require pre-employment screening practices designed to prevent hiring individuals who use illegal drugs.

2. **On-the-Job Use, Possession or Sale of Drugs or Alcohol.**
  - a. **Alcohol:** Being under the influence of alcohol, or a combination of any drug and alcohol, to the extent that an employee is affected in any manner, while performing City business or while in a City facility is prohibited to the extent that such use or influence may affect the safety of co-workers or members of the public, the employee's job performance, or the safe or efficient operation of the City.
  - b. **Legal Drugs and Medication:** Except as provided below, the use or being under the influence of legally obtained drugs, to the extent that an employee is affected in any manner, while performing City business or in a City facility is prohibited to the extent that such use or influence may affect the safety of co-workers or members of the public, the employee's job performance, or the safe or efficient operation of the City facility. An employee may continue to work, even though under the influence of a legal drug, if the City has determined, after consulting with appropriate medical authorities, that the employee does not pose a threat to his or her safety or the safety of co-workers or the public, and that the employee's job performance is not significantly affected by the legal drug. Otherwise, the employee may be required to take a leave of absence or comply with other appropriate actions determined by the City.
  - c. **Illegal Drugs:** The use, sale, purchase, transfer, or possession of any illegal drug by any employee while in a City facility, vehicle or while performing City business is strictly prohibited. The presence of any amount of any illegal drug in or on an employee while performing City business is prohibited.
3. **Disciplinary Action.** Violation of this policy can result in disciplinary action, up to and including termination, even for a first offense.
4. **Searches.** The City may conduct unannounced searches for illegal drugs or alcohol on City property. Employees shall cooperate in conducting such searches.
  - a. Searches of employees and their personal property may be conducted when there is reasonable suspicion to believe that the employee or employees may be in violation of this policy.
  - b. Searches of employees and their personal property may otherwise be conducted when circumstances or workplace conditions justify them, when reasonable suspicion exists that the employee or employees may be in violation of this policy.
  - c. An employee's consent to a search is required as a condition of employment and the employee's refusal to consent may result in disciplinary action, including termination, even for a first refusal.

- d. Searches of City facilities and property can be conducted at any time and do not have to be based on reasonable suspicion of possible violations of this policy.
- 5. **Drug and Alcohol Screening.** The City may require a blood test, urinalysis, hair follicle sampling, or other drug or alcohol screening of those persons suspected of using or being under the influence of a drug or alcohol or where circumstances or workplace conditions justify it. An employee's consent to submit to such a test is required as a condition of employment and the employee's refusal to consent may result in disciplinary action including termination, for a first refusal or any subsequent refusal.
- 6. **Contract Personnel.** The policy provisions stated above are applicable to contract personnel. Violation of these provisions or refusal to cooperate with implementation can result in the City barring contract personnel from City facilities or participating in City operations.

### **3. EMPLOYEE CLASSIFICATION, COMPENSATION, AND BENEFITS**

The City of Ketchum compensates employees in accord with decisions made by the City Council as budgets are set and tax levies are authorized. Pay for any given position is subject to the annual budgetary process and as such may be subject to increase, reduction, or status quo maintenance for any time period.

#### **A. CLASSIFYING EMPLOYEES FOR POLICY PURPOSES**

##### **1. Employment Status**

Employees of the City of Ketchum are considered "**AT WILL**" and may be terminated with or without cause absent prior notice, regardless of any clause in this manual. Your wages or salary, benefits, and job duties are affected, in part, by your employee classification and job title. However, none of the City's employee classifications create permanent employment status for any City employee. The primary classes of employees and their respective status is outlined as follows: You may fall into more than one of these categories:

- a. **Full-Time Employee:** Employees who's typical work schedule calls for ~~more than~~ thirty (30) hours of scheduled work during each seven (7) calendar-day payroll period. Full-time employees shall receive employee benefits provided by the City of Ketchum as such benefits now exist or may be subsequently changed.
- b. **Part-Time Employee:** Any person who works less than thirty (30) hours a week, whose employment is expected to be on a continual basis in a regularly budgeted class or position. Such persons are considered "employees" but do

not receive benefits of full-time employees, nor do they enjoy any appeal rights, unless approved by the City Administrator.

