

CITY OF  
EMMETSBURG  
&  
EMMETSBURG  
MUNICIPAL  
UTILITIES

PERSONNEL POLICY  
HANDBOOK

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## SECTION 1 – INTRODUCTION

### 1.1 WELCOME STATEMENT

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The City of Emmetsburg & Emmetsburg Municipal Utilities takes pride in providing quality services to the citizens of our City. We strive for an environment in which the City/EMU may reach its full potential as an efficient organization.

The City Administrator/Utility Superintendent is the City/EMU's personnel officer and is responsible for enforcing these policies. The City/EMU continually reviews its personnel policies and employee benefits and reserves the right to modify, supplement, amend, or delete any of the provisions contained in this manual at any time. This handbook shall become effective when adopted by resolution by the City Council/EMU Board of Trustees. Amendments to the handbook shall be effective upon approval of resolution. This handbook does not represent the entire list of policies of the City/EMU, but is designed to give guidance to many essential personnel policies.

City department heads and EMU foremen will supervise their employees and maintain proper working relationships. They may adopt and enforce additional departmental regulations that are not consistent with this handbook with the approval of the City Administrator/Utility Superintendent. As a City/EMU employee you will be expected to carry out your duties in a professional manner, being ever mindful that we serve the citizens of Emmetsburg.

This employee handbook is not intended to create any contractual rights in favor of you or the City/EMU. This handbook is not to be construed as an employment contract, express, or implied, or as a promise that you will be employed for any specified period of time. Employees may resign their employment at any time and for any reason, and the City/EMU reserves the same right to terminate any individual's employment at any time and for any reason. Nothing in this handbook changes the at-will nature of your employment with the City/EMU.

### 1.2 EQUAL OPPORTUNITY EMPLOYER

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*It is the policy of the City of Emmetsburg/Emmetsburg Municipal Utilities to provide equality of opportunity in employment to all persons.* This policy prohibits discrimination because of race, creed, color, religion, national origin, political affiliation, disability, marital status, status with regard to public assistance, sex or age in all aspects of its personnel policies, programs, practices and operations. This policy applies to all phases of full, part-time, temporary and seasonal employment, including, but not limited to, recruitment, hiring, placement, promotion, demotion, or transfer, lay-off, recall, or termination, rates of pay or other forms of compensation and selection for training. This policy also applies to the use of all facilities and participation in all City/EMU sponsored activities.

It is the responsibility of every City/EMU official and employee to cooperate in the implementation of this policy. Failure of any employee to perform in a manner consistent with this policy will constitute grounds for reprimand, suspension, demotion, or dismissal from the City/EMU's employment. All employees of the City/EMU not covered by a contract are employed at-will.

### 1.3 PROOF OF EMPLOYABILITY

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To comply with the Immigration Reform and Control Act of 1986, the City/EMU requires all employees to present documented proof of identity and eligibility to work in the United States. You are required to complete Section 1 of the Form I-9 on the first day of employment, and to submit proof of employability and identity within three days of hire as required on Form I-9. The employee will be required to show an original social security card as required by the Federal Social Security System, which also can be used as proof of employability.

### 1.4 AMERICANS WITH DISABILITIES ACT

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It is the policy of the City/EMU to comply with the Americans with Disabilities Act (ADA). The City/EMU will not discriminate against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment because of that person's physical or mental disability.

In compliance with the Americans with Disabilities Act (ADA), the City/EMU will consider reasonable accommodations that do not pose undue hardships to the City/EMU to enable qualified applicants or employees with disabilities to perform the essential functions of the position.

## SECTION 2 – DEFINITIONS

### 2.1 DEFINITIONS

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1. **Appointment.** The offer of and acceptance of a position either on a regular, part time, or temporary basis. An appointment may be withdrawn if it is determined during the probationary period that the person is not qualified for the position either in regard to technical ability or personal suitability.
2. **Compensation.** The salary, wage, allowances, and all other forms of valuable consideration, earned by or paid to any employee by reason of service in any position, including fringe benefits, but does not include any allowances, authorized and incurred incident to employment, such as travel pay.
3. **Compensatory Time Off.** Time off from scheduled work in lieu of monetary payment for authorized overtime as determined by the City Administrator/Utility Superintendent. Compensatory time also refers to time off for qualified City/EMU employees for overtime hours worked.
4. **Demotion.** The assignment of an employee to a position of employment requiring less responsibility or skill and/or having a lower pay scale than the former position.

5. **Disability.** The physical or mental condition of a person, which constitutes a substantial handicap, but is unrelated to such person's ability to engage in a particular occupation.
6. **Discharge.** The separation from employment of any employee.
7. **Fringe Benefits.** Employee compensation other than wages that may be authorized, such as, but not limited to: medical insurance, life insurance, disability insurance, holiday pay, vacation, sick leave, emergency leave, military leave and injury leave, provided to full time, regular employees.
8. **Full-time employee.** Any employee working at least 33 hours per week on a regularly continuous scheduled basis for an infinite period of time. Regular full-time employees are eligible for all employee benefits.
9. **Grievance.** A difference of opinion between an employee and the employer arising out of a belief on the part of the employee that there was unfair treatment in regard to working conditions or compensation.
10. **Immediate Family.** Includes: Employee's spouse, children, parents, brothers and sisters, grandparents, grandchildren and spouse's parents, brothers and sisters.
11. **Layoff.** The involuntary non-disciplinary separation of an employee from a position because of a reduction in forces or funds.
12. **Leave.** An approved absence from work other than vacation as provided by these rules and policies.
13. **On-Call.** Employees designated must perform certain duties regardless of the day of the week, and be available for 24-hour emergency call.
14. **Overtime.** Authorized time worked by an employee, other than a public safety classified employee, in excess of regular scheduled 40 hours for the week. The compensation for overtime shall be at the rate of time and one-half (1/2) the regular hourly pay rate or compensatory time off, as determined by the Supervisor/City Administrator/Utility Superintendent.
15. **Part-time employee.** An employee who works less than 40 hours per week either on a regular schedule or intermittent basis. Regular part-time employees are not eligible for any benefits.
16. **Regular employee.** An employee who has successfully completed a probationary period and has been employed for an indefinite period.
17. **Position.** A group of specific duties, tasks and responsibilities assigned by competent authority to be performed by an employee, a position may be part-time or full time, temporary or permanent, occupied or vacant.

18. **Probationary period.** A working test period lasting a minimum of six (6) calendar months beginning upon initial appointment or promotion. During this time, an employee is required to demonstrate their capability to perform the duties of the position to which they are appointed, and work with other staff in a harmonious manner. This period may be extended if deemed necessary by the City Administrator/Utility Superintendent. Any employee may be terminated at any time for any reason during probation, and the employee shall have no right of appeal. All employees of the City/EMU are employed “at will” and employment may be terminated at any time with or without cause.
19. **Promotion.** The assignment of an employee to a position requiring greater responsibilities or skill and having a higher pay scale than the former position.
20. **Rejection.** Separation of an employee during or at the completion of a probationary period.
21. **Suspension.** The temporary separation of an employee with or without pay, for disciplinary purposes.
22. **Temporary employee.** A person who is hired for a definite period of time and who shall not be entitled to the fringe benefits provided a regular full-time employee.
23. **Termination.** The permanent separation of an employee from service, to include: death, rejection, discharge, layoff, or retirement.
24. **Lateral transfer.** The movement of an employee from one position to another that has the same pay assignment.
25. **Exempt employee.** An employee who is not required to receive overtime in accordance with the Fair Labor Standards Act (FLSA) for all hours actually worked beyond forty (40) hours in a workweek.
26. **Nonexempt employee.** An employee who is required to be paid at the rate of time and one-half (1/2) their regular rate for all hours actually worked beyond forty (40) hours in a workweek in accordance with the FLSA.
27. **Electronic Messaging Device (EMD):** City computers, electronic mail systems, voice mail systems, paging systems, electronic bulletin boards, internet services, mobile data computers and facsimile transmissions.
28. **System Administrator:** The department staff person designated with responsibility for managing electronic messaging through individual EMDs and computer networks.

