

City of Alliance

# Employee Personnel Handbook

Updated: October 1, 2020



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## CHAPTER ONE - WELCOME AND INTRODUCTION

WELCOME TO THE CITY OF ALLIANCE! The City of Alliance is pleased to welcome you as a municipal employee. You are now part of an organization which exists primarily to serve the neighbors of the City of Alliance. You have the opportunity to serve all of the people of the City with efficiency and courtesy. Keep in mind that services of the City are as good as, and no better than, the employees performing them.

This Employee Personnel Handbook is written to acquaint new employees and to remind existing employees, of the benefits and the responsibilities of City employment. You are expected to become familiar with the rules and procedures.

This handbook has been prepared to provide personnel regulations and demonstrate how City services might be improved for the neighbors of Alliance. While the service the City extends to our neighbors is important, the well-being and welfare of our employees is also essential. Thus, in order to maintain high standards of service, the employer-employee relationship must be one of complete harmony rather than of conflict. Every position within the City is important and the manner in which you perform determines to a large extent the public perceptions of City government.

This handbook will be used as a guide in making decisions and sets forth policies for employee conduct and benefits. If you have questions you feel are not adequately explained in the handbook, please speak with your Department Head or contact the Human Resource Department.

The City has founded an aggressive vision to “Build the Best Hometown in America.” This vision has enjoyed widespread acceptance through the community and one can find this vision, or variations thereof, in many venues. A number of initiatives, both with the City as well as with the community, have been implemented to accomplish these goals.

To accomplish this vision, five goals have been established:

- To build excellence through warm communications
- To create a fun place to live, work and play
- To construct homes and develop neighborhoods
- To celebrate and relax in our positive and friendly hometown
- To promote a strong and vibrant community

As for the City of Alliance organization, our multi-faceted role in this process has been to provide community leadership and assistance in these areas, wherever possible. Also, our primary effort is to strive for organizational excellence. To that end, we founded a service program we call, “TEAM” (Together Everyone Achieves More) program.

The goals of TEAM are:

- To improve service delivery
- To engage and empower staff
- To conduct appropriate training

- Break-down silos and barriers of our far-flung offices and hold an organization-wide Alliance City Employee (ACE) monthly get together and each individual department conducts departmental weekly huddles

## 1.1 GENERAL PURPOSE AND SCOPE

This handbook is a general informational guide to the City's current employment policies and shall not be construed as a contract, implied or otherwise. The City reserves the right to amend, delete, supplement, or rescind any of the provisions of this handbook, as the City deems necessary and appropriate, without advance notice. These policies shall not be construed to create contractual rights or any type of promise or guarantee of specific treatment upon which any employee may rely. Nothing in this handbook alters the at-will status of employment. The City also reserves the right to deviate from these policies in extenuating and emergency situations, in order to achieve its primary mission of providing orderly and cost efficient services to its neighbors. These personnel policies apply to all City employees. They do not apply to elected officials and independent contractors. For the purposes of this manual, the word "*his*" shall refer to either gender.

## 1.2 THE FORMATION of the City of Alliance

The City of Alliance dates back to March 28, 1888, when the County Commissioners met and accomplished the incorporation of the Village of Alliance. Historically, Alliance originated as "Grand Lake" in 1887. The old C.B&Q. Railroad, established a station there on February 3, 1888, and the Burlington Superintendent, Mr. G.W. Holdrege, named it "Alliance" as it was a single word, different from any other town in the State, and would be among the first, alphabetically. The townspeople accepted the name when the post office was established. It is generally agreed it was named after Alliance, Ohio.

The City Manager form of city government was adopted by a vote of the citizenry on April 5, 1921, as provided by Nebraska Statutes. Following this favorable vote and adoption of the plan, Alliance remained the only Council-Manager form of government. However, since 1948 other cities have adopted this popular form of government.

The voters elect five council members at large on a nonpartisan basis. They are elected at large primarily to eliminate the possibility of ward politics. To insure continuity, members of the Council are elected for four-year terms, three council members are elected at one biannual municipal election and two at the next. Thus the Council reorganizes every two years. On the first regular meeting in December following a general City election, the old Council canvasses the returns. Immediately following, the new Council organizes and elects its Mayor and Vice-Mayor of the Council. The City Manager is appointed only once and remains in office without reappointment until he resigns or is removed by the Council

## 1.3 ROLE OF MAYOR AND CITY COUNCIL

The City Council is the law-making and policy-making power of the City. The Council members are the elected representatives upon whose shoulders rest the responsibility for giving governmental direction to the community. The Council is the legislative part of City government but also has direct control of administration in that it is able to hire and dismiss the City Manager. The City Council, the legislative body, attempts to determine the wishes of the local neighbors and adopts such policies by resolution and ordinance as it deems appropriate.

The Council reviews, authorizes, or ratifies payment of all bills of the City, grants various licenses and permits and considers problems that are more of a legislative or policy-determining nature than



administrative in nature. The City Council establishes the City's organization of departments and a salary or wage scale for each position but does not select the employees or set their actual wage or salary which is left to the City Manager. The Mayor represents the City at various state occasions. The Mayor presides at Council meetings and has voting privileges.

#### 1.4 ROLE OF THE CITY MANAGER

The City Manager, appointed by the City Council, is charged with enforcing the City's ordinances.

##### ***Chief Administrative Officer***

The City Manager is the chief administrative officer of the City and it is the manager's responsibility to carry out policies adopted by the Council efficiently and fairly. The City Manager is responsible for appointments, disciplinary actions, and the administration of personnel rules, regulations, salaries and policies. In doing so, the City Manager must recommend and establish such administrative measures as are necessary to carry out the City Council policies and directives in the most efficient and economical manner.

The City Manager, in accordance with the Statutes of the State of Nebraska, and Ordinance No. 2723, as amended, the Municipal Code, is responsible for the establishment and administration of all personnel policies. However, this responsibility may be delegated. All personnel regulations and policies shall be interpreted uniformly and consistently. It is to be expected that special conditions or circumstances may arise in a few cases. The City Manager or designated representative will adjudicate all special cases or appeals and shall have the sole authority to grant variances in personnel policy. Interpretation of policies will be at the City Manager's sole discretion.

##### ***Powers, Duties and Right to Employ of the City Manager***

The powers and duties of the City Manager shall be to appoint and remove all heads of departments and all subordinate officers and employees in the departments--all appointments to be upon merit and fitness alone. Neither the Council nor any of its committees or members shall dictate the appointment of any person to office, or in any manner seek to prevent the City Manager from exercising his own judgment in the appointment of officers and employees. The Council and its members shall deal with the administrative service solely through the City Manager. Neither the Council nor any member thereof shall give orders to any of the subordinates of the City Manager either publicly or privately. The City Manager may investigate at any time the affairs of any department or board, or the conduct of any officer or employee.

The head of each department shall conduct the affairs of his own department in accordance with the provisions of law and in accordance with the provisions of the regulations made by the City Manager and this handbook. The Department Head shall be responsible for the conduct of the officers and employees assigned under his supervision; for the performance of the business of his department; and for the custody of the books, records, papers, and property of the City under his control. Subject to the supervision and control of the City Manager in all matters, the head of each department shall manage that department. The City Manager is directly responsible for the supervision of all Department Heads. The City Manager may create such other supervisory positions as may be required from time to time wherein employees shall be appointed by the City Manager with City Council's approval of the position in the Classification Plan Ordinance.

In addition to the duties hereinbefore prescribed to be performed by the various officers and employees, each shall perform such other duties as may be prescribed by the City Manager.

## 1.5 ROLE OF THE CITY CLERK

The City Clerk, appointed by the City Council, has the custody of all laws and ordinances, and shall keep a correct journal of the proceedings of the Council. The City Clerk maintains official records of the City and serves as a liaison between the municipal administration and the elected officials.

## 1.6 CIVIL SERVICE BOARD

All sworn Police and Fire personnel are under the jurisdiction of the Civil Service Commission of the City of Alliance as provided by the Statutes of the State of Nebraska. In the event of any conflict between this Employee Personnel Handbook, the Nebraska Statutes, or the Alliance Civil Service Commission rules and regulations, the governing statutes and Commission rules shall prevail. In all other cases, these personnel policies shall govern.

The objectives and purpose of the Civil Service Commission of the City of Alliance, Nebraska, are those set forth in Chapter 19, Article 18, Nebraska Revised Statutes and amendments and supplements thereto, by the City Council by ordinance from time to time in accordance with the above mentioned enabling law.

## CHAPTER TWO - DEFINITION OF TERMS

**ANNIVERSARY DATE:** The date of hire, promotion or reclassification for all employees who have satisfactorily completed a designated introductory period.

**EMPLOYEE:** The designation of an applicant who has qualified, been offered and accepted a position for hire through an appropriate selection and offer process and begun work.

**EXEMPT EMPLOYEE:** An employee who is exempted from the overtime provisions of the Fair Labor Standards Act (FLSA). Exempt employees are not eligible for overtime or additional compensation or time off due to the number of hours worked.

**NON-EXEMPT EMPLOYEE:** An employee who is covered by the overtime provisions of the Fair Labor Standards Act (FLSA). Non-exempt employees are eligible for overtime compensation.

**REGULAR FULL-TIME** – Appointment status of an employee who has completed the prescribed probationary period and who regularly works a minimum of 2,080 hours per year.

**REGULAR PART-TIME** – Appointment status of an employee who works a minimum of twenty (20) hours and less than forty (40) hours per week. Part-Time Employees are eligible for pro-rated vacation, holiday and sick-leave benefits. Other benefits which are offered to regular full-time employees may be offered to part-time employees, as determined by the City Manager. Regular part-time employees working less than twenty (20) hours per week are not entitled to benefits.

**SEASONAL** – Appointment status which is full-time or part-time, but limited to a prescribed period of time. With approval of the City Manager, seasonal employees are used to operate facilities open during certain period of the year or to meet the seasonal needs of the department. Seasonal employees may not work more than four months, or 700 hours, in a twelve month period. Seasonal employees are eligible for overtime pay as required by law; however, they are not eligible for City benefits.

**TEMPORARY** - Appointment status which is limited in duration arising out of special projects, abnormal workloads or emergencies. Upon the request of the Department Head, and with approval of the City Manager, temporary employees may be used during emergencies or other peak workload periods, to temporarily replace regular employees absent due to disability, illness, vacation leave or other approved leave, or to temporarily fill a vacancy until a regular employee is hired. Temporary employees may be hired without competitive recruitment or examination and may not work more than four months, or 700 hours, in a twelve month period. Temporary employees are eligible for overtime pay as required by law; however, they are not eligible for City benefits.

**APPOINTING AUTHORITY:** The City Manager is the appointing authority for employees of the City of Alliance.

**CITY:** The words “the City” shall mean the City of Alliance, Nebraska.

**COMPENSATORY (COMP) TIME:** Payment in the form of time off given at the rate of one and one-half times an employee's hourly rate of pay for time actually worked in excess of 40 hours per week or as defined by the work cycle.

**CLASSIFICATION:** The assignment of a position to an appropriate job title and exempt or non-exempt status (for FLSA purposes) on the basis of the type, nature, difficulty and/or responsibility of work to be performed, work experience and minimum education required.

**DATE OF SEPARATION:** The last day worked as an employee before separating from employment with the City.

**DEMOTION:** The movement of an employee from a position in one pay grade or classification to a position with a lower classification and pay.

**DEPARTMENT HEAD:** An employee who has responsibility for directing one or more departments.

**ESSENTIAL FUNCTION:** One or more characteristics identified in a job description considered key and/or necessary to the successful completion of the job, and without which significantly change the character of a position.

**FAMILY MEMBERS:** Includes immediate family members and grandparents, grandchildren, step-parents, and child relationships.

**FLSA:** Fair Labor Standards Act which is the Federal law regulating hours worked, minimum wage and overtime compensation.

**HARRASSMENT:** Inappropriate conduct, intimidation, humiliation, insult, physical, visual or verbal abuse or actions of an offensive sexual, ethnic, racial, religious, age or disability nature which takes place in the working environment.

**IMMEDIATE FAMILY:** An employee's immediate family includes the employee's spouse, child, current step-child, parent, brother or sister, mother or father-in-law, son or daughter-in-law, and members residing in the household.

**INTERIM -** Appointment status of a current, regular employee to a position on a temporary basis limited to a prescribed period of time and which is subject to all procedures and policies of this manual.

**JOB DESCRIPTION:** A written statement of the characteristic duties, essential functions, responsibilities and qualification requirements that distinguish a specific job title from other job titles.

**LEAVE:** An approved absence from work.

**MILITARY LEAVE:** The leave of absence granted by Federal and State laws to employees entering reserve or active duty in the armed forces of the United States.

**NEIGHBOR:** A citizen or resident located within the service area of the City of Alliance.

**PERFORMANCE EVALUATION:** A written review of the work performance of an employee by his immediate supervisor, or supervisors, which is reviewed by the Department Head. The goal of the evaluation is to assess and give feedback on performance based behaviors established in the goals that support the achievement and overall mission of the City.

**PROMOTION:** The movement of any employee from a position of one pay grade to a position of another pay grade having a higher maximum salary range. This can occur through reclassification due to increased responsibilities and authority, or through the filling of a vacant position.

**RECLASSIFICATION:** Reclassification upward or downward of a position may take place when it is shown that the duties, responsibilities and/or salary requirements of the position have changed.

**RESIGNATION:** The employee's voluntary termination of service from City employment.

**TERMINATION:** When an employee leaves the service of the City of Alliance for any reason, whether voluntary or involuntary.

**TRANSFER:** The movement of an employee from one office, department, division or unit of the City government to another, from one position to another position of the same job title or to another job title having the same pay grade.

## CHAPTER THREE - GENERAL EMPLOYEE POLICIES

### 3.1 WORK RULES, POLICIES AND EXPECTATIONS

These policies describe work conduct expected of all City of Alliance employees. These may be expanded upon or modified from time-to-time as deemed appropriate by the City Manager. Standard Operating Procedures (SOPs) may be developed and/or modified by Department Heads for their respective departments. These procedures may further describe work conduct expected of applicable employees. The policies described in this manual also further describe work conduct expected of all City of Alliance employees. No attempt has been made here to address all possible work situations or to identify every possible form of employee misconduct.

Employees of the City of Alliance are expected to exercise reasonable and proper judgment in all aspects of their employment and to conduct himself in a responsible, business-like manner at all times.

The City of Alliance, expects employees to:

- Know the essential functions of their position and how to perform those essential functions effectively and courteously.
- Participate in teamwork through cooperation with all employees.
- Pursue opportunities for personal and professional development.
- Contribute suggestions and ideas to management to improve service quality.

### 3.2 EMPLOYMENT AT-WILL

Individuals hired to fill positions are "at will" employees. "At will", for purposes of this handbook, is defined as serving at the discretion of the appointing authority. At-will employees are entitled to all rights and responsibilities afforded in this handbook, including a pre-termination hearing. Thus, unless a specific law or written contract provision exists limiting terminations to just or good cause, the employer can terminate an "at-will" employee with or without cause. Employment with the City of Alliance is voluntary on the part of both parties. This manual does not constitute a contract. Any contract regarding employment must be in writing and signed by the City Manager. No representative of the City, other than the City Manager, has any authority to enter into any agreement for employment, or continued employment, for any specified period of time.

### 3.3 DIVERSITY STATEMENT

The City of Alliance promotes diversity in all its forms in order to achieve growth for employees.

### 3.4 EQUAL EMPLOYMENT OPPORTUNITY

*Updated August 20, 2019*

The City is an equal employment opportunity employer. The City employs, retains, promotes, terminates and otherwise treats all employment decisions regarding employees and job applicants on the basis of merit, qualification, and competence. This policy shall be applied without regard to any individual's race, color, religion, sex (including pregnancy), national origin, age (40 or older), marital status, disability, genetic information or other classifications protected by law.

Every member of management is expected to carry out this policy of equal employment opportunity. Any employee whose action(s) cause the City of Alliance to be in non-compliance with the prescribed policies shall be subject to disciplinary action.

If you believe you have been a victim of employment discrimination, report the matter immediately to your Department Head, Human Resources Director or City Manager. The City will conduct a prompt and thorough investigation of all allegations of discrimination, harassment, or retaliation, or any violation of the Equal Employment Opportunity Policy in a confidential manner. The City will take appropriate corrective action, if and when warranted. The City prohibits retaliation against employees who provide information about, complain about, or assist in the investigation of any complaint of discrimination or violation of the Equal Employment Opportunity Policy.

### 3.5 DISABILITY ACCOMMODATION

*Updated August 20, 2019*

**A. Purpose:** The Americans with Disabilities Act (ADA), Americans with Disabilities Amendments Act (ADAAA), and the Pregnancy Discrimination Act are state and federal laws that require employers not discriminate against applicants and individuals with disabilities and, when needed, to provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

It is the policy of City to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is the City's policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment. These rules shall be construed to: 1) protect the substantive rights of interested persons, 2) meet appropriate due process standards, and 3) comply with the ADA and implementing regulations.

It is the intent of the City to provide disabled persons equal opportunity to participate in or enjoy the benefits of City services, programs, or activities, and to allow disabled employees a bias free work environment.

**B. Procedures:** When an individual with a disability requests accommodation and can be reasonably accommodated without creating an undue hardship or causing a direct threat to workplace safety, he will be given the same consideration for employment as any other applicant. Applicants who pose a direct threat to the health, safety and well-being of themselves or others in the workplace when the threat cannot be eliminated by reasonable accommodation will not be hired.

If an accommodation is requested because of a disability, it is the responsibility of the employee or applicant to notify the Department Head. Relevant information to disclose includes:

- The reason an accommodation is needed.
- A description of the proposed accommodation.
- How the accommodation will help in the performance of the essential functions of the job.

After receiving a request, the Department Head with the assistance of the ADA Coordinator, will engage in an interactive dialogue to determine the precise limitations of the disability and explore potential reasonable accommodations that could overcome those limitations. Where appropriate, the City may need permission to obtain additional information from a medical provider. All medical information received by the City in connection with a request for accommodation will be treated as confidential. The City encourages applicants and employees to suggest specific reasonable accommodations that would allow an individual to perform the requirements of the job. However, the City is not required to make the specific accommodation requested and may provide an alternative accommodation, to the extent any reasonable accommodation can be made without imposing an undue hardship on the City. The City will not discriminate or retaliate against employees for requesting an accommodation.

**C. Leave:** If leave is provided as a reasonable accommodation, such leave may run concurrently with leave under the federal Family and Medical Leave Act and/or any other leave where permitted by state and federal law.

**D. Review Process:** Following the decision of the Department Head, contact the ADA Coordinator with any questions, additional requests for accommodation or complaints at: ADA Coordinator, City of Alliance, PO Box D, Alliance, NE 69301. The ADA Coordinator has been designated to coordinate ADA compliance efforts. He shall maintain the files and records of the City relating to the complaints filed and ensuing investigations. A complaint may be filed either in writing or verbally. It shall consist of your name and address of the person filing it, or on whose behalf it is filed, and a brief description of the request or alleged violation of the ADA regulations. A complaint shall be filed within **twenty (20) calendar days** after the complainant becomes aware of the alleged violation.