- c. **Temporary/Casual/Seasonal Employees:** Employees who provide services for the City of Ketchum on a a) seasonal basis or b) temporary basis or c) whose scheduled hours of employment for the entity are typically fewer than twenty (20) hours during each seven calendar-day payroll period are classified as casual employees. Casual employees will receive no benefits provided to regular employees, except those required by law or those provided by express written authorization.
  - d. **Paid On-Call Firefighters:** The Ketchum Fire Department may be a combined department comprised of full time professional staff and paid on-call employees. The paid on-call members of the Fire Department are not covered by this manual. A separate handbook sets forth personnel rules for these employees.
2. **Significance of Employee Classification.** The procedures for hiring, promotion, and transfer of full-time employees shall be subject to the provisions of this policy. Disciplinary and appeal actions concerning part-time or casual/ seasonal and temporary employees are not subject to guidelines set forth in this manual except upon termination they may avail themselves to the appeal procedures provided herein.
  3. **Statutory Employees.** Appointed officers, pursuant to Idaho Code §50-204, are the City Clerk, Treasurer, City Attorney, Chief of Fire Services, and City Administrator.

## **B. RECRUITMENT AND SELECTION**

1. **Determination of Vacancy.** A Department head shall notify the City Administrator in writing when a vacancy is anticipated or occurs in his/her department.
2. **Transfers at the City's Request.** Transfers may be made at the City's request to satisfy management or operational needs.

## **C. COMPENSATION POLICIES**

### **1 Salary Administration**

An employee's rate of pay is based on an assessment of the position, training, experience and the market for similar jobs. An increase in the wage rate or salary is dependant upon City budget considerations as well as each individual employee's job performance.

New hires will be placed at a salary based on their knowledge, education and experience as determined by the Department Director with the approval of the

City Administrator, provided it is within the approved appropriation for that department.

2. Compliance with State and Federal Pay Acts

The City of Ketchum shall comply with all State and Federal pay acts respecting the compensation of employees for services performed in the public service.

3. Classification Plan

All employees of the City of Ketchum shall be classified in the position they hold with the City of Ketchum in the following manner:

- a. Elected officials.
- b. Exempt employees (as defined by the FLSA).
- c. Non-exempt employees (as defined by the FLSA).
- d. Part-time or casual employees.

4. On Call and Call Back Pay

For on call pay, non-exempt employees will be compensated for two (2) hours of pay at straight time for a twenty four (24) hour period. On call pay is not considered time worked.

Non-exempt employees are guaranteed a minimum of two (2) hours pay for a call back.

5. Right to Change Compensation

The City of Ketchum reserves the right to change general compensation through the budget process for any reason deemed appropriate by the City Council. Compensation may also be adjusted based upon job performance and the availability of funds to maintain a solvent entity budget.

6. Overtime Compensation - Compliance with Fair Labor Standards Act

In addition to the employee classifications set forth elsewhere in this policy, all employees are classified as exempt or non-exempt for purposes of complying with the Federal Fair Labor Standards Act (FLSA). The FLSA is the Federal wage and hour law which governs the obligation of employers to pay overtime compensation. Certain employees are exempt from operation of this law because they hold positions which are professional or primarily executive or administrative in nature. As such, exempt employees are not required to receive overtime pay for hours worked beyond the limits provided by the statute. Employees who serve as sworn law enforcement officers and as fire fighters will be subject to special exceptions found in the FLSA (See 207K). Please contact your department supervisor or the City Clerk for further clarification of your FLSA status.



No employee shall accumulate overtime hours without prior written authorization from his or her supervisor.

According to the FLSA, only actual hours worked are computed for purposes of determining hours worked for overtime calculation. Therefore, the City will not count Annual Leave or any other time for which you are compensated but do not actually perform work when computing hours worked in a work week.

## 7. Compensatory Time Policy

It shall be the policy of the City of Ketchum to accrue Compensatory Time ("Comp Time") in lieu of payment for overtime hours worked by regular non-exempt employees. The Department Head may authorize overtime in lieu of Comp Time. This policy does not create any contractual rights. Comp Time shall be defined as time off granted to a regular non-exempt employee to offset hours worked by the employee over and above those required in the normal course of employment. The accrual of Comp Time for exempt employees is not allowed. Violations of this policy may result in disciplinary action up to and including discharge. Although the City intends that the policy will generally remain in effect, the City reserves the right to, at any time, amend, curtail or otherwise revise the policy including the temporary suspension of the policy at the sole discretion of the City Administrator.

