



# City of Sandpoint Personnel Policy

Approved by the City Council

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## I. WELCOME STATEMENT

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At City of Sandpoint, we know that the talents and skills of you, our employees, are our principal resources. In recognition of this invaluable contribution, we have developed sound, competitive, and comprehensive policies and programs in order to provide an excellent working environment.

This handbook summarizes our policies and programs and will serve as a helpful guide in understanding what we can expect from each other. Please read it carefully and keep it for future reference. If you have specific questions, or need clarification on any information contained in this handbook, please see your supervisor.

Our success depends upon us working together in a spirit of teamwork. Together we can satisfy our citizens' needs and enjoy a mutually rewarding working relationship.

Sincerely,

City Council  
City of Sandpoint

## II. HISTORY

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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 of the City, carrying out local legislative duties and fulfilling other obligations as provided by law. The City Council is the general policymaker for the City and has primary authority to establish terms and conditions of employment with the City. The Mayor, or his/her designee, may appoint personnel to help carry out administrative responsibilities. As with all elected public officials, the Mayor and City Council are ultimately responsible to the voters of the City.

Employees should recognize that although they may serve as an employee supervised by the Mayor or his/her designee, they remain an employee of the City and not of the official who supervises their work. The terms and conditions set forth in this Policy, and in the resolutions and policy statements that support it, cannot be superseded by any other official, without the express written authorization of the City Council. That is particularly true for terms or conditions that would establish a current or future financial obligation for the City. You may, however, work for an office/division with an operational policy that provides additional direction to employees on expectations and procedures unique to that office/division.

### III. PURPOSE

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City of Sandpoint believes it is important to keep employees fully informed about organizational policies. We want each employee to understand what he or she can expect from the organization as well as the obligations assumed as an employee. The policies and practices described in this handbook reflect a great deal of care and concern for the people who make it possible for City of Sandpoint to exist—our employees.

The intent of this Policy is to provide employees with a basic outline of some of the programs, policies, and benefits available to City of Sandpoint employees. It is designed to introduce you to the City, familiarize you with various policies, practices and procedures currently in effect at the City, and help answer many of the questions that may arise in connection with your employment.

**This Policy is not a contract of employment and does not create a contract of employment.** Nothing contained within this Policy is intended to create, or shall be construed as creating, an express or implied contract or guarantee for employment for any term. Its purpose is simply to provide you with a convenient explanation of present policies and practices of the City.

This Policy may change with time or it may need to be clarified, amended, supplemented, or rescinded. Therefore, City of Sandpoint reserves the right to modify, rescind, delete or add to the provisions of this Policy as well as any of its other personnel policies and practices from time to time as the organization deems necessary or appropriate.

This Policy applies to all City employees, including firefighters, to the extent that the provisions contained herein are not in conflict with the current collective bargaining agreement (CBA). If there is a conflict between this policy and the current CBA, the CBA shall control.

#### IV. EMPLOYMENT AT-WILL

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Employment with City of Sandpoint is at-will, unless a collective bargaining agreement setting forth just cause principles applies. At-will employment means that either the employee or the employer is free to terminate the employment relationship at any time *with or without reason, advance notice, or warning*. No representative of this organization has the authority to change this at-will relationship except in a specific written agreement declaring such intent and signed by the employee and approved by the City Council.

All employees of the City are at-will and are employed at the discretion of the Mayor and/or the head of the division in which the employee works. Only a signed written contract authorized by the City Council can alter the at-will nature of employment regardless of anything written or spoken by the Mayor or supervisor. Employees have no right to continued employment or employment benefits, except as may be agreed to in writing and expressly approved by the City Council. All provisions of this Policy will be interpreted in a manner consistent with this paragraph. In the event of any irreconcilable inconsistencies, the terms of this paragraph will prevail.

## V. CRIMINAL BACKGROUND CHECKS

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All new hires must satisfactorily complete a background check. The background check is customized based on the position and duties required and may include a criminal background check, credit check, references check, verification of certifications and/or relevant educational history, and/or licenses and other job-specific requirements.

A criminal conviction is not necessarily a bar to employment. The City considers each situation on a case-by-case basis. The City will consider the nature and severity of any conviction, the time that has elapsed since commission, conviction and completion of sentencing and the nature of the job. All information obtained as a result of a background check will be used solely for employment purposes. All background check information will be kept confidential. The City Complies with all applicable federal, state and local laws regarding background checks.

Any employee convicted of a crime during employment must inform his/her division head and the Human Resources Director of such conviction (including pleas of guilty) immediately. The Human Resources Director will review the conviction to determine whether the conviction is work related and therefore will affect the employee's status. Failure to notify the City of any convictions may be grounds for disciplinary action, up to and including termination of employment.

## VI. EMPLOYEE CODE OF CONDUCT

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Employees are expected to conduct themselves in a professional manner that is both civil and cooperative. City employees are public employees and therefore are exposed to additional public scrutiny in both their public and personal conduct. This Code of Conduct has been established to aid employees in understanding both expected and prohibited conduct. Violations of the Code of Conduct will be grounds for disciplinary action up to and including termination of employment. This list is illustrative and not all inclusive. Other behaviors and acts of misconduct not specifically detailed here may be grounds for disciplinary action as well. Nothing contained herein is intended to change the at-will nature of employment or limit the reasons for which an employee may be disciplined.

### A. EXPECTED CONDUCT

Each employee is expected to conduct himself/herself in a professional manner. In order to accomplish this, each employee must:

1. Be respectful, courteous and professional. Work cooperatively and constructively with fellow workers and members of the public. Comply with supervisor directions.
2. Be prompt and regular in attendance at work for defined work schedules or other required employer functions, and follow procedures for exceptions to the normal schedules, including the scheduling and taking of personal time off.
3. Comply with dress standards established in the division for which the employee works. In the absence of any division dress standards, clothing will be appropriate for the functions performed and will present a suitable appearance to the public.
4. Abide by all division rules and direction of a supervisor whether written or oral. No employee will be required to follow the directive of a supervisor that violates the laws of the local jurisdiction, state or nation.
5. Maintain the confidential nature of records that are not open to the public in accordance with the direction of the responsible official.
6. Maintain a current appropriate driver's license when work for the City requires the employee to drive a vehicle as part of his/her responsibilities. Each such employee must report any state-imposed driving restrictions to his/her immediate supervisor and notify his/her supervisor if his/her driving abilities are impaired.
7. Follow all workplace rules, procedures and policies whether established formally by the division or by outside agencies.
8. Report all accidents and near misses that occur or are observed on the job, or that involve City property, and cooperate as requested in the reconstruction of any such accident.
9. Avoid conflicts of interests in appointments and working relationships with other employees, contractors and potential contractors in the City and related agencies.
10. Adhere to any code of ethics in the employee's profession.

### B. PROHIBITED CONDUCT

Employees are expected to refrain from behaviors that reflect adversely upon the City, including:

1. Not initiate or participate, or encourage others, in acts or threats of violence, bullying, malicious gossip, spreading of rumors, or any other behavior designed to create discord and lack of harmony, or that willfully interferes with another employee's ability to do his/her job.
2. Not engage in abusive conduct or language, including profanity and loud, threatening or harassing speech, toward or in the presence of fellow employees or the public.
3. Not engage in conduct at or away from work that may reflect adversely upon the City or its officials or otherwise impair the employee's ability to perform job duties.
4. Not engage in prolonged visiting with coworkers, children, friends or family members that interfere with work in the division in which the employee serves.
5. Not use work time for personal business, including the selling of goods or services to the general public.
6. Not use phones or computers in the workplace in a manner that violates policy or that disrupts workplace productivity, including time spent on social media.
7. Not use City-owned tools and equipment for personal use.
8. Not use work time or public premises to promote religious beliefs to members of the public or fellow employees.
9. Not have outside employment, or serve on any board or commission, that conflicts with duties performed for the City in any meaningful way. Individual offices/divisions may determine permissible examples of outside employment.
10. Not knowingly make any false report or complaint regarding behavior of others or participate in such report or complaint.
11. Not release any public record, including personnel records, without the express authority of the public official responsible for custody of the record.
12. Not use any substances, lawful or unlawful, that will impair the employee's ability to competently perform his/her work or threaten the safety and well-being of other workers or the public. If the employee is prescribed a medication that may impair the employee's ability to safely do his/her job, the employee is required to provide a physician's note explaining the possible effects of the medication on the employee's ability to do his/her job and the length of the time that the employee will be required to take the medication. The employee may be required to take leave while taking the medication.
13. Not destroy, alter, falsify or steal the whole or any part of a police report or any record kept as part of the official governmental records of the City (I.C. §§ 18-3201 and 18-3202).
14. Not provide false or misleading information on employment applications, job performance reports or any other related personnel documents or papers.
15. Not engage in conduct that violates the laws of the state of Idaho, including but not limited to I.C. § 18-1356 (accepting gifts that exceed a value of \$50), I.C. § 74-401 et seq. (Ethics in Government Act), I.C. § 74-501 et seq. (Prohibitions Against Contracts) and I.C. § 18-1359 (Using Public Position for Personal Gain).
16. Not accept gifts or gratuities in any personal or professional capacity that, although it may be legal, could create the impression that the giver was seeking favor from the employee or official in violation of I.C. § 18-1356 and I.C. § 18-1357.
17. Not engage in criminal conduct of any kind while on or off duty.