An investigation, as may be appropriate, shall follow a filing of complaint. The investigation shall be commenced by the ADA Coordinator, or the designee of the ADA Coordinator, within **ten (10) calendar days** following the filing of complaint. The investigation will be informal but thorough, affording all interested persons and their representatives, if any, an opportunity to submit information relevant to such investigation. A written determination as to the validity of the complaint and a resolution of the complaint, if any, shall be issued by the ADA Coordinator and a written copy mailed to the complainant within **thirty (30) calendar days** following the filing of the complaint.

**E. Appeal:** The complainant may request a reconsideration of the case determination of the ADA Coordinator in instances where he is dissatisfied with the resolution. The request for reconsideration shall be made within **ten (10) calendar days** following the date the complainant receives the determination of the ADA Coordinator. The request for reconsideration shall be made to the City Manager. The City Manager shall review the records of said complaint and may conduct further investigation when necessary to obtain additional relevant information. The City Manager shall issue a decision on the request for reconsideration within **twenty (20) calendar days** of the filing of the request for reconsideration. A copy of said decision shall be mailed to the complainant.

The complainant may request a reconsideration of the case determination of the City Manager in instances where he is dissatisfied with the decision of the City Manager. The request for reconsideration should be made within **ten (10) calendar days** following the date the complainant receives the determination of the City Manager. The request for reconsideration shall be made to the City Council through the City Clerk. The City Council shall review the records of said complaint and may conduct further investigation when



necessary to obtain additional relevant information and shall issue its decision thereon within **thirty (30) calendar days** of the filing of the request for reconsideration. A copy of said decision shall be mailed to the complainant. The decision of the Council is final.

**F. Confidentiality:** Medical information on individual employees is treated confidentially. The City will take reasonable precautions to protect such information from inappropriate disclosure. Department Heads, Supervisors and other employees have a responsibility to respect and maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information is subject to disciplinary action, up to and including termination of employment.

### 3.6 GENETIC INFORMATION NONDISCRIMINATION ACT (GINA)

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family members of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to any request for medical information. "Genetic Information" as defined by GINA includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

### 3.7 PERSONNEL RECORDS

Personnel records are confidential in nature and are available only to the City Manager, Human Resource Director, City Attorney, the appropriate Department Head and the employee. Files pertaining to employees who are bonafide candidates of inter-departmental transfer will be accessible by the prospective Department Head.

All employees shall have an official employment record, which shall be maintained by the Human Resource Director. Separate personnel files shall not be maintained by individual departments. Such record shall be continuous from the first day of continuous employment or service. It is the responsibility of the Department Head to insure that proper forms are executed when a personnel action is desired or necessary.

**A. Maintenance of Records:** The Human Resource Director is responsible for establishing and maintaining an official personnel file for each employee of the City. An employee's personnel file contains the employee's name, title, department to which the employee is assigned, salary, application, changes in employment status, training received, performance evaluations, personnel actions affecting the employee, including discipline, and other pertinent information.

**B. Employee Review:** An employee has the right to review his file. An employee may request in writing removal of what the employee believes to be irrelevant or erroneous information in their personnel file. If the City Manager or designated representative denies the employee's request to remove the information, the employee may file a written rebuttal statement to be placed in his file.

**C. Civil Service Files:** Official Civil Service files (which are not official employee personnel files) will be maintained by the Civil Service Commission Secretary, which will include all material of a confidential nature to include, but not limited to: Psychological Profiles, Civil Service Test, Polygraph

Results, Background Checks, Oral Board Results, Performance Plans and Reviews, Employment Contracts. Access to the Civil Services files may be allowed if the City Manager feels access would be helpful, necessary or warranted for administrative purposes.

**D. Release, Accessibility and Audit:** All employee information shall be treated as confidential except when requested to verify information relating to job title, department, base salary, and dates of employment. Information contained in the personnel or civil service file except job title, department, base salary, and dates of employment will not be released to the public without the express written permission of the employee, provided, however, that the City as current or past employer may release pertinent information to a prospective employer without the permission of the employee.

**E. Retention:** Personnel records are maintained during the tenure of the employee and for a period as designated in the State of Nebraska retention schedule.

### 3.8 EMPLOYEE IDENTIFICATION CARDS

The Human Resource Department will facilitate the issuance of identification cards. It is the policy of the City to issue employee identification cards to all regular full-time and regular part-time employees. Cards may also be issued to other employees who may require City identification while working in remote job sites. It shall be the employee's responsibility to ensure accurate and timely updates of information contained on the employee identification card.

The card should be carried at all times when an employee is acting in an official capacity. The card shall be used as identification, if requested by a member of the public or another City employee. Each employee is responsible for possession of his identification card and to take care to protect it from loss, theft or misuse. Unauthorized or inappropriate use of the employee identification card is prohibited and will result in disciplinary action.

All identification cards remain the property of the City and shall be returned to the Human Resource Department upon termination of employment or by special request by the employee's Department Head or the Human Resource Department. Should a card be lost, damaged or destroyed, it shall be immediately reported to the Human Resource Department. All requests for re-issuance of employee identification cards shall be made by the employee to the Human Resource Department. If applicable, old I.D. cards shall be returned to the Human Resource Department before issuance of a new card. There will be a five dollar (\$5.00) re-issuance fee charged for all reprinted or lost I.D. cards.

### 3.9 PAYROLL ACTION NOTICE

Every appointment, transfer, promotion, demotion, termination, or other temporary or permanent change in the status of employees in the City service shall be reported in writing and placed in the permanent Personnel records.

### 3.10 RELIGIOUS ACCOMMODATION

*Updated September 1, 2020*

The City of Alliance is dedicated to treating its employees with respect and will not discriminate based on an employee's religious beliefs. Any employee may request an accommodation when their sincerely held religious beliefs or practices cause a deviation from the City of Alliance dress code or the individual's schedule, basic job duties, or other aspects of employment.

The City will consider the request, but reserves the right to accommodate the same when doing so imposes an undue hardship on the City. Some, but not all, factors that will be considered in determining whether an undue hardship is created, are the cost to the City, the burden on operations and staffing, the effect that an accommodation will have on current established policies, security, health or welfare of fellow employees, etc. *At no time will the City question the validity of an employee's belief.* If an employee requires a religious accommodation, they should speak with the Human Resource Director.

## CHAPTER FOUR - EMPLOYMENT

### 4.1 HIRING

When an existing position becomes vacant and prior to any posting or advertisement of the vacancy, the Department Head shall review the position, its job description and the continued need for such a position. The Department Head will prepare and submit a written request to fill the position to the City Manager. The position will be posted and/or advertised only after the City Manager has approved the request. Initial screening and processing of new applications shall be channeled through the Human Resource Department.

**A. Promotions:** When a vacancy arises, the City may utilize any of the following methods of filling positions: competitive or non-competitive recruitment by promotion, transfer, reassignment and/or external advertisements.

**B. Advertisement:** Announcements shall specify the job title, salary range, nature of the work to be performed; the time, place, and manner of making application; the closing date for receiving applications; and other pertinent information.

**C. Civil Service Positions:** Openings within the Police and Fire departments will be recruited through the Civil Service Commission when applicable. Policies of the Civil Service Commission concerning recruitment are detailed in the Rules and Regulations of the Civil Service Commission of Alliance.

**D. Supervisory and Department Head Positions:** Recruiting and hiring of personnel for supervisory and Department Head positions will, at all times, be the responsibility of the City Manager, or designee.

**E. Emergencies:** If an emergency arises that threatens life or property within the City, the City Manager may, without complying with the provision of the personnel rules concerning regular appointment, employ such persons as are necessary to meet the emergency.

### 4.2 APPLICATION FORM

Each applicant shall complete and sign an application form provided by the City prior to being considered as a finalist for any position. Resumes may supplement, but not replace, the City's official application form. Applicants chosen for consideration as finalists on the basis of their resume or other information shall complete a standard application form prior to being considered as a finalist for any position.

### 4.3 RECRUITMENT AND INTERVIEWS

Recruiting practices are conducted solely on the basis of ability, merit, qualifications and competence, without regard to any individual's race, color, religion, sex (including pregnancy), national origin, age (40 or older), marital status, disability, genetic information or other classifications protected by law. Interviewing may be conducted by the Human Resource Director and Department Head and in some instances the City Manager or his representative. Past employers, supervisors, and personal references may be contacted and all information will be handled with strict confidence. Upon hiring of an applicant,

the application will become a part of the employee's file. If an applicant successfully passes all stages of the interview process and has been identified as the final choice, the recommendation for hire will be made to the City Manager. The City Manager may then interview the final candidate and extend an offer of employment.

#### 4.4 VETERANS PREFERENCE

The City of Alliance shall comply with the requirements set forth in the Revised Statutes of Nebraska, Sections 48-225 to 48-231, with respect to veterans seeking a preference in employment as provided in said sections.

#### 4.5 EMPLOYMENT OF FAMILY MEMBERS

The City wants to ensure that City practices do not create situations such as conflict of interest or favoritism. This extends to practices that involve employee hiring, promotion and transfer.

It is the City's policy that immediate family members of current employees and City Council Members will not be employed in regular full-time or regular part-time positions where:

1. One family member would have the authority to supervise, appoint, remove, discipline or evaluate the performance of the other.
2. One family member would be responsible for auditing the work of the other.
3. Other circumstances exist which would place the family member in a situation of actual or reasonably foreseeable conflict between the City's interest and their own.
4. The City Manager will review situations where there is a conflict or the potential for conflict because of the relationship between employees, even if there is no direct-reporting relationship or positions of authority involved.
5. Immediate family members employed in the same division that do not violate this section will be considered on a case, by case basis. Hiring, recommending or supervising of an immediate family member by any employee requires Council approval in accordance with Nebraska Revised Statute 49-1499.04.
6. Should the hire of a seasonal employee violate this section, the City Manager will have ultimate control in deciding to interview, hire and supervise the potential new hire.

If, while employed, two City employees become immediate family members, which causes one or more of the conflicts set forth above, then only one of the employees will be permitted to stay with the City, unless a transfer can be made as determined by the City Manager to eliminate the conflict. The decision as to which employee will remain in his or her current position must be made by the affected employees. If no decision is made, the City reserves the right to terminate either employee.

#### 4.6 DISQUALIFICATION

The City may refuse to examine an applicant, or, after examination, may disqualify such applicant, or refuse to interview an applicant, or may take steps to remove such person already appointed if the applicant:

1. Supplies false or misleading information on the application or in connection with the hiring process;
2. Does not meet the minimum requirements for the position;
3. Is unable to perform the essential functions of the job, unless a reasonable accommodation can be made;

4. Refuses to submit to a medical examination or complete medical history forms, when applicable and allowed by law;
5. An exam reveals use of alcohol and/or controlled substances;
6. Has an unsatisfactory past employment record of such a nature as to demonstrate unsuitability for employment in the position applied for; or
7. Has a criminal history of such a nature as to demonstrate unsuitability for employment in the position(s) applied.

The Human Resource Director may refuse to interview any applicant for any other reasonable justification.

#### 4.7 EXAMINATIONS AND BACKGROUND VERIFICATIONS

The City may administer pre-employment examinations to test the qualifications and ability of applicants, as determined necessary by the City. Examinations and background verifications shall relate to those matters fairly testing the aptitude, capability and fitness of the persons examined to perform the duties of the positions they seek. The City may contract with any competent agency or individual to prepare and/or administer examinations.

Background checks may include reference checks; written, oral, physical, drug and/or alcohol tests; performance tests; or any combination of these and will be paid for by the City. The City may take into consideration such factors as education, experience, aptitude, knowledge, physical fitness, or any other qualifications or attributes entering into the determination of the relative fitness of applicants for the position.

After an offer of employment has been made and prior to commencement of employment, the City may require persons selected for employment to successfully pass a medical examination, which may include testing for alcohol and controlled substances. The purpose of the examination is to determine if the individual is physically able to perform the job and to ensure their physical condition will not endanger the health, safety or well-being of other employees or the public. The City will provide the necessary forms for the physical examination. The offer of employment may be conditional on the results of the examination. All positions which would require certain physical qualifications will so state this fact in the job description.

Promotional examinations shall be of kind and character similar to those for original appointment to City service. In addition to other factors, promotional examinations may take into consideration the quality and length of service where records are available to provide the basis for such rating.

All tests for Civil Service positions in the Police and Fire departments are set forth in the Rules and Regulations of the Civil Service Commission of Alliance.

#### 4.8 RELOCATION EXPENSES

Direct moving expenses with proof of receipts for Department Head or highly specialized positions may be considered where recruitment efforts extend beyond the region or where other specific reasons justify such a payment. Such payment requires prior approval by the City Manager.

#### 4.9 RESIDENCY

Residency within the City shall not be a condition of initial appointment or continued employment; provided, however, that an employee's selection of residence shall not interfere with the daily performance

of their duties and responsibilities. Fire, police and all employees required to be on-call because of the nature of their employment are required to live within five driving miles of the City limits. City officers and Department Heads are required to reside within the City. The City Manager may make exceptions to this rule for unusual circumstances.

#### 4.10 OUTSIDE EMPLOYMENT AND CONFLICTS OF INTEREST

*Updated August 20, 2019*

Employees shall not, directly or indirectly, engage in any outside employment or financial interest which may conflict, in the City's opinion, with the best interests of the City or interfere with the employee's ability to perform the assigned City job. Examples include, but are not limited to, outside employment and conflicts of interest, which includes:

- (a) Emergencies or peak work periods, when such availability is a regular part of the employee's job;
- (b) Is conducted during the employee's work hours; or involves so much of the employee's time that it impairs his performance of duties as a City employee;
- (c) Involves the receipt of any money or other consideration from anyone, other than the City, for performance of an act which the employee would be required or expected to render in the regular course of City employment;
- (d) Utilizes City telephones, computers, supplies, or any other resources, facilities, equipment, a badge, uniform, prestige, or influence of a City office or employment;
- (e) Is employment with a firm which has contracts with or does business with the City; unless disclosed as required by the Nebraska Political Accountability Act; or
- (f) May reasonably be perceived by members of the public as a conflict of interest or otherwise discredits public service.

**A. Procedure for Request of Additional Employment:** An employee who chooses to have an additional job, contractual commitment or self-employment, may do so provided the employee obtains prior approval from the City Manager. The following steps shall be taken to obtain approval.

- The employee shall notify the Department Head in writing of the nature of the work, hours involved, or any other pertinent information.
- The Department Head shall forward the request to the City Manager.
- The City Manager may meet with the Department Head and/or employee to discuss the request. The City Manager will respond to the request in writing to the employee and the Department Head. All pertinent information concerning the request will be filed in the employee's personnel file.

**B. Other Conflicts:** City of Alliance is concerned with conflicts of interest that create actual or potential job-related concerns, especially in the areas of confidentiality, customer relations, safety, security, and morale. If there is any actual or potential conflict of interest between an employee and a competitor, supplier, distributor, or contractor to the City, the employee must disclose it to the Supervisor. If an actual or potential conflict of interest is determined to exist, the City will take such steps as it deems necessary to reduce or eliminate this conflict as transparency in public dealings is vital to maintaining the public's trust.

#### 4.11 REHIRE POLICY

An employee who is separated from service with the City because of resignation or lay-off, and left in good standing, may be re-employed in either a regular or temporary position.

**A. Regular Employees:** Former employees may apply for consideration for positions with the City of Alliance. They will be considered along with other applicants equally. When applicable, the rehired employee does not retain seniority or any benefit from the previous position.

**B. Seasonal Employees:** Former seasonal employees who leave employment in good standing, worked the previous season and were classified as eligible for rehire may be offered the same position the following year. The Department Head could recommend their “rehire” in the same seasonal position to the City Manager without a competitive process.

There is no guarantee or requirement to rehire a past seasonal employee. If the previous seasonal employee requests a different position, the applicant must follow the normal hiring process. The former seasonal employee must complete an application for the position and continue to meet all minimum qualifications and requirements of the position, including any required qualifying exam or certifications.

#### 4.12 PROOF OF ELIGIBILITY DOCUMENTATION

*Updated August 20, 2019*

Federal regulations require that no later than the first day of employment, all employees must complete and sign the Federal Form I-9, Employment Eligibility Verification Form and must present acceptable documents authorized by the U.S. Citizenship and Immigration Services proving identity and employment authorization no later than the third business day following the start of employment with City of Alliance. If a current employee has not complied with this requirement or if status has changed, inform the Supervisor. If authorized to work in this country for a limited period of time, employees are required to submit proof of renewed employment eligibility prior to expiration of that period to remain employed by the City.

#### 4.13 SPECIAL EMPLOYMENT PROGRAMS

The Human Resource Department is responsible for the coordination of all special employment programs funded by external agencies (i.e. Youth Training Program, AARP Senior Placement Program, University internships, Work Training Programs, etc.).

Department Heads will forward all requests for participation in special employment programs to the Human Resource Department for coordination with the appropriate agency(ies). The Human Resource Department will, in cooperation with the requesting department, develop a scope of work and qualifications statement to be used in the recruitment and selection of employees and in the definition of tasks to be performed during the period of employment. The provider agency will review scope of work, qualifications, training, level of supervision and safety for appropriateness.

The Human Resource Department will maintain records on program participants including the contractual agreement between the City and provider agency, scope of work and qualifications statement and personal emergency data. The Department Head or supervisor shall provide the Human Resource Department with regular performance evaluations on program participants and feedback on program strengths and weaknesses for overall evaluation by the City.



## CHAPTER FIVE - PROBATIONARY PERIOD

### 5.1 PURPOSE OF PROBATION

All newly hired employees, former employees who have been rehired or employees promoted to a new classification enter a probationary period which is considered an integral part of the selection and evaluation process.

During the probationary period an employee is required to demonstrate suitability for the position through actual work performance. This period is a working test period during which the employee demonstrates his ability to perform the essential functions of the position. During this time, the Department Head, supervisor, or designee orients, trains, and evaluates the employee's work habits, skills, abilities and competence.

During the probationary period, the employee may be terminated at any time, with or without cause. This section is not intended to guarantee any employee a right to any length of service with the City of Alliance after the probationary period, and all employees shall remain "at will" unless otherwise specifically provided by law.

### 5.2 LENGTH OF PROBATION

The normal probationary period is six (6) months from the employee's date of hire, rehire or promotion; however, longer periods may be established for positions requiring technical, professional, specialized, unusual or unique skills or qualifications. The City recognizes that some positions have extensive training, certifications and license requirements that require a more lengthy term of probation. Those will be reviewed on a case-by-case basis. The probationary period will not be shortened for any reason.

A newly hired or promoted employee's probationary period may be extended due to marginal performance for a period not to exceed three months. The Department Head may conduct additional evaluations as necessary to adequately review the employee's work performance. An employee's probationary period may be extended when needed due to circumstances such as extended illness, lay off or leave of absence, by the period of such absence, to properly evaluate the employee's performance.

### 5.3 PERFORMANCE EVALUATIONS

A written evaluation of the employee will be completed at 60 days and 180 days by the Department Head, or designee, during the probationary period.

### 5.4 COMPLETION OF PROBATION

When a Department Head determines an employee has completed the probationary period, the Department Head shall prepare a written recommendation to the City Manager for one of the following actions: 1) establishment of regular employment status, 2) extension of the probationary period not to exceed three (3) months, or 3) dismissal.