### a. ACCRUAL.

Comp Time for non-exempt employees will accrue at a rate of one and one-half hours for each hour of employment for which overtime compensation is otherwise required and where the employee has not accrued Comp Time in excess of 72 hours. Accrual of Comp Time must be approved in advance by the employee's supervisor except in cases of emergency. Employees may carry over up to 40 hours of Comp Time into the following fiscal year. Comp Time in excess of 40 hours may not be carried over or cashed out for payment at the end of the fiscal year. Comp Time is not intended for ongoing daily work. Time reports of the employee showing overtime hours accrued as Comp Time should be signed by both the employee and the supervisor as an agreement between the two that the employee will be taking Comp Time in lieu of overtime pay. Supervisors should attempt to schedule the utilization of Comp Time as it is accrued.

- ### a. UTILIZATION.
- Comp Time accrued should be utilized (redeemed) at a time mutually agreeable to the employee and supervisor. This time will also be utilized with the least amount of disruption to productivity and effectiveness to minimize departmental hardship. Use of Comp Time must be approved in advance by the employee's supervisor. If an employee takes a medical leave of absence, accrued Comp Time shall be added to other appropriate leave time for additional time off and utilized prior to the utilization of any other

accrued leave time. Upon employment separation, an employee shall be paid for unused Comp Time.

8. Reporting and Verifying Time Records

It is the responsibility of each non-exempt employee to properly record time that he or she has worked during a payroll period. Each time sheet shall bear the signature of the employee with a statement verifying its accuracy and a counter signature by a supervisor indicating that the hours claimed were actually worked. Failure to carry out these duties may result in delay in payment and disciplinary action.

9. Work Periods/Overtime Authorization

Employment with the City of Ketchum is subject to the Federal Fair Labor Standards Act as previously described. Each employee is responsible for monitoring the status of hours worked in each work period. The work week for all regular employees who are subject to the FLSA will begin at 12:00 a.m. on Saturday of each week and concludes at 11:59 p.m. of the succeeding Friday. Overtime will be allowed only when authorized by an appropriate supervisor or when absolutely necessary in an emergency. For non-exempt regular employees, hours actually worked must exceed forty (40) in a work week. Full time firefighters are covered by the effective Collective Bargaining Agreement.

Questions about overtime and compensatory time should be directed to your supervisor or the personnel/payroll office.

10. Pay Periods

Each employee is paid every two (2) weeks, and the regular payday is every other Friday. If the payday falls on a holiday, the payday will occur on the first business day preceding the holiday.

11. Compensation while Serving on Jury Duty or as a Witness in a Court Proceeding

If you receive a jury summons or a summons to appear as a witness in a court proceeding, you should immediately advise your supervisor so arrangements can be made to accommodate your absence. In recognition of your responsibilities as a citizen, leave will be granted to full-time employees called to jury duty or to serve as a court witness. Full pay will be provided during the first three days of such service. The City of Ketchum will pay the difference between the income you would receive from a scheduled forty (40) hour work week and the compensation received for jury duty, excluding mileage compensation. After the first three days the employee may elect to use accrued vacation time or unpaid leave of absence. Special allowance may be made by the City Administrator upon a showing of inordinate hardship.

If employees are dismissed from jury duty before the end of the workday, they must report to their supervisor for instruction on whether to return to work for the remainder of the work day. The employee must present checks from the court to the City Clerk/Treasurer to substantiate the claim for compensating pay. Employees shall sign over checks received for jury or witness fees to the City.

In the event that the commitment to a trial may last for an extended period of time, you must notify your supervisor. Jury duty for an exceptionally long duration may be compensated upon the discretion of the City Administrator.

#### 12. Military Leave

Paid leave of absence will be granted to participate in ordered and authorized field training, subject to a maximum number of days as set by the Department Head. Our public entity employment policy will comply with the provisions of Idaho Code § 46-224, *et seq.*, or its successor, as those Code provisions govern leaves of absence for military service and Uniformed Services Employment and Reemployment Rights Act of 1994. If paid leave is not available, employees who are required to attend annual military training or other active military duty may take the time as either regular vacation or unpaid leave.