**SECTION 3 – EMPLOYMENT PRACTICES****3.1 HOURS OF WORK**

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The normal workweek for regular full-time employees shall consist of eight (8) hours for five (5) consecutive days for a forty-hour (40) week. Exceptions, such as the police department, will be made for services that do not conform to a normal workday and for services that are on continual call. The Community Center, Golf Course and Library work hours will vary depending on the schedule of activities within the respective departments. The City Administrator and Library Board will be kept up-to-date as to all activities of the respective departments and the hours in which the employees will be working.

Employees working an eight-hour shift are required to take a half hour (1/2) unpaid lunch break. Police Officers working in the field will work eight (8) hour shifts, unless otherwise specified by the Chief. Because officers are continually on call their lunch break is a paid break. When an officer is not working in the field he/she will not be paid for a lunch break.

All employees shall normally have a fifteen-minute paid rest period during each 1/2 shift (4 hours). Breaks should be arranged so that department functions are properly covered and be taken in such space where working employees will not be disturbed. The time limit specified in this section shall include travel time to and from the work site. Times and arrangements for lunch and rest periods may vary. Schedules may be changed at the discretion of the City/EMU to meet varying conditions and workload. Changes in work schedules will be announced as far in advance as possible.

**3.2 USE OF TIME CLOCKS**

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The time clock system is one additional time management system, which further assists department personnel in tracking working hours. In departments using time clocks, the following regulations will apply:

- No employee will clock-in or out for any other person for any reason. Any employee clocking in or out for another employee is subject to termination.
- Valid reasons must exist for early clock-ins or late clock-outs. These occurrences must be approved by your Supervisor.
- Employees are required to clock out any time they leave the work site for any reason other than assigned work duties.
- Employees must clock out for their designated lunchtime.
- Employees should not clock out for designated break times and must stay in the assigned work area during the break.



- Continual and/or repeat deviations from assigned working hours will be grounds for disciplinary action. This includes, but is not limited to, time changes that did not have prior approval, tardiness, and clocking in/out early or late.

### **3.3 OVERTIME AND COMPENSATORY TIME**

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Periodically, overtime work may be necessary to maintain City/EMU operations. If you are classified as a nonexempt employee under the Fair Labor Standards Act, you will be compensated for approved overtime hours in the form of monetary compensation or compensatory hours at the rate of time and one-half for each hour worked over forty hours in the workweek. For the Police Department, overtime for nonexempt employees starts at 80 hours in the fourteen-day pay period. Employees who are classified as exempt employees under the Fair Labor Standards Act are not eligible for overtime payments. Overtime must be approved by the respective Department Head and/or City Administrator/Utility Superintendent. Abuse of overtime work may result in disciplinary action, up to and including termination.

City employees eligible to accumulate compensatory time shall not accumulate more than 40 hours of compensatory time within a calendar year unless the City Administrator grants such permission in writing. In the case where an employee has more than 40 hours in their compensatory time bank, the employee must use compensatory time before using vacation leave. The Police Department shall not accumulate more than 48 hours of compensatory time unless approved by the Police Chief/City Administrator due to special circumstances. The Golf Department may accumulate more than 40 hours as approved by the City Administrator.

EMU employees eligible to accumulate compensatory time shall not accumulate more than 24 hours of compensatory time within a calendar year unless the Utility Superintendent grants such permission in writing. In the case where an employee has more than 24 hours in their compensatory time bank, the employee must use the compensatory time before using vacation leave.

Compensatory time off will be granted at the time selected by the employee, and approved by the Department Head. Compensatory time off may be denied if it conflicts with the operation of the department.

### **3.4 ON-CALL**

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“On-call” will be that duty periodically served during a work period, that must be performed each day regardless of the day of the week. Emergency call are also included. Any person serving on-call duty may pursue personal interests as long as they meet the required response time. On-call personnel must reside within the required 5 (five) mile radius unless approved by City Council/EMU Board.

The City Public Properties Department is considered to serve regular on-call duty. City employees serving on-call duty to perform daily chores will earn a total of 8 work hours for duties performed while serving their on-call week. On-call employees will also accrue 4 hours for per holiday on-call duty. The earned 8 hours will be used on the following Friday after their on-call week, unless approved by their Supervisor or City Administrator.

EMU employees (Gas, Water and Sewer) will also serve on-call duty to perform daily chores/testing at the Water and Wastewater plants. EMU on-call employees will be compensated for 5 hours of paid time per weekend day and/or holiday while on-call.

### **3.5 RECORDING WORK HOURS**

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Full time City employees will be paid on a bi-weekly basis, with each period beginning with the start of work on Friday and running through the next 14 consecutive calendar days.

Full time EMU employees will be paid on a bi-weekly basis, with each period beginning with the start of work on Saturday and running through the next 14 consecutive calendar days.

City and EMU part time employees will be paid for the hours worked during that same pay period. All nonexempt employees must accurately record their hours worked for each pay period on a form provided by their Department Head.

City Department Head shall review and submit the time sheets to the City Clerk by Monday at 12:00 PM on payroll weeks.

EMU Foreman shall review and submit the time sheets to the EMU Payroll Clerk by Tuesday, at 12:00 PM on payroll weeks.

All required deductions, including those for state and federal taxes and all authorized voluntary deductions, including health insurance contributions (if applicable), will be automatically withheld from your paycheck. All voluntary deductions plans are the sole responsibility of the employee.

### **3.6 HOLIDAYS**

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Full time, regular employees are granted, except as otherwise provided in this section, the following holidays off from employment with pay:

- New Year's Day
- Martin Luther King Day
- President's Day
- Good Friday (Half day)
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Friday following Thanksgiving Day
- Christmas Eve
- Christmas Day
- New Year's Eve (Half day)

Because of the nature of our business, it may be necessary for employees to work on holidays. To be eligible for holiday pay (time and one-half your regular rate) you must work your complete shift (full-time) on the regular workday immediately before the holiday and the first regular workday immediately following the holiday.

If you are absent due to illness on the day before or after a holiday you will be eligible for holiday pay only by presenting proof of illness satisfactory to the City/EMU. If you are absent from work due to jury duty you will be eligible for holiday pay by submitting certification of actual jury duty service.

If you are on layoff, disability, workers compensation, or any other leaves when the holiday occurs you are not entitled to receive holiday pay.

Holidays falling on a Saturday will be observed on the preceding Friday and those falling on a Sunday will be observed the following Monday. Christmas Eve day holiday will always be observed on the work day preceding the recognized Christmas day holiday.

The Police department holiday hours will follow their department policy and procedure manual. The holidays can be used at the officer's discretion with Police Chief approval. The holiday bank will follow a calendar year and cannot be carried over from year to year.

If the Community Center and/or Golf course is open on a designated holiday, full time employees who work said holiday may bank their unused portion of the 8 hours of paid holiday. For example, if an employee works 4 hours on the holiday, the remaining 4 hours may be banked to be used at a later time. Alternative holiday hours cannot be carried over and must be used within the calendar year.

If the Library is open on a designated holiday, the Library employees who work on said paid holiday, may also bank their unused portion up to 7 hours, except for Library Director who may 8 hours. For example, if a library employee works 3 hours on a holiday, they may bank 4 hours to be used at a later time. Alternative holiday hours cannot be carried over and must be used within the calendar year.

**3.7 VACATION**

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All full-time employees who are actively employed for 33 or more hours per week are eligible for paid vacation based upon their anniversary dates of hire:

<b>Length of Continuous Employment</b>	<b>Vacation</b>
Beginning Employment	40 hours
After completing 1 year	80 hours
After completing 7 years	120 hours
After completing 15 years	160 hours
After completing 25 years	200 hours

It is the responsibility of supervisors to schedule vacation in cooperation with their employees to ensure that each employee receives a full vacation and that there is adequate coverage of the work to be done. Your vacation preferences will be granted subject to the staffing needs of the City/EMU. The City/EMU reserves the right to deny vacation in conflict of job requirements.

Vacation should be scheduled a minimum of one week in advance whenever possible.

If a holiday occurs during your vacation it will not be considered as part of the vacation period.

All vacation must be used prior to your hire anniversary date or said vacation time will be forfeited. However, in the event an employee is required to forego scheduled vacation due to demands within the department the employee may be permitted to carry over such unused vacation upon written approval from the City Administrator/Utility Superintendent.