18. Not engage in political activities while on duty. This rule does not apply to Elected Officials.
19. Not display political pictures, stickers, badges, or buttons on City equipment or buildings or on one's person during work hours.
20. Not use the official authority or influence of their employment to further the cause of any political party or candidate for nomination or election to political office.

## VII. WORKPLACE VIOLENCE

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The City seeks to provide a violence-free workplace. Violence in the workplace poses a threat to the safety of employees and the public. The City will not tolerate acts and behaviors that are likely to result in workplace violence, including, but not limited to: abusive language, hitting or shoving, threats of bodily harm, threats or acts of violence, brandishing of an object which may be used as a weapon, sending threatening, harassing or abusive e-mail and faxes, using the workplace to violate protective orders and stalking.

All employees are responsible for minimizing workplace violence. All acts or threats of violence should be promptly reported to a supervisor, division head, Human Resources Director or the Mayor. Employees should also report situations that they believe could lead to workplace violence, including but not limited to protective orders or other no-contact orders.

Any employee who is determined to be responsible for acts or threats of violence, or other conduct listed in this section, will be subject to prompt disciplinary action up to and including termination of employment.

## VIII. UNLAWFUL WORKPLACE DISCRIMINATION, HARASSMENT AND RETALIATION

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The City strives to maintain a supportive and civil workplace—one in which employees treat each other with respect and dignity. In keeping with these values, the City prohibits and does not tolerate unlawful workplace discrimination, harassment or retaliation.

The following defined terms are applicable to this section:

- **Legally protected class** means a personal characteristic that is protected by law. This includes race, color, national origin, religion, sex, age (40 and over), disability, sexual orientation, gender identity/expression, or any other characteristic protected by law.
- **Participation in the workplace** includes all aspects of being an employee at the City, including recruitment, hiring, job performance, performance reviews, training, development, promotion, demotion, transfer, compensation, benefits, educational assistance, layoff and recall, participation in social and recreational programs, termination and/or retirement.

### A. WORKPLACE DISCRIMINATION

Workplace discrimination is when one or more persons in a legally protected class are treated adversely with respect to their participation in the workplace. Adverse employment actions usually involve decisions made by supervisors, division heads, or Elected Officials that affect the workplace status and benefits of employees.

Illegal adverse employment actions may include, but are not limited to, not hiring a qualified applicant due to his/her age, not promoting an employee due to his/her religious beliefs, denying an employee a raise due to his/her race, disciplining an employee more harshly than others due to his/her sex, and terminating an employee due to his/her national origin.

### B. WORKPLACE HARASSMENT

Workplace harassment is unwelcome conduct that is directed to one or more persons in a legally protected class that interferes with their participation in the workplace. The offensive conduct must be severe or recurring such that it creates a work environment that a reasonable person would consider intimidating, hostile or abusive. Petty slights, annoyance, and isolated incidents (unless extremely serious) will not rise to the level of illegality.

Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures.

### C. WORKPLACE SEXUAL HARASSMENT

Sexual harassment is a specific type of workplace harassment. Since it is particularly destructive to the work environment it is more thoroughly addressed here.

Sexual harassment occurs when one or more persons are subject to unwelcome sexual advances, request for sexual favors, or other verbal, non-verbal, visual or physical harassment of a sexual nature that is so severe or recurring such that it creates a hostile or offensive work environment.

Sexual harassment includes sexually harassing others of the same and/or different gender, gender identity or gender expression.

Sexual harassment is unlawful whether it involves coworkers, supervisors, division heads, Elected Officials, or customers of the City.

Sexual harassment may include, but is not limited to:

1. Leering, making sexual gestures, or displaying derogatory and or sexually suggestive objects, pictures, cartoons, posters or drawings;
2. Sexually degrading language, derogatory comments, epithets, slurs, sexually explicit jokes or comments;
3. Verbal or non-verbal unwanted sexual advances or propositions;
4. Threatening or making reprisals after a negative response to sexual advances;
5. Offering employment benefits such as raises, promotions and job retention in exchange for sexual favors;
6. Unwanted physical conduct such as touching, massaging, pinching, patting, hugging; and
7. Physical interference with normal work or movement including impeding or blocking movement.

#### D. HOSTILE WORK ENVIRONMENT

A hostile work environment is discrimination or harassment in the workplace in which comments or conduct based on a legally protected class, unreasonably interferes with participation in the workplace. To a reasonable person, the comments or conduct must be severe or recurring such that it creates an intimidating or offensive work environment. Isolated incidents, petty slights, occasional teasing or impolite behavior are generally not sufficient to create a hostile work environment.

Examples of a hostile work environment may include, but are not limited to: being subjected to daily racial slurs, recurring derogatory comments about job performance based on gender, continuous sexual advances or propositions, frequently receiving sexually explicit emails from a coworker, physical harassment like hitting, pushing, groping and other touching.

#### E. WORKPLACE RETALIATION

Workplace retaliation is when an employee is punished or negatively treated because the employee engaged in legally protected activity, including initiating a complaint of discrimination or harassment, providing information or assisting in an investigation or refusing to follow orders that would result in discrimination or harassment. Retaliation can result from employment action taken by a supervisor, division head, Elected Official or from acts of other employees.

Examples of conduct that might be considered retaliation for engaging in protected activity include assigning the employee to less desirable tasks or shifts in the office, denying an employee a promotion or raise, socially isolating an employee, playing practical jokes on the employee, and allowing other employees to be critical of an employee for participating in a workplace investigation into alleged discrimination or harassment.

## F. RESPONSIBILITIES

### 1. Employee Responsibilities

Employees should report incidents of discrimination, harassment, sexual harassment, hostile work environment or retaliation as soon as possible after the occurrence. Reporting should be made to any of the following:

- Designated Official
- Supervisor
- Division Head
- Human Resources Director
- Legal Counsel for the City

If the employee's supervisor is the subject of the incident, the employee should instead report the incident to one of the other listed officials. Reporting should be made regardless of whether the offensive act was committed by a supervisor, coworker, vendor, visitor or customer.

### 2. Supervisor Responsibilities

All supervisors are expected to ensure that the work environment is free from unlawful discrimination, harassment, sexual harassment, retaliation or the development of a hostile work environment. They are responsible for the application and communication of this policy within their work areas. Supervisors should:

- Encourage employees to report any violations of this policy before the harassment becomes severe or recurring.
- Make sure the Human Resources Office is made aware of any inappropriate behavior in the workplace.
- Create a work environment where sexual and other harassment, discrimination, or retaliation is not permitted.
- Correct any behaviors they observe that could constitute unlawful discrimination, harassment, sexual harassment or hostile work environment.
- Report any complaint of unlawful discrimination, harassment, sexual harassment, retaliation or hostile work environment to the Designated Official.

### 3. The City designates the Mayor, or his/her designee, as the Designated Official who will be responsible for directing the procedures of this policy.

## G. PROCEDURE FOR REPORTING AND INVESTIGATING

The following steps must be followed to report and investigate incidents of unlawful discrimination, harassment, sexual harassment, retaliation, or the development of a hostile work environment.

1. A person who believes he/she has been unlawfully discriminated, harassed or retaliated against, or who observes or knows about behavior in the workplace that could be unlawful discrimination, harassment or retaliation, should report it to the Designated Official, his/her supervisor, division head, Elected Official, Human Resources Director or legal counsel for the City. The individual receiving the report must then forward it to the Designated Official. If the Designated Official is the subject of the complaint, the report must then be forwarded to legal counsel for the City.