#### 13. Travel Expense Reimbursement

An employee on city business shall be reimbursed for expenses incurred in completing his/her work-related assignment in accord with the policies established by the City Administrator. Each employee is responsible for providing verified receipts for any expenses for which reimbursement is requested. All employees traveling or incurring business expenses on behalf of the City as well as those responsible for the approval of these expenses are expected to use prudence, discretion, and good judgment to assist in maintaining control over travel expenses. The City will not pay for entertainment not included in the function package.

#### 14. On-the-Job Injuries

All on-the-job injuries shall be reported to the Department Director within 24 hours of the injury to allow filing of worker's compensation claims in the proper manner. If an employee is disabled temporarily by an on-the-job accident he/she shall be eligible for worker's compensation benefits upon submission to the State Insurance Fund. The City Clerk must make sure the proper forms are filed with the State of Idaho for worker's compensation benefits eligibility. Return to employment will be authorized on a case-by-case basis upon consultation with the supervising official and the State Insurance Fund. Concerns associated with injured worker status may be brought before the supervisor and City Administrator for review.

## 15. Working Out of Classification

Compensation for working out of classification is provided as monetary recognition to an employee for the assumption and performance of duties normally performed by an employee of higher classification.

The assumption and performance of the duties of the higher classification must encompass the full range of responsibilities of the higher classification. This shall not apply to temporary assignments which are made pursuant to prior mutual agreement between the employee and his or her immediate supervisor for the purpose of providing a training opportunity to the employee, for a mutually agreed upon period of time.

The performance of such duties must be for an extended period of time, wherein a need exists to fulfill the duties and responsibilities of the vacant position. An extended period of time is generally considered as an assumption of duties and responsibilities that will last in excess of thirty (30) calendar days. Pay will be retroactive to the first day those duties were assumed.

Working out of classification compensation for employees shall be allowed only after written recommendation of the Department Head and concurrence by the City Administrator. For employees who are asked to work out of classification as a Department Head, the City Administrator shall recommend a proposed salary adjustment to the Mayor for approval. Recommendation and designation shall be accomplished prior to the assumption of the higher classification responsibilities.

The employee's compensation will be increased to the starting salary of the higher classification in which the employee is substituting, or five percent (5%), whichever is higher.

When the temporary assignment is completed, the employee's salary will be readjusted to its previous level, or the level where it would have attained, including general salary adjustment and step increases, if the out of classification pay had not been made. The employee's date of hire and anniversary date will remain unchanged throughout the temporary assignment.

## **D. EMPLOYEE BENEFITS**

The City of Ketchum offers a number of employee benefits for full-time employees only. These benefit offerings are subject to change or termination in the sole discretion of the City Council or the City Administrator. If a program is terminated and not replaced with comparable benefits, participants will be notified. In some cases, there may be a waiting period before coverage begins. The policy terms may also limit coverage or eligibility depending on the number of hours an employee works. For information on these,

consult the applicable benefits booklet or contact your Supervisor or the City Administrator.

1. Annual Vacation Leave

a. Full Time Employees

Vacation leave is available to full-time employees who have completed the equivalent of six (6) months of full-time employment. Each full-time employee, except shift work assigned firefighters, who completes thirty (30) consecutive days of employment with the City of Ketchum accrues paid annual leave according to the length of such consecutive employment as follows:

- i. For up to five (5) years of continuous service; 8 hours a month or 96 hours a year;
- ii. More than five (5) years but less than ten (10) years of continuous employment; 10 hours a month or 120 hours a year;
- iii. More than ten (10) years but less than fifteen (15) years of continuous service; 12 hours a month or 144 hours a year;
- iv. More than fifteen (15) years of continuous service for the City but less than twenty (20) years; 14 hours a month or 168 hours a year;
- v. More than twenty (20) years, but less than twenty-five (25); 16 hours for each full month of continuous employment or 192 hours a year;
- vi. 18 hours for each full month of service, or 216 hours a year, more than twenty-five (25) years of continuous employment but less than thirty (30) years of continuous service; and
- vii. More than thirty (30) years of employment and thereafter, 20 hours for each full month of service, or 240 hours a year.

b. Shift work firefighters shall accrue vacation leave in accordance with the effective Collective Bargaining Agreement.

c. The maximum accrual for regular full time employees is as follows:

<u>Years of Service</u>	<u>Maximum Accrual (hours)</u>
1-5	240
6-10	260
11-15	280
16+	300

Whenever possible, vacations are scheduled as requested by the employee, subject to the City's needs in ensuring proper service coverage and in balancing the various requests of employees. For purposes of leave accrual, all past service shall be included in determining the duration of employment, provided that such service is continuous with no separation longer than six (6) months, or military service, or on written approved leave of absence or under conditions of reinstatement.