New employees must obtain a performance rating of meets expectations or better to complete the probationary period. Failure of a new employee to obtain an evaluation of "meets expectations" or better shall result in termination or the extension of the probationary period as provided in this handbook.

Failure of a promoted employee to obtain an evaluation that meets expectations or better shall result in the reassignment of the employee to a position in the class held prior to the promotional appointment provided a vacancy exists and upon the recommendation of the Department Head and approval of the City Manager.

#### 5.5 VACATION AWARDED AFTER PROBATION

New employees will accrue (40) hours (or part-time equivalent) of vacation leave following the employee's successful completion of the probationary period (usually lasting 6 months) as indicated by the Department Head. If an employee's probation is extended and completed successfully, the employee will receive the appropriate hours and corresponding monthly accruals. Employees terminated while on probation do not receive vacation leave. This section applies to an initial probationary period but not promotional periods.

## CHAPTER SIX – PERFORMANCE

### 6.1 RESPONSIBILITIES OF THE PERFORMANCE MANAGEMENT SYSTEM

The City Manager shall develop and maintain an employee performance management system for the purposes of evaluating individual work performance, identifying training needs and employee development opportunities, and for improving the efficiency and productivity of the City's workforce. Each Department Head, or designee, that reviews or conducts an evaluation shall be responsible for its quality, consistency, equity and timeliness.

### 6.2 PERFORMANCE EVALUATIONS

Employees are to be evaluated by their Department Heads, or designee, during their probationary period at 60 and 180 day intervals; and at least once annually thereafter. The evaluations will be conducted near the anniversary date of employment or date of promotion. A written evaluation form, provided by the City, will be used. Each employee will have an opportunity to review, sign and comment on the final evaluation.

All supervisors shall submit employee performance evaluations on each regular employee and hold meetings to discuss the evaluations annually and at such times as necessary. The evaluation is part of an employee's personnel record and may be a factor in determining the employee's conversion to regular status, whether the employee receives a wage increase or is to be promoted, transferred, demoted, laid off or terminated.

### 6.3 REQUIREMENTS OF PERFORMANCE EVALUATIONS

The evaluation will consist of criteria designed to fairly demonstrate the employee's competence such as efficiency in job, attitude, willingness to work, cooperation with other employees and supervisors, and other factors determined necessary for successful employment in the position.

### 6.4 MERIT INCREASES

Employees may be eligible for a merit increase based on performance evaluations. An evaluation with an overall confidence rating of satisfactory or better is required to qualify employees for a pay increase. Pay increases shall be approved by the City Manager, are contingent upon increases allowed in the annual budget and are applied the first pay period following the employee's anniversary or promotion date. A reclassification and/or promotion date becomes the new anniversary date for performance evaluation review.

If an employee's performance is unsatisfactory, the City Manager may defer or deny a pay increase for a stipulated period of time or until the employee's job performance is satisfactory.

### 6.5 RECOGNITION AND SERVICE AWARDS

The City of Alliance has created an Award and Recognition Program that occurs at all levels and across organizational boundaries. Each person has the ability and opportunity to recognize a peer, a subordinate or a supervisor to acknowledge and encourage positive attitude and behavior, as well as high-quality work and those whose behaviors and work outcomes exceed basic standards.

Categories of awards have been created to recognize regular full and part time employees. Employees at all levels of the organization are strongly encouraged to participate in this program through the use of formal and informal means. Volunteers, interns and seasonal employees will not be considered for formal awards; however, may be recognized by informal methods.

Employees shall be recognized each succeeding five years of full-time service. Recognizing continued faithful service to the City taxpayers plays an important role in motivating City employees. These awards will normally be presented annually.

## 6.6 PERFORMANCE IMPROVEMENT

*Updated August 20, 2019*

The performance improvement process is a means for increasing the quality and value of an employee's work performance. An employee's initiative, effort, attitude, job knowledge, and other factors will be addressed to best meet the needs of the organization and expectations of the position. When initiated by a Supervisor, the employee may be placed on probation as part of a performance improvement plan (PIP). The performance improvement process will take place as needs dictate. An employee may specifically request that a Supervisor assist in developing a performance improvement plan at any time.

## CHAPTER SEVEN - CONDUCT

### 7.1 STANDARDS OF CONDUCT

Citizens of Alliance are the stakeholders of our community. Their impressions are formed by the people who work with them. The more goodwill employees promote through teamwork and cooperation, the more our citizens will respect and appreciate the City's employees, the organization and the services.

The safety and welfare of the City's citizens shall at all times be held as a central mission of government. Since the proper working relationship between employees and the City depends on each employee's on-going job performance, professional conduct and behavior, the City has established certain minimum standards of personal conduct. All employees are expected to practice the following to ensure the City's continued success:

- Provide timely and professional customer service on inquiries and complaints;
- Respectful treatment and courtesy towards the public and fellow employees;
- Adherence to City policies, procedures, safety rules and safe work practices;
- Understand and follow all safety and security policies;
- Compliance with directions from supervisors;
- Preserving and protecting the City's equipment, grounds, facilities and resources;
- Providing orderly and cost efficient services to its citizens; and
- Perform all duties with the utmost professionalism.

All employees are expected to exercise good judgment, loyalty, common sense, dedication, and courtesy in the performance of their duties. In addition, employees should demonstrate the job skills, including training, experience, and physical and mental skills, necessary to perform job responsibilities in a manner that meets the quality, service and productivity standards of the City. Employees should be on time and ready to work at the start and throughout all scheduled work periods.

### 7.2 APPEARANCE AND UNIFORMS

*Updated August 20, 2019*

Employees must maintain a clean and neat appearance appropriate to their work assignment, including clothing, grooming and personal hygiene in a manner consistent with accepted business standards as determined by their position and Department Head. City employees should always be well-groomed and dressed in a manner suitable for the public service environment and to reflect favorably the City's image. Clothing with inappropriate wording and/or pictures is not permitted. Except as otherwise allowed by a Department Head, examples of clothing that is generally not considered appropriate for work are: flip flops; tank, tube, halter or spaghetti strap tops; shorts; sweat pants; or hats worn indoors.

The employee's Department Head will discuss the subject of personal appearance with the employee if they feel it does not positively reflect the image of the City. Because of the citizens we serve, consideration for other employees, as well as safety and health concerns this policy is necessary. Uniforms provided for specific positions, shall be approved by the City Manager and Department Head. Failure to comply

with the personal appearance standards may result in being sent home to groom or change clothes. Frequent violations may result in disciplinary action, up to and including termination of employment.

### 7.3 POLITICAL ACTIVITIES

City employees may participate in political or partisan activities of their choosing unless restricted by State or Federal law, provided that City resources and property are not utilized, and the activity does not adversely affect the responsibilities of the employees in their positions. Employees may not campaign on City time, in a City uniform or while representing the City in any way. Employees may not allow others to use City facilities or funds for political activities. Employees shall not solicit, on City property or City time, a contribution for a partisan political cause. In addition, no appointed officer or member of the City's management team shall participate in the political process by the endorsement of a candidate for public office where such action appears to be an endorsement by the City.

Employees may not participate in political activities during their duty hours. Employees may supply neutral information on municipal issues to the public upon request. City employees are otherwise free to fully exercise their constitutional First Amendment Rights.

Any City employee elected to the City Council must resign prior to assuming the duties of office. Employees are not eligible to serve on a City appointed board that directly advises their department.

### 7.4 LEGISLATIVE POLICY PROCESS

The following policy is intended to serve as a guide for any elected or appointed official or employee of the City of Alliance who shall attempt to influence the passage or defeat of any legislation or the adoption or rejection of any rule, standard rate or other legislative enactment that will or could have any impact on the City. Any elected or appointed official or employee participating in the legislative process in the capacity of their position with the City shall be considered a representative of the City as it relates to this policy.

This policy has been developed in order that the City, as an organization, might provide effective representation to its citizens. It is intended to serve as a protocol for the participation of elected officials, appointed officials and City employees (in their official capacity) in the legislative process.

#### **A. Written or Verbal Testimony Before Legislative Bodies or Governmental Agencies**

"Lobby" or "lobbying" shall mean attempting to influence the passage or defeat of any legislation on the adoption or rejection of any rule, standard, rate, or other legislative enactment that will or could have any impact on the City. In order to assure that the official policies of the City are expressed during appearances before legislative bodies or other governmental agencies, the following policies will apply:

- (a) All testimony or statements, written or oral, given by an elected official, appointed official or employee of the City before any governmental legislative body or other governmental agency shall strictly comply with the policies set forth by the City Council, whether that action be made by motion, resolution or ordinance.
- (b) When there is a lack of formal action by the Council, written authorization must be obtained from the City Manager prior to any activity by any employee of the City.
- (c) The policies expressed in items (a) and (b) above shall also apply to any correspondence written on City or departmental stationery and to any verbal conversation when the speaker represents himself as an official or employee of the City.

(d) Items a, b and c apply to all representatives of the City during normal working hours except that any written statement on City or departmental stationery applies at all times.

(e) Any representatives of the City who appear before any governmental legislative body or any agency will not represent themselves as representatives of the City unless all information given is in compliance with this policy.

(1) During the course of an appearance or verbal exchange, a person who is identified as a representative of the City but who is stating a personal opinion or the position of an entity other than the City (professional association, etc.) shall issue a disclaimer that the information or testimony given represents the views of the individual or other entity, and not that of the City.

(2) If information or testimony is given that is contrary to the official policies of the City, then a statement to that effect will be given if the person has been identified as a representative of the City.

## **B. Specific Roles for Elected Officials, Appointed Officials and Employees**

**Elected Officials:** Elected officials are the directly-elected representatives of the City of Alliance. In most situations involving participation in the legislative process, elected officials will have the most impact on those elected to statewide office. The participation of individual elected officials in the legislative process shall be subject only to those portions of this policy that are governed by full decisions of the City Council. The participation of elected officials, if possible, will precede that of other representatives of the City on legislative items that address broader policy issues. When not possible or deemed otherwise, representation will be agreed on by the City Manager and City Council.

**League Legislative Representative:** The City's representative to the League Legislative Committee shall serve as facilitator/coordinator of external legislative efforts.

**Appointed Officials/Management Team:** Appointed officials are those individuals appointed directly by the City Council. Members of the management team are all City Department Heads. The participation of individual appointed officials and management team members in the legislative process shall be limited to legislative matters on which the full City Council has stated a position and legislative items that address technical issues. A secondary role for appointed officials and members of the management team will be to serve as a source of technical information to legislators. Any appointed official or member of the management team participating in the legislative process as a member or officer of a professional organization shall comply with the provisions of (e) above.

**City Manager:** The City Manager shall serve as facilitator/coordinator of internal legislative efforts.

## **C. Process for Establishing City Positions on Legislative Issues**

The following process shall be conducted annually in order to establish City positions on legislative matters of interest to municipalities:

(1) The City's representative on the League Legislative Committee shall provide a report to the City Council following the League's establishment of positions on relevant legislative matters.

(2) The City Council may meet with its representative in the Unicameral in December of each year to discuss these and other items of interest to the City of Alliance.

(3) Following the start of the legislative session, staff will obtain copies of all legislation in which the City has an interest.

(4) In late January, the City Council will conduct a workshop during which it will work to establish official City positions on those items of legislation that it deems appropriate. Information from the League and other professional statewide associations will be utilized in the determination of City positions on legislative matters.

(5) Periodic legislative workshops will be conducted over the course of the legislative session, usually at the second regular meeting of each month.

(6) A follow-up session will be scheduled after the session at which time any legislative suggestions for the League will be solicited. Suggestions for legislative changes are to be submitted to the League in July of each year. Submittal of such items will be completed by the City's representative to the League Legislative Committee.

## 7.5 CODE OF ETHICS

The Code of Ethics provides a statement of behavior and goals for all employees to maintain professional, quality personal services to the Citizens of Alliance and the general public.

We as employees of the City of Alliance will:

- Uphold constitutional government and the codes and ordinances of the City of Alliance. Obey and implement the regulations and policies adopted by the Alliance City Council.
- Respect the constitutional rights of all citizens; honor their right to liberty, equality and justice; protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder.
- Exercise prudence and integrity in the management of funds in our custody and in all financial transactions.
- Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that we may merit the respect and confidence of our fellow citizens.
- At no time, or under any circumstances, accept directly or indirectly, gifts, gratuities, or other things of value from suppliers, vendors, and citizens.
- Seek no favor, personal aggrandizement or profit by the use of confidential information, misuse of public time, use of city equipment or city property.
- Provide the highest level of service through appropriate use of resources; equitable service policies; equitable access; and accurate, unbiased, and courteous responses to all requests.
- Serve the community; safeguard lives and property; respond quickly to all emergencies or disasters.
- Strive to provide the highest quality of performance and information while recognizing that the chief function of government is to serve the best interest of the citizens.
- Improve the employees and management skills and abilities through education and training and maintain a high level of competence and service to the public.



- Keep the community informed of the City’s activities; encourage communication between the citizens and the employees of the City; emphasize friendly and courteous services to the public; and seek to improve the quality and the image of the City of Alliance.
- As a trusted public servants, affirm the dignity and worth of governmental services, maintain a constructive, creative and practical attitude with a deep sense of social responsibility to the public we serve.

## 7.6 WORKPLACE HARASSMENT AND CONFLICT

**A. Harassment:** It is the policy of the City to provide a work environment for its employees which is free from harassment, discrimination and intimidation. The City will not tolerate any form of harassment. Harassment is unwelcome conduct based on race, color, religion, sex (including pregnancy), national origin age (40 or older), disability, genetic information, marital status or any other classification protected by law.

All employees, visitors, and the general public are prohibited from engaging in the harassment of any other employee or other person in the course of or in connection with employment. The desired standard of employee behavior is one of cooperation and respect for each other, despite any differences. The City will not retaliate against an employee who complains of harassment, filed a charge of discrimination, or participated in an employment discrimination investigation.

**B. Sexual Harassment:** Sexual harassment is defined as unwanted, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct which has the effect of creating an offensive, intimidating, degrading or hostile work environment, or adversely interferes or affects an employee's work performance.

**C. Examples of Harassment:** The following list of behaviors, even if performed in a joking manner, while not all-inclusive, provides examples of conduct that is prohibited:

- The display or circulation of written materials or pictures which may be viewed as offensive;
- Slurs, graffiti, offensive or derogatory comments;
- Verbal abuse or insults directed to or made in the presence of members of any of the aforementioned protected groups;
- Behavior that is personally offensive, impairs morale or interferes with the work effectiveness of employees;
- Unwelcome sexual advancements, requests for sexual acts or favors and other verbal or physical conduct of harassing nature.

**D. Workplace Conflict:** It is the policy of the City of Alliance to provide a safe environment for its employees and visitors, which is free of verbal or physical intimidation, threats or violent behavior. The City prohibits incidents or threats of violence by employees, visitors and the general public. In order to promote and support a workplace where dignity and respect are observed, the City of Alliance will not tolerate any acts of intimidation, threats or bullying.

**E. Examples of Conduct:** The following list of behaviors, even if performed in a joking manner, while not all-inclusive, provides examples of conduct that is prohibited:

- Causing physical injury to another person;
- Engaging in bullying or intimidating acts, whether directed at a specific person or not;

- Aggressive or hostile behavior that creates a reasonable fear of injury to another;
- Comments about violence or the possession of weapons in the workplace;
- Physical or verbal abuse;
- Stalking;
- Engaging in behavior motivated by, or related to domestic violence;
- Intentionally damaging City property or property of another employee or citizen; or
- Possession or use of a weapon, firearm or dangerous instrument in City owned or leased buildings or while on City business is prohibited except for authorized personnel in the line of duty.

**F. Employee Responsibility:** It is also the policy of the City that all employees are responsible for assuring that the workplace is a safe work environment by refraining from all forms of harassment and conflict, including sexual harassment, and reporting concerns, incidents of conflict and recognizing escalating situations.

**G. Supervisor Responsibility:** If harassment or conflict is reported to or observed by any employee in a supervisory position, that supervisor is to immediately report the matter to the City Manager.

**H. Exclusion:** Harassment does not include the conduct or actions of supervisors intended to provide employee discipline, such as performance evaluations, oral warning, reprimands or other supervisory actions intended to promote positive performance.

**I. Response and Reporting:** Any individual who believes that he has been subjected to harassment or workplace conflict should make it clear to the offender that such behavior is offensive to him and that it must stop. The employee is to end contact with the individual immediately and report the situation to the supervisor, Department Head, Human Resource Director or another member of management team. The City will not retaliate against an employee who complains of inappropriate behavior. Contact 911 immediately if you believe you are in immediate danger.

As soon as a claim of harassment is reported, observed or discussed in an informal or formal manner, it is to be immediately reported to the City Manager by the individual that observes or receives the information.

**J. Investigation and Finding:** The City Manager may meet with the supervisor, Human Resource Director, Department Head or employee(s) to discuss the matter further. The City Manager will take the necessary action to resolve the matter as quickly as possible. All allegations will be investigated promptly. The results of the investigation and the nature of the disciplinary action will be communicated by the City Manager's Office to both the complainant and the offender as well as the affected Department Head. The City Manager will take appropriate corrective action, including disciplinary measures, including termination, when justified to remedy all violations of this policy. The City may also report the conduct to law enforcement, deny or alter methods to receive City services or remove non-employee temporarily or permanently from premises.

**K. Appeal:** Both the complainant and offender may appeal the decision through the complaint procedure if it is felt the findings were incorrect or the disciplinary action inappropriate.

**L. Confidentiality:** The City will keep complaints confidential to the extent possible. The City will retain confidential documentation of all allegations and investigations outside any employee's personnel file.

#### 7.7 SOLICITATIONS

With the exception of United Way and other City-approved activities, commercial peddling or soliciting for sale or donation of any kind on City premises during normal working hours is not allowed. Exceptions may be granted by the City Manager. Solicitation and fundraising is allowed as long as it does not interfere with any employee's (including the solicitor) work and respects the desires of co-workers.

#### 7.8 USE OF CITY EQUIPMENT

Use of City printers, phones and FAX machines, for local personal phone calls should be kept to a minimum; long distance personal use is prohibited. When a long distance call must be placed, the call is to be reimbursed to the City in a timely manner. Other City equipment should be used by employees for City business only. No City equipment, material or supplies shall be moved from its location without the express approval of the Department Head or City Manager, as applicable. Any employee misusing City services, telephones, FAX machines, vehicles, equipment or supplies; or found to be responsible for damage to or loss of City property through negligence, carelessness, or abuse, shall be subject to disciplinary action, including termination. The employee may be required to reimburse the City for such use, damage or loss.

#### 7.9 HOUSEKEEPING

Employees shall maintain work areas, vehicles and equipment in a neat and professional condition. Employees shall clean up after themselves when using common area and spaces and keep such common areas and spaces neat and professional.

## CHAPTER EIGHT - DISCIPLINE

### 8.1 DISCIPLINARY ACTION

The Department Head shall exercise good judgment and discretion in taking or recommending disciplinary action. The Department Head shall maintain written records of all disciplinary action taken at the departmental level. The Department Heads shall endeavor to ensure that the extent of the penalty, whether assessed at the departmental level or recommended to the City Manager, is in relation to the seriousness of the violation or circumstances for which the employee is disciplined. In taking or recommending disciplinary action of any type, the Department Heads shall do so on the basis of what is best for the Department, the City of Alliance and for its employees.