2. Once such a complaint has been made, the complaint cannot be withdrawn by the complainant without a determination that it was made erroneously.
3. The Designated Official should promptly review the complaint and consult with legal counsel for the City and the Human Resources Director.
4. In appropriate circumstances, the person who is alleged to have committed the offense may be placed on paid or unpaid administrative leave pending a resolution of the allegations.
5. The Designated Official, in consultation with legal counsel for the City, should engage an appropriate person to investigate the complaint. The investigator should be a neutral party.
6. The investigator should interview the complainant, the person alleged to have committed the offenses, and any relevant witnesses to determine whether or how the alleged conduct occurred.
7. At the conclusion of the investigation, the investigator will submit a report of the findings to the Designated Official, who will then route it as appropriate.
8. The Designated Official and/or the appropriate supervisors and legal counsel for the City will meet separately with both the complainant and the person alleged to have committed the offenses to notify them in person of the findings of the investigation.
9. The complainant and the person alleged to have committed the offenses may submit written statements to the Designated Officials and/or supervisors challenging the factual basis of the findings. Unless circumstances prevent, the statement must be submitted no later than five working days after the meeting in which the findings of the investigation are discussed.
10. After the Designated Official and/or supervisors have met with both parties and reviewed the documentation, and after consultation with legal counsel for the City, a decision will be made as to what action, if any, should be taken by the Mayor or division head.
11. At the conclusion of this complaint procedure, the complainant should be informed that appropriate action, if any, has been taken. Because disciplinary personnel matters are confidential, details of the specific discipline should not be shared with the complainant.

#### H. DISCIPLINARY ACTION

1. If it is determined that unlawful discrimination, harassment or retaliation has occurred, an appropriate course of action will be taken by the City. The action will depend on the following factors:
  - a. The severity, frequency and pervasiveness of the conduct;
  - b. The conduct of the respective employees;
  - c. Prior complaints made against the person alleged to have committed the offenses; and
  - d. The quality of the evidence (first-hand knowledge, credible corroboration etc.).
2. If problematic conduct is revealed in the investigation, corrective action may be taken even if the investigation is inconclusive or if it is determined that there has been no unlawful discrimination, harassment or retaliation.

## I. CONFIDENTIALITY

Confidentiality will be maintained to the fullest extent possible in accordance with applicable federal, state and local law. However, a complete and thorough investigation of the allegations will require the investigator to inform witnesses of certain aspects of the complaint in order to obtain an accurate account of the actions of the parties involved. The City's insurer may also be engaged to assist in all phases of any proceeding or investigation.

## IX. GENERAL POLICIES

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### A. ATTENDANCE AND PUNCTUALITY

It is important for employees to report to work on time and to avoid unnecessary absences. The City recognizes that illness or other circumstances beyond an employee's control may cause him/her to be absent from work from time to time. However, frequent absenteeism or tardiness may result in disciplinary action, up to and including termination of employment. Excessive absenteeism or frequent tardiness puts an unnecessary strain on coworkers and can have a negative impact on the success of the City.

Employees are expected to report to work when scheduled. Whenever an employee knows in advance that he/she is going to be absent, the employee must notify his/her immediate supervisor or the division head. If the absence is unexpected, the employee should attempt to reach his/her immediate supervisor as soon as possible, but in no event later than one hour before the employee is due at work. In the event the immediate supervisor is unavailable, the employee must speak with the division head or his/her designated representative. If the employee must leave a voicemail, he/she must provide a phone number where the employee may be reached if need be.

### B. SUBSTANCE ABUSE

The City recognizes alcohol and drug abuse as potential health, safety and security problems. The City expects all employees to assist in maintaining a work environment free from the effects of alcohol, drugs or other intoxicating substances. Compliance with this substance abuse policy is made a condition of employment, and violations of the policy may lead to discipline and/or termination of employment.

All employees are prohibited from engaging in the unlawful manufacture, possession, use, distribution or purchase of illicit drugs, alcohol or other intoxicants, as well as the misuse of prescription drugs on City premises or at any time and any place during working hours. All employees are required to report to their jobs in appropriate mental and physical condition, ready to work.

Substance abuse is an illness that can be treated. Employees who have an alcohol or drug abuse problem are encouraged to seek appropriate professional assistance. Employees may inform their immediate supervisor, division head, or the Human Resources Office for assistance in seeking help, including possible coverage under the City's medical insurance plan, to address substance abuse.

When work performance is impaired, admission to or use of a treatment or other program does not preclude appropriate action by the City.

### C. RELATIONSHIP POLICY

Any supervisor involved in a romantic relationship with a subordinate must immediately notify his/her superior of the existence of any such relationship. Efforts should be made to eliminate supervisory responsibility for one who is romantically involved with a subordinate. Employees involved in such relationship bear a responsibility to the City to cooperate in any effort to avoid the potential conflicts that can arise from such personal relationships in the workplace. Such relationship may result in a change of employment duties.

D. TOBACCO FREE WORKPLACE POLICY

City of Sandpoint is committed to providing a safe and healthy workplace and promoting the health and well-being of its employees. All premises of the City workplace and property are tobacco free, including leased/owned vehicles and equipment. Per Idaho Code § 39-5502, smoking is prohibited within 20 feet of any building entrance for employees and the public. Tobacco is defined, but is not limited to, any type of tobacco product that is smoked, applied to the gums, and/or inhaled. This includes cigarettes, cigars, pipes, e-cigarettes, chewing tobacco, plug, snuff, or any other form of tobacco products. This policy does not apply to products recommended or prescribed as part of a tobacco cessation program, with the exception of e-cigarettes. Effective January 1, 2020, this policy applies to all full-time, part-time and temporary employees, all visitors, and all contractors. Tobacco use is only permitted during meal and rest periods.

E. OUTSIDE EMPLOYMENT

Employees may engage in outside employment, in addition to their City employment, only under the following conditions:

1. There shall be no conflict of interest or incompatibility with the employee's City employment.
2. The time involved in outside employment shall not adversely affect the employee's attitude or efficiency in his or her City employment.
3. No telephone calls or personal contacts concerning the outside employment shall be made during the hours of City employment.
4. Each employee shall report all outside employment to his or her division head and shall secure the written approval of such division head prior to the commencement of such outside employment. The division head shall notify the Human Resources Director at the time such outside employment is approved.

F. CITY COMMISSIONS, COMMITTEES AND BOARDS

To avoid conflict of interest, to ensure City commissions, committees, and boards are citizen driven, and to provide clarity regarding appointment and participation in City commissions, committees or boards:

1. City employees shall not serve as members on any City commission, committee or board. However, an employee may participate at meetings as a resource but only when invited by the Chair of the commission, committee or board, and with the permission of the applicable division head. If not attending at the request of the Chair, the employee may attend as any other member of the general public.
2. City employees may serve on non-City commissions, committees or boards and conflict of interest will continue to be determined per above Section E, Outside Employment.

G. WEAPON FREE WORKPLACE

To assure compliance with the intent of Idaho Code § 18-3301, 3302C, and 3303, the City of Sandpoint will not allow any employee, or person governed by these rules, other than sworn law enforcement personnel and employees properly acting within the scope of their official duties, to be in the possession of any weapon, inside City buildings/facilities. Additionally, any employee with a concealed weapons permit shall not be allowed to bring a weapon into City buildings/facilities.

All employees, other than sworn law enforcement personnel and those acting within the scope of their duties, which require the carrying and/or transport of a weapon outside City buildings/facilities, are prohibited from carrying or transporting weapons when using City provided vehicles in conjunction with City business. Employees who use their own vehicle for City business are not required to remove personal weapons that they normally have in their vehicle, provided that they comply with all state, federal and local laws regarding said weapon.

## X. EMPLOYEE DISCIPLINE

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### A. PERFORMANCE/DISCIPLINE FRAMEWORK

The following framework provides discipline options that may be taken when an employee violates employment policies or fails to adequately perform his/her duties. Nothing contained herein is intended to change the at-will nature of the employee's employment or limit the reasons for which the employee may be disciplined, including termination of employment. Progressive steps may be implemented in order to encourage improved performance or attitude but are not required. The City may take any of the following disciplinary actions, or any other action, in any order when it deems an action or performance of the employee to be serious enough to warrant a certain discipline.

### B. DISCIPLINARY ACTIONS AVAILABLE

1. The following actions are among the disciplinary actions that may be taken in response to personnel policy violations or performance deficiencies:
  - a. Verbal warning
  - b. Written warning or reprimand
  - c. Suspension without pay
  - d. Demotion
  - e. Termination of employment
2. Conditions of maintaining employment that relate to particular performance/behavior issues may be established in conjunction with any of these actions.