Upon separation from employment, after six (6) months' continuous service, all employees shall receive a lump-sum payment for earned, but unused vacation leave at the hourly rate of pay for the employee's grade and step. Nonexempt employees also receive a lump sum payment for unused compensatory time. Where possible, such payment, in addition to the regular salary payment, shall be made to the employee on the regular payroll immediately following the employee's termination. In the event of an employee's death, payment for accrued vacation leave shall be made to his or her estate.

## 2. Holidays

Eleven official holidays are provided for full-time employees. Employees who have full-time active status on the date of any holiday shall receive compensation for that day even though they do not work, as long as they have completed their orientation period and are scheduled to work on the holiday in question. Utility workers, street workers and park workers who must staff shifts regardless of holidays, shall be entitled to Comp Time off equal to holiday time. Holidays which fall on Saturday shall be observed on the preceding Friday. Those which fall on Sunday shall be observed on the succeeding Monday. The City Administrator, as necessary, may change the holiday schedule at any time.

If a holiday falls during your vacation, the holiday will not count as a vacation day. Full-time, hourly workers shall be paid for holidays on the basis of the number of hours they normally work, without overtime. If an hourly employee is required to work on a holiday, the employee will receive 1.5 times the normal hourly rate for all hours actually worked on the holiday, even though the work does not constitute overtime.

### A. Recognized Holidays:

New Year's Day	Veteran's Day
Martin Luther King, Jr./ Human Rights Day	Thanksgiving Day
President's Day	Day After Thanksgiving
Memorial Day	Christmas Eve Day
Independence Day	Christmas Day
Labor Day	

In addition, any day appointed by the President of the United States, or by the Governor of the State of Idaho, or the Mayor of Ketchum for a holiday.

3. Bereavement Leave

Up to three (3) days of additional paid leave of absence for a death in the immediate family (spouse, parents, grandparents, children, grandchildren, brothers and sisters). This time off may be used to arrange for and attend a funeral or memorial service and to attend to other family matters. Additional leave may be granted from accrued vacation and/or sick leave.

4. Disability Leave

The City of Ketchum shall allow any employee who is disabled in such a manner that his/her return to work is anticipated, a maximum of 120 days unpaid leave for purposes of recovering from said disability. The employee may, at his or her option, choose to use vacation and/ or sick leave to receive pay as long as such benefits are available in accordance with the Family and Medical Leave Act ("FMLA") of 1993. Employees may have rights for twelve (12) weeks of leave under the FMLA if they meet the eligibility requirements set forth in CFR 825.110. If you have any questions about your rights under FMLA please contact the City Clerk.

5. Leaves of Absence

The City Administrator, after recommendation by the supervisor, may grant up to fifteen (15) days unpaid leave for any justifiable purpose when the employee's vacation and sick leave has been exhausted. An employee may request, in writing, an unpaid leave of absence for up to fifteen (15) days. However, no employee is guaranteed a leave of absence. Unpaid leave in excess of thirty (30) days shall require written approval of the City Council.

Because of fluctuating City needs, the City cannot guarantee reemployment when an employee's leave of absence expires. If the employee's position or comparable position is not available, the employee's name will be placed on a hiring list and considered for future vacancies if the employee meets the qualifications.

The City of Ketchum will afford reasonable accommodations to qualified employees with a known disability or for an employee's religious beliefs. The City will also provide leave under particular circumstances as mandated by applicable federal or state law.

6. Reductions in Benefits

The City of Ketchum, through the City Administrator, reserves the right to change, condition, or terminate any benefits set forth in this section. No employee shall acquire any rights in any current or future status of benefits except as law otherwise requires.

7. Benefits for Part-time or Casual/ Seasonal Employees

Part-time or casual/ seasonal employees shall only receive Worker's Compensation Insurance and hours worked.