### 8.2 EXAMPLES OF MISCONDUCT

The City Manager or Department Head, as appropriate, has full discretion and authority to impose disciplinary action in accordance with City policy and the circumstances of the particular case. Acts, errors, or omissions which discredit the public service or impair the provision of orderly services to the citizens of the City may result in discipline, including termination.

The following are examples of the types of behavior which may result in discipline:

- Drinking alcohol or the abuse of non-prescription or prescription drugs or other controlled substances on the job, or arriving on the job under the influence of or while in possession of alcohol, drugs, or other controlled substances.
- Violation of a lawful duty.
- Insubordination.
- Absence from work without first notifying and securing permission from the supervisor.
- Habitual absence or tardiness for any reason.
- Unsatisfactory job performance, as determined by the City.
- Conviction of a felony or a misdemeanor involving moral turpitude.
- Acceptance of fees, gratuities or other valuable items in the performance of the employee's official duties for the City.
- Inability, refusal or failure to perform the duties of the assigned job.
- Violation of duties or rules imposed by this manual, or by any other City rule, regulation or administrative order.
- Failure to follow adopted safety procedures.
- Statements made pursuant to the employee's official duties for the City which could impair the proper performance of City business.

**The foregoing list is not all-inclusive, but only serves as a general guide. The City may discipline or terminate employees for other reasons not stated above.**

### 8.3 TYPES OF DISCIPLINARY ACTIONS

In the event that discipline is necessary, the following types of disciplinary actions may be used, depending on the particular situation. The City of Alliance has absolute discretion to determine when immediate termination, without prior notice, warning or second chances, is warranted. Disciplinary procedures for

the Police Department and Fire Department shall conform to the established procedures set by the Civil Service Commission or contract, as indicated.

**A. Verbal Counseling Session:** This meeting is used by the Department Head or Supervisor to discuss general work performance and specific areas in need of improvement. Topics might include the employee's conduct and performance, or their failure to observe a rule, regulation, or administrative instruction. It is intended to increase an employee's efficiency and value to the City by changing the employee's conduct, attitude, habits, or work methods. Following the counseling session the Department Head shall document the conversation.

**B. Written Warning:** A written warning is a formal disciplinary action for misconduct, inadequate performance, or repeated lesser infractions given to an employee by their Department Head. The written warning may be issued in the event the counseled employee continues to exhibit performance deficiencies and after a reasonable period of time fails to make sufficient improvement. Specific problems are outlined and an action plan is established to improve areas of concern. A written warning may also be issued if an employee has committed a significant infraction requiring more serious corrective action than counseling. Written warnings should be issued promptly after the occurrence of the violation.

A copy of the written warning is to be handed to the employee at the time of the discussion of the discipline. The employee is to sign and acknowledge receipt. If the employee refuses to sign the acknowledgment, then the supervisor and one other witness shall note on the warning the employee received a copy thereof and refused to sign it.

**C. Letter of Reprimand:** A letter of reprimand is a letter summarizing an isolated incident of unacceptable work conduct. It may also be used to summarize previous verbal counseling sessions, or warnings, or to point out that unacceptable work performance is continuing.

A letter of reprimand should be issued within a reasonable amount of time after the occurrence of the violation. A copy of the written reprimand is to be provided to the employee. The employee is to sign the document as acknowledgment of receipt. If the employee refuses to sign the acknowledgment, then the supervisor and one other witness may note on the reprimand that the employee received a copy thereof and refused to sign it. Letter of reprimands will be reviewed by the City Manager prior to placement in the employee's personnel file.

**D. Suspension:** A suspension is a temporary, paid or unpaid absence from duty which may be imposed as a penalty for significant misconduct or repeated lesser infractions. It may also be warranted for a continued violation after warnings, a letter of reprimand has been issued, or it may be given for a grave violation of a work rule, policy or practice without any prior discipline. A suspension is a severe disciplinary action which is made part of the employee's personnel file. A suspension without pay will not exceed twenty (20) working days.

Only the City Manager may impose a suspension. In recommending a suspension, the Department Head will state all facts surrounding the recommendation to the City Manager in writing as well as a recommended course of action, including the number of days of suspension. The City Manager shall impose any unpaid suspension following a pre-suspension meeting.

**E. Demotion:** A demotion is a pay rate adjustment when an employee is not performing satisfactorily. This reduction of an employee's job level may be due to problematic performance at the higher level after a determination is made by the Department Head and City Manager that the employee will be unsuccessful in the performance of their current position and the employee has demonstrated competency at the lower level position and a position is available. The City Manager shall impose any demotion.

**F. Termination:** In some circumstances, dismissal is used for the first offense of a serious nature. An employee may also be discharged after repeated offenses of a less serious nature if the offenses have been documented by the Department Head and appropriate behavioral changes have not resulted from previous progressive disciplinary action. The City Manager shall impose any termination.

#### 8.4 TEMPORARY REMOVAL FROM POSITION

Immediate temporary removal of an employee from the job site pending review for discipline by the City Manager may be warranted in instances involving serious insubordination, theft, serious illegal or destructive acts while on the job, or other substantial reasons deemed appropriate by the Department Head.

#### 8.5 PENDING INVESTIGATIONS

Suspensions with or without pay, where the employee is placed on administrative leave, may be utilized by the City Manager pending the results of an investigation or disciplinary action where the City Manager determines that factors such as public confidence, the safety of the employee or the efficient functioning of the City call for such a suspension.

After the investigation, if it is determined that the employee was not guilty of any violation, he will normally be returned to his position, paid for any lost time utilizing employee leave banks, and a letter exonerating the employee will be placed in his personnel file. If, however, the employee is found in violation, then the appropriate disciplinary action will take effect on the date that the investigatory suspension began.

#### 8.6 PRE-SUSPENSION WITHOUT PAY AND PRE-TERMINATION PROCEDURES

In the case of a disciplinary action of an employee which may result in suspension without pay or termination, the City shall conduct the following procedures:

- Apprise the employee of the charges against him and the potential discipline;
- Explain to the employee the nature of the evidence regarding the charges; and
- Provide the employee with an opportunity to respond.

Within **five (5) working days** after the employee's opportunity to respond, the City Manager will issue a decision on what discipline, if any, will be imposed. However, if the City Manager determines that more information or time is required in order to render a decision, the City Manager may extend the time period as appropriate.

#### 8.7 APPEALS

To appeal a disciplinary action taken by a Department Head, the employee must present a written appeal to his Department Head within **ten (10) working days** of the disciplinary action, using the Complaint Form. A copy of all relevant information should be presented to the City Manager if a resolution cannot be reached following the Department Head's decision. The City Manager shall attempt to resolve the

matter within **five (5) working days** after it is presented. However, if the City Manager determines that more information or time is required in order to render a decision, the City Manager may extend the time period as appropriate. The decision of the City Manager shall be final.

If it is the City Manager who has issued the initial disciplinary action, any appeal shall be in the form of a request for reconsideration. The City Manager shall respond to such request within **ten (10) working days**. The City Manager decision shall remain final. In those instances where employees are covered by a collective bargaining agreement or by Civil Service rules and regulations, the provisions of the labor contract or Civil Service rules shall govern.





## CHAPTER NINE - SEPARATION

### 9.1 RESIGNATIONS AND RETIREMENT

All employees are strongly encouraged to provide at least a four week notice when vacating a position. An employee wanting to leave the City in good standing shall provide a written resignation to the Department Head at least two weeks prior to the effective date of resignation. Employee's holding key positions are encouraged to give as much notice as possible as the City recognizes the role and value each employee provides the City and requests adequate time to prepare for their departure. Employees intending to retire should notify their Department Head of their intent to retire at least three months prior to the date of retirement. Employees that terminate employment without a two week notice will not leave employment in good standing.

**A. Content:** The resignation letter should include the reason for leaving as well as the effective date. Notice of resignation is understood to mean that the resigning employee will be available for work during this time so as to aid in the training of a replacement. Leave cannot be used as any part of the notice period. Last day worked is last day worked regardless of any use of leave. Exceptions to the notice requirement and leave use may be granted by the Department Head or the City Manager.

**B. Mandatory Retirement Age:** There is no mandatory retirement age for employees of the City of Alliance as long as employees can meet all standards found in the position description.

**C. Exit Interview:** Exiting employees may electively participate in an exit interview.

### 9.2 COMPENSATION UPON SEPARATION

When an employee's employment with the City ends, the employee will receive the following compensation:

- (a) Regular wages for all hours worked up to the time of separation which has not already been paid.
- (b) Any overtime or holiday pay due.
- (c) A lump sum payment of any earned but unused vacation leave and compensatory time.

Any employee who voluntarily terminates employment with the City will receive a final check on the following scheduled pay day.

### 9.3 TERMINATION OF PROBATIONARY EMPLOYEES

Probationary employees may be disciplined or terminated at any time without cause and without the right of appeal. Notification of dismissal in writing shall be provided the probationary employee. Dismissals of probationary employees also require the concurrence of the Human Resource Department and approval of the City Manager. Depending on the position, probationary employees may not be required to serve resignation notice period.

### 9.4 TERMINATION

An employee may be terminated from City employment for any reason, some of which are listed below.

- During or at the end of the employee's probation period.
- As a result of disciplinary action or misconduct.

- Due to loss of skills, certifications or other conditions which would make the employee unfit for service.
- When the City Council or City Manager has made a determination that a lack of work or funding exists with respect to the employee's position.
- If the employee has a physical or mental impairment that prevents the employee from performing the required duties of the employee's position and the employee cannot be reasonably accommodated.
- Whenever the City Manager determines to make changes deemed to be in the best interest of the City.

The City will follow the pre-termination procedures found in Chapter 9. All termination procedures for the Police and Fire Departments shall conform to those established by the Civil Service Commission as established by Statute.

## 9.5 REDUCTION IN FORCE

The City Manager, or designee, may lay off employees for lack of work, budgetary restrictions or other changes that have taken place. Each employee shall receive a written notice. When given, this notice shall include the reasons for the layoff, the effective date, and any other information deemed necessary by the City Manager.

In determining who is to be laid off, consideration will be given to individual performance and the qualifications required for remaining jobs. Seniority will be considered when performance and qualifications are equal. Employees who are laid off may be eligible to be re-employed, if a vacancy occurs in a position for which they are qualified.

A former employee of the City, whose termination of service resulted from a lay-off, may be re-employed in the position in which he was previously employed at the nearest dollar amount of pay of which he was receiving prior to the lay-off. The employee shall be eligible to reinstate any unused sick leave balance and accumulated vacation leave at the same rate prior to the layoff. This policy shall only apply if such re-employment occurs within one year after the lay-off and the employee is hired back within the same job description. Regular classified full-time employees laid off shall be placed on a re-employment list for a period of one year, and shall be returned to work in the reverse order of this layoff, provided that the employee is qualified and has the required skills for the position to be filled. An employee shall keep the Human Resource Director notified of his current address. Failure to do so will be taken as an indication that the employee is not interested in or desirous of being re-employed.

## 9.6 END OF TEMPORARY ASSIGNMENTS

When a temporary or seasonal employee has completed an appointment, they shall be separated. Where the completion date has not been fixed at the time of employment, the employee shall be notified by the Department Head prior to the termination date.

## 9.7 RETURN OF PROPERTY

When an employee separates from their position, all City property should be returned immediately. The employee will return all keys, equipment, uniforms, manuals, credit cards, etc, issued to the employee by the City to the Department Head.

## 9.8 REFERENCES

The City provides minimal confirmation of employment. The City does not give references, other than to confirm job title, department, base salary and dates of employment. Only the City Manager, or designee, will provide more detailed employment references on current or former employees with the express written consent of the employee.

## 9.9 DEATH

Upon the death of an employee, all compensation due shall be paid.

## CHAPTER TEN - COMPLAINT RESOLUTIONS

### 10.1 SUGGESTIONS FOR IMPROVEMENT

Suggestions for improvement of any portion of the City's services are encouraged and welcome. New ideas relating to safety, efficiency, public relations, employer-employee relations or any other subject which might increase the taxpayer's dollar value are always in order. Although not required, it is desired that all suggestions be written, dated and signed. It shall be the responsibility of each Department Head to give full and fair consideration to each suggestion made by an employee. The Department Head shall consult the employee on the merit and status of any suggestions.

### 10.2 COMPLAINT POLICY AND PROCEDURE

The City recognizes that sometimes situations arise in which an employee feels that they have not been treated fairly in *accordance with City rules and procedures*. For this reason the employee may bring a complaint under this Chapter and the City provides employees with procedures for resolving complaints.

Employees should follow the procedure described below for bringing a complaint to the City's attention:

- (1) An employee should first try to resolve any problem or complaint with the supervisor. The supervisor will consider and clarify the problem presented, and attempt to initiate corrective action.
- (2) When normal communication between an employee and the supervisor is not successful, or when an employee disagrees with the application of City policies and procedures by the supervisors, the employee should discuss and attempt to resolve the problem with the Department Head. The employee shall submit a written document to the Department Head. The issue will be discussed jointly by the employee, supervisor and Department Head. The Department Head will respond to the employee in writing within **ten (10) working days** after the meeting.
- (3) If the employee is not satisfied with the response from the Department Head, the employee may submit the issue, in writing, to the City Manager, within **ten (10) working days**. The City Manager may meet with the parties, including the Human Resource Director, either individually or together, and the City Manager will respond in writing to the employee within **ten (10) working days** of the meeting. The City Manager's response and decision shall be final and binding.

If the complaint is found to be credible, the City will take appropriate corrective action. The City will inform the complaining party and any other involved of the outcome of the investigation. If, after investigating the complaint, the City determines that the complaint was made in bad faith or that an employee provided false information regarding the complaint, disciplinary action may be taken against the employee who filed the complaint or who gave false information.

### 10.3 CIVIL SERVICE EMPLOYEES

All Police and Fire Department grievances concerning Civil Service Regulations shall be handled through rules and regulations published by the Civil Service Commission and available to each employee employed under the Civil Service Laws. Employees with issues covered by contract and the Personnel Manual shall only be handled through rules and regulations agreed to by the executed contract agreement. In all other cases, the procedures described in this section shall be used. Under no circumstances shall an

employee have the right to utilize both this process and any other complaint or appeal procedure that may be available to an employee.



## CHAPTER ELEVEN - WORK SCHEDULES

### 11.1 PAY PERIODS

Employees are paid bi-weekly by direct deposit only. Pay day for all employees will be every other Friday. This results in twenty-six (26) pay periods per year. Payment is made for the work week that shall begin at 12:01 a.m. Saturday and end at 12:00 midnight, the following Friday. If a regularly scheduled payday falls on a holiday, payment will be made the day preceding the holiday.

### 11.2 BUSINESS HOURS AND WORK PERIODS

All departments shall observe office and working hours necessary for the efficient transaction of services as determined by the City Manager. The very nature of the services performed by the City makes it difficult for all departments to operate on the same schedule of working hours. However, employees' hours will be monitored and consistent in each individual department.

**A. Police Department:** The Police Department shall operate on a 24-hour, 7-day week basis. Shift assignments shall be determined by the Police Chief so as to provide for a basic work period as determined by contract. Lunch and dinner periods shall be established by the Police Chief as work schedules permit.

**B. Fire Department:** The Fire Department shall operate on a 24-hour, 7-day week basis. Shift employees of this department shall work on a 24-hour shift basis. Shift assignments shall be determined by the Fire Chief so as to provide for a basic work period of 212 hours per 28 day period. Lunch periods shall be established by the Fire Chief as work schedules permit.

**C. Non-exempt Employees:** The normal work week for all other employees shall be based on 40 hours per 7-day period. Lunch periods will be established by Department Heads on a department-by-department basis.

**D. Exempt Employees:** Exempt employees are expected to work whatever hours are necessary to accomplish the goals and services of their exempt position, in accordance with FLSA standards. Thus, exempt employees have more flexibility in their schedules to come and go as necessary to accomplish their work. However, the City of Alliance provides exempt employees with vacation and sick leave to be utilized when an employee is absent from work, whether the absence is a partial day or a full day, without affecting the employee's salary and should be utilized when taken.

Outside of the use of leave, flexibility and modification of normal work schedules should be discussed and approved by the City Manager, or designee. If an employee is going to be absent from their position for several hours during a typical work day, the employee should always inform the City Manager, or designee. The City Manager may discuss with exempt employees the need to be present in order to perform work that is necessary to department operations and coverage expectations.

**E. Modification:** Occasions may arise when service to citizens can be improved through the adjustment of an employee's work hours. The Department Head shall obtain approval of the City Manager for the adjustment in work hours.

**F. Emergencies:** In emergency situations, Department Heads may permit employees to work a specified time period in advance in exchange for time off, provided, both the extra hours worked and the time off occur within the same 7-day pay week.

### 11.3 VOLUNTEER ACTIVITIES

Employees are encouraged to volunteer; however, they are not to conduct charitable or volunteer work during normal working hours, except at the specific direction of the City Manager. Employees are not compensated for time spent for volunteer or charitable work conducted outside of the employee's normal working hours and at the employees discretion, unless such work is at the City Manager's request, direction, or control, in which case employees shall record all of their time spent engaged in such activities.

### 11.4 REST AND MEAL PERIODS

**A. Rest Periods:** Employees may take one (1) fifteen-minute break for every four hours worked. All breaks shall be arranged with the supervisor so that they do not interfere with City business or service to the public. Maximum use of breaks should be made on job sites. If breaks are not taken at job sites, transportation will be included in the 15 minute break time. Unused breaks may not be accumulated for future use nor otherwise compensated. Break periods are considered work time. The breaks are not to be combined with meal periods. Employees should not take their rest period in another employee's work area.

**B. Meal Periods:** Unless otherwise noted above, meal periods shall be scheduled by the employee's Department Head, or supervisor. The scheduling of meal periods may vary depending on department workload. Meals should be taken away from the employee's work area. Meal periods are unpaid and usually one hour in length. There may be cases when an employee is unable to take a meal period as a result of staffing levels or special workloads. In these cases, when the employee is not able to be completely relieved of all duties, or free to use the time as they please, they will be compensated. Meal Periods are optional for employees who work four hours or less.

### 11.5 NURSING MOTHERS

The City complies with all applicable laws concerning nursing mothers. The City will make reasonable efforts to accommodate employees who choose to express milk in the workplace for their nursing children during the first year after birth. Mothers who are expressing breast milk may use their regular breaks during the workday for that purpose.

The City shall provide a location close to the work area, other than a bathroom, at each facility for the purpose of expressing breast milk in private. Employees wishing to express breast milk at work are required to notify their immediate supervisor as far in advance as is practical so that arrangements can be made to accommodate the need and to ensure that the designated location is vacated at the appropriate times. Employees with questions or concerns shall notify their Department Head.

### 11.6 ATTENDANCE AND PUNCTUALITY

Punctual and consistent attendance is a condition of employment. Failure on the part of an employee to comply with this policy shall be cause for disciplinary action.



## 11.7 NOTIFICATION OF ABSENCE

Employees unable to work or unable to report to work on time shall notify the Department Head or immediate supervisor of the circumstance which prevents the employee from reporting to work no later than one-half hour after the beginning of the scheduled work start time. In the event that the employee cannot personally notify the supervisor, the employee must assume the responsibility to see that someone, knowledgeable about the situation, report the information accordingly. Failure to properly make such a report will be considered an absence without use of available leave. Failure on the part of an employee to comply with this policy shall be cause for disciplinary action.