Vacations may be taken as weekly periods, individual days, or in one-hour increments. However, no more than 80 hours of vacation time will be used consecutively without prior approval from the City Administrator/Utility Superintendent. No advanced usage of vacation will be permitted.

No vacation time will be accrued during unpaid leaves of absence. The City Administrator/Utility Superintendent may make an exception in writing to this policy for an unpaid leave not exceeding ten working days.

### **3.8 VACATION PAY UPON TERMINATION**

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If your employment with the City/EMU is terminated for any reason during your first year of service, no vacation is due upon termination. If your employment is terminated for any reason after your first year of service, you will be paid for unused earned vacation, providing two week's written notification to the City/EMU is given. Failure to furnish advanced two-week's notice of termination will result in the forfeiture of accrued vacation leave. Persons serving in the capacity of Department Head shall provide written notification of pending termination four weeks in advance of such action. Payment of all unused vacation shall be included in the employee's final paycheck. Computation of the employee's vacation pay shall be on the basis of the employee's regular rate of pay, applicable at the time of separation. An employee who retires from the City service shall have the option to remain an employee and extend all benefits until all vacation is used. In the case of discharge, all unused earned vacation will be forfeited. In the case of death, all unused earned vacation will be paid out.

### **3.9 PERSONAL DAYS**

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Each regular full-time employee shall be entitled to two (2) personal days during each twelve months of continuous City/EMU service. The Department Head/Foreman/City Administrator/Utility Superintendent must approve, in advanced, the use of the employee's personal days. Personal days are accumulated on the fiscal year and may not be accumulated from year to year.

### **3.10 RECORDS AND PAYROLL**

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The City Clerk/EMU Payroll Clerk shall maintain a computer record for each employee in the service of the City/EMU showing the name, title of position held, the department to which assigned, salary/hourly pay, changes in employment status, and such other information as may be considered pertinent. Each employee shall promptly report all changes of name, address, and

telephone number to the City Clerk/EMU Payroll Clerk.

City employees will be paid every other Thursday. EMU employees will be paid every other Friday. Your check will reflect your compensation for the prior two weeks, less required payroll deductions. Deductions will be taken from your paycheck as required by law (including your federal and Iowa withholding taxes, your portion of social security and your portion of IPERS) and when applicable, any garnishments or other deductions required by law. If an employee chooses to participate in FLEX, AFLAC, or any other elective plans it is the sole responsibility of the employee to self-administer said plans.

Deductions will be itemized on your payroll stub. You should review your paycheck stub carefully each payday. If you have any questions about the amounts shown on your paycheck or how they are calculated you should contact your supervisor. Tax withholding is based on the number of dependents you claim on the W-4 form that you completed. You are responsible for the accuracy of that form and for updating the information when necessary.

### **3.11 RECRUITMENT AND SELECTION**

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It shall be the policy of City/EMU to carry on such recruitment programs as necessary to seek out and secure the most qualified individuals to apply for City/EMU positions at all levels of service. The City Administrator/Utility Superintendent is responsible for facilitating the hiring of all employees. The appropriate Department Head will assist the City Administrator/Utility Superintendent in hiring the most qualified personnel. The City Administrator/Utility Superintendent will bring all hiring recommendations before the City Council/EMU Board for final approval.

Vacant positions will first be posted within the City/EMU departments for a period of five (5) working days. A vacant position within a department may be filled from employees within the City/EMU, if a qualified and acceptable employee is available. If a vacant position is not filled from within the City/EMU departments, then the position will be advertised in the newspaper.

Job qualifications and requirements shall realistically relate to the actual duties to be performed on the job. The best applicant will then be selected.

The employment of relatives of your immediate family in the same department is prohibited. Employment of relatives is subject to Chapter 71 of the Code of Iowa.

Employees must have a valid driver's license, if required by the job position.

### **3.12 PHYSICAL EXAMINATIONS AND ABILITIES**

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A physical examination and drug testing may be required before the employee is hired. The City/EMU shall pay the cost of the examination, provided that the prospective employee uses a physician of the City/EMU's choice. The City/EMU may periodically require that an employee pass a physical examination given by a City/EMU designated physician.

All employees, depending on the department, must be able to accomplish certain physical duties. These duties are described in the positions job description. Each member of the Police Department must pass a physical fitness test as per the State of Iowa as stated in the Police Department's policy and procedural manual.

### **3.13 INCOMPATIBLE ACTIVITIES**

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

### **3.14 REIMBURSABLE EXPENSES**

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Employees shall be reimbursed for their use of privately-owned automobiles on City/EMU business, provided such use is approved by the Department Head and the City Administrator/Utility Superintendent. Reimbursement shall be in accordance with rates established by the Federal Internal Revenue Service. Mileage shall be calculated from and returning to City Hall or the Department's office space. Employees shall also be reimbursed for meals, lodging, parking, registration fees, and other expenses incurred on City/Utility business provided such expenses are documented and authorized by the Department Head and the City Administrator/Utility Superintendent. Employees will refrain from spending money on expenses or items that would be considered extravagant or beyond the need of the situation.

The City/EMU encourages all employees to attend conferences, workshops, and other courses to enhance job knowledge. Employees will be compensated for travel time to and from conferences and for time to eat meals included with the program or conference. Attendance requires approval from Department Heads and City Administrator/Utility Superintendent.

### **3.15 REIMBURSEMENT FOR LOSS OF PERSONAL ITEMS**

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The City of Emmetsburg/EMU will not reimburse to any employee in any manner or form, any personal objects, possessions, or clothing that are lost or damaged, either while on duty or off duty, unless the employee can prove liability rests with the City/EMU. Personal objects are defined as possessions and clothes purchased and maintained by the employee, and not purchased or maintained by the City/EMU.

In order that all employee requests might be processed in accordance with the foregoing policy, all departments shall use the following procedures:

1. The employee shall submit to his/her Department Head a request for reimbursement along with a full description of what contributed to the loss and the extent to which the City/EMU or one of its employees was liable or responsible for the loss sustained. The statement is to include substantiation as to why the personal item was necessary to have at work.

2. The appropriate Department Head will review the incident and the facts and present a report and recommendation to the City Administrator/Utility Superintendent on disposition of the claim;
3. The City Administrator/Utility Superintendent will review the case and either declare the claim invalid and so advise the employee, or present it to the City Council/EMU Board for reimbursement, in part or full. The decision of the City Council/EMU Board is final and shall be communicated to the employee by the Department Head.

### **3.16 UNIFORM**

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Each full-time employee working in the Public Properties Department, Police Department, Golf Department and Municipal Utilities Departments (Gas, Water & Sewer) will receive a uniform allowance as set by the City Council/EMU Board. The money is to be used only for work clothing and/or work boots. The standard uniform for Public Properties, Golf Department and Municipal Utilities departments will be a long or short sleeve shirt and blue jeans or other approved work pants. No shorts will be allowed. Whenever possible, the shirts should include the City/EMU or department logo.

The Shores Community Center employees will be provided shirts with The Shores logo on them to be worn along with appropriate pants while working. All clothing should be clean, untattered and hole free. Shorts/skirts are allowed during the summer months as long as they are at an appropriate length.

Police Officers should be in uniform on every shift unless the officer is undercover.

## **SECTION 4 – EMPLOYMENT STATUS**

### **4.1 PROBATIONARY PERIOD**

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The probationary period shall be regarded as an integral part of the evaluation process and shall be utilized for observing the employee's work and for securing the most effective adjustment of the employee to his/her position. During the probationary period, the employee has an opportunity to demonstrate proper attitude and abilities for the position in which he/she is employed.

All regular full-time and regular part-time employees shall be required to serve a probationary period of a minimum of six (6) consecutive months immediately upon appointment, demotion, promotion, or re-employment.

City/EMU employees are employed at-will. The existence of a probationary period does not alter the at-will employment relationship. Consistent with the at-will relationship, any non-civil service employee may be removed or discharged from his/her employment with the City/EMU at any time, including during the probationary period, for any non-discriminatory reason. An individual discharged during this probationary period has no right of appeal. A person removed or discharged during a probationary period shall, at the time of removal or discharge, be given a notice in writing stating the reason/s for the removal or dismissal. The satisfactory completion of such probationary period shall not alter the at-will employment status of the employee, and shall not be construed as

any waiver of the City/EMU's absolute right at any time thereafter to remove or discharge any employee at any time, for any non-discriminatory reason, with or without cause.