8. Insurance Coverage

The City of Ketchum provides health, vision and dental insurance to full-time employees and offers family coverage at the employee's option. Insurance coverage begins on the first day of the month following the start of employment with the City. All coverage is subject to policy terms and to change at any time. Claims procedures are administered by the City Clerk's Office.

Limited life insurance coverage and limited disability programs may be provided to full-time employees. Questions regarding the terms of these programs should be directed to the City Clerk.

Worker's Compensation insurance covering job-related injuries is provided for all employees. Questions about worker's compensation insurance should be directed to the City Clerk's Office.

9. Retirement

The retirement plan of the City of Ketchum combines benefits of the Public Employees Retirement System of Idaho (PERSI) with Social Security (FICA)). PERSI charges a percentage of an employee's gross salary, which is presently exempt from the Federal and State income taxes, and the City of Ketchum matched this with an additional larger contribution. Contact the City Clerk for further information.

10. Sick Leave

Qualified employees begin to earn sick leave at the completion of the first full month after the date of hire. Full-time non-exempt employees accrue sick leave benefits at the rate of 9 hours for each calendar month of continuous employment. Part-time employees and seasonal employees do not earn sick leave benefits. Employees do not earn sick leave benefits during any portion of a leave when they are not receiving their regular wages. Verification of illness may be required.

All sick leave shall be forfeited at the time of separation from service, and no employee shall be reimbursed for accrued sick leave at the time of separation; however, if the employee is reinstated to service within ninety (90) days after the date of separation, all sick leave credits accrued at the time of separation shall also be reinstated.



Notwithstanding the above, employees with a minimum of ten (10) years of service qualify for a payment for a portion of their accumulated sick leave at the time of separation. This payment is computed as follows:

- Retirement after ten (10) years of continuous employment:
  - Cap of 1,080 hours or fifty (50) % of accrued sick leave hours, whichever is less, times current Idaho hourly minimum wage.
- Retirement after fifteen (15) years of continuous employment:
  - Cap of 1,620 hours or seventy-five (75) % of accrued sick leave hours, whichever is less, times current Idaho hourly minimum wage.
- Retirement after twenty (20) years of continuous employment:
  - Cap of 2,200 hours or 100 (100) % of accrued sick leave hours, whichever is less, times current Idaho hourly minimum wage.

At the election of the employee this payment can be either:

- A cash payment to the employee, a cash payment deposited directly into employee's 401k or other qualified retirement savings plan, or a combination of both (up to the qualifying limits), or
- Used to pay for a continuation of the City's Medical/Dental Insurance coverage for that employee and/or his/her family as proscribed by COBRA, or
- Used to pay the premiums for some other Medical Insurance Plan for which that employee and /or his/her family qualify, or
- Deposited directly into a qualifying Health Savings Account (HSA) type of Medical Insurance Plan (up to the qualifying limits).

#### 11. Tuition Reimbursement

This is a program at the City whereby employees may take college courses and be reimbursed for tuition. Tuition reimbursement for college courses is guided by the following:

- Courses must directly relate to the employee's present or potential promotional assignment within the City.
- Department must have sufficient budgetary resources prior to approval. Absence of budgeted funds is reason for the denial of request.
- The City shall reimburse for tuition expenses only. The reimbursement rate shall not exceed public institution charges for undergraduate courses. If graduate fees are charged, the City will reimburse at the undergraduate rate.
- To participate in the City's tuition reimbursement program, an employee must submit a request to his/her supervisor and obtain approval from the Department Head prior to enrolling in the course.
- Tuition reimbursement may be requested for only one (1) course during any one quarter.
- The employee receiving reimbursement from any other source will be considered for City reimbursement for the portion not covered.

- The employee must submit evidence of satisfactory completion of the course, a grade of "B" or better (or "pass" in the case of pass/fail class).
- The employee shall refund the City a proportional amount of the course if the employee terminates employment or is terminated for cause within two (2) calendar years of completion of the course. To determine the prorated amount, the cost of the course will be divided by twenty-four (24) months and the employee will be responsible for repaying the cost of the course less the prorated amounts for the months worked since completion of the course.