## 11.8 UNAPPROVED ABSENCE

An employee absent without authorization or notification is subject to disciplinary action, including termination. An employee failing to report to work for two (2) consecutive working days, without proper notification, shall be deemed to have resigned the position and will be terminated immediately, unless extenuating circumstances exist, acceptable to the City Manager.

## 11.9 TIMEKEEPING

*Updated September 1, 2020*

Federal and State laws require the City to keep accurate record of time worked in order to calculate employee pay and benefits for non-exempt employees. It is each employee's responsibility to accurately record time worked in order to ensure the City complies with this requirement. Department Heads, or designee, are responsible for approving and submitting all employee time cards to the Finance Director following the close of the pay period noting hours worked, leave taken and overtime worked during the previous pay period. Non-exempt employees should not work overtime hours without prior approval from their Supervisor. All timecards must be signed by the employee and Department Head before payment will be released, unless authorized by the City Manager.

**A. Rounding:** Time worked for non-exempt employees should be rounded to the nearest quarter hour.

**B. Exempt:** In accordance with FLSA requirements, exempt employees are not to track hours worked, only leave used on half and full day increments.

**C. Records:** The Finance Department will maintain and retain records in accordance with applicable regulations.

**D. Off the Clock:** Non-exempt city employees are strictly prohibited from working hours that are unrecorded.

Employees should notify their Supervisor of any pay discrepancies, unrecorded or improperly recorded work hours, or any involuntarily missed meal or break periods, as soon as possible. Falsifying time entries is strictly prohibited. Falsifying time entries includes working "off the clock." Employees who falsify their own time records, the time records of co-workers, or work "off the clock," will be subject to discipline, up to and including, termination.

An employee should immediately report to their Supervisor any employee, supervisor, or manager who falsifies time entries or encourages or requires an employee to falsify time entries or work off the clock.

#### 11.10 CALL BACK AND CALL BACK PAY

Call back occurs when an employee has left the work site and is requested to respond on short notice to an emergency situation.

All employees are subject to call back in emergencies or as needed by the City to provide necessary services to the public. Non-exempt employees called back to duty will be paid a minimum of two hours at the rate of time and one half (1/2), or one and one half times the actual number of hours worked, whichever is greater. If contact is de minimus, requiring a telephone, text or email response, call back pay is not applicable. Driving to and from work shall not be considered as reimbursement to the employee. An employee's actual working time will begin when he arrives at the work site. For purposes of overtime calculation, only hours actually worked count towards overtime calculation.

#### 11.11 ON-CALL AND ON-CALL PAY

Departments may designate on-call personnel with approval of the City Manager.

On Call is defined as any employee, designated by their supervisor or Department Head, to be available for a certain period of time to return to work while off duty. The employee shall be contacted by their supervisor, Department Head, and/or the Police Department. It may be grounds for disciplinary action, including termination, for an employee to refuse to respond to a call while "on-call." On-Call employees shall respond to a call within a reasonable amount of time. On Call employees shall not consume any substances that will impair their ability to perform job responsibilities. Employees should notify their supervisor immediately if it becomes necessary to be removed from on-call responsibilities.

Employees designated "on-call" will be compensated a flat rate to serve in this function. In addition, should the employee be dispatched to work, they will be paid on-call pay. Employees called back to duty while on-call will be paid minimum of two hours at the rate of time and one half (1/2), or one and one half times the actual number of hours worked, whichever is greater. Driving to and from work shall not be considered as reimbursement to the employee. An employee's actual working time will begin when he arrives at the work site. If contact is de minimus, requiring a telephone, text or email response, on-call pay is not applicable. For purposes of overtime calculation, only hours actually worked count towards overtime calculation.

#### 11.12 INCLEMENT WEATHER CLOSINGS

Employees are expected to be at work even during inclement weather. Department Heads may allow employees to be late or leave early during severe weather conditions. In addition, the City Manager may release employees earlier than the normal closing time or delay the normal time to report for work because of inclement weather, natural disasters or civil emergencies. In some instances, certain departments may still be open where other services may be cancelled which will require some staff to be at work even in the event of a closing. In all instances, absence from work for exempt and non-exempt employees will be charged to available leave banks, except sick leave.

## CHAPTER TWELVE - CLASSIFICATION AND COMPENSATION

### 12.1 CLASSIFICATION PLAN AND PAY GRADES

It is the policy of the City of Alliance to administer pay in such a manner as to attract, motivate and retain the most highly qualified personnel available. It is the intention of the City to evaluate positions in a consistent manner and place them in an appropriate pay structure that is competitive within our industry, local community and region. The City also intends to compensate each employee on the basis of performance and contribution to the accomplishment of the City's objectives and provide incentives toward individual growth.

Each job title within the City is listed in the City's classifications for salary purposes, based on job qualifications, level of responsibility, difficulty, working conditions, skill, hazard, and amount of supervision required for the specific job title. Each classification is designated a particular salary or salary range shown on the City's salary and wage schedule, which is approved annually by City Council.

A detailed description of each position within the classification plan will be reviewed periodically and updated by the Department Head and Human Resource Director. A master file of all job descriptions shall be maintained by the Human Resources Department.

### 12.2 COMPENSATION PLAN

In conjunction with the annual budget process, pay grids shall be prepared by the Human Resource Director and submitted to the City Manager for City Council's approval. Pay grades are linked directly to the positions in the Classification Plan. The Pay Grids shall contain a pay grade schedule for each class of position. Both the Pay Grids and the Classification Plan shall be updated and made available annually.

### 12.3 PAY REVIEW, ADJUSTMENTS AND RECLASSIFICATION

The City's pay grids are reviewed each year. If an adjustment to the pay grid is adopted by the City Council, a base pay adjustment may be necessitated in addition to an earned merit increase, if applicable. Criteria used in identifying employers comprising the City's labor market are: employer size and complexity, geographic proximity and nature of services provided.

**A. Review:** It shall be the duty of the Human Resource Department to examine the nature of all positions and to allocate them to existing or newly created classes, to make changes in the Classification Plan as are made necessary by changes in the duties and responsibilities of existing positions, and to periodically review the entire Classification Plan and recommend appropriate changes in the allocations or in the Classification Plan. Revision of job descriptions and re-allocations within the Classification Plan shall be made as often as is necessary to provide current information on positions and classes and be consistent with the budget documents and Classification Plan.

**B. Reclassification Process:** When a new position is requested by a Department Head or the duties of an old position are substantially changed, the Department Head shall submit a written recommendation to the Human Resource Director including justification for the reclassification, emphasizing changes in position responsibilities or requirements for qualifications (i.e. experience, education, certifications, etc.).

The request will be reviewed by the Human Resources Director. If the request is justified, the budget impact will be determined, and the request will be submitted to the City Manager for approval and submittal to City Council. If approved, the Human Resource Director will take the necessary steps to affect the reclassification. If the City Manager does not concur with the request, the Department Head will be provided with reasons. The City Manager shall be the final decision maker for all reclassification requests. If the requested action is for a downgrading of a position, and the City Manager concurs, the City Manager shall coordinate implementation steps.

Any employee who considers his position improperly classified shall first submit a request in writing for reclassification to his Department Head who shall review the request and transmit it with written recommendation to the Human Resource Department following the procedures listed above.

#### 12.4 PROMOTION, TRANSFER AND DEMOTION

When a City position is vacant and an opening exists, all employees of the City will be given notice of the title, job description and salary range for the existing position except when a position is created as part of an employee's promotion or reclassification. The City encourages current City employees to apply for vacant City positions for which they are qualified. Promotions and transfers are based on the Department Head's recommendation, workforce requirements, performance evaluations, job descriptions, and related City requirements. Employees in the same department will be given consideration over equally qualified employees from other departments in the City.

Regular employees are eligible for promotion, transfer or voluntary demotion. To be considered for another position, an employee must have satisfactorily completed the probationary period and possess the qualifications for the vacant position, unless such requirements are waived by the City Manager in the best interests of the City.

#### 12.5 RATES OF PAY

Employees shall be paid within the limits of the salary range to which their positions are assigned. The grade of pay for each position classification shall provide a minimum and maximum rate of pay for regular employees, which allows an employee to move through the pay grade based on his performance evaluation.

**A. Cost of Living Adjustment:** As part of the budget process, the City Manager may propose, and the City Council may grant, an across the board pay adjustment (cost-of living increase) from time to time, raising the salaries of all non-contract positions by a specified amount within a defined group of classifications. The City Manager shall base the analysis on the following: 1) municipality salary trends; 2) national salary trends; and 3) local salary trends. Such adjustments, if any, will not change an employee's pay anniversary date. Cost of living adjustments become effective on the first full pay period in the new fiscal year.

**B. Demotion/Promotion/Transfer:** The pay rate of any employee shall be determined as follows:

1. If the rate of pay in the higher grade position is more than the rate of pay for the position to which demoted, the rate of pay shall be reduced to the rate of pay of the lower position.
2. If the rate of pay in the higher graded position falls within the range of the pay grade for the position to which demoted, the rate of pay shall be consistent with the employee's knowledge, skills and abilities in the new position, as determined by the Department Head and City Manager.

3. The City Manager or his representative may modify the strict application of (1) or (2) above in any case where it is believed the circumstances warrant it.

**C. New Employees:** New employees will start their employment at the minimum salary rate for their classification. However, a new employee may be employed at a higher rate than the minimum when the employee's experience, training or proven capability warrant, or when prevailing market conditions require a starting rate greater than the minimum. The City Manager shall set the starting salary within the range prescribed for the position.

**D. Part-time employees:** Part-time employees shall receive a pay rate that is consistent with the duties and responsibilities of the position as outlined in the Classification Plan. Such pay shall be determined by the City Manager or his representative and shall normally be an hourly rate of pay.

**E. Temporary employees:** Pay will be based on the rate established by the City Manager for the temporary position.

## 12.6 PAYROLL DEDUCTIONS

*Updated September 1, 2020*

The City of Alliance is required by law to make certain deductions from employee paychecks. Mandatory deductions include state and federal income taxes, unemployment taxes, Social Security and Medicare taxes pursuant to the Federal Insurance Contributions Act "FICA", and any other deductions/withholdings imposed under law or by court order. The amount of tax deductions will depend on earnings and the information provided on the federal Form W-4 and applicable state withholding form. W-4 filing status may be changed at any time by completing a new W-4. Additionally, employees may also authorize voluntary deductions from their paychecks in writing, including contributions for insurance premiums, retirement plans, spending accounts, or other services. These deductions will be reflected in City wage statements.

The City of Alliance will not make deductions to employees' pay that are not authorized by federal, state, or local law. If employees have any questions about deductions from their pay, contact the Human Resource Director. Employees will be reimbursed in full for any isolated, inadvertent, or improper deductions, as defined by law. If an error is found, employees will receive an immediate adjustment, no later than their next regular payday.

To ensure proper credit for tax purposes, any change in name, address, telephone number, marital status or number of exemptions must be reported to the Human Resources Department immediately.

## 12.7 GARNISHMENTS

Any notice of garnishment of an employee's wages will be received and signed for by the Human Resource Director. Garnishment is defined as a legal stoppage of a specified sum from wages to satisfy a creditor. The Human Resource Director will forward a copy of the notice to the Finance Department for processing. The Finance Department will make the necessary deductions from the employee's wages and a check for the garnished amount will be written and forwarded to the Creditor as directed. The Human Resource Director or the designated representative will notify the employee, in writing, that the garnishment has been processed.

## 12.8 ELECTRONIC DEPOSIT

All employees will participate in direct deposit. Employees may deposit paychecks directly into checking and/or savings accounts of their choosing. The Department Head shall distribute the direct deposit remittances to each employee.

## 12.9 ERROR IN PAY

Overpayments or underpayments, or any other inaccurate award reflected on an employee's paycheck should be brought to the immediate attention of the Human Resource Director or Finance as soon as possible.

## 12.10 OVERTIME, FLEX TIME AND COMPENSATORY TIME

**A. Overtime:** Overtime shall be defined as all work performed in excess of the hours permitted under the Fair Labor Standards Act (FLSA) work period or as determined by existing contractual agreements. Overtime compensation shall be calculated at one and one-half times the employee's regular rate of pay for time worked beyond the established work period. For purposes of overtime the work week shall begin at 12:01 a.m. Saturday and end at 12:00 midnight, the following Friday. Department work schedules will be adjusted to minimize overtime usage. The need for overtime is determined by the employee's supervisor and all overtime must be authorized in advance by the employee's Department Head. From time to time, employees may be required to work overtime.

Non-exempt employees are eligible for flex time or compensation, either in cash or compensatory time off, when they work more than the maximum numbers of hours during a work period. Non-exempt employees are not to work at home, start work early, and work through their lunch hour or after their shift without prior authorization. Employees may be disciplined for completing unapproved work.

For purposes of overtime calculation, only hours actually worked count towards overtime calculation. An employee will not be credited for "hours worked" for periods which the employee takes leave, whether or not paid, except for periods of designated holidays. Provided that, the employee shall only be credited for the number of hours in that employee's standard day for designated holidays and not for any premium time (i.e. time and a half). Sums paid allocable to holiday pay during designated holidays actually worked is excludable from the regular rate and not regarded as compensation for hours worked when calculating overtime.

**B. Flex time:** Flex time, or an adjustment of the designated work period, is the preferred method of managing additional hours worked.

**C. Compensatory Time:** When flex time is not available, non-exempt employees who are eligible for overtime pay may request the accumulation of compensatory time, prior to performance of the work, instead of cash payment for periods greater than one hour. This is approved on a case-by-case basis by the employee's Department Head. *Periods less than one hour will be paid in cash.* Compensatory time off shall be earned at the same rate as overtime pay, as described in this section. Employees may accrue a maximum of sixty (60) hours of compensatory time (40 hours worked). After maximum accrual, overtime compensation shall be paid or time will be flexed. When available, employees should use compensatory time *prior* to utilizing vacation or floating holiday leave banks for qualified absences.

## 12.11 WORKING OUTSIDE OF CLASSIFICATION

Compensation for working out of classification is provided as monetary recognition to an employee for the assumption and performance of duties normally performed by an employee of higher classification. The assumption and performance of the duties of the higher classification must encompass the full range of responsibilities of the higher classification. This shall not apply to temporary assignments which are made pursuant to prior mutual agreement between the employee and his or her immediate supervisor for the purpose of providing a training opportunity to the employee, for a mutually agreed upon period of time. The performance of such duties must be for an extended period of time, wherein a need exists to fulfill the duties and responsibilities of the vacant position. An extended period of time is generally considered as an assumption of duties and responsibilities that will last in excess of two (2) weeks.

Working out of classification compensation shall be allowed only after written recommendation of the Department Head and concurrence by the City Manager. Recommendation and designation shall be accomplished prior to the assumption of higher classification responsibilities. The employee's compensation will be increased by five percent (5%), unless other arrangements have been authorized by the City Manager.

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

## 12.12 TRAVEL REIMBURSEMENT

All travel away from the City must be approved in advance by the Department Head and the City Manager for all appointed and Civil Service employees (See NE Statute § 13-2203). Travel and reimbursement requests will be approved based on: 1) the applicability of the travel and related training to the further development of the City and its employees; 2) the amount of available funds; and 3) department scheduling.

**A. Approval:** The employee shall submit a Training/Travel Authorization Request form to their Department Head, if possible, at least two (2) weeks prior to the expected travel date. If the travel request is approved, the Department Head shall submit the form to the City Manager for final approval. If the request is rejected, it shall be returned to the employee with a written explanation for the denial. In some cases, the Department Head or City Manager may choose to reimburse only a portion of the travel request with the employee being responsible for the remaining costs.

**B. Arrangements:** Employees shall be responsible for making their own travel arrangements. Employees shall utilize the most cost-effective and reasonable means when traveling on behalf of the City.

**C. Travel Expense Reimbursement:** Expenses incurred by an employee while on official City business may be paid in one of the following manners: Paid by direct bill to the City; paid by the employee who shall be reimbursed by submittal of expense report including receipts; or paid by charge to a City debit or credit card and reported and substantiated with receipts.

Requests for reimbursement by an employee shall be submitted on an Expense Report Form (designated as "Reimbursement") that is signed by the employee and approved by their Department Head or the City Manager. All charges incurred on a City-issued debit or credit card shall be submitted on an Expense

Report form (designated as “Purchasing Card”) that is signed by the employee and approved by their Department Head or the City Manager. Employees will be personally responsible for all expenses not substantiated by genuine, detailed receipts. Petty cash is no longer available for reimbursement.

**D. Registration Fees:** Whenever possible, registration and special event fees shall be direct billed to the City. If payment is requested at the door, the employee shall either charge to a City debit or credit card or pay the fees and request reimbursement from the City. The City shall be responsible for dues as well as registration fees. Every employee who has pre-registered for a seminar/conference is responsible to attend the same. If cancellation is necessary, the employee shall, if at all possible, notify their Department Head at least one (1) week in advance of the training date. This requirement may be waived in cases of an accident, illness or other unavoidable circumstance. If notification is not received or a formal waiver is not submitted and approved, the employee shall be responsible for all costs which are a result of pre-registration.

**E. Transportation:** All drivers or passengers, whether in a City or private vehicle, are encouraged to travel in groups to the same destination. Seat belts must be worn at all times while conducting City business and the use of headphones and radar detectors is prohibited. Any traffic citations received while on official City business shall be the responsibility of the employee.

The City shall compensate non-exempt employees for travel time. Whenever possible, travel time should minimize overtime. Employees should consider the costs associated with the use of a City or private vehicle in comparison to the cost of commercial air transportation in determining their mode of travel. Employees should take the amount of travel time into account as employee time is also a valuable resource.

A City vehicle will be issued to employees who have received approval to attend a meeting/seminar/conference. All expenses related to the use of City vehicles shall be applied to the credit card furnished by the City, paid by the employee and submitted for reimbursement, or charged to accounts established at local vendors. Personal use of the City car is not authorized. Any unauthorized use will be reimbursed to the City and may result in discipline.

If a City vehicle is unavailable, or with the City Manager's approval, a private vehicle may be used for City related travel. The owner of the vehicle shall be reimbursed at the rate authorized by Nebraska State Statute (§ 81-1176) for the shortest route between Alliance and the employee's destination. The City shall not be responsible for fuel, repair, liability or collision costs when a private vehicle is utilized. The City shall pay for economy class air or rail tickets when it is deemed more economical and convenient than ground travel. Air and rail shall be billed directly to the City or charged to a debit or credit card furnished by the City.

Transportation to and from airports and hotels shall be the most economical and practical method. Costs associated with rental cars shall be reimbursed by the City if the need for a rental vehicle is justified by economical advantage, unavailability of other means of transportation or a limited time schedule. Charges for parking and storage of a City or private vehicle shall be reimbursed by the City. Receipts for such travel are required.

**F. Lodging:** The cost of a single-occupancy hotel or motel room occupied by a City official while conducting City business shall be the expense of the City. Whenever possible, the government or special group rate shall be obtained and the cost of the room shall be direct billed to the City in order to avoid



sales taxes that may not be exempted when paid by other means. Preference shall be given to conference locations or hotels/motels where an account is established by the City and special rates are negotiated. The City shall only pay for the lodging cost of City employees--any costs associated with additional room occupants shall either be paid directly by the occupants or reimbursed to the City. Any room food service charges must be within the meal limits allowed. All in-room movie rentals, fitness room fees or other personal expenses are the responsibility of the employees.