### C. OPPORTUNITY TO BE HEARD—NAME-CLEARING HEARING

1. All employees are at-will. However, an at-will public employee whose employment is being terminated, or demoted with a reduction in pay, based upon allegations of *dishonesty, immorality or criminal misconduct* is constitutionally entitled to a name-clearing hearing when one is requested.
2. Failure by the employee to pursue this hearing procedure constitutes a waiver of this opportunity.
3. Issues involving dishonesty, immorality or criminal misconduct are the only issues that will be heard in this procedure.
4. The procedure for the hearing is as follows:
  - a. Within 14 days of his/her employment termination or demotion, the employee may submit to the City Council a written request for a name-clearing hearing and state the basis for it.
  - b. A request for hearing will be denied if the employee misses the deadline for submittal of the request or does not state a valid reason. An employee will be notified if a requested hearing is either granted or denied.
  - c. An employee granted a hearing will meet with the City Council. The hearing will not exceed one hour in duration.
  - d. An audio recording of the hearing will be made and maintained as part of the personnel record.

- e. The employee's supervisor may provide a brief written statement at least 24 hours prior to the hearing. The City Council may require the supervisor to participate in the hearing.
  - f. The employee will be provided an opportunity to present evidence upon which the claims are based.
  - g. The City Council may ask questions during this process.
  - h. The Idaho Rules of Evidence do not apply to this hearing.
5. After the hearing, the City Council will consider the information submitted, and other information as might be in the City's records, to arrive at a decision and will issue a written statement setting forth the reasons for the decision.

## XI. HIRING POLICIES

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### A. EQUAL EMPLOYMENT OPPORTUNITY

1. All selection of employees and all employment decisions, including classification, transfer, discipline and employment termination, will be made without regard to race, religion, sex, age, national origin, sexual orientation, gender/identity expression or non-job-related disability, or any other characteristic protected by law. No job or class of jobs will be closed to any individual except where a mental or physical attribute, sex or age is a bona fide occupational qualification.
2. All objections to hiring or other employment practices will be brought to the attention of the Mayor, division head, supervisor or Human Resources Office, or in the case of objection to actions undertaken by any of them, to legal counsel for the City.
3. Employees can raise concerns and make reports without fear of retaliation. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.
4. The City will endeavor to make reasonable accommodations for qualified individuals with known disabilities, unless doing so would result in an undue hardship. An employee should advise either the division head, supervisor or Human Resources Office if he/she requires an accommodation to enable the employee to perform the essential tasks of the job.
5. The City will also endeavor to make reasonable accommodations for its employees' religious needs and practices, including those related to appearance and observance of holidays. An employee should advise either the division head, supervisor or Human Resources Office if he/she requires accommodation for religious reasons.

### B. PREFERENCE FOR PROMOTING FROM WITHIN

1. Qualified City employees who have obtained a higher level professional license may be promoted within a line of progression without following the notice and selection procedures normally required for hiring new employees.
2. Qualified employees include those in a line of progression that is defined as classifications that have various class levels for similar positions that result in a progressive promotion upon obtaining a higher level license, e.g. Water Treatment Operator I, II etc. City of Sandpoint lines of progression include the following:
  - a. Utility Operator I, II, III
  - b. Water Treatment Operator I, II, III, IV
  - c. Wastewater Treatment Plant Operator I, II, III, IV
3. Lines of progression do not include supervisory positions or other classifications wherein the scope of work is changed based on the level of responsibility and knowledge, skills and abilities required.

C. VETERAN'S PREFERENCE AND RIGHTS

1. The City will grant a preference to U.S. Armed Services veterans, or certain of his/her family members, in accordance with provisions of Idaho Code, Title 65, Chapter 5. In the event of equal qualifications for an available position, a veteran or family member who qualifies for the preference will be employed.
2. Employees who are qualified veterans returning to employment with the City following qualified military leave shall have the rights and responsibilities provided by Idaho Code § 65-508 and the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. § 4301, et seq. The returning veteran will be restored to his/her position with the same seniority, status and pay that he/she would have had if there had been no military leave. In addition, in accordance with the provisions of these laws, the veteran will not be discharged from his/her position without cause for a period of 1 year after the restoration of his/her employment with the City.

D. NEPOTISM/HIRING OF RELATIVE

1. No person will be employed by the City when the employment would result in a violation of provisions found in Idaho Code, including but not limited to I.C. Title 74, Chapter 4, I.C. § 18-1359 and their successors. Any employment made in violation of these sections may be void. The appointment or employment of the following persons is expressly prohibited:
  - a. No person related to the Mayor or a City Council member by blood or marriage within the second degree will be appointed to any compensated office, position, employment or duty; and
  - b. No public servant, including Elected Officials and employees, will appoint or vote for the appointment of any person related to him/her by blood or marriage within the second degree to any compensated office, position, employment or duty. This means no one related within the second degree to anyone involved in any way in the hiring process can be hired and/or that no one related to an applicant within the second degree can take part in the hiring process.
2. An employee whose relative is subsequently elected may be eligible to retain his/her position and pay increases as allowed by relevant provisions of Idaho law, including Idaho Code § 18-1359(5).
3. Due consideration should be given to employing related persons in the same service area as to avoid any real or perceived conflicts of interest.

## XII. EMPLOYEE PERSONNEL FILES

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### A. PERSONNEL RECORDS

1. The official employee records for the City will be kept in the Human Resource Office.
2. The personnel files should contain records related to employee performance, employee status, and other relevant materials related to the employee's service with the City.
3. The employee's supervisor, Elected Officials and the employee himself/herself may contribute materials to the personnel files deemed relevant to the employee's performance.

### B. ACCESS TO PERSONNEL FILES

1. Only the employee's supervisor, the Mayor, the City Council when acting as a board in the course of its official business, attorneys for the City, and the employee are authorized to view materials in a personnel file. Access of others to such files will be allowed only when authorized after consultation with legal counsel for the City.
2. Information regarding personnel matters will only be provided to outside parties with a release from the employee, when deemed necessary by legal counsel for the City, or pursuant to a Court order or a proper subpoena.
3. The City reserves the right to disclose the contents of personnel files to outside state or federal agencies, its insurance carrier or its carrier's agents for risk management purposes, or when necessary to defend itself against allegations of unlawful conduct.
4. Copies of materials in an employee's personnel file are available to that employee without charge, subject to exceptions provided by statutes.

### C. MANAGEMENT OF INFORMATION IN PERSONNEL FILES

Each employee will be provided an opportunity to contest the contents of his/her personnel file at any time, by filing a written objection and explanation that will be included in the file along with the objectionable material. In the sole judgment of the Mayor, after consultation with legal counsel for the City, any offending material may be removed upon a finding by the City that it is false or unfairly misleading. In general, there is a presumption that materials are to remain in personnel files accompanied by the employee's written objection and explanation to provide a complete employment history. Any such approved removal of information will be documented in writing and maintained in the employee's personnel file.

### XIII. EMPLOYEE CLASSIFICATION

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For various reasons, employee status must be organized by classes in order to administer employee policies, benefits or otherwise address employment issues. It is generally the responsibility of the employee to assure that he/she is properly categorized for purposes of each issue or benefit type. The City will endeavor to assist with such matters, but the employee is ultimately responsible to assure that his/her service is properly addressed.

#### A. EMPLOYEE CLASSIFICATION FOR EMPLOYMENT STATUS

1. All employees of the City, including part-time and temporary employees, are at-will employees, except as otherwise required by law or pursuant to a written contract approved by the City Council.
2. Appointed Officials.  
The city clerk, treasurer, and any other officials appointed pursuant to Idaho Code § 50-204 may only be removed pursuant to Idaho Code § 50-206.

#### B. EMPLOYEE CLASSIFICATION FOR BENEFIT PURPOSES

The classification of the position an employee holds with the City may affect the status of obligations or benefits associated with his/her employment. The primary classes of employees are:

1. Elected Officials  
Elected Officials are not considered regular employees. Elected Officials receive employment benefits as identified in a resolution adopted by the City Council.
2. Full-Time Regular Employees  
Employees whose employment is sustained and continuing and whose typical work week consists of at least 30 hours are considered full-time regular employees. Full-time regular employees are eligible for employee benefits provided by the City.
3. Part-Time Regular Employees  
Employees whose employment is sustained and continuing and whose typical work week consists of at least 20 hours but less than 30 hours on a regular basis are considered part-time regular employees. Part-time regular employees may receive reduced employee benefits as authorized by the City Council and as required by federal and state law. The scope of benefits received may vary proportionately with the number of hours typically worked for a part-time regular employee. The number of hours worked may also affect the employee's obligation to participate in certain mandatory state benefit programs. Certain benefits may not be available because qualifying thresholds have not been reached.
4. Temporary Employees  
Employees who work on an irregular, seasonal or temporary basis are temporary employees. Temporary employees receive no benefits provided to regular employees, except those required by law or authorized by the City Council.