All employees who pursue professional certification (i.e. paramedic licenses, Police Academy, Water & Wastewater Operator's License, etc.) and who participate in the tuition reimbursement program, at the City's Expense, will be required to accept the following reimbursement schedule if the employee voluntarily leaves employment with the City of Ketchum.

<u>Date of Separation</u>	<u>% of Reimbursement</u>
Up to 12 months from receiving assistance	100%
12-18 months from receiving assistance	50%
18-24 months from receiving assistance	25%

#### 12. Miscellaneous Benefits

In addition to the benefits listed above and on the previous pages, other miscellaneous benefits are available to full-time regular employees. The City of Ketchum may offer miscellaneous benefits to its employees in accordance with the policies or other documents which establish the programs.

#### 13. Transfer of Benefits with Employee Transfer

Accrued benefits for each employee continue to the benefit of that employee if the employee transfers from one department to another within the City of Ketchum. Any such transfer will not result in a reduction of benefit offerings separate and apart from those realized by employees similarly situated.

#### 14. Catastrophic Leave

Employees may donate leave time to any city of Ketchum employee who has exhausted their sick leave time and who requires absence from work due to illness or injury in accordance with FMLA. The following applies to donations:

- Donations may be made in a minimum of 1 (one) hour increments. For every hour of sick, vacation or compensatory time donated by the donor, the recipient will be credited with one hour of sick leave. The pay levels of the two employees shall not affect the transaction.
- A donating member must retain a minimum of 144 hours of sick leave for their own use.

- A recipient can receive a combined maximum to the equivalent of the maximum allowable leave time in accordance with FLMA.
- An employee who returns to work either on a limited duty or on a part time basis may continue to use the donated time up to the maximum allotment.
- The donated time will not count as the donor's hours worked in any pay period.
- Participation as a donor is voluntary. A donor cannot be directly or indirectly intimidated, threatened, or coerced, or promised any benefit by any employee for the purpose of donating or using leave.
- Unused donated time will be returned to the donor or donors in the event the time is no longer needed.
- Donated time shall not count towards any leave cash out or conversion to retirement upon the employee's separation from the city.

#### **4. EMPLOYEE EVALUATION AND DISCIPLINE**

##### **A. PERFORMANCE EVALUATION PROCEDURES**

###### **1. Standard Procedures**

Each employee may be evaluated on an annual basis to assess the performance of that employee in the job being performed for the City. Formal performance appraisals are usually conducted after an employee's first year of employment with the City, or in a new position of responsibility. Thereafter, formal performance evaluations may take place at the end of each year thereafter. Formal evaluations may also be completed at other times as the need arises.

Regular performance appraisals provide both the employee and her/ his supervisor the opportunity to discuss how well each employee is meeting expectations, to clarify job responsibilities, make corrections when needed, and to explore possibilities for the development of skills and advancement. Each evaluation will be given on the basis of the direct supervisor's observations of the employee's performance, the accuracy of the employee's work in addition to the quantity, and additional efforts expended by the employee on behalf of the City. Each supervisor must complete a standard City evaluation form, or other format provided by the City Administrator, which shall be placed in the employee's permanent record file. The City may ask that the employee to sign the performance appraisal to indicate that it was reviewed with the employee, but the employee's signature does not signify that the employee agrees or disagrees with the City's evaluation.

2. **Employee personnel files.** The official employee records for the City shall be kept in the office of the City Clerk. Within these personnel files will be kept all records of payroll, employee performance evaluation, employee status, and other relevant materials related to the employee's service with the City. Materials may be

contributed by any supervisory personnel and the employee, as long as the material is relevant to the employee's performance and tenure.

- i. **Access to personnel files.** It is the policy of the City to allow limited access to the personnel files as required by law. Based upon the inherent confidentiality of personnel matters, access to others personnel files shall be only with the authorization of the City Administrator, Mayor, City Clerk or the City Attorney. Department Heads, or Division Managers, with approval from the Department Director, are authorized to review personnel files of their Department. Information regarding personnel matters will only be provided to outside parties with a release from the employee or in limited circumstances where the release is deemed necessary with the concurrence of the City Clerk who supervises the records and the City Attorney. Each employee shall have the right to review materials placed within their employment file at any reasonable time. Copies of materials within a personnel file are available to each employee without charge. However, personnel files shall not be removed from the premises where they are kept.