**G. Meals:** Meal expenses may be adjusted for unique circumstances at the discretion of the City Manager. Genuine meal receipts must be fully itemized and submitted for reimbursement. Tips and gratuities shall be considered reimbursable expenses but shall not be reimbursed in excess of twenty (20%) percent. Under no circumstances is alcohol considered a reimbursable expense. Paid meal expenses shall be limited to the current daily amounts established by the U.S. General Services Administration (GSA) for the destination city as included at their website [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem). The maximum limit is not to be considered a per diem.

- 1) One Day Travel: Lunch expenses will be the only allowed meal reimbursement, provided lunch is not included in the training registration fee, and would be reported and reimbursed on the employees W-2 as a taxable benefit, in accordance with IRS regulations.
- 2) Multiple Day Travel: Allowable meals will be authorized only when those meals fall within the expected period of travel or attendance for a seminar/conference and shall not be given for meals that may be included in registrations. On multi-day travel only, if the employee is traveling before 6:00 a.m., breakfast would be covered, if leaving prior to 10 a.m. or returning after 2 p.m., lunch would be covered, and if returning after 7:00 p.m., dinner would be covered. These allowances will be determined under the direction of the Department Head and approved by the City Manager on a pre-approved Training/Travel Authorization Request form. In addition, those employees who forego a specific meal may utilize the funds remaining for another meal within the same day.
- 3) Multiple Day Travel within 2 hours of the City of Alliance: Will be reviewed on a case-by-case basis with the Department Head and City Manager determining the most appropriate budget via the Training/Travel Authorizations Request form.

Advances for specific meals will be made only when those meals fall within the expected period of travel or attendance for a seminar/conference and shall not be given for meals that may be included in registrations or hotel accommodations.

**H. Miscellaneous Costs:** All employees issued a City cell phone or who are paid a cell phone stipend are expected to initiate business-related telephone calls using cell phones when traveling. In other cases, telephone calls which are business related and are charged to a hotel room or a debit or credit card may be reimbursable, provided sufficient justification and receipts are provided. Photocopies or fax charges that are business-related are allowable expenses with receipts.

- 1) Local Mileage. No mileage will be paid for commuting from an employee's personal residence to City Hall or any City work station.

- 2) Local Meals. Reimbursement of meals may be made if a meal is part of the actual and necessary expenses incurred by the employee at educational workshops, conferences, training programs, official functions, hearings, or meetings (whether within or without the municipal limits) subject to IRS regulations and advanced approval by the City Manager.

### 12.13 USE OF CITY CREDIT CARDS

*Updated August 20, 2019*

All employees in the possession of a credit card issued by City of Alliance will adhere to the strictest guidelines of responsibility for the protection and proper use of that card. Submit all receipts generated by use of the City credit card with the statement. The City credit card may not be used for personal reasons and is restricted to approved business related expenses. Immediately report lost or stolen Company cards to your Supervisor. Failure to follow this policy may result in disciplinary action up to and including discharge. Any unauthorized purchases made with a credit card issued by the City will be the cardholder's responsibility.

### 12.14 USE OF CITY ISSUED CELL PHONES

*Updated August 20, 2019*

The purpose of this policy is to provide guidance to departments and employees regarding eligibility for City of Alliance-provided cell phones and plans, and the appropriate use of the phone and plan. Employees must have a legitimate business need for a cell phone/mobile device and the issuance of same must be approved by a Department Head. The typical legitimate reasons employees may need a cell phone/mobile device include frequent business travel or for key personnel who must be immediately reachable during an emergency.

When the cell phone/mobile device is used for personal reasons and the activity results in additional cost to the City, employees are responsible for the cost of that usage, including all applicable taxes. Employees should make note of personal calls and reimburse the City after review of the monthly call detail. The City owns and remains entitled to all cell phone/mobile devices, including all passwords controlling access to them. Employees may not change those passwords except with permission. At the time of employment termination, all such equipment and passwords must be returned to the City in operable condition.

## CHAPTER THIRTEEN - BENEFITS

### 13.1 INSURANCE BENEFITS

For more information regarding benefits programs, please refer to the Plan Documents, which were provided to employees upon hire, or contact the Human Resource Department.

The City offers regular full-time employees scheduled to work 40 hours per week enrollment in medical, dental, vision and life insurance coverage the month after hiring unless employment starts less than 14 days before the end of the month, then coverage will start the following month. Once elections are made, they are fixed for the remainder of the plan year. Changes in family status, as defined in the Plan document, allow employees to make midyear changes in coverage consistent with the family status change. Please contact the Human Resource Department to determine if a family status change qualifies under the Plan document and IRS regulations within 30 days of that change.

At the end of each calendar year during open enrollment, employees may change elections for the following calendar year. The Human Resource Department is available to answer benefit plan questions and assist in enrollment as needed.

The City reserves the right to make changes in the carriers and provisions of these programs when deemed necessary or advisable. Should the City of Alliance Personnel Manual conflict with plan documents, the plan documents supersede.

**A. In Lieu of Coverage:** The City recognizes that some employees may already have health coverage. Those employees not wishing to participate on the City's plan and who can prove medical insurance coverage may be eligible for a taxable in-lieu-of insurance payment. This amount is subject to change and is not guaranteed. For qualified employees, participation in the City sponsored health coverage, or proof of other coverage, is a condition of employment.

**B. Any Unpaid Leave of Absence:** Upon mutual agreement between the employee and the City, and in accordance with the terms and conditions of the insurance policy, the City will continue health insurance coverage during an unpaid leave of absence. During this time, the employee will self-pay their portion of the insurance premium. COBRA continuation rights may apply in the event coverage is not extended through the City. The employee may be liable for the full amount of the premium if the employee does not return to work at the completion of any unpaid leave.

**C. Worker's Compensation:** While an eligible employee is receiving Worker's Compensation benefits, and in accordance with the terms and conditions of the insurance policy, the City may continue to pay the employee's health insurance premiums. During this time, the employee will self-pay their portion of the insurance premium.

**D. Termination:** Upon an employee's termination from City employment, at the employee's option and expense, the employee may elect to continue City health insurance benefits to the extent provided under COBRA. Continuation rights are not available if an employee is terminated for "gross misconduct." An administrative handling fee over and above the cost of the insurance premium may be charged the employee or their dependents that elect to exercise their COBRA continuation rights.

## 13.2 OTHER BENEFITS

Flexible Spending Accounts: The City may offer regular full-time employees a Flexible Benefit Plan program in accordance with IRS code, which allows a full-time employee to purchase certain benefits through payroll deduction with pre-tax earnings.

Plan participants may elect an annual amount of flexible dollars to pay for eligible health care expenses, including copayments and out-of-pocket costs for medical, dental and vision care or dependent care. If eligible medical or dental expenses are less than the elected annual amount of flex dollars for that year, the balance may be forfeited.

Health Savings Account: The City may offer regular full-time employees participating in a City sponsored qualified high-deductible plan participation in a Health Savings Account, in accordance with IRS code. This account allows an employee to offset medical, dental, vision and prescription expenses through payroll deduction from pre-tax earnings. Unused balances are not forfeited.

Supplemental Insurance: The City may offer supplemental insurance withholdings for employees through a selected company. The employee shall pay the full premium amounts through payroll deduction. Elective coverage may include Accident, Cancer, Critical Illness, Hospital Indemnity and Short-term Disability.

Group Life Insurance: The City may offer regular full-time employees an employer-paid basic group term life policy along with an accidental death and dismemberment policy. Each policy generally pays a death benefit in an amount determined by the City.

## 13.3 RETIREMENT BENEFITS

*Updated August 21, 2018*

The following retirement systems exist within the City of Alliance. Each is described below. Further details about the Plans may be obtained from the plan document or contact the Human Resource Department.

**A. General City Retirement Plan:** Full time, regular employees of the City contribute a minimum of 3% percentage of gross earnings every pay period. The City will contribute the same amount each pay period up to a maximum of 6%. Participation is mandated in accordance with IRS rules and plan document provisions. Individual and employee contributions will be accumulated with interest and dividends (less any administrative charges) in the individual's account under the group contract.

**B. Fire Retirement Plan:** In accordance with Nebraska State Statute, paid Fire Department personnel and the City will contribute a percentage of gross earnings each pay period to the plan. Participation is mandated by Nebraska State Statutes and starts immediately upon employment. Firefighters are members of a defined contribution pension plan and the amount of retirement is directly impacted by the size of contribution.

**C. Police Retirement Plan:** In accordance with Nebraska State Statute, sworn personnel in the Police Department and the City will contribute a percentage of gross earnings each pay period to the plan. Participation is mandated by Nebraska State Statutes and starts immediately upon employment. Police officers are members of a defined contribution pension plan and the amount of retirement is directly impacted by the size of contribution.

#### 13.4 TRAINING AND EDUCATION

The City seeks, within the limits of available resources, to offer training to increase an employee's skills, knowledge and abilities directly related to employment with the City, to obtain or maintain required licenses and certifications and to develop staff resources. Opportunities may include, but are not limited to: on-the-job training, in-house workshops, and seminars sponsored by other agencies or organizations.

Employees are encouraged to participate in conferences, conventions, and meetings which have a direct relationship to the employee's position and the City's services. The employee shall submit a Travel Authorization Request form to the Department Head. The Department Head and City Manager shall authorize all participation.

Employees are encouraged to pursue college credit, adult education and other courses which offer the employee an opportunity to improve their work performance. Consideration of employee requests for tuition reimbursement is dependent upon budgetary constraints, the recommendation of that employee's Department Head and compliant with the following provisions:

- Employees will pay the initial tuition costs but these costs may be reimbursed when the employee successfully completes the course with a grade of "C" or above or receives certification.
- A limit of 4 credit hours per semester will be established.
- College classes must be attended outside the employee's employment obligation to the City. Time spent in attendance at these courses shall be considered the employee's personal time and is not counted as time worked.
- Approval for which type of course will be reimbursable will be obtained from the Department Head and the City Manager prior to the enrollment in a particular class on the Travel/Continuing Education Request Form.
- No reimbursement will be allowed for books, lab fees, travel expenses or material costs.
- Approval for tuition reimbursement shall only be allowed for courses offered by accredited colleges, universities or vocational training institutes.
- Expenses must be validated by receipts, and a copy of the final grade card or certification must be presented to show hours or certification received.

Any questions or comments should be directed to the Human Resource Department.

#### 13.5 EMPLOYEE ASSISTANCE PROGRAM

The Employee Assistance Program (EAP) is a valuable resource for employees and their immediate family members designed to assist with personal concerns that may impact the employee's job performance. These concerns include but are not limited to health, marital, family, financial, emotional, alcohol abuse and drug use. Professional assessments, referral and counseling can help individuals find solutions to problems that may impact work performance. Counseling options may include assessments, short-term counseling, and telephone crisis management, or other recommendations made by the counselor.

If an employee is referred to EAP as part of a personnel or performance concern by a Department Head or City Manager, the employee will be requested to sign a release so EAP can report the employee made the appointment, showed up for the appointment and the concerns for which the employee was referred have been addressed. EAP records are kept in strict confidence and do not become part of an employee's personnel file. Failure to complete the recommended treatment may result in disciplinary action, including termination.

Voluntary participation in the EAP will not jeopardize an employee's opportunities for promotion or employment. EAP provides strict confidence, as set forth in State and Federal statutes. EAP services are available to the employee without charge for the first three appointments; however, the cost of referrals to treatment or rehabilitation is the responsibility of the employee.

In support of the City's drug-free workplace, the City's insurance plans include some coverage for the treatment of addiction. An employee who tests positive on an alcohol and/or drug test or who exhibits signs of alcohol and/or drug dependence may be referred to the EAP for assessment and rehabilitation recommendations. The employee's decision to participate in the recommended treatment, successful completion of the program and additional treatment recommendations will be communicated to the organization. Failure to complete the recommended treatment may result in disciplinary action, including termination.

### 13.6 SOCIAL SECURITY

The City makes contributions on behalf of all eligible employees to the Social Security System in addition to those contributions made by the employee through FICA payroll deductions. All employees of the City automatically come under the program upon acceptance of employment, except Fire Department personnel. A set percentage of the employee's gross earnings are deducted monthly and an equal amount is contributed by the City each month into the Social Security Fund. Additional information may be obtained through the Social Security Department.

### 13.7 UNEMPLOYMENT COMPENSATION

City employees may qualify for State Unemployment Compensation after separation from City employment depending on the reason for separation and if certain qualifications are met in accordance with Nebraska law.

### 13.8 WORKER'S COMPENSATION

In accordance with the Nebraska's Worker's Compensation Act, all employees are covered by the State Industrial Insurance program (worker's compensation) and subject to the terms and conditions of the State program. This type of insurance covers employees in case of on-the-job injuries or job-related illnesses. For qualifying cases, State Industrial Insurance will pay the employee for work days lost for qualifying cases of disability resulting from job-related injuries or illnesses.

**A. Notification:** Employees who sustain work-related injuries or illnesses shall inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. Employees are required to complete, or assist their Department Head in the completion of, the First Report of Alleged Occupational Injury or Illness form. If applicable, this will enable an eligible employee to qualify for coverage as quickly as possible.

**B. Pay:** The injured employee may be entitled to compensation as allowed under the Nebraska Worker's Compensation Law. An employee receiving compensation under worker's compensation laws shall receive for the duration of such compensation only that portion of his regular salary which will, together with such compensation, equal his regular salary. Under these conditions, earned sick leave shall be charged proportionately, in increments, not less than one-quarter days, for that part of the pay which is sick leave pay. Other available leave will then be used if sick leave is exhausted.

**C. Disqualification:** Neither the City nor the insurance carrier will be liable for the payment of workers compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the City of Alliance. No compensation will be paid for willful negligence, misconduct, intentional self-inflicted injury, injury related to intoxication, or willful failure or refusal to use a safety appliance or procedure. Injuries received as a result of conduct outside the scope of assigned City duties are not covered.

### 13.9 WELLNESS INCENTIVE BENEFIT

The City of Alliance is dedicated to employee health and wellness, recognizing that employee wellness helps reduce sick days, other sickness-related expenses, and improves overall employee well-being. In an effort to promote employee wellness, employees covered by the City's medical plan who attend an annual health care checkup will be eligible for a taxable payment as incentive to receive a medical examination in an effort to promote health and prevent disease.

Employees will submit a wellness incentive form with appointment information to the Human Resource Office within 30 days of their annual health care checkup. Employees will not be required to disclose information otherwise protected by the Health Insurance Portability and Accountability Act. The wellness incentive will be processed via Payroll within 30 days of receipt of the wellness incentive form. The payment is intended to be used on employee wellness products such as health or fitness club memberships, athletic shoes, fitness trackers or other wellness-related expense. The amount is subject to change and is not guaranteed.

## CHAPTER FOURTEEN - LEAVE

### 14.1 HOLIDAYS

*Updated September 1, 2020; August 20, 2019*

Unless a contract states otherwise, the following holidays are recognized by the City:

New Years Day	January 1st
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Friday following Thanksgiving Day	4th Friday in November
Christmas Eve	See Below
Christmas Day	December 25th

Any recognized holiday falling on Saturday will be observed on the preceding Friday. Any recognized holiday falling on Sunday will be observed on the following Monday. If Christmas Eve falls Monday through Thursday, offices will close at noon.

This applies to all departments, except Police and Fire Department employees, who are scheduled for work on the recognized holiday. All city offices will be closed on recognized holidays except those departments whose operation is necessary to the public health and safety.

**A. Holiday Pay:** All regular full-time or part-time employees shall be paid for the official holiday; unless the employee was absent the work day prior to or the work day after the official holiday without authorized absence approval. Authorized absence approval includes a proven illness, authorized leave, or other reasons acceptable to the City Manager or representative.

**B. Holiday Worked:** Non-exempt regular full-time or part-time employees will be paid for the holiday plus their regular rate of pay at time and one half for any time worked on the holiday. Such time must be pre-authorized by the Department Head. Temporary employees will be paid at their regular straight-time rate for hours worked on a holiday.

**C. Leave Use:** If a designated holiday occurs during an employee's vacation leave period, no vacation leave time will be charged for that day. If a holiday occurs during a period that the employee is on sick leave, no sick leave time will be charged for that day.

### 14.2 FLOATING HOLIDAYS

Unless a contract states otherwise, each regular employee shall earn three (3) floating holidays during each calendar year. Floating holidays will be credited the first pay date in January, May, and September. Floating holidays must be used as one full day and shall be used in the same calendar year as acquired. Regular part-time employees will receive floating holidays on a pro-rated basis.



### 14.3 VACATION LEAVE

Updated August 20, 2019

#### Accrual of Leave:

**1) General:** Each regular full-time employee, other than Fire and Police Department personnel, accrues vacation leave according to the following standards. During the first year of employment, forty (40) hours of vacation leave will accrue following the employee’s successful completion of the probationary period (usually lasting six months) as authorized by the Department Head and City Manager.

After the Probationary Period, regular full-time employees accrue vacation leave on a monthly basis at a rate of two weeks of vacation leave per year until completion of their fifth year. At the start of the sixth year, employees will accrue 8 hours monthly (two weeks and three days annually) until completion of their ninth year of employment. At the start of ten years, employees will earn 10 hours monthly (three weeks annually) until completion of their 12<sup>th</sup> year. From the start of an employee’s 13<sup>th</sup> year until completion of their 15<sup>th</sup> year, employees will accrue 12 hours monthly (three weeks and three days annually). As the start of an employee’s 16<sup>th</sup> year and their after, employee will earn 13.33 hours monthly (4 weeks annually) of vacation leave. Employees will accrue leave monthly according to the chart below.

Length of Employment	Length at Level	Hours Awarded Monthly	Annual Accrual
0 - Completion of Probation	6-9 Months	0	0
Upon Completion of Probation	6-9 Months	40 Hours Awarded	40 Hours
7* months – Completion of 5 Years	4.5 Years	6.66	80 Hours
6 years – Completion of 9 Years	4 Years	8.00	96 Hours
10 years – Completion of 12 Years	3 Years	10.00	120 Hours
13 years – Completion of 15 Years	3 Years	12.00	144 Hours
16 Years +	Remainder of Employment	13.33	160 Hours

*\*Employees who have probation extended but successfully complete probation will be retroactively awarded any missed accrual of vacation.*

Vacation leave may be taken after the completion of probation following the policies and practices of the City. Each regular full-time employee, other than Fire and Police Department personnel, may carry over a maximum of 160 vacation leave hours from year to year (pro-rated for regular part-time employees).

**2) Fire:** Regular, paid employees of the Fire Department who work on a 24-hour shift basis so as to average a 56 hour work week shall accrue vacation according to the following standards. During the first year of employment, seventy-two (72) hours of vacation leave will be accrued following the employee’s successful completion of the probationary period (usually lasting six months) as authorized by the Department Head and City Manager.

During the first year of employment employees will accrue leave at a rate of six (6) full shifts per year until the employee’s ninth anniversary. After the employee's ninth anniversary, vacation leave at a rate of seven (7) full shifts shall be accrued per year, and after employee's eighteenth anniversary, vacation leave at a rate of nine (9) full shifts shall be accrued per year. Employees will accrue leave monthly according to the chart below.