#### C. ON-CALL EMPLOYEES

Those employees subject to being called to respond by telephone or to return to work in an emergency, but are otherwise free to use their time for personal activities are “on-call employees.” On-call employees must respond to a telephone call, e-mail, or emergency alert remotely within 10 minutes, but have up to 1 hour to report to any physical location when necessary.

#### D. EXEMPT EMPLOYEES

Employees who work in positions exempt from the FLSA are paid on a salary basis and are ineligible for both overtime pay and compensatory time. Salaried employees are expected to manage their work schedule to accomplish the duties of the position, and may be required to work over 40 hours in a week, including nights and weekends. Salaried employees who frequently work fewer than 40 hours a week or who frequently leave work early may need additional work, which is best handled as a performance issue. Salaried employees are not managed on an hourly basis so they do not record holiday or individual work hours, but should however document PTO of four hours or more on their timesheet. Salaried employees who work at least a half-day do not have to record leave taken on their timesheet for that day. Leave taken under the FMLA should be recorded in increments of one-quarter (0.25) of an hour.

## XIV. COMPENSATION POLICIES

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### A. ESTABLISHMENT OF EMPLOYEE COMPENSATION

Employees are compensated in accordance with, and subject to, decisions of the City Council as annual budgets are set and are subject to increase, reduction, or status quo maintenance for any time period. The City will comply with all state and federal pay acts governing compensation of its employees. The Human Resources Director may make suggestions about salary compensation and other pay system concerns, but the final decision regarding compensation policy rests with the City Council as adopted through the Salary Administration Policy.

### B. RIGHT TO CHANGE COMPENSATION AND BENEFITS

The City may change general compensation 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 city budget. Hours worked may be reduced or employees may be laid off as necessary to meet budgetary constraints or as work needs change.

### C. OVERTIME COMPENSATION

1. In addition to the employee classifications set forth elsewhere in this policy, all employees are classified as exempt (salaried) or non-exempt (hourly) for purposes of complying with the federal Fair Labor Standards Act (FLSA). Exempt employees perform work that qualifies for the professional, executive or administrative exemption and do not qualify for overtime compensation. Employees should contact their division head or the Human Resources Office for further clarification of the employee's FLSA status.
2. Overtime for non-exempt, hourly employees will be allowed only when authorized by the appropriate supervisor or when absolutely necessary in an emergency. Employees may not work any hours outside of their scheduled work day unless the supervisor has given advanced authorization for the unscheduled work. Employees may not start work early, finish work late, work during meal breaks or perform any other extra or overtime work unless they are authorized to do so, and it is reported on the employee's timesheet. Any employee who fails to report, or inaccurately reports, any hours worked will be subject to disciplinary action, up to and including termination of employment.
3. Non-exempt employees who work in excess of 40 hours per established work week, or in excess of the work period interval established for firefighters, will receive overtime pay computed at 1½ hours for each additional hour worked. Only hours actually worked will be used to calculate overtime pay. PTO or paid time off for holidays, jury duty, CAT leave or any other leave of absence will not be considered hours worked. If an employee works longer than the normal eight-hour day or is called back to work, it will be up to the supervisor to try to adjust the employee's hours for the rest of the work week to avoid overtime whenever possible.
4. It is the policy of the City to avoid the necessity for overtime work and pay overtime instead of allowing an employee to accrue compensatory time ("comp time") off hours. Any comp time hours accrued through April 17, 2019 shall be used by December 31, 2019. The division head has the right to schedule employees for the use of comp time in order to attain a 0 balance in comp time hours by December 31st.

#### D. REPORTING AND VERIFYING TIME RECORDS

1. Each hourly employee is responsible to timely and accurately record time that he/she has worked in accordance with the procedures authorized by the City Council and the payroll office. Each report of non-exempt employees must be signed manually or electronically by both the supervisor and the employee and must contain a certification that it is a true and correct record of the employee's actual time worked and benefits used for the time period covered. Any changes to the time record made by a supervisor or the payroll office to correct mistakes must be acknowledged by the employee. Exempt employees may be required to document time worked or benefits used for accountability purposes.
2. Any employee concerned about his/her compensation, rate of pay, payroll status, deductions, etc., must communicate such concerns to the payroll office or his/her supervisor as soon as any such concern becomes evident. Documentation of any such issue should be maintained in the employee's personnel file.
3. Employees may not falsify their own timesheet nor submit or alter another employee's timesheet in any way. Employees must not under- or over-report hours worked by themselves or other employees, or conceal any falsification of time records, even if instructed to do so by a supervisor, division head, an Elected Official or other person. If instructed to do so, the employee must immediately report it to legal counsel for the City.

#### E. WORK PERIODS

1. The work week for all non-exempt employees who are subject to the FLSA begins at 12:00 a.m. on Sunday of each week and concludes at 11:59 p.m. of the succeeding Saturday, unless the demands of a particular service area dictate otherwise.
2. The work period for firefighters may be up to the 28-day work period allowed by the FLSA, 29 U.S.C. § 207(k), as adopted by the City Council.

#### F. HOURS OF WORK

1. Generally, most positions in the City are 40-hour-a-week jobs consistent with City Hall office hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, with one unpaid hour off for lunch. The hours of work of individual positions may be outside of these hours, when approved by the Department Director and Mayor.
2. Core hours when departments must ensure there is proper coverage for City Hall services are 8:00 a.m. through 5:00 p.m.. Departments may allow for varying schedules outside the normal 8:00 a.m. through 5:00 p.m. hours, as long as services or job responsibilities are not negatively impacted.
3. Some departments may permit employees to work "flexible" work schedules, such as four 10-hour days per week, or work earlier or later than the 8:00 a.m. through 5:00 p.m. hours. These "flexible" work schedules must be approved by the Department Director and Mayor and notification (schedule) provided to Human Resources. All non-law enforcement, non-exempt employees are limited to a maximum 12 hours of work in a single shift and will have a minimum of 10 hours of rest in between shifts. If emergency conditions exist, a single work shift beyond 12 hours may be approved by the Department Director or Mayor.

#### G. REST AND MEAL PERIODS

1. All employees scheduled to work four or more continuous hours may be given up to 15 minutes during each four continuous hours for paid personal rest break at the discretion of their Department Director or supervisor. Such breaks shall not be cumulative nor available for late arrival to work, nor used in connection with meal breaks, nor used for early dismissal at the end of the scheduled work day. Overtime will not be allowed to accumulate for rest periods missed. Employees on rest breaks shall be considered on duty and available for work at the discretion of the supervisor. The supervisor may also designate the location of breaks and limit the activities of the employees while on break.
2. A minimum of 30 minutes up to a maximum of 1 hour of unpaid time off for meal periods is provided for all employees; however, circumstances may require that employees remain on the work site during the meal period. In the event the employee remains at their work site during the meal period, the employee will not be required to add 30 minutes up to the maximum of 1 hour to their scheduled shift. Generally, employees are not to work through lunch to make up for arriving late or leaving early unless they have prior approval for a given day from their supervisor.

#### H. PAYROLL PROCEDURES AND PAYDAYS

1. Employees are paid bi-weekly throughout the year. Paychecks or direct deposit receipts are issued every other Friday after the end of each pay period. Should the payday fall on a holiday, paychecks will be distributed on the preceding work day.
  - a. A pay period is composed of two consecutive payroll weeks. A payroll week runs from 12:00 a.m. Sunday of one week through 11:59 p.m. Saturday of the same week. Therefore, the pay period runs from 12:00 a.m. Sunday of one week through 11:59 p.m. Saturday of the following week, unless the demands of a particular service area dictate otherwise.
  - b. Upon termination of employment, employees will be issued their final paycheck no later than the next regular payday after the pay period in which their employment ended. If requested in writing, employees may be issued their final paycheck within 48 hours of the receipt of such request, weekends and holidays excluded.
2. Every effort will be made to ensure that employees are paid correctly. Occasionally, however, inadvertent mistakes can happen. Each employee must monitor the accuracy of compensation received and review his/her paper or electronic paycheck stub when received to make sure it is correct. Information shown on the employee's paycheck stub is provided for information only. Actual practices regarding the issuance of paychecks and allocation of employee benefits must be consistent with official policy of the City. In the event of disagreement between the computer-generated paycheck stub and official policy, as interpreted by the City Council, the policy will prevail. Employees are obligated to call to the City's attention any such errors, whether to the advantage or disadvantage of the employee. When mistakes are made and are called to the City's attention, the City will correct the mistake as soon as possible.