## **B. EMPLOYEE DISCIPLINE PROCEDURES**

1. **Purpose of Discipline Policy.** The purpose underlying the discipline policy of the City of Ketchum is to establish a consistent procedure for maintaining suitable behavior and a productive working environment in the workplace and for the best interest of the City. These procedures are directory in nature and minor variations of the processes set forth herein shall not affect the validity of any actions taken pursuant to this policy. All employees are considered at will and may be terminated without cause and for any reason regardless of this section.
2. **Disciplinary System Framework.** The City of Ketchum adopts the following framework for actions to be taken in the event that any employee subject to this manual violates employment policies. The City of Ketchum reserves the right to take any of the prescribed steps in any order in the event that a supervisor deems a policy violation or action of the employee to be serious enough to warrant a certain step. Progressive discipline shall be applied only where the supervisor or the City Administrator believes that the potential for improvement and correcting the behavior is possible.
3. **Disciplinary Actions Available.** The following actions, in no particular order, are among the available disciplinary steps that can be taken by the City Administrator or supervisor in response to personnel policy violations:
  - a. Oral warning
  - b. Written warning or reprimand
  - c. Suspension with or without pay
  - d. Demotion
  - e. Probation
  - f. Dismissal

4. **Appeal Hearing.** The personnel policy for the City of Ketchum establishes the right to a hearing only in the event of a discharge or demotion with attendant change in pay or suspension. An employee receiving the demotion or termination must request an appeal hearing in writing received by the City Attorney within ten (10) calendar days of the demotion or termination. Elements of procedure to be followed in any such hearing to be undertaken at the direction of the City Administrator or supervisor, unless waived by the employee, are the following:
- a. The employee shall be provided notice of the charges against him and the time the hearing is to be conducted.
  - b. The employee shall be heard before the department supervisor responsible for department management with the oral hearing to last no longer than two hours, unless otherwise approved by the department supervisor.
  - c. There shall be a record maintained, including a recording of the hearing.
  - d. The employee shall have a right to an explanation of the conduct complained of.
  - e. The employee shall have an opportunity to be represented by an Attorney at his/her own expense.
  - f. The employee shall be provided an opportunity to present evidence and to rebut the information upon which his/her charged misconduct or inadequate performance is based.

Every such hearing shall take place as soon as it can be accommodated by the schedules of those involved. Additional time may be granted at the request of the employee upon a showing that additional time is needed to provide facts necessary to respond to the charges. Said decision shall set forth the reasons for the personnel action.

## **5. SEPARATION FROM EMPLOYMENT**

### **A. REDUCTIONS IN FORCE (RIF)**

Employee assignments may be affected by reductions in force made due to economic conditions or to changes in staffing and workload. The City Administrator or his designee reserves the right to make any changes in work force or assignment of resources that is deemed to be in the organization's best interests. The City Administrator may also specify at the time reductions in force are made what reinstatement preferences may accompany the reductions, if any. Said reinstatement preferences may be tied to the classification of the employee or to specialized skills possessed by the employee.

### **B. RESIGNATION POLICY**

Voluntary resignations will only be accepted if made in writing. Any oral resignations will be treated as leave without approval, unless authorized by their supervisor. Under leave

without approval an employee may be terminated for "job abandonment" after two (2) days of absence, which has not received prior written approval of their supervisor. If the employee wants his formal records to indicate "voluntary resignation", they must do so in writing to the City Clerk.

Job abandonment shall be defined as an unexcused or unauthorized absence of two (2) working days or more, which shall subject the employee to termination.

**C. COBRA BENEFITS**

Employees of the City of Ketchum who currently receive medical benefits, who separate from their employment may be eligible to continue those medical benefits at the employees sole cost and expense for a limited time in accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). If you have any questions regarding your right to continue your health coverage after separating from the City of Ketchum please contact the City Clerk. The preceding policy statement applies only to the City should it contain twenty (20) or more employees.

**D. EXIT INTERVIEW**

Each employee who terminates from employment with the City of Ketchum may participate in an exit interview with the employee's supervisor or in the event of involuntary termination, with the City Administrator. In such interview, the supervisor shall notify the employee when certain benefits will terminate and when final pay will be issued. The employee will inform the interviewer about his/her impressions of employment in such interview. An employee exit form, or other written record, will be completed at this point and will be retained in the employee's personnel file.