Length of Employment	Hours Awarded Monthly
Upon Completion of Probation	72 hours awarded
7 months – 8 years	12
9 years – 17 years	14
18 + years	18

Vacation leave may be taken after the completion of probation following the policies and practices of the City. No employee shall carry over vacation leave at a rate that exceeds 216 hours annually.

**3) Police:** Each employee of the Police Department recognized by the Alliance Police Officer’s Association Fraternal Order of Police Lodge 51 shall accrue vacation leave in accordance with a contract as approved by its members and the Alliance City Council.

**4) Department Head:** The City Manager has the ability to set the accumulation rate appropriate for Department Head positions.

**5) Part-Time:** Regular part-time employees will accrue vacation leave on a pro-rated basis. Temporary employees are not eligible for any vacation leave benefits. Regular part-time employees working less than twenty (20) hours per week are not entitled to benefits.

**B. Use of Leave**

*Updated August 21, 2018*

**1) Employees Dealing with Large Monetary Transactions:** The City Manager, Department Heads, Finance Department, and positions determined by the City Manager which deal with large monetary transactions, shall be required to be absent for five consecutive working days in accordance with leave use policies within the year following their one year anniversary date, and each year thereafter. Exceptions may be granted by the City Manager.

**2) Request for Leave:** The employee must submit a Request for Leave form to the Department Head when requesting any vacation leave. Leave requests shall be submitted at least two weeks prior to taking vacation leave. In no case shall an employee take vacation leave without the approval of their Department Head, as proven by the Department Head's signature on the Request for Leave form.

With the approval of the Department Head, an employee may take vacation leave in periods of not less than one-half of a working day. However, vacation leave may be taken in increments of less than one-half working day upon approval of the Department Head at least three (3) full days in advance of the requested time off.

Each Department Head is responsible for scheduling his employee's vacation leave without undue disruption of department operations. The Request for Leave form shall be filed in the Human Resource Department.

#### 14.4 SICK LEAVE

*Updated September 1, 2020; August 20, 2019*

**A. Accrual:** All full-time regular employees accrue sick leave benefits at the rate of eight (8) hours for each full calendar month of continuous employment, with a maximum of 960 hours. Fire Department personnel accrue sick leave benefits at the rate of twelve (12) hours for each calendar month of continual employment, with a maximum of 1,440 hours. Regular part-time employees may accrue sick leave benefits on a pro-rated basis based on their hours worked. Employees accrue and may use sick leave during their probationary periods. Temporary employees do not earn sick leave benefits.

**B. Use of Leave:** Following the provisions below, sick leave is to be utilized for illness, issues related to illness and also to prevent the spread of illness during a contagious period. Sick leave covers those situations in which an employee is absent from work due to:

- Physical injury or illness to the employee;
- The need to care for the employee's parent, spouse, or dependent children under the age of 18 who are ill or injured (FMLA policy may apply);
- Medical appointments for the employee, parent, spouse, dependent child, or members residing in the same household provided that the employee must make a reasonable effort to schedule such appointments at times which have the least interference with the work day;
- Exposure to a contagious disease where on-the-job presence of the employee would jeopardize the health of others;
- Use of a prescription drug which impairs job performance or safety;
- Actual periods of temporary disability associated with pregnancy or childbirth. Employees may request additional time off beyond the actual period of disability according to the City of Alliance FMLA policy;
- Employees may request a maximum of 40 hours of paid sick leave to be utilized for a qualified FMLA request to care for a newborn, adopted, or newly placed foster child. Employees may request additional time off in accordance with the City of Alliance FMLA policy.

**C. Doctor's Certificate:** A doctor's certificate will be required when an employee utilizes sick leave for a period in excess of three (3) days. The City may make a medical inquiry regarding the employee's condition if the City has a reasonable belief based on objective evidence that the employee's present ability to perform essential job functions will be impaired by a medical condition or that he or she will pose a direct threat due to a medical condition. Employees who are habitually absent due to illness or disability may be terminated if their disability cannot be reasonably accommodated.

**D. Additional Time Needed:** Employees who use all their accumulated sick leave and require more time off work due to illness or injury may use accrued vacation leave with the approval of the Department Head and City Manager. The employee shall submit a Request for Leave form to the Department Head. At no time may an employee substitute accrued vacation leave for sick leave when a balance of sick leave exists.

**E. Inappropriate Use of Leave:** Employees abusing sick leave may be subject to discipline, including termination.

**F. Change Leave Type:** If an employee becomes ill or injured while on vacation leave, the employee may submit to his Department Head a Request for Leave form, requesting the vacation leave status be changed to sick leave for the duration of such illness or injury providing the employee does not exceed his sick leave credit. The Department Head and City Manager may approve the request.

**G. Re-Employment Credit:** Any employee laid off for non-disciplinary reasons may, if reappointed within twelve (12) months, have available any unused sick leave existing at the time of layoff.

**H. Transfer:** When an employee is transferred to another position, any unused sick leave which the employee may have accumulated shall continue to be available to the employee in the new position.

**I. Termination:** An employee loses all accumulated sick leave benefits upon separation of employment.

#### 14.5 SICK LEAVE INCENTIVE PROGRAM

The City will award eight (8) hours of vacation leave to any non-exempt employee who has not utilized sick leave for twelve (12) full months following the last use of sick leave.

In June of each year, the City will allow employees to trade in sick leave hours three-for-one for vacation leave hours, provided that at the time of the trade-in transaction, the trading employee has at least 643 hours of accrued sick leave. An employee may only trade in sick leave to the extent which results in the employee maintaining at least 640 hours of accrued sick leave after the trade in transaction.

#### 14.6 FUNERAL LEAVE

Funeral Leave is to be used for the purpose of addressing issues related to the death and to attend funeral services. All City employees are eligible for twenty-four (24) hours of paid funeral leave which may be taken in the event of a death of an immediate family member, as well as, grandparents, grandchildren and current step-parents and step-children. A maximum of forty-eight (48) hours of paid funeral leave per year will be allowed. If an employee's funeral leave has been exhausted in one year, or if more than 24 hours is needed following the death of an immediate family member only, then the employee may request to use up to forty (40) hours of paid sick leave per year for such funeral purposes. Any employee wishing to take additional time may use their accrued vacation leave, with the approval of their Department Head.

#### 14.7 JURY AND WITNESS LEAVE

Employees will be granted time off with pay to serve on a jury or as a court witness when under subpoena. If an employee is summoned during a critical work period, the City may ask the employee to request a waiver from duty. Employees shall give reasonable notice to the Department Head of a jury summons. Employees shall not be subject to discharge from employment, loss of pay, sick leave, vacation leave, or any other form of penalty, as a result of jury duty. An employee granted such leave shall reimburse the City for any pay received while serving as a juror or witness.

An employee involved in court as an expert witness (not because of his official capacity) or in a personal case, whether as a plaintiff or as a defendant, may be granted leave. However, the time off shall be charged to an applicable leave bank.

## 14.8 ADMINISTRATIVE LEAVE

On a case-by-case basis, the City may place an employee on administrative leave with or without pay, as determined by the City Manager to be in the best interests of the City pending an investigation or other administrative proceeding and in accordance with Pre-Suspension and Pre-Termination Procedures.

## 14.9 MILITARY LEAVE

*Updated September 1, 2020*

The City of Alliance is committed to protecting the job rights of employees absent on military leave. In accordance with Federal and State law, it is the City's policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in or obligation to perform service for any of the Uniformed Services of the United States. Specifically, no person will be denied employment, reemployment, promotion or other benefit of employment on the basis of such membership.

The City of Alliance complies with applicable federal and state law regarding military leave and re-employment rights. Unpaid military leave of absence will be granted to persons performing service in the uniformed services and uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA; with amendments) and all applicable state law. Employees must provide advanced notice their need for leave. When returning from military leave of absence, after no more than five cumulative years of service, employees will be reinstated to their previous position or a similar position, in accordance with state and federal law. Employees must notify their Department Head of their intent to return to employment within the time requirements set by law. For more information regarding status, compensation, benefits, and reinstatement upon return from military leave, contact the Human Resource Director.

In accordance with State law, employees who are members of the National Guard or Federal Reserve military units may be absent from their duties, with pay, for a period of up to 120 hours per calendar year when they are performing military training duty.

**A. Employee's Responsibilities:** The employee is responsible to provide their Department Head copies of all military orders which will result in a leave of absence for active military duty. Orders must specify the duties of absence, promulgation authority, letter order number and signature of issuing authority. Employees are required to notify their supervisors at the earliest possible date upon learning of scheduled military duty. Inactive duty training dates (weekend drills) should be provided to the Department Head as soon as available if the dates conflict with scheduled employment with the City. Employees who fail to return to work on the date specified in the leave request without receiving an extension in advance are subject to disciplinary action, including termination. Employees requesting extended leave for military duty (exceeding 120 hour allowance) should contact Human Resources to request leave as soon as they are aware of the need for leave. Any unpaid leave of absence will be pursuant to the policy on *Leave Without Pay Outside of FMLA Provisions*.

**B. Accounting Procedures:** All military leaves will be processed via the Payroll Action Notice form. Military Leave will be accounted for in increments of 24 hour periods (from 0001 hours to 2400 hours). It is the responsibility of the official verifying timecards in each department to indicate the use of military leave on the employee's time card. The Finance Department is responsible for the creation and maintenance of an annual Military Leave Register for each affected employee to ensure accurate accountability of leave expended.

## 14.10 FAMILY MEDICAL LEAVE

**A. Basic Leave Entitlement:** The Family Medical Leave Act (“FMLA”) requires the City to provide up to 12 weeks of unpaid, job-protected leave during a 12 month period (as explained below) to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee’s child after birth, or placement for adoption or foster care;
- To care for the employee’s spouse, son, daughter or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee’s job.

**B. Military Family Leave Entitlements:** Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness\*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.\*

\*The FMLA definitions of “serious injury or illness” for current servicemembers and veterans are distinct from the FMLA definition of “serious health condition”.

**C. 12 Month FMLA Period:** The 12 month FMLA period is a 12 month period measured forward from the date an employee’s first FMLA leave begins.

**D. Benefits and Protections:** During FMLA leave, the City must maintain the employee’s health coverage under the City’s group health plan on the same terms as if the employee had continued to work.

During FMLA leave, an employee is responsible for paying his share of health insurance premiums. If the employee has paid leave which is being used concurrently with the FMLA leave, the employee’s premiums will be paid by payroll deduction. If the employee does not have paid leave, the premiums are due from the employee at the same time as they would be paid if made by payroll deduction. The City’s obligation to maintain health insurance coverage for the employee ceases if an employee’s premium payment is more than 30 days late. The City may recover from the employee the City’s share of health plan premiums during a period of unpaid FMLA leave if the employee fails to return to work after the employee’s FMLA leave entitlement has been exhausted or expires, unless the reason the employee does not return to work is due to (1) the continuation, recurrence, or onset of either a serious health condition of the employee or the employee’s family member, or a serious injury or illness to a covered

servicemember, which would otherwise entitle the employee to leave under FMLA or (2) other circumstances beyond the employee's control.

Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

**E. Eligibility Requirements:** Employees are eligible if they have worked for the City for at least 12 months and have 1,250 hours of service in the previous 12 months.

**F. Definition of Serious Health Condition:** A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

**G. Use of Leave:** An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the City's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

**H. Substitution of Paid Leave for Unpaid Leave:** FMLA leave is unpaid leave. However, employees must substitute their accrued paid leave for FMLA leave. The term substitute means that the employee's accrued paid leave will run concurrently with the unpaid FMLA leave. Employees must satisfy any procedural requirements of the paid leave policies to receive paid leave during FMLA leave. During FMLA leave, the employee's accrued paid leave will be used in the following order: (1) sick leave, as authorized in the Sick Leave Policy; (2) floating holidays; and then (3) compensatory time. An employee may choose to use available vacation leave as well.

**I. Employee Responsibilities:** Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the City's normal call-in procedures.

Employees must provide sufficient information for the City to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the City if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave. Failure to provide the requested certification may result in denial of FMLA coverage.

During FMLA leave, the City may require the employee to report periodically on the employee's status and intent to return to work. If an employee takes FMLA leave due to the employee's own serious health condition that made the employee unable to perform the employee's job, then prior to returning to work, the employee must obtain and present to the City a certification from the employee's health care provider that the employee is able to resume work.

**J. City Responsibilities:** The City must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the City must provide a reason for the ineligibility.

The City must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the City determines that the leave is not FMLA-protected, the City must notify the employee.

**K. Unlawful Acts by Employers:** FMLA makes it unlawful for any employer to: Interfere with, restrain, or deny the exercise of any right provided under FMLA; and Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

**L. Enforcement:** An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights. All questions and concerns regarding FMLA leave, requests for FMLA leave, and notifications regarding FMLA leave shall be made to the Human Resource Department.

#### 14.11 LEAVE WITHOUT PAY OUTSIDE OF FMLA PROVISIONS.

The City Manager may grant leaves of absence without pay for absence from only if other leave balances are exhausted.

The following requirements shall apply:

- All available paid leave must be exhausted prior to taking leave without pay.
- Requests for leave of absence without pay shall be submitted in writing to the Department Head at least thirty (30) days before a known leave of absence and not less than five (5) working days prior to the date the leave would begin. Emergency situations will be reviewed case-by-case.
- The request must include a complete justification for the request and the specific amount of leave requested. If the employee wishes to seek leave in addition to the amount of leave initially approved, the employee shall submit another request for leave with a complete justification for the additional leave and the specific amount of additional leave requested. All requests must be approved by both the Department Head and City Manager. When applicable, a Medical Certification may be required to support such absences.
- The City Manager in consultation with the Department Head, may, in the City Manager's discretion, disapprove any leave requests in whole or in part.
- Examples that may rise for making such request may include the need for medical leave, the continued need for medical leave following the exhaustion of FMLA leave or other personal issues where additional leave is needed *and the employee expects a full return to work following their absence*. When applicable, a Medical Certification may be required to support such absences.



- A leave of absence without pay shall not be allowed for any employee to work for another employer, or for self-employment.
- Leave without pay shall be limited to an annual maximum of 60 working days. An employee's benefits are suspended during the period of unpaid leave until the employee returns to work. Vacation leave, sick leave, holiday pay and any other benefits do not accrue while an employee is on leave without pay. The employee shall not be granted any advancement or promotion in relation to the position from which he is on leave. Otherwise, leave without pay shall not constitute a break in service.
- In certain circumstances, self-payment of benefits may apply. During this leave without pay, the employee may elect to continue insurance coverage and benefits in accordance with this Handbook.
- At the expiration of leave without pay, the employee shall return to the position held prior to the leave. An employee who fails to report promptly at the end of the unpaid leave is presumed to have resigned.
- The City may recover from the employee health plan premiums which were paid by the City during a period of unpaid leave if the employee fails to return to work after the employee's leave has been exhausted or expires.
- Upon the employee's return to work, any general cost-of-living adjustments which were made during the employee's absence shall be reflected in the employee's salary.
- Approved leave without pay may be terminated earlier than planned if in the best interest of the City.

#### 14.12 RETURN TO WORK

All light duty positions are temporary in nature. An Early Return-to-Work Program may be initiated depending on the injured employee's physician's medical opinion. The medical opinion will be used to determine what essential duties the employee can perform and those that are physically appropriate. The City Manager shall consider and approve all duty assignments for an early Return-to-Work Program. Consideration will be determined after receiving the physician's Return to Work form, the written request of a Department Head, a written work plan that will comply with the physician's restriction and include duties that are essential functions to the position of the employee.

The duration of a Return to Work assignment is contingent upon periodic medical examinations, restrictions, the employee's ability to perform essential functions of their position and the availability of the light duty work. In some circumstances, the City may require an examination at its expense, performed by a physician of its choice, to determine when the employee can return to work and if the employee will be capable of performing the duties and responsibilities of the position.

The Department Head and employee are responsible for monitoring both the light duty work and environmental conditions to ensure the modified work continues to be appropriate. The employee will update the City without delay when duties have been modified or release to full or restricted duty is authorized.

#### 14.13 VOTING LEAVE

*Updated September 1, 2020*

Employees, who are registered voters, and do not have two consecutive hours in which voting polls are open outside of their scheduled work hours, will be provided with up to two paid hours of leave for

purposes of voting. The amount of leave will be calculated as period of time as will (in addition to his or her nonworking time) total two consecutive hours between the time of the opening and closing of the polls. Notice of an employee's leave must be given prior to or on Election Day Supervisors may determine the time that employees may exercise voting leave.

## CHAPTER FIFTEEN - HEALTH AND SAFETY

### 15.1 SAFETY

Every employee is responsible for maintaining a safe work environment and following the City's safety rules. Department Heads shall train their personnel to work safely under all conditions. Each employee shall be certain he knows the proper procedures in case of fire or other accidents and the location and use of first-aid supplies. Negligence in adherence to on-the-job safety standards could be considered grounds for disciplinary action, including termination. Each employee shall promptly report all unsafe or potentially hazardous conditions to the Department Head. The Department Head shall either correct the hazardous condition or bring it before the Safety Committee for review. The City will make every effort to remedy problems as quickly as possible. The employees should refer to their Safety Manuals for additional information.

Some of the best safety improvement ideas come from employees. If you have any idea, concern, or suggestion on how to improve safety in the workplace, tell your Department Head. You can report any concerns about workplace safety without fear of reprisal.

### 15.2 SAFETY GLASSES AND PROTECTIVE EQUIPMENT

The City will provide safety goggles to employees who work in departments where their use is a necessity. The employee shall notify the Department Head immediately if their safety goggles become broken or need to be replaced. It is the employee's responsibility to wear the protective equipment when necessary.

The City shall make available all hearing and vision protective equipment to the employee when requested. The employee is responsible for all costs associated with any protective equipment above and beyond what is required for the position.

### 15.3 WEAPONS PROHIBITION

The City of Alliance recognizes that State statute allows citizens to carry concealed firearms under certain conditions. The intent of this policy is to prohibit employees from carrying firearms or any weapon(s) while on-duty or in uniform except as required by the job description.

This policy applies to all employees and visitors. No individual may enter City building while carrying a weapon. Signs posting such expectations are located at the entrances of City property, including any building owned or leased by the City of Alliance.

No City employee may have in his possession a weapon while on-duty, in any city vehicle, or while conducting any business on behalf of the City. Weapons include, but are not limited to: firearms, electrical or stun devices, brass knuckles or knife blades longer than two inches not used in the performance of job responsibilities or any other weapon as defined by State Statute.

### 15.4 CITY'S RIGHT TO SEARCH

All City property, including but not limited to vehicles, desks, lockers, computers and computer files, is subject to search at any time with or without cause subject to the discretion of the City Manager, or

designee. Refusal to consent to a search or inspection when requested by the City constitutes insubordination and is a violation of City policy subjecting the employee to disciplinary action, including termination. In this regard, it should be noted that all offices, desks, files, computers, lockers, City vehicles are the property of the City and are issued for the use of employees only during their employment and employee shall have no expectation of privacy in such places.