#### I. JURY DUTY OR WITNESS IN COURT PROCEEDING

1. The City encourages employees to fulfill their civic responsibilities by serving on jury duty when required. Leave will be granted, and full pay provided, to employees called to serve as a court witness in matters specifically related to City operations, or called to serve on jury duty.

2. Employees must show the jury duty summons or notice to their supervisor as soon as possible so that the supervisor can make arrangements to accommodate their absence. Employees are expected to report for work whenever the court schedule permits.

#### J. MILITARY LEAVE

Upon providing a copy of military orders, an unpaid leave of absence will be granted to an employee to participate in ordered and authorized field training in accordance with Idaho Code §§ 46-407 and 46-409, and the Uniformed Services Employment and Reemployment Rights Act (USERRA).

#### K. ELECTION LEAVE

In instances where the employee's work duties prevent the employee from voting on his/her own time, an employee will be granted an appropriate amount of time, without the employee charging his/her PTO, for voting in primary, general, municipal or special elections.

#### L. PAYROLL DEDUCTIONS

No payroll deductions will be made from an employee's paycheck unless authorized in writing by the employee, or as required by law (Idaho Code § 45-609).

#### M. TRAVEL EXPENSE REIMBURSEMENT

An employee on approved City business will be reimbursed for expenses incurred in completing his/her assignment in accordance with the policies established by the City Council.

#### N. ON-THE-JOB INJURIES

1. Employees are covered by worker's compensation insurance for on-the-job injuries. All on-the-job injuries must be reported to the employee's supervisor in accordance with policy so that a worker's compensation claim can be filed. Return to employment will be authorized on a case-by-case basis in consultation with the supervising official and the State Insurance Fund, and may require a fitness for duty medical review. Concerns associated with injured worker status may be brought before the City Administrator or Human Resources Office for review.
2. The City will handle worker's compensation claims for sworn law enforcement officers pursuant to Idaho Code, Title 72, Chapter 11.
3. State Insurance Fund (SIF) Income Benefits
  - a. In order to receive income benefits, the time lost from work (disability) must be authorized by an employee's treating physician. Income benefits are payable if an employee is disabled from work more than five calendar days. Benefits are payable from the sixth day after disability unless the employee is hospitalized overnight or a disability exceeds 14 days. Under these conditions, benefits are payable from the date of disability. The income benefit received depends on an employee's average weekly wage. Most injured workers will be paid 67% of their gross wage.
  - b. An employee may use accrued CAT leave, if available, or PTO to make up the difference between the benefits paid by SIF and the employee's gross pay. If the employee elects to use CAT leave or PTO, payment will be made after the employee provides the payroll accountant with a photocopy of the check received by SIF. If the employee does not have accrued leave or fails to provide proof of payment, SIF income benefits will constitute the employee's entire compensation.

XV. EMPLOYEE BENEFITS

The City offers a number of employee benefits for full-time and part-time regular employees. These benefit offerings are subject to change or termination at the sole discretion of the City Council.

A. PAID TIME OFF (PTO)

PTO is an alternative to categorized vacation and sick leave accruals. It provides an employee with more flexibility to use his/her time off to meet personal needs, while recognizing an employee’s individual responsibility to manage such absences. PTO accrues as the employee works. Employees will not accrue PTO while on an unpaid leave of absence or under suspension of any kind.

1. Accrual Schedule for Full-Time Employees

- a. Each full-time regular employee, who is scheduled to work 40 hours or more, will accrue PTO hours on the first and second pay period of each month according to the schedule below. If a third pay period occurs in any month, no additional pro-rated PTO hours will accrue. Part-time regular employees who work less than 30 hours, and full-time regular employees who work more than 30 hours but less than 40 hours, will accrue PTO proportionately with the number of hours typically worked. PTO accruals will be prorated for new employees based on their hire date and for employees separating from service based on their employment termination date.

<b>Years of Service</b>	<b>1st/2nd Pay Period</b>	<b>Per Month</b>	<b>Per Year</b>	<b>Maximum (2x Annual)</b>
< 1 year	7.00	14.00	168.00	336.00
1 year but < 2 years	7.20	14.40	172.80	345.60
2 years but < 3 years	7.40	14.80	177.60	355.20
3 years but < 4 years	7.60	15.20	182.40	364.80
4 years but < 5 years	7.80	15.60	187.20	374.40
5 years but < 10 years	8.00	16.00	192.00	384.00
10 years but < 15 years	9.00	18.00	216.00	432.00
15 years but < 20 years	10.00	20.00	240.00	480.00
> 20 years	11.00	22.00	264.00	528.00

- b. Employees must be in paid status for more than one-half of their scheduled work days during the month to earn PTO.
- c. The maximum annual accrued carryover is the limit of unused PTO that can be carried over from one fiscal year to the next. Any excess above the maximum allowable accumulation not used during the pay period in which it accrues will be forfeited, without right of compensation, at the conclusion of the pay period in which it becomes excess.
- d. PTO leave shall not be used for the purpose of postponing the date of separation, retirement or other predetermined separation or termination of employment past the actual month of the employee’s last physical work day. For example, an employee who submits a notice of resignation will not be allowed to use leave to postpone their last day with the City into the subsequent month. Separation of employment needs to be in the same month as the last day worked.
- e. An employee may not establish a negative balance in the employee’s PTO leave account.

2. Termination

Employees will be paid for all accrued PTO, subject to authorized deductions, when they leave employment with the City.

a. Elective Deferral

Upon separation from service for any reason other than retirement, PTO payouts may be made in the form of direct compensation to the employee or contribution as an elective deferral (subject to FICA tax) into the employee's HSA, 457 Deferred Compensation or PERSI Choice account.

b. Employer Contribution

Upon separation from service due to retirement, and the employee has reached 55 years of age or his/her applicable PERSI years of service, PTO payouts may be made in the form of employer contribution (not subject to FICA tax) to an HRA/VEBA account or as outlined in Section 2a above.

3. Minimum Increments of PTO

Employees may request and use PTO in quarter (.25) hour increments.

4. Notice and Scheduling

PTO is to be scheduled with consent of the responsible supervisor. Efforts will be made to accommodate the preference of the employee in scheduling PTO for vacations, but first priority will be the orderly functioning of the affected division. There may be occasions, such as sudden illness, when an employee cannot notify his/her supervisor in advance as required. In those situations, employees must inform supervisors of their circumstances as soon as possible.

5. Annual PTO Cash Out

Full-time regular employees may be eligible to cash out up to 40 hours of PTO per calendar year.

a. Eligibility Requirements

- i. Must have five years of continuous service as of January 31st in the current calendar year;
- ii. Must have used a minimum of 40 hours PTO in the previous calendar year (72-hour minimum for firefighters);
- iii. Must have a minimum balance of 160 hours PTO remaining as of January 31st after the cash out is submitted (480-hour minimum for firefighters); and
- iv. Must have direct compensation less than the current Social Security Old-Age Survivors and Disability (OASDI) benefit base.

b. Cash-Out Distributions

- i. Employees may select distribution as additional cash compensation or direct payment to HSA or 457 Deferred Compensation account.
- ii. If an employee's PTO balance drops below the minimum when it is processed, then the cash-out hours and corresponding distribution will be reduced accordingly.
- iii. Employees will receive distributions on the last paycheck in March in the current calendar year.

## B. CATASTROPHIC (CAT) LEAVE

Employees hired prior to November 1, 2017 may be eligible to use CAT leave hours in the event of a covered illness or worker's compensation injury.

1. Employees who have a covered illness that will require them to be absent for longer than three working days per condition are required to contact their immediate supervisor and the Human Resources Office to request FMLA, if eligible, and for approval of CAT leave usage.
2. Employees must first use a minimum of three working days of PTO per condition before CAT leave usage is approved.
3. CAT leave hours are non-renewable and additional hours or days shall not be added once the CAT leave bank is exhausted.
4. Upon separation from service for any reason, employees will be cashed out at 25% of their CAT leave balance (not to exceed \$5,000) in the form of employer contribution to an HRA/VEBA account. Employees hired prior to January 1, 1989, will be cashed out at 50% of their CAT leave balance, up to a maximum of 360 hours.

## C. HOLIDAYS

1. This Holiday Policy will be applicable to all full-time regular employees and part-time regular, seasonal, and temporary employees and does not apply to any employees under a collective bargaining agreement.
2. Eleven official holidays are provided for full-time regular employees. Full-time regular employees receive compensation for that day even though they do not work. Holidays which fall on Saturday will be observed on the preceding Friday. Those which fall on Sunday will be observed on the Monday immediately following the Sunday holiday. The holiday schedule may be changed at any time with City Council approval.
3. Holiday Bank
  - a. When a holiday falls on an employee's regularly scheduled day off, the employee will have their typical work schedule hours placed into a Holiday Bank. For example, if an employee typically works 10 hours, the employee will have 10 hours placed into a Holiday Bank for the holiday which fell on the employee's regularly scheduled day off.
  - b. If the holiday falls within a period of scheduled leave, the holiday hours will be used during that period instead of PTO, due to policy requirement to use Holiday before the use of PTO.  
  
For example – if an employee takes a week vacation and during the week, there is a City observed holiday, when entering time for that week, the employee would enter their regular hours in Holiday Not Worked and NOT in the Holiday Bank and then use any available hours within their Holiday Bank, with the and remaining hours entered as PTO.
  - c. The maximum number of hours that can be accrued within the Holiday Bank is 50 hours. An employee will not accrue holiday time above the maximum 50 hours. Accrued hours in the employee Holiday Bank must be used prior to use of PTO.
4. Holiday Pay
  - a. Full-time regular employees will be compensated for the holiday at straight time pay for the number of hours they are normally scheduled. Part-time regular seasonal, and temporary employees do not receive holiday pay, unless they are scheduled and physically work on the holiday (actual or observed).

- b. Non-exempt employees scheduled to physically work on a holiday (actual or observed) or who are called in for unscheduled emergency work shall be compensated at a rate of two times the employee's regular rate of pay.

5. Recognized Holidays:

New Year's Day	Labor Day
Human Rights Day	Veterans Day
Presidents' Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Juneteenth	Christmas Day
Independence Day	

- 6. The Mayor has the authority to temporarily adjust the operating hours of City offices on days immediately preceding or following scheduled holidays based on workload and employee morale. In the event City offices are closed early, employees have the option of working their regularly scheduled shift or they may use PTO or Holiday Bank to leave early. No additional holiday pay shall be provided to employees who opt to leave early and no reduction to PTO or Holiday Bank hours taken shall be provided to employees who have previously scheduled for the day off.

D. BEREAVEMENT LEAVE

Up to five days of paid leave of absence will be provided upon approval by division head for a death in the immediate family (spouse, parents, grandparents, children, grandchildren, brothers and sisters, including in-laws). Only time taken within 30 days prior to or immediately following a death shall qualify as bereavement leave. If an employee is on scheduled time off at the time bereavement occurs, bereavement leave shall be paid and time off shall not be charged to accrued leave until bereavement leave is exhausted.

E. LEAVES OF ABSENCE

- 1. Up to five days of unpaid leave of absence may be granted by department heads for any justifiable purpose. The leave must be approved in writing and reported to the Human Resources Director and payroll accountant.
- 2. Any request for unpaid leave in excess of five (5) days must be submitted to the Human Resources Director and approved by the Mayor. The request must include an explanation of the reason for the unpaid leave and a statement from the Department Director stating how the employee's position will be covered in the employee's absence.
- 3. Unpaid leave in excess of thirty days shall require formal written approval by the Department Director and signed and authorized by the Mayor.

F. BENEFITS FOR TEMPORARY EMPLOYEES

All temporary employees will receive benefits as required by law, including worker's compensation insurance. All other benefits are to be determined in the discretion of the City Council.

G. INSURANCE COVERAGE

Various insurance benefits are available to regular employees and their family members in accordance with the terms and conditions of the City's contract for such services. The Human Resources Office should be contacted to learn of sign-up and claims procedures. Other insurance offerings may be available at employee or shared expense.

Benefits are more accurately described by the applicable summary plan descriptions (SPD) and benefit booklets. These documents are consistently reviewed and modified as the need arises. Should any differences be noted between this policy and SPD or benefit booklets, the language of the SPD or benefit booklet will prevail. Contact the Human Resources Office for a copy of SPD or benefit booklet.

#### H. RETIREMENT PROGRAM OFFERING

The City participates in the retirement program of the Public Employees Retirement System of Idaho (PERSI) and with Social Security (FICA). PERSI requires the City to withhold a percentage of an employee's gross salary for pension purposes, and to contribute an additional larger amount on behalf of the employee. Contact the Human Resource Office for further information.

#### I. MISCELLANEOUS BENEFITS

In addition to the benefits listed on the previous pages, the following are examples of miscellaneous benefits, subject to change at the sole discretion of the City Council, that may be available to employees for participation in accordance with the terms of their respective policy or agreement:

1. Deferred compensation plans handled by payroll deduction.
2. Employee-requested deduction programs.
3. Allowance for uniforms, tools, equipment, etc.
4. Further job-related training and certification opportunities.

## XVI. FAMILY MEDICAL LEAVE ACT (FMLA)

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This section contains a summary of FMLA rights and responsibilities and is not intended to be a complete statement of all FMLA issues that may arise. Please check with the Human Resources Office in identifying FMLA leave issues. The US Department of Labor has published an FMLA resource for employees: <https://www.dol.gov/whd/fmla/employeeeguide.pdf>. It has also published a guide for employers that is also beneficial to employees: <https://www.dol.gov/whd/fmla/employerguide.pdf>.

### A. ELIGIBILITY REQUIREMENTS

To be eligible for FMLA benefits, prior to any leave request, the employee:

1. Must have worked for the City for at least 12 months, which in some circumstances may include separate periods of employment with the City;
2. Must have actually worked at least 1,250 hours for the City during the previous 12 months; and
3. The City must employ at least 50 employees within 75 miles of the employee's workplace measured by using available transportation on the most direct route.

### B. FMLA RIGHTS

1. An eligible employee is entitled to job-protected, unpaid leave for the following reasons:
  - a. birth and care of the eligible employee's child;
  - b. placement for adoption or foster care of a child with the employee;
  - c. care of an immediate family member (spouse, child, parent) who has a serious health condition; or
  - d. care of the employee's own serious health condition.
2. A "serious health condition" is a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any subsequent period of incapacity or treatment in connection with such inpatient care, or a condition that requires continuing care by a licensed health care provider.
3. The employee may request up to 12 weeks of leave during a 12-month period in which the City will continue the employee's benefits (employer portion only). The 12-month period is determined using a "rolling" 12-month period measured backward from the first day of the employee's FMLA leave. If the employee does not return to work at the end of the FMLA leave for reasons other than the continued serious health condition of the employee or eligible family member, the City may recover from the employee the premiums that were paid for the employee's medical coverage during the FMLA leave period.
4. Total FMLA leave for employee spouses/parents who both work for the City is 12 weeks combined if the leave is for reasons other than the employee's own personal serious illness.

### C. CONCURRENT USE OF ACCRUED LEAVE AND WORKER'S COMPENSATION REQUIRED

1. Employees are required to use any accrued PTO leave, CAT leave and compensatory time off ("comp time") concurrently with any FMLA leave. If the employee does not have sufficient

accrued leave and comp time to cover the time out on FMLA leave, the employee may take the remainder of FMLA leave as unpaid leave.

2. If the employee is on worker's compensation leave, such leave will also run concurrently with any FMLA leave.

#### D. EMPLOYEE OBLIGATIONS

1. Employees are required to give 30 days' advance notice, or as much time as practical, when the need for FMLA leave is foreseeable. The employee may be required to provide medical certification by his/her physician or medical practitioner indicating the diagnosis and probable duration of the FMLA qualifying medical condition. The City may also require second or third opinions at the City's expense.
2. Employees who are on FMLA leave for their own serious illness for at least one week are required to provide a medical practitioner's fitness for duty report prior to returning to work. The employee must provide his/her medical practitioner with a job description so that the practitioner can evaluate whether the employee will be able to perform all of his/her duties on his/her return to work. FMLA leave may be denied if these requirements are not met. The decision to allow an employee to return to work will be solely the City's in compliance with the provisions of FMLA. If a doctor finds that the employee is not fit to return to duty, the employee will not be allowed to return to work.
3. Employees should contact the Human Resources Office to discuss their rights and obligations for continuation of any current benefits they are receiving. Employees must make arrangements for payment of their portion of their benefit costs or discontinuation of those benefits will occur.
4. To request FMLA leave, the employee must contact the Human Resources Office indicating the reason for requesting FMLA leave and the expected duration of leave.
5. Employees eligible for FMLA protected leave may decline the use of such leave, but will then be subject to the attendance and leave policies of the City.

#### E. INTERMITTENT LEAVE REQUESTS

FMLA leave may be taken intermittently or on a reduced leave schedule with prior written approval from the employee's supervisor or when "medically necessary." Intermittent leave may not be used for the birth or placement of a child for adoption or foster care without the written approval of the supervisor or Mayor.