#### **4.2 REDUCTION IN FORCE**

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If it becomes necessary to reduce the number of employees because of reorganization, a shortage of work or limitations of funds, termination of the employee will be accomplished with due consideration of status, length of service, and performance evaluation.

#### **4.3 RESIGNATION**

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An employee in good standing wishing to resign, shall furnish notice of his intention to resign at least two weeks in advance of the effective date of resignation. The position of department head or above must express intent at least four weeks in advance (unless the employee is bound by contract). Failure to furnish notice may be cause for denying compensation for any unused vacation or paid leave. Employee must turn in all City/EMU equipment/property/keys/passwords before leaving on the last day.

### **SECTION 5 – LEAVE**

#### **5.1 JURY LEAVE**

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If you are required to serve as a juror, the City/EMU will grant full time employees leave with pay. Any compensation by the court while on paid jury duty leave will be turned over to the employer. To receive jury duty pay, you must provide the City/EMU with a copy of the jury duty notice as soon as it is received. If you are required to be available for jury duty, but are not required to be in court, you must report to work. Use of the court call-in system is required. All employees on jury duty are expected to promptly return to work when released from service, either temporarily or permanently, when more than three hours of their regularly scheduled work shift remains.

Hours spent by any employee appearing as a witness in any job-related legal proceeding on behalf of the City, EMU or specifically at the direction of the City/EMU shall be considered to be work time.

Employees subpoenaed or those called as a witness in a civil or criminal proceeding in which that employee is not directly or indirectly involved as a plaintiff or defendant shall use vacation, compensation time or be granted a leave without pay.

#### **5.2 SICK LEAVE**

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The purpose of this provision is to protect the employee from financial loss during an absence from work because of illness or injury. Sick leave shall be granted for physical incapacitation, personal illness to include medical and dental appointments during work hours, enforced quarantine of the employee in accordance with community health regulations, and illness of an emergency nature to members of the employee's immediate family, all as hereinafter provided. Sick leave may be



used, if it is reasonably necessary, for the care of a sick member of your immediate family. An employee shall continue to accumulate sick leave while on any other compensated leave, such as vacation, holiday or comp pay. An employee will not accrue sick leave while on short term disability, long term disability, or any extended period of unpaid leave. Sick leave shall be chargeable only when used on regularly scheduled work days or work periods.

If you are a full-time City/EMU employee you will be eligible to earn up to 96 hours per year of employment. The Library Director is also eligible to earn up to 96 hours per year. Other full-time library staff will earn up to 79 hours per year.

The City will not pay employees for unused sick leave hours when leaving employment. Unused sick leave hours may be carried over into succeeding calendar years up to a maximum of 720 hours. Sick leave will be taken in one-hour increments.

If you should feel ill at work, tell your supervisor, arrangements will be made for you to go home, to a physician, or to a hospital. If it is decided that you should leave work, you will be paid for any time you worked that day. If you miss work because of illness you must inform your supervisor regarding the type of sickness and expected return date.

If you miss over two consecutive days because of illness, you may be required to submit a physician medical certificate and authorize your return to work to your immediate Supervisor and/or City Administrator/EMU Superintendent. However, the City/EMU may, at any time, may request that you provide a physician's certificate that your absence is medically justified.

In the event an employee must use sick leave, the employee shall provide your direct Supervisor and/or City Administrator/EMU Superintendent with as much advance notice as possible, but at least one (1) hour before your scheduled reporting time, and indicate the nature of the illness and the expected duration of your absence. If no one is present to take a phone call in the department an hour before the beginning of the shift, the employee shall contact the City/EMU at the start of the shift. Failure to do so may result in the loss of sick leave payment. It is the responsibility of the employee to keep his/her department head informed each day of absence chargeable to sick leave.

If a holiday falls while you are on a paid sick leave day, you will be paid holiday pay and the day will not be deducted from your accumulated sick leave.

### **5.3 MATERNITY LEAVE**

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If an employee becomes pregnant you may continue working as long as your health permits and your work production does not suffer. When you discontinue regular employment, you may apply for a reasonable leave of absence. You may use up to 20 work days accumulated sick leave and vacation during that absence, before meeting the 30 day eligibility requirement for short term disability benefits. However, if adverse health complications result, which are beyond those resulting from a normal pregnancy, you may use request additional time off, as necessary. A physician must authorize any additional paid time off in excess of 60 days.

#### **5.4 Family Medical Leave**

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Employees of the City are entitled to a family medical leave to the same extent and subject to the same terms and conditions as set forth in the Family and Medical Leave Act of 1993, as amended, and regulations implementing the Act. No provision of the Act is diminished by the inclusion of this provision in this contract. An employee requesting Family Medical Leave shall complete and submit a written request to the City Administrator/EMU Superintendent along with the required medical documentation.

#### **5.5 BEREAVEMENT LEAVE**

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A full-time employee may be granted up to five (5) days leave with pay in the case of death of an immediate family member. Additional time may be granted by the City Administrator/Utility Superintendent.

In the case of other than “immediate family” members, full time employees may be granted leave time at the discretion of the City Administrator/Utility Superintendent.

#### **5.6 LEAVE OF ABSENCE WITHOUT PAY**

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Unpaid leaves of absence may be granted in certain circumstances for not more than six weeks. If you have exhausted all applicable sick leave, vacation, compensatory time, and FMLA leave, you may request an unpaid leave of absence. Applications for unpaid leave must be made in writing to the City Administrator/EMU Superintendent and shall state the reasons for the leave and inclusive dates. Approval of unpaid leave is at the discretion of the City Administrator/Utility Superintendent upon consideration of the Department Head’s recommendation.

Employees who are not eligible for leave under the City/EMU’s sick leave or Family and Medical Leave Act policies or who do not have sufficient leave available under those policies may apply for an unpaid leave under this section for purposes of pregnancy or a related condition as provided in Iowa Code section 216.6(2)(e). The City/EMU may require medical certification stating that the employee is not able to perform the duties of employment.

During an unpaid leave granted under this section, you do not receive compensation and in addition do not accrue vacation or sick leave. The City Administrator/Utility Superintendent may make an exception in writing to this clause for a leave not exceeding ten workdays. The City/EMU does not make contributions to retirement programs for the duration of the leave. You may continue in the group health insurance program during an unpaid leave under this section by paying the full cost of the premium by the last day of the month for the following month’s coverage. Failure to pay the premium timely will result in termination of coverage.

#### **5.7 MILITARY LEAVE**

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The City/EMU will grant leaves of absence for military service to full-time and part-time regular employees in accordance with applicable state and federal law. A full-time or part-time regular employee, who is a member of the uniformed services, when ordered by proper authority to serve in the uniformed services, shall be granted leave for the period of service. The first thirty calendar days of military leave each calendar year shall be without loss of pay. Any amount of military

leave taken during any part of an employee's scheduled workday, regardless of the number of hours taken, shall count as one day toward the thirty calendar days without loss of pay. Absences required for military service that exceed thirty (30) calendar days shall be granted in accordance with the City policy on vacation, compensatory time, or paid leave, and with applicable state and federal law.

**REEMPLOYMENT RIGHTS – ELIGIBILITY.** Your eligibility for re-employment with the City/EMU after you complete military service will be determined in accordance with applicable state and federal law. Conditions for reemployment are briefly explained as follows:

1. You, or an appropriate officer of the uniformed service in which you serve, must give advance written or verbal notice of your service to your immediate supervisor, unless military necessity prevents you from giving notice or if it is otherwise impossible or unreasonable;
2. The cumulative length of the absence and all previous absences from your employment with the City/EMU for reason of military service must not exceed five years;
3. Your discharge from military service must be honorable; and
4. When you return from military service, you must report to work or submit a timely application for reemployment according to the following schedule:

*For service of less than 30 days* you must report to work by the beginning of your first regularly scheduled workday that would fall eight hours after you return home.

*For service of 31 to 180 days* you must apply for reemployment within 14 days after completing service.

*For service of 181 days or more* you must apply for reemployment no later than 90 days after completing service.