## 15.5 IMMUNIZATIONS

The City will pay for immunizations against job related hazards where deemed appropriate by the Department Head and approved by City Manager. All records will be provided to the Human Resource Director and placed in the employee's medical file.

## 15.6 EMERGENCY PLANS AND BUILDING EVACUATION

Each facility shall have posted an Emergency Plan detailing procedures in dealing with emergencies such as fire, weather and/or medical emergencies.

In the event of an emergency condition that requires the evacuation of the building:

- An announcement will be made when possible;
- Proceed down the nearest exit, keeping to the right in an orderly fashion;
- Do not use elevators; electrical service could be off;
- When outside, get away from the building as quickly as possible; and
- Do not re-enter the building until authorized.

Specific procedures such as a tornado procedure will:

- Be customized for each location;
- Be based on each building design; and
- Indicate available exits and/or protected hallways.

## 15.7 FIRE PROCEDURES

Fire drills and testing of equipment may be scheduled throughout the year.

Employees need to:

- Employees who need special assistance should notify manager;
- Know how to leave the building in an orderly manner;
- Certain employees may need to know where to locate alarms and extinguishers;
- Know what to do after leaving building; and
- Know the procedure for returning to building.

Locations should have an evacuation plan, floor monitors, and key employees to assist those personnel who need special backup attention.

## 15.8 OPERATION OF CITY VEHICLES

Anyone operating or riding in City vehicles must wear seat belts at all times. As part of the requirements for certain specific City positions, an employee may be required to hold a valid State Driver's license.

Employees designated by the City Manager shall be allowed to use City owned vehicles as transportation to and from their home to their place of work in addition to use during normal duty hours. Such vehicles shall not be used for other than official City business and shall not be used to transport any persons other

than City employees, except with the express consent of the City Manager. All vehicles shall be kept clean and driven in a manner so as to conform to existing traffic regulations and not bring discredit upon the City.

Generally, it is expected that City-owned vehicles will be maintained on City premises during non-working hours in order to reduce insurance costs and theft loss. If approved by the City Manager, the use of City vehicles for transportation to and from home will be charged to the City employee as required by IRS regulations.

Unless there is a clear, explainable benefit to the City for an “on-call” employee to take a City vehicle home, it is prohibited. The convenience to the employee of foregoing a trip to the City’s facilities to pick up a car does not suffice as a benefit to the City. A City-owned Vehicle Usage Certification must be completed annually for the City Manager to authorize such use.

## 15.9 DRIVER'S LICENSE REQUIREMENTS AND STANDARDS

**A. Requirements:** Applicants for positions in which the applicant is expected to operate a motor vehicle must be at least 17 years old and will be required to present a valid State driver's license with any necessary endorsements. *Driving records of applicants may be checked.* Applicants with poor driving records, as determined by the City, may be disqualified for employment with the City in positions requiring driving.

(1) Periodic checks of employee's drivers' licenses through visual and formal Department of Motor Vehicles review checks may be made by Risk Management, Human Resources or an authorized individual.

(2) Any employee who does not hold a valid driver's license will not be allowed to operate a City vehicle until such time as he obtains a valid license. If an employee's license is revoked, suspended or lost, or is in any other way not current, valid and in the employee's possession, the employee shall promptly notify the Department Head and will be immediately suspended from driving duties. Employees are not allowed to operate City vehicles pending adjudication of an alcohol or drug related traffic offense. Depending on the duration of license suspension, revocation or other inability to drive, an employee may be subject to disciplinary action, including termination.

(3) If an employee is required to have a commercial driver’s license as a result of their employment, the employee will be responsible for only that portion of the licensing fee that they would have been responsible for when obtaining a standard Class "O" license. The City will pay the difference between the cost of a standard Class "O" license and the cost of a commercial driver’s license.

**B. Standards:** Drivers will be disqualified from employment and/or driving vehicles for company purposes in accordance with A(2) above for any of the following reasons:

One of the following Capital violations within the past 3 years or more than one Capital violations within the last 5 years:

- Driving while intoxicated or impaired or under the influence of drugs;
- Criminal conviction with a motor vehicle (e.g. felony, hit and run, negligent homicide);
- Speed in excess of 25 MPH over the speed limit; or
- Any permanent suspension of driving privileges.

One or more of the following Major violations within the last 3 years:

- Any combination of three or more moving violations, at-fault accidents, or preventable accidents;
- Driving with a suspension, revocation or administrative restriction;
- Leaving the scene of an accident as defined by State laws; or
- Reckless Driving.

Any combination of more than two moving violations and/or at-fault or preventable accidents in the past 12 months (i.e. Speeding less than 20 MPH; Failure to Obey Sign, Failure to Yield; or Illegal Turn).

The list above is not all inclusive. Other violations may be deemed especially egregious or classified as a Critical or Major violations, or deemed to be reason for immediate disqualification from driving duties, as determined by the City Manager in the City Manager's sole discretion. Further, the City Manager may deem any driving history satisfactory if, in the City Manager's sole discretion, he determines doing so is in the best interest of the City.

## 15.10 DRIVING SAFETY RULES

The City of Alliance deeply values the safety and well-being of all employees and citizens. Due to the risk of motor vehicle accidents resulting from traffic congestion, unsafe driving habits, road conditions and distraction, the City of Alliance has a safety driving policy, which applies to all employees who operate a motor vehicle on company business and/or company time, whether operating a company vehicle or personal vehicle.

### **A. Safety Rules:**

- (1) Inspect vehicles prior to use to ensure that they are in safe operating condition. If a vehicle does not pass inspection, the vehicle should not be operated.
- (2) Drivers must be physically and mentally able to drive safely. Fatigue, medications and physical injuries can affect an employee's ability to safely operate a vehicle.
- (3) Drivers must conform to all traffic laws and make allowances for adverse weather and traffic conditions.
- (4) Speeding and aggressive behavior will not be tolerated.
- (5) Seat belts must be worn whenever a vehicle is in motion.
- (6) Cell phone usage, including texting, is prohibited while driving for company purposes.
- (7) Use of radar detectors is forbidden in all vehicles owned or used by the company.
- (8) Hitchhikers and passengers other than City employees are not permitted.\*
- (9) Cargo should be secured and all doors should be locked, both when the vehicle is en route and when it is parked.
- (10) Respect the rights of other drivers and pedestrians.
- (11) Drivers may not be under the influence of drugs or alcohol while operating a vehicle for company purposes.
- (12) **All traffic violations**, whether on company or personal time, must be reported to the manager within 24 hours or by the next business day by employees with driving as an essential function of their position.
- (13) If an employee has a change in license status, including a renewal, he must give a copy of his new license to the supervisor for the employee's file.
- (14) Employees are responsible for maintaining a valid driver's license.
- (15) Employees utilizing the City vehicle may be required to complete an acknowledgment of satisfactory motor vehicle history.

\*Without prior express consent of the City Manager, i.e. non-City employee to attend same meeting with City employee.

**B. Safety Rules Enforcement:** Employees will be subject to disciplinary action, including termination for violating any of the above rules.

#### 15.11 ACCIDENTS

In the case of an accident or near-accident, regardless of how serious, employees shall immediately notify their Department Head. Injuries of a minor, first-aid nature may be treated at the job site or department office. If the injury requires medical attention, the employee may consult his family doctor, as desired. Emergency unit services shall be used to transport employees to the hospital if the accident or injury results in incapacitation of the employee. No later than, twenty-four (24) hours of the accident, the affected employee or employee's Department Head shall file an accident-injury report at the Human Resource Office. Employees who have an accident with a City owned vehicle shall first notify a law enforcement agency and his Department Head who shall then notify the City Manager, or designee.

#### 15.12 SMOKING

*Updated August 21, 2018*

There shall be no smoking, use of smokeless tobacco, or use of an electronic nicotine delivery system allowed in City buildings, vehicles or during the operation of City equipment at any time.

Smoke breaks are confined to the affected employees lunch period or rest breaks. The establishment of the smoking areas outside must conform to all relevant State requirements and be minimized from public view. Areas designated for smoking may change from time to time to meet the needs of the City and desires of its employees and the public. In the event there is a conflict about the establishment of a smoking area, the right of the nonsmokers to breathe clean air free from harmful smoke shall supersede the right to smoke. Any employee who violates this policy will be subject to disciplinary action.

#### 15.13 CITY OF ALLIANCE DRUG-FREE WORKPLACE, SUBSTANCE ABUSE AND DRUG TESTING POLICY

*Updated December 19, 2017*

**A. Purpose and Goal:** The City of Alliance is committed to protecting the safety, health and well-being of all employees and other individuals in our workplace. We recognize that alcohol abuse and drug use pose a significant threat to our goals. We have established a Drug-Free Workplace Program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment. The City encourages employees to voluntarily seek help with drug and alcohol problems.

**B. Covered Workers:** Any individual who conducts business for the organization, is applying for a position or is conducting business on the organization's property is covered by the Drug-Free Workplace Policy. The policy includes, but is not limited to managers, supervisors, full-time employees, part-time employees and applicants.

**C. Applicability:** The Drug-Free Workplace Policy is intended to apply whenever anyone is representing or conducting business for the organization. Therefore, this policy applies during all working hours, whenever conducting business or representing the organization, while on-call, paid standby and while on City property.

**D. Prohibited Behavior:** It is a violation of the Drug-Free Workplace Policy to use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs or intoxicants.

Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of his job. If you have a prescription for a prohibited drug, visit with your prescribing physician to determine if an alternative treatment or medication is available that does not render you medically unqualified under applicable regulations to perform your position or is likely to pose a significant safety risk. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to notify their Department Head. At the option of the Department Head, an employee may be reassigned to less hazardous duty or be placed on sick leave if impaired work performance might pose a threat to the public confidence or to the safety of the employee or others for a temporary period of time.

The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of our Drug-Free Workplace Policy to intentionally misuse and/or abuse prescription medications. Appropriate disciplinary action will be taken if job performance deterioration and/or other accidents occur.

**E. Notification of Convictions:** Any employee who is convicted of a criminal drug violation must notify the organization in writing within **five (5) calendar days** of the conviction. The City will take appropriate action within **thirty (30) days** of notification. Federal contracting agencies will be notified when appropriate.

**F. Searches:** Entering the organization's property constitutes consent to searches and inspections. If an individual is suspected of violating the Drug-Free Workplace Policy, he may be asked to submit to a search or inspection at any time. Searches can be conducted of pockets and clothing, lockers, wallets, purses, briefcases and lunchboxes, desks and work stations and vehicles and equipment.

**G. Drug Testing:** All drug-testing information will be maintained in separate confidential records. The City shall perform and confirm all drug and alcohol tests, and preserve specimens resulting from such tests, in the manner consistent with and to the extent required under the Nebraska Drug and Alcohol Testing Act, NEB. REV. STAT. §§ 48-1901 to 1910.

Each employee, as a condition of employment, will be required to participate in reasonable suspicion (including post-accident) testing. Testing for safety-sensitive positions and DOT positions may also include pre-employment and random testing as outlined in separate policies.

The substances that will be tested for are consistent with DOT standards. Testing for the presence of alcohol will be conducted by analysis of breath and/or saliva. Testing for the presence of the metabolites of drugs will be conducted by the analysis of urine.

An employee will be subject to the same consequences of a positive test if he refuses the screening or the test, adulterates or dilutes the specimen, substitutes the specimen with that from another person or sends an imposter, will not sign the required forms or refuses to cooperate in the testing process in such a way that prevents completion of the test.



An employee will be subject to the same consequences of a positive test if he refuses the screening or the test, adulterates or dilutes the specimen, substitutes the specimen with that from another person or sends an imposter, will not sign the required forms or refuses to cooperate in the testing process in such a way that prevents completion of the test.

#### **H. Types of Tests:**

(1) Reasonable Suspicion Drug Testing: The City may require an employee to submit to drug and/or alcohol testing when a manager, supervisor, or Department Head of the City has reasonable suspicion to believe that the employee is under the influence of alcohol or illegal drugs at the workplace. Whether a manager, supervisor, or Department Head has reasonable suspicion depends on the totality of the circumstances. Factors that may be considered when determining reasonable suspicion exists includes, *but is not limited to*, the following: the employee's appearance, behavior, odors, and speech; the employee's involvement in a crime involving illegal drug use; reliable reports of alcohol use or intoxication at the workplace or illegal drug use by the employee; **the employee's involvement in a workplace accident**; and the employee's attendance and punctuality.

(2) Department of Transportation (DOT) Drug Testing: It is the policy of the City to comply with all applicable Federal regulations governing workplace drug and alcohol abuse and misuse; which includes, but may not be limited to: Pre-Employment Drug Test; Employee Random Drug Tests; Suspicion Based Test; Post-Accident test; and Return to work/Post-Rehabilitation Tests. Applicants who fail the pre-employment drug test will be eliminated from employment consideration and may reapply in accordance with this policy.

**I. Consequences:** One of the goals of the Drug-Free Workplace Program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates the policy, the consequences are serious. If an employee violates the policy, he or she will be subject to disciplinary action, up to and including termination. The City may discipline or terminate an employee possessing, consuming, controlling, selling or using alcohol, drugs or other controlled substances during work hours. The City may also discipline or terminate an employee who exhibits an on-going dependence on alcohol, drugs or other controlled substances which, in the City's opinion, impairs the employee's work performance, poses a threat to the public confidence, or is a safety risk to the City or others. The City may suspend an employee pending the outcome of any drug and/or alcohol test.

In the case of applicants, if he violates the Drug-Free Workplace Policy, the offer of employment can be withdrawn. The applicant may reapply after six months and must successfully pass a pre-employment drug test.

Without limiting the foregoing, upon an employee's first violation of being under the influence of alcohol or illegal drugs at the workplace, the City may, in its sole discretion, give the employee an opportunity to participate in an appropriate drug or alcohol counseling or rehabilitation program as determined by a certified chemical use counselor or physician trained in the diagnosis and treatment of chemical dependency. The employee will be responsible for paying all costs associated with any evaluation and subsequent treatment. They will be required to successfully complete recommended rehabilitation including continuing care, required to pass a Return-to-Duty test and sign a Return-to-Work Agreement, subject to ongoing, unannounced, follow-up testing for a period of up to five years. An employee who refuses or fails to participate in, cooperate with, or complete the evaluation or recommended treatment

may be terminated. Absent extenuating circumstances, upon an employee's second violation, the employee shall be terminated.

This Policy should be construed as consistent with applicable law, and shall be separate from and addition to the City's policies, practice, and obligations regarding drug and alcohol testing of employees as required by the Department of Transportation. If for any reason whatsoever, any one or more of the provisions of this Policy shall be held or deemed to be inoperative, unenforceable or invalid as applied to any particular case such circumstances shall not have the effect of rendering such provision invalid in any other case or of rendering any other provision of this Policy inoperative, unenforceable or invalid.

Nothing in this policy prohibits the employee from being disciplined or discharged for other violations and/or performance problems.

**J. Voluntary Report:** Employees who voluntarily report an alcohol, drug or controlled substance dependency problem may use leave to attend a bonafide treatment or counseling program. The City may condition continued employment on the employee's successful completion of treatment or counseling programs and future avoidance of alcohol, drugs or other controlled substances.

Any safety-sensitive employee will be immediately removed by such functions. Upon successful completion of an education or treatment program, as determined by a drug and alcohol abuse evaluation expert, the employee may be returned to such functions.

The employee will need to successfully pass a return to duty and follow-up monitoring tests prior to participating in a safety sensitive function.

**K. Assistance:** The City of Alliance recognizes that alcohol and drug abuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success of rehabilitation. To support our employees, our drug-free workplace Drug-Free Workplace Policy:

- Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.
- Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.
- Offers all employees and their family member's assistance with alcohol and drug problems through the Employee Assistance Program (EAP).
- Allows the use of accrued paid leave while seeking treatment for alcohol and other drug problems.
- Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

**L. Confidentiality:** All information received by the organization through the Drug-Free Workplace Program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

The City and its agents, including any testing laboratory used, shall not release or disclose any test results to the public, except that such results shall be released as required by law or to the employee upon request. Test results may be released to those officers, agents, or employees of the City who need to know the information for reasons connected to their employment with or service to the City.

**M. Shared Responsibility:** A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play. All employees are required to not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or other drugs.

In addition, **employees** are encouraged to:

- Be concerned about working in a safe environment.
- Support fellow workers in seeking help.
- Use the Employee Assistance Program.
- Report dangerous behavior to their supervisor.

It is the **supervisor's** responsibility to:

- Inform employees of the Drug-Free Workplace Policy.
- Observe employee performance.
- Investigate reports of dangerous practices.
- Document negative changes and problems in performance.
- Counsel employees as to expected performance improvement.
- Refer employees to the Employee Assistance Program.
- Clearly state consequences of policy violations.

**N. Communication:** Communicating our Drug-Free Workplace Policy to both supervisors and employees is critical to the success. To ensure all employees are aware of their role in supporting our drug-free workplace program:

- All employees will receive a written copy of the policy.
- The policy will be reviewed in orientation sessions with new employees.
- Posters and brochures will be available at all locations.
- Employee education about the dangers of alcohol and drug use and the availability of help will be provided to all employees.
- Every supervisor will receive training to help him recognize and manage employees with alcohol and other drug problems.

## CHAPTER SIXTEEN - MISCELLANEOUS POLICIES

### 16.1 ORIENTATION

All new regular full-time and regular part-time employees of the City will be scheduled to meet with the Human Resource Department on their first day of work for general orientation. The Human Resource Director will distribute and explain benefits associated with employment and the Department Head, or designee, will provide additional information to the new employee, including expectations of the position, department and performance.

### 16.2 BULLETIN BOARDS

Information of special interest to all employees is posted regularly on City bulletin boards. Employees may not post any information on these bulletin boards without the authorization of the Department Head.

### 16.3 REQUEST FOR LEGAL WORK

All departmental requests for legal assistance shall be processed through the City Manager.

### 16.4 ELECTRONIC COMMUNICATION AND INTERNET USE

*Updated August 21, 2018*

**A. General Provisions** The following guidelines have been established for internet, cell phones and e-mail use in an appropriate, ethical, and professional manner.

1. Internet, City-provided equipment (e.g., cell phone, laptops, and computers) and services may not be used for transmitting, retrieving, or storing any communications of a defamatory, discriminatory, harassing or pornographic nature.
2. The following actions are not allowed:
  - Using disparaging, abusive, profane or offensive language;
  - Creating, viewing or displaying materials that might adversely or negatively reflect upon City or be contrary to the City's best interests; and/or
  - Engaging in any illegal activities, including piracy, extortion, blackmail, copyright infringement, and unauthorized access of any computers or company-provided equipment such as cell phones and laptops.
3. Employees may not copy, retrieve, modify or forward copyrighted materials, except with appropriate permission.
4. Employees must not use the system in a way that disrupts its use by others. Employees may not send or receive large files that could be saved or transferred via thumb drives or that may be harmful to the system.
5. Employees should not open suspicious e-mails, pop-ups or downloads. Contact the system administrator with any questions or concerns to reduce the release of viruses or to contain viruses immediately.
6. Even when physically able to, users will not access any information other than that which they are specifically authorized to and that which is necessary for the performance of their assigned duties.
7. Users will not reveal their passwords to anyone. Excluding administration in the performance of their assigned duties, users will not utilize or access internet accounts belonging to any other user.

8. Inappropriate or illegal use of communications may be subject to disciplinary action