#### F. EMPLOYER'S RIGHTS AND OBLIGATIONS

1. The City has the duty to notify employees of the availability of the right to FMLA leave and to determine whether the employee is or is not an "eligible employee" under the Act.
2. The City may require periodic notices of the employee's FMLA status and his/her intent to return to work.
3. The City will return the employee to the same or an equivalent position after returning from FMLA leave, subject to the terms of the FMLA. The only exception may be for individuals who, under the provisions of the FMLA, are considered to be a "key employee" whose extended absence would cause "substantial and grievous economic injury".

#### G. THE NATIONAL DEFENSE AUTHORIZATION ACT

1. The FMLA also provides an entitlement of up to 26 weeks of unpaid leave during a single 12-month period to an eligible employee who must care for a covered service member. A “covered service person” is a spouse, son, daughter, parent or next of kin of the employee and has a serious injury or illness incurred in the line of duty that renders that person unfit to perform his or her duties in the Armed Forces. If this type of leave is requested, the City may require medical certification that the service member being cared for has a serious health condition and that it was incurred in the line of duty.
2. FMLA also now provides 12 weeks of FMLA leave to an employee if his or her spouse, son, daughter or parent has been called to active duty with the Armed Forces. No serious medical condition is required for this type of leave. If this type of leave is requested, the City may require certification that the service member has actually been called to active duty.
3. The allowed length of FMLA military leave is measured from the first day of leave taken and ends 12 months later. FMLA time already taken may be deducted from the 26 weeks of leave in some circumstances. See the Human Resources Office to determine available leave.
4. Employees are required to provide prior notice when the need for this type of FMLA military leave is foreseeable.

## XVII. AMERICANS WITH DISABILITIES ACT

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### A. ELIGIBILITY

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA) prohibit employers with 15 or more employees from discriminating against individuals with disabilities.

### B. REASONABLE ACCOMODATION

The City will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job, unless:

1. Doing so causes a direct threat to these individuals or others in the workplace, and the threat cannot be eliminated by reasonable accommodation; or
2. The accommodation creates an undue hardship to the City.

Employees should contact their supervisor or the Human Resources Office with any questions or requests for accommodation.

## XVIII. FITNESS FOR DUTY EXAMS

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### A. SAFE WORK ENVIRONMENT

The City is committed to maintaining a safe and productive workplace. Every employee is required to report to work fit to perform his/her job in a safe, appropriate and effective manner.

### B. CONDITIONS FOR EXAM

The City may require a fitness for duty evaluation as part of a physical exam of the employee to determine the employee's physical, mental and emotional readiness to perform the essential functions of his/her job with efficiency and safety for himself/herself and others. Fitness for duty evaluations may be done in the following circumstances:

1. Following a conditional offer of employment;
2. Prior to return to work following a leave related to injury or illness;
3. When an employee expresses concern about his/her ability to perform the functions of his/her job; or
4. When there is reasonable belief that the employee cannot safely perform the functions of his/her job.

## XIX. IDAHO WHISTLEBLOWER PROTECTION

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### A. SCOPE

Idaho Code, Title 9, Chapter 21, provides protections to public employees who experience adverse employment actions as a result of the good faith reporting of the existence of any waste of public funds, property or manpower, or of a violation, or suspected violation, of law, rule or regulation of the City, state of Idaho or the United States of America.

### B. REPORTING

Any such report must be made at a time, and in a manner, which gives the City a reasonable opportunity to correct the waste or violation.

### C. PROTECTION

The City may not take adverse action against an employee because the employee in good faith reports the suspected waste or violation, or participates or gives information in an investigation, hearing, court proceeding or any other form of administrative review of the report.

### D. ENFORCEMENT OF RIGHTS

If the employee believes that he/she has experienced an adverse employment action protected by the Whistleblower Act, he/she may bring a civil action in District Court within 180 days of the occurrence of the violation of the Act.

## XX. CANDIDACY FOR ELECTIVE OFFICE

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### A. FIRST AMENDMENT

While the City recognizes that the First Amendment provides Constitutional protections for the political activity of its employees, it also recognizes that this right is not absolute when balancing the right of the individual to become a candidate for office and the City's interest in promoting the efficiency of the public services it performs through its employees.

### B. REASONABLE PREDICTION OF DISRUPTION

1. If an employee initiates candidacy against an Elected Official and there is a reasonable prediction of disruption, the employee must resign or face possible employment action, including being placed on an unpaid leave of absence or termination.
2. A reasonable prediction of disruption is based upon any of the following factors:
  - a. The size of the division in which the employee works—the smaller the division, the greater the likelihood of disruption;
  - b. Whether the employee candidate holds a position of trust and confidence to the incumbent—the closer the ties, the greater the likelihood of disruption;
  - c. Whether the employee candidate is running for a position in which he/she would replace or become superior to his/her current supervisor—in such circumstances the likelihood of disruption would be greater; or
  - d. The nature of the relationship between the employee candidate and the incumbent and the degree of contact they have with one another—the greater the amount of contact and interaction, the greater the likelihood of disruption.
  - e. Not all of the above factors must be met to find a reasonable prediction of disruption.

### C. EVALUATION AND ACTION

1. The Elected Official should consult with legal counsel for the City in determining whether there exists a reasonable prediction of disruption and the appropriate employment action to take.
2. The Elected Official should set out in writing the factual basis for finding that there exists a reasonable prediction of disruption using the above factors and his reasoning for taking the specific action. The written findings should be provided to the employee and placed in the employee's personnel file.
3. All other applicable procedures that allow an opportunity to be heard, as set out in this policy, will apply.

XXI. SEPARATION FROM EMPLOYMENT

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A. REDUCTIONS IN FORCE (RIF)

When financial circumstances or changes of workload require, the City may reduce forces in such manner as it deems necessary to maintain the effective functioning of the City services. Employee assignments may be affected by reductions in force made due to economic conditions or to changes in staffing and work needs. The Mayor, in conjunction with the City Council, may make any changes in the work force or assignment of resources deemed to be in the City's best interests.

B. COBRA BENEFITS

Employees who currently receive medical benefits and who resign or are terminated from their employment may be eligible to continue those medical benefits for a limited time in accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). Employees with questions regarding the right to continue health coverage after termination of their employment should contact the Human Resources Office.

C. EXIT INTERVIEW

Each employee who terminates from employment is encouraged to participate in an exit interview with the designated representative of the City. In such interview, the City should notify the employee when certain benefits will terminate, when final pay will be issued and review the process to receive COBRA benefits. The employee should be invited to inform the interviewer about his/her impressions of employment. An employee exit form may be completed and will be retained in the employee's personnel file.

D. RESIGNATION POLICY

1. Written and oral resignations are effective upon receipt by a supervisor or Elected Official. Oral resignations should be documented by the supervisor after consultation with the Mayor or division head. Evidence of the written or oral resignation should be provided to the employee and placed in the employee's personnel file.
2. Employees who have an unexcused or unauthorized absence of three or more working days in a row may be considered to have resigned through abandonment of his/her position. If an employee's words or actions indicate an intent to resign, including having an unexcused or unauthorized absence of 3 or more working days in a row, the City will consider the employee as having resigned and immediately notify him/her of such.

ADOPTED by the City Council on the 17<sup>th</sup> day of April, 2019.

  
\_\_\_\_\_  
Mayor

4/18/2019  
\_\_\_\_\_  
Date

Attest:   
\_\_\_\_\_  
City Clerk



APPENDIX A

ACKNOWLEDGMENT OF RECEIPT OF CITY OF SANDPOINT PERSONNEL POLICY

I, \_\_\_\_\_ acknowledge receipt of the City of Sandpoint Personnel Policy, adopted on April 17, 2019.

- I understand that it is my responsibility to read and review this Policy.
- I understand that I am an at-will employee of the City, that this Policy is not an employment contract, that none of the provisions of this Policy can create a contract and that the Policy is not a guarantee of any particular length or term of employment.
- I understand that I am obligated to perform my duties of employment in conformance with the provisions of this Personnel Policy and any additional rules, regulations, policies or procedures imposed by the division in which I work whether or not I choose to read the new Policy.
- I understand that this Policy may be modified without prior notice to me.
- I understand that should this Policy be modified that I will be provided with a copy of the modifications.
- I understand that this Policy may be provided to me in either paper format or by electronic access.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Employee Signature

I, \_\_\_\_\_, provided a copy (either electronically or by paper) of the City of Sandpoint Personnel Policy, as adopted by the City Council on April 17, 2019 to \_\_\_\_\_, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Cheryl Hughes, Central Services/HR Director