## SECTION 6 – HEALTH, SAFETY AND BENEFITS

### 6.1 HEALTH INSURANCE

All full-time employees, employee's spouse, and children are eligible for medical, dental, life and accidental death and dismemberment insurance benefits as subscribed by the employer. Full-time employees also are eligible for disability insurance. Employees are eligible for said health insurance benefits on the first day of the following month in which they start their employment. Full-time employees who qualify for union insurance will follow the rules and regulations set forth by the Union.

## **6.2 FLEXIBLE BENEFITS & HEALTH REIMBURSEMENT ARRANGEMENT**

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Employees can make tax-exempt contributions under an approved Section 125 Flexible Benefit Plan (Cafeteria Plan). Tax-exempt contributions can be utilized to pay for an employee's out of pocket health insurance premiums, dependent care expenses and a medical reimbursement expenses. The Flexible Benefits Plan Document is available at City Hall for further review of details pertaining to the Flexible Benefits Plan. Employees that elect to participate in the Flexible Benefit Plan are responsible for the oversight of their own plans.

If applicable, Health Reimbursement Arrangement (HRA) plans may be used to off set qualified medical expenses. HRA plan funds are terminated as soon as the employee is no longer a City employee unless they retire. For purposes of this section, a retired employee is one who has applied for and is receiving a retirement allowance. The retired employee may use their HRA funds to off-set their health insurance premiums.

## **6.3 CONTINUED HEALTH COVERAGE (COBRA)**

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If you resign or your employment is otherwise terminated, or if your work hours are reduced, and consequently you or your dependents are no longer eligible to participate in the group health insurance plans offered by the City/EMU you and your eligible dependents may have the right to continue to participate for up to eighteen months at your (or your dependents') expense. The eighteen-month continuation coverage period provided in the event of your termination or reduction in working hours may be extended to thirty-six months for your spouse and dependent children, if, within that eighteen-month period, you die or become divorced or legally separated, or if a child ceases to have dependent status. In addition, if you enroll for Medicare during the eighteen-month period, your spouse and dependent children may be entitled to extend their continuation period to thirty-six months, starting on the date that you become eligible for Medicare.

If you are determined to be disabled under the Social Security Act at the time of your termination or reduction in hours, you may be entitled to continuation coverage for up to twenty-nine months.

Your eligible dependents may extend coverage, at their expense, for up to thirty-six months in our group health insurance plans in the event of your death, divorce, legal separation, or enrollment for Medicare benefits, or when a child ceases to be eligible for coverage as a dependent under the terms of the plan.

If you or your eligible dependents elect to continue in the group health insurance plan, you will be charged the applicable premium. The premium is due the first day of each month; payments not made by the 10<sup>th</sup> of each month will be defined as untimely payments. Failure to make timely payments may result in termination of coverage.

The City Clerk or EMU Billing Supervisor will contact you concerning these options at the time termination occurs or your work hours are reduced. The City Clerk/EMU Billing Supervisor will contact your qualified beneficiaries in the event of your death or enrollment for Medicare benefits. However, in the event that you become divorced or legally separated, or one of your dependents ceases to be eligible for coverage under our group health insurance plan, you and/or dependent is

responsible for contacting the City Clerk/EMU Billing Supervisor to discuss continuation/conversion rights. You and your qualified beneficiaries are also responsible for notifying the City Clerk/EMU Billing Supervisor within sixty days of qualifying for social security disability benefits.

#### **6.4 CONTINUATION COVERAGE UNDER IOWA CODE CHAPTER 509A.13**

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Employees who retire from City/EMU employment before age 65 are eligible to continue in the City/EMU's group health insurance plan up to age 65. Coverage must be continuous, that is the employee must elect the same coverage at retirement, and the retired employee must pay the full cost of the premium. If an HRA plan is applicable, you may use those funds to off-set your premium costs. For purposes of this section, a retired employee is one who has applied for and is receiving a retirement allowance.

#### **6.5 LIFE INSURANCE**

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The City/EMU will provide all full-time, regular employees with term life insurance coverage under a group policy. The amount of coverage may be changed from time to time by the City Council/EMU Board.

#### **6.6 ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE**

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All full time, regular employees will be covered with insurance as provided by the City/EMU at that time.

#### **6.7 WORKER'S COMPENSATION LEAVE**

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To provide for payment of your medical expenses and partial salary continuation in the event of a work-related injury or illness, you are covered by workers' compensation insurance. The amount and duration of benefits payable depend on the nature of your injury or illness. If you are injured on the job, you must notify your department head immediately. Within twenty-four (24) hours of the injury, you or your department head must report the injury to Company Nurse at 1-888-770-0928 and the City Administrator/Utility Superintendent. You will also be required to meet with your Department Head and the City Administrator/Utility Superintendent to discuss and complete an incident review form.

An employee injured at work is required to consult with a physician approved by the City/EMU. Those physicians are:

1. Palo Alto County Hospital/Emmetsburg Family Practice Physicians
2. Emmetsburg Chiropractic Clinic
3. Burns Chiropractic Clinic
4. Handeland Chiropractic Clinic
5. Any Physicians required by the City's Worker's Compensation carrier

## **6.8 RETURNING TO WORK**

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An employee shall return to work when the physician states he/she is able to do so. Prior to being allowed to return to work, the employee shall provide a written statement from a physician indicating that the employee is released to return to work and is capable of performing all the duties of his/her position. The City/EMU may require employee to re-establish their base line pre-employment physical prior to returning to work and/or at any time to verify said employee is capable and healthy enough to return to full duty.

Occasionally, light duty is available so that employees may return to work sooner. This duty is available only with the consent of the individual's department head/foreman and the City Administrator/Utility Superintendent. Light duty may be assigned in a department other than the employee's home department. If no light duty is available, the employee must remain off the job until released by a doctor for full duty.

During a validated work-related injury, the City/EMU shall pay the employer's portion of the health and life insurance premiums for a maximum of six months. Unless declared by medical authority and approved by the City Administrator/Utility Superintendent to be unable to work or permanently disabled.

If you fail to report to work at the end of your approved workers compensation leave, or if you are employed by or working for another employer or company during your workers compensation leave, your employment with the City will be considered voluntarily terminated.

## **6.9 SAFETY IN THE WORKPLACE**

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The City/EMU will continue to make reasonable provisions to protect the safety and health of its employees in accordance with all applicable state and federal laws. Employees will make a reasonable effort to comply with OSHA regulations or face disciplinary action.

## **6.10 DRUG-FREE WORKPLACE AND DRUG TESTING**

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The City/EMU is subject to the Drug-Free Workplace Act of 1988, Public Law 100-690.

The City/EMU is committed to the policy of maintaining a drug-free workplace. Thus, the unlawful manufacture, distribution, dispensation, possession or use of any controlled substance by any employee in the workplace is prohibited. (A "controlled substance" within the meaning of this statement means any controlled substance in schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812) and as further defined in federal regulations found at 12 CFR 1308.11.) Any violation of this prohibition will result in discipline up to and including discharge.

As required by federal law, it is a condition of continued employment that:

1. An employee who is convicted of any criminal drug statute violation for conduct in the workplace is required to notify the Employer Administrator of this fact no later than five (5) days after such conviction. (A "conviction" means a finding of guilt -- including a plea of "nolo contendere" -- of the imposition of a sentence, or both, by any judicial body charged with the responsibility of determining violations of federal or state criminal drug statutes.)
2. Each employee shall abide by the terms of this statement.

Federal law requires that the City/EMU notify the federal government of any convictions in violation of our policy.

Federal Law further requires the City/EMU impose sanctions, which may include discharge, for any violation of the provisions of this notice of policy.

The law allows an employer to require a specific employee to submit to a drug test if:

1. The employer has probable cause to believe the employee's faculties are impaired on the job;
2. The impairment presents a danger to the safety of the employee, co-workers, the public, or the employer's
3. Property, or the impairment violates a known employer rule;
4. The test sample is analyzed by a testing facility that has been approved by the State Department of Public Health;
5. After a positive result from the first test, a second test using an alternate method of analysis is conducted;
6. The employee is allowed to rebut or explain a positive result; and
7. The employer provides a substance abuse evaluation for employees who test positive.

Drug tests can be required as part of an employment physical after a conditional offer of employment has been made only if;

1. Notification that the test will be part of the physical is included in any notice or advertisement soliciting job applicants or in the employment application; and
2. The applicant is told of the requirement at the first interview.

**CONFIDENTIALITY:** Employers must protect the confidentiality of drug test results. They must be recorded in the employee's personnel records, but if the employee has tested positive and has undergone evaluation and successfully completed any recommended treatment, any reference to the test or its results must be expunged when the employee leaves employment.

EMU employees are also subject to the Anti-Drug and Alcohol Misuse Prevention Policy as required by Pipeline & Hazardous Materials Safety Administration (PHMSA). Each EMU employee is required to sign and acknowledge receipt of the policy stating that they understand that they are subject to the terms and conditions of the program/policy.

## **6.11 SMOKING & TOBACCO POLICY**

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In compliance with the Iowa Smoke Free Air Act (July 2, 2008), the City/EMU has established a smoke-free workplace. All City/EMU owned buildings, facilities and vehicles are smoke-free. All tobacco usage, including smoking and smokeless tobacco, as well as electronic cigarettes, is prohibited in all City/EMU owned buildings, facilities, vehicles and equipment, and on all public grounds owned by the City/EMU except in designated areas in accordance with the Iowa Smoke Free Air Act. Employees are not provided additional time away from work to smoke, use tobacco products or electronic cigarettes. Violation of the policy may lead to disciplinary action, up to and including termination.

## **SECTION 7 – EMPLOYEE CONDUCT GUIDELINES**

### **7.1 JOB PERFORMANCE REVIEWS**

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You are expected to work efficiently and harmoniously and to meet the requirements and standards of your position. During your employment with the City/EMU your supervisor or designee will periodically evaluate your work. He or she will then undertake a formal review of your work performance giving consideration at each review to changes in your job content or responsibility. The performance evaluation, which will be completed annually. The objectives, goals and directions for the performance evaluation are stated in said evaluation.

Your salary is monitored in this manner so it accurately reflects your job and your performance. Increases in your salary are not an automatic part of the performance review but are within the City's discretion based upon your entire work record, the evaluation of your supervisor, and the financial condition of the City/EMU.

### **7.2 ATTENDANCE**

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The City/EMU relies on you to report to work regularly and on time. If you are going to be late or absent, you must contact your supervisor immediately. If you have to leave early, you must obtain approval from your supervisor, who may require you to make up any lost work time. In the event of inclement or adverse weather conditions, if an employee feels he/she cannot safely report to work, said employee shall notify his/her supervisor prior to when the employee is scheduled to report to work. Employees whose absence from work due to inclement or adverse weather conditions has been authorized shall have the option of using vacation leave, compensatory time, or leave of absence without pay for such absence.



### **7.3 TELEPHONE/CELL PHONE USAGE**

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Telephone courtesy is a priority because, to the public, yours may be the only City/EMU voice on the phone. Answer the telephone promptly and identify yourself. Speak clearly and take careful and complete messages for co-workers. The City/EMU recognizes that there may be an occasion when it is necessary to make and receive a personal call at work; however, abuse of this privilege is subject to disciplinary action.

Personal cell phone usage at work is a privilege and should not be abused. If your Department Head/Foreman and/or City Administrator/Utility Superintendent find that you are abusing the privilege, disciplinary action may be taken.

### **7.4 INTERNET USE**

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It is the policy of the City/EMU that all employees abide by these guidelines when using City/EMU computers and the services of both internal and external databases and information exchange networks, and where applicable, voice mail and related electronic messaging devices.

1. Transmission of electronic messages and information on communications media provided for employees shall be treated with the same degree of propriety, professionalism and confidentiality as official written correspondence.
2. Computer, software, e-mail, and data are the property of the City/EMU and intended for use in conducting official business with limited exceptions as noted in this policy.
3. All computer, software, and internet use are intended to conduct the business of the City/EMU and is restricted to that purpose. Installation of or access to software for purely entertainment purposes is prohibited. Exceptions to business use include the following:
  - a. Infrequent personal use of these devices may be permissible if limited in scope and frequency, if in conformance with other elements of this policy, and if not connected with a profit-making business enterprise or the promotion of any product, service or cause that has not received prior supervisory approval.
  - b. Personnel may make off-duty personal use of City computers for professional and career development purposes when in keeping with other provisions of this policy and with prior knowledge of an appropriate supervisor.
  - c. Personal use must not involve any prohibited activities or interfere with the productivity of the employee or his/her co-workers or consume large system resources or storage capacity or otherwise deplete system resources available for business activity.
4. Employees are advised that they do not maintain any right to privacy in computer equipment or its contents, to include personally owned software.

- a. The City/EMU reserves the right to access any information contained in computers and may require employees to provide password to files that have been encrypted or password protected.
  - b. The City/EMU reserves the right to access, for quality control purposes and/or for violation of this policy, electronic and voice transmissions of members conducting business of the City.
5. Accessing or transmitting materials (other than directly required for City/EMU business) that involves the use of obscene language, images, jokes, sexually explicit materials, or messages that disparage any person, group or classification of individuals is prohibited whether or not a recipient has consented to or requested such material. Solicitation of funds, political material, harassing messages or other such messages are specifically prohibited.
6. Confidential, proprietary or sensitive information may be disseminated (or made available through shared directories or networked systems) only to individuals with a need and a right to know and when there is sufficient assurance that appropriate security of such information will be maintained. Such information includes but is not limited to transmittal of personnel information, such as performance reviews, complaints, grievances, misconduct, disciplinary information, medical records or related employee information.
7. Importing/Downloading Information and Software
- a. Employees shall not download or install on their City/EMU computer or network terminal any file (including sound and video files and files attached to e-mail messages), software or other materials from the Internet or other external sources without taking prescribed steps to preclude infection by computer viruses.
    - i. Material shall be downloaded to a USB flash drive and scanned for viruses prior to being entered into any individual computer or shared system whenever possible.
    - ii. In no case shall external materials or applications be downloaded directly to any shared network drive. When in doubt, employees shall consult the system administrator for guidance.
  - b. Employees shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized.
    - i. Any software for which proof of licensing (original manuals and/or license) cannot be provided is subject to removal by authorized City/EMU personnel.
    - ii. Privately owned software may be loaded on City/EMU computers only if approved by the City Administrator/Utility Superintendent.
    - iii. Privately owned software must be removed if it conflicts with departmental hardware or software, interferes with the ability of other employees to access or

utilize the EMD or occupies excessive storage space needed by the department.

- c. Employees shall observe copyright restrictions of any documents, images or sounds sent through or stored on electronic mail.
  - d. Any hardware enhancements or additions to City/EMU owned equipment must be approved and authorized by the City Administrator/Utility Superintendent.
  - e. Employees shall not permit unauthorized persons to use the City/EMU's email system.
11. E-mail bulletin boards and conference-type features are to be used for City/EMU business purposes. Only duly authorized employees or officials may speak/write in the name of the City/EMU. Other employees may participate in news-groups or chats in the course of business when relevant to their duties, but they do so as individuals speaking only for themselves.
  12. Credit card numbers, login passwords and other parameters, which can be used to gain access to City/EMU goods or services, must not be sent over the Internet in readable form.
  13. No employee may use the City/EMU internet services to deliberately propagate any virus, worm, Trojan horse or trap door program code. No employee may use the City/EMU internet services knowingly to disable or overload any computer system or network, or to circumvent any system intending to protect the privacy or security of another user.

## **7.5 VEHICLE USE**

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The City/EMU recognizes the need for employees to drive City/EMU owned vehicles

1. All City/EMU employees must remain fully aware of state law and city ordinances governing the operation of motor vehicles and operate them accordingly. Employees must realize that public identification of the vehicles places them in highly visible position and they should endeavor to act accordingly.
2. Care and maintenance of vehicles will be set according to each department policy.
3. When not in use, vehicles will be sheltered if facility is available.
4. Use of vehicle for personal needs is not authorized. This includes driving vehicle home for lunch and/or breaks with the exception of the Police Department.
5. All accidents in City/EMU vehicles must be reported to the employee's supervisor immediately after the accident. The Emmetsburg Police Department and/or Palo Alto County Sheriff's Department will investigate all accidents. A drug and alcohol test is mandatory following any vehicular accident.

The state law requires that all government owned gasoline-burning vehicles use ethanol-blended gasoline when being operated.

## **7.6 INSPECTION**

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The City/EMU reserves the right to search any person entering on its property or off-site while performing services for the City/EMU and to search property, equipment, and storage areas, including, but not limited to clothing, personal effects, vehicles, buildings, rooms, facilities, offices, parking lots, desks, cabinets, lunch and equipment boxes or bags, and equipment. Any items that you do not want to have inspected should not be brought to work.

## **7.7 CONFIDENTIALITY**

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As an employee of the City/EMU you may hear confidential business information. During and after employment with the City/EMU, confidential business information may not be shared with non-employees of the City/EMU and may only be shared with City/EMU employees on a need to know basis.

The City/EMU protects your confidentiality and expects you to protect the City/EMU's confidences as well as supervisors may not give out any information about you and must refer any phone calls seeking that information to the City Administrator.

The City/EMU also expects that you respect the privacy of your fellow employees, both with employees and non-employees. Personal information about any employee may not be discussed with other employees and non-employees.

## **7.8 POLITICAL ACTIVITY**

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All full-time employees of the City who wish to seek election to the city council must take a leave of absence from city service. This leave is to begin with the first formal activities of the employee to obtain nomination or election to the office and will end upon completion of all activities with the office or the campaign, if not elected.

## **7.9 GIFTS OR GRATUITIES**

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The requirements imposed by the Code of Iowa shall apply to all gifts to elected or appointed officials and City/EMU employees or their families. City/EMU services are not to be extended by employees in exchange for special awards, gifts or other remuneration from outside individuals or organizations. When an employee receives any offering as a result of his/her status as a City/EMU employee, such receipt must be reported in writing at once to the department head, and the retention of the gift will be determined by the City Administrator/Utility Superintendent.

**SECTION 8 – DISCIPLINARY ACTION AND COMPLAINT RESOLUTION PROCEDURES****8.1 GENERAL**

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Whenever an employee violates any of the policies, regulations, or code of ethics outlined in this employee handbook, the City Administrator/Utility Superintendent, with recommendations from the department head, may institute disciplinary action in any of the categories listed below, depending on the seriousness of the offense committed. These disciplinary procedures are merely guidelines. They are not listed in any particular order and there is no requirement that any particular disciplinary action precede any other action. The City/EMU may choose to implement any of the procedures listed, including immediate discharge at any time, depending on the seriousness of the violation. The City/EMU reserves the right to change, alter, or terminate any of the disciplinary procedures at any time.

**8.2 DISCIPLINARY ACTIONS**

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***Oral Reprimands.*** The employee shall be counseled concerning the unsatisfactory areas of work. Only the Department Head, Foreman or the City Administrator/Utility Superintendent may issue oral reprimands. Oral reprimands shall be documented as a record of conversation in the employee's personnel file. The supervisor issuing the oral reprimand shall sign and date the record of conversation.

***Written Reprimands.*** A written reprimand shall include a statement of the problem and a notation to the effect that the problem was discussed with the employee in question. A copy of the written reprimand shall be included in the employee's personnel file. The employee will be notified of such action and will be asked to sign the documentation before it is placed in the personnel file. Only a Department Head, Foreman or the City Administrator/Utility Superintendent may issue written reprimands and they are to sign and date the document. If the employee refuses to sign the written reprimand, such refusal shall be noted on the document, signed by the Supervisor, initialed by the City Administrator/Utility Superintendent, and placed in the employee's personnel file.

***Suspensions.*** Any action on the part of a regular employee which is in violation of the orders of his/her supervisor or contrary to the policies or rules of his/her department or the City/EMU, but not serious enough to warrant dismissal, may be disciplined by suspension without pay for a period not to exceed five (5) work days. This authority is to be exercised by the City Administrator/Utility Superintendent. Recommendation for such action may be made by the employee's supervisor. Prior to issuance of a notice of suspension, the nature of the offense is to be reviewed with the City Administrator/Utility Superintendent. A copy of the notice of suspension that has been signed by the employee and the supervisor will be placed in the employee's personnel file. If the employee refuses to sign the notice of suspension, such refusal shall be noted on the document, signed or initialed by the City Administrator/Utility Superintendent, and placed in the employee's personnel file. All City/EMU property including keys will be required to be turned into administration while serving the suspension.

**Termination.** Any recommendation for the termination of a City/EMU employee must be from the City Administrator/Utility Superintendent. The City Administrator/Utility Superintendent will make a determination whether to recommend termination of the employee to the City Council/Board of Trustees.

A notice of termination shall be in writing and shall state the specific charges with such clarity and particularity that the employee will understand the charges made against him/her and will be able to respond them if he/she so desires. If requested, a hearing may be held before the governing body to allow employee and witnesses to be heard.

It should be emphasized that Department Heads, Foreman or the City Administrator/Utility Superintendent are not required to go through all the procedures (oral reprimand, written reprimand and suspension) outlined. Discipline may begin at any level depending on the seriousness of the offense committed. In addition, the Department Head, Foreman or the City Administrator/Utility Superintendent may repeat any of the first three procedures when he/she feels it is necessary, so long as the discipline is commensurate with the offense committed. If there is any doubt what step to begin with, the City Administrator/Utility Superintendent should be consulted.

Nothing contained herein shall be deemed to prevent an employee who has received a notice of termination from resigning prior to the effective time of the notice of termination. However, any resignation must be in writing and filed with the City Administrator/Utility Superintendent.

The form and degree of disciplinary action shall be commensurate with the seriousness of the events or conditions giving rise to the need for discipline. Progressive discipline should be practiced with regard to the disciplining of employees who violate rules and regulations contained herein.

Employee must turn in all City/EMU equipment/property/keys/passwords before leaving on the last day

The following list of offenses may result in City/EMU employee disciplinary action: The list is not all-inclusive and exhaustive but instead merely illustrates the type of behavior that may result in disciplinary action:

Inefficiency, insubordination, incompetence, failure to perform required duties, narcotic addiction, dishonesty, un-rehabilitated alcoholism, negligence, conduct adversely affecting the employee's performance, charged with a felony offense or conviction thereof, conviction of a crime involving moral turpitude, conduct unbecoming of a public employee, or misconduct.

### **8.3 COMPLAINT RESOLUTION PROCEDURE**

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Misunderstandings, conflicts, problems, or other questions about your job can arise in any workplace. To ensure effective working relations, it is important that such matters be resolved before serious problems develop. If your concern relates to any type of workplace harassment, follow the procedure in the harassment policy contained in this handbook. Also, certain complaints may fall under resolution procedures established by state law. For other complaints, the City/EMU has adopted the following procedure to respond to your concerns.

The normal chain of command should be used whenever possible. First see your Department Head/Foreman. He or she is in the best position to resolve your problems or concerns. If, however, you do not believe a discussion with your Department Head/Foreman is appropriate, or if you are not satisfied with the answer given by your Department Head/Foreman, employees may discuss a problem with the City Administrator/Utility Superintendent without obtaining prior permission from anyone else. If this involves time during their working schedule, employees need to notify their supervisor of the appointment but not necessarily the nature of the meeting.

A conflict that may arise shall be processed and settled in the following manner. An employee who has a conflict may avail him/herself of the complaint procedure by submitting his/her appeal in writing within five (5) days after the occurrence of the action creating the conflict. The complaint shall be signed by the employee and shall state specifically the facts of the conflict, and a statement from the employee specifying what relief or remedy is desired. The complaint shall be submitted to the individuals listed in the following sequence:

***Step One – Department Head/Foreman.*** A decision in the first step of the procedure shall normally be rendered within three (3) days of the submittal of the complaint.

***Step Two – City Administrator/Utility Superintendent.*** A decision in the second step of the procedure shall normally be rendered within three (3) days of the submittal of the complaint.

***Step Three – City Council/EMU Board of Trustees.*** If the employee is dissatisfied with the solution provided by the City Administrator/Utility Superintendent, he or she will have an additional three (3) days from the decision of the City Administrator/Utility Superintendent to appeal to the City Council/EMU Board of Trustees.

***Time Limits.*** The time limits specified in this Section may be extended to a definite date by mutual agreement between the City/EMU and the concerned employee. The failure of an employee, to appeal a complaint to the next step within the applicable terms specified above shall bar an employee from appealing the complaint further, and any such complaint shall be considered as abandoned and finally settled. The failure by the City/EMU to reply within the applicable times as specified above shall be deemed a denial of the complaint, which may then be appealed by the employee to the next step.

#### **8.4 CODE OF ETHICS/RULES OF CONDUCT APPLICABLE TO ALL EMPLOYEES**

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The employment of every employee shall be contingent upon acceptable conduct, satisfactory performance of duties, and compliance with personnel rules and regulations. The following lists are not exhaustive or exclusive, but rather examples of actions that may result in the employee receiving disciplinary action:

1. That the employee is incompetent, negligent, or inefficient in the performance of his/her duties;
2. That the employee has been abusive in his/her attitude, language, or has been abusive in his/her conduct toward fellow employees, superiors, or the public;

3. That the employee has violated any lawful or official regulation, order or rule, or failed to obey any lawful and reasonable direction given to him/her by his/her supervisor;
4. That the employee has taken for personal use a fee, gift, or other valuable thing in the course of work or in connection with employment without reporting its receipt to his/her department head and the administrator;
5. That the employee, through negligence or willful misconduct, has caused damage to public property or waste of public supplies;
6. City/EMU personnel shall not knowingly, willfully or unlawfully conceal, remove mutilate, falsify or destroy a City/EMU document or record. However, this does not preclude the discarding and/or destruction of City/EMU records and documents accomplished through the City/EMU record retention program;
7. That the employee has been absent without leave or has failed to report upon the expiration of an approved leave of absence;
8. That the employee has made a false statement in his/her application for employment;
9. That the employee has hindered the regular operation of the department because of unauthorized absenteeism, tardiness, or has absented himself/herself from duty during regular working hours;
10. Reporting to work under the influence of alcohol or a controlled substance/s, possessing, distributing or consuming alcohol or a controlled substance/s while on duty. If an off-duty employee is called in to work, and he/she advises the supervisor that he/she has been socially consuming alcoholic beverages or taken a medication that may diminish his/her capacity, the employee shall not be required to report for duty;
11. That the employee has used City/EMU vehicles or equipment without proper authorization.
12. That the employee has been involved and at fault in an avoidable accident on the job in a City/EMU vehicle or on City/EMU property;
13. That the employee has operated City/EMU vehicles in an unlawful or hazardous manner;
14. That the employee has misappropriated City/EMU funds, appropriated City/EMU property for personal use without permission, or illegally disposed of City/EMU property;
15. That the employee has demonstrated conduct unbecoming an employee of the City/EMU while on or off duty;
16. That the employee has submitted a false report of his/her conduct of service;



17. That the employee has submitted a false report against another employee;
18. A specific failure to meet certain standards of conduct and/or work performance, or a general lack of performance in an area of employment;
19. Dishonesty, theft, or fraud;
20. Insubordination - refusal to follow orders and instructions directly related to the performance of his/her job;
21. Outside employment that is inconsistent with the City/EMU's goals, objectives, and policies, and/or that reflects negatively on the City/EMU's operations;
22. Violation of the state gift laws as they apply to public employees;
23. Unauthorized use of computer-related resources belonging to the City/EMU, which include, but is not limited to, computers, computer-related equipment, computer programs, computer systems, or modems;
24. Unauthorized use of City/EMU telephones/fax for personal business;
25. Accepting unauthorized employment while on leave-of-absence;
26. Creating unsafe or unsanitary conditions;
27. Smoking in prohibited areas;
28. Unauthorized use or disclosure of information or records;
29. Refusal to work overtime when a reasonable request is made that allows the employee sufficient time to alter personal plans. If the request to work overtime is due to an emergency situation, the employee needs to be made aware of the importance of the request and barring extreme personal circumstances, they are expected to report for work;
30. Unauthorized removal of City/EMU or a fellow worker's property;
31. Failure to follow procedures outlined in this Employee Handbook;
32. Fighting or horseplay on the job;
33. Representing their personal opinion's as those of the City of Emmetsburg;
34. Creating strife, discord, and disharmony among other City/EMU employees by constant and repeated negative statements, criticism, or attitude;
35. Disclosure of confidential information protected by federal, state, or city law, or commonly recognized as privileged or confidential information;

36. Sleeping while on duty;
37. Any other action or failure to act which adversely affects the City/EMU, its officers, or employees;
38. Failure to maintain appropriate Iowa driver's license as required by his/her job description;
39. Failure to maintain a required concealed weapons' permit as required by his/her job description;
40. Failure to follow established safety policies and guidelines established by his/her department.

**In addition, all employees must observe the following rules:**

1. All employees shall observe City ordinances and shall exercise reasonable care when driving any City/EMU vehicle;
2. All employees shall be courteous at all times in dealing with the public. Employees should listen carefully to complaints and refer them to the proper person for appropriate action;
3. All employees shall follow established safety policies and guidelines established by their department;
4. Any employee involved in a reportable accident involving city equipment should immediately notify the police and the department head. Vehicles should not be moved until police arrive and take charge of the scene;
5. City/EMU vehicles shall be used only for City/EMU business. No City/EMU vehicle shall be used after working hours, unless permission is obtained from the City Administrator/Utility Superintendent. All City/EMU equipment shall be restricted to assigned departments and shall not be borrowed unless permission is obtained from proper department heads. No City/EMU vehicles shall be used for personal errands, personal transportation, or other such business unless permission is obtained from the City Administrator/Utility Superintendent;
6. Uniforms provided for employees shall be worn only during working hours or for official city business outside working hours. Uniforms may be worn to or from work, unless department rules specify otherwise, but are not to be worn on any personal activity.

## **8.5 HARASSMENT**

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It is the City/EMU's policy that all employees are responsible for assuring that the workplace is free from harassment. Our goal is to provide a workplace free from tension involving matters, which do not relate to the City/EMU's business. In particular, an atmosphere of tension created by non -work-related conduct, including ethnic, racial, sexual or religious remarks, animosity,

unwelcome sexual advances or request for sexual favors or other such conduct does not belong in our work place.

All types of harassment are prohibited in the City/EMU workplace. Harassment includes, without limitations, verbal harassment (derogatory statements, slurs), physical harassment (assault, physical interferences with normal work or involvement), visual harassment (posters, cartoons, drawings) and sexual harassment. Sexual harassment has been defined by federal and state regulations as a form of sex discrimination. It can consist of unwelcome sexual advances, requests for sexual acts or favors, or other physical and verbal conduct of a harassing nature by supervisors or others in the workplace.

Sexual harassment exists when:

1. Supervisors or administrators make submission to such conduct either an explicit or implicit term or condition of employment (including hiring, compensation, promotion, or retention);
2. Submission to or rejection of such conduct is used by supervisors or administrators as a basis for employment decisions.

Sexual harassment may also exist when conduct by supervisors, any other employee, or people who are not employees, unreasonably interfere with an employee's work performance or creates an intimidating work environment. Such conduct may take various forms, as for example:

1. *Verbal* -- sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, threats.
2. *Nonverbal* -- sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures.
3. *Physical* -- unwanted physical contact, including touching, pinching, brushing the body, coerced sexual intercourse, assault.

Sexual harassment or any other type of harassment of employees by nonemployees in the workplace is not acceptable and should be reported to a supervisor or administrator.

## PROCEDURES

1. Any employee who has a complaint of harassment at work by anyone, including supervisors, co-workers, or visitors should immediately bring the problem to the attention of the supervisor, administrator, or the City Council.
2. Inquiries, and/or complaints will be investigated immediately by the City Administrator/Utility Superintendent or City Council/Board of Trustees. All complaints will be handled in a timely and confidential manner. The purpose of this provision is to reasonably protect the confidentiality of the employee, who files a complaint, to encourage the reporting of any incidents of harassment, and to protect the reputation of any employee wrongfully charged with harassment.

3. Investigation of a complaint will normally include conferring with the parties involved and any witnesses. Employees shall be guaranteed an impartial and fair hearing. All employees shall be protected from coercion, intimidation, retaliation, interference or discrimination for filing complaint or assisting in an investigation.
4. Any employee determined by impartial investigation to have harassed another employee will be subject to appropriate disciplinary procedures, up to and including termination.
5. A non-employee who subjects an employee to harassment in the workplace will be informed of the City's harassment policy by the employee's supervisor or administrator, and other action may be taken as appropriate.

#### **8.6 SEVERABILITY CLAUSE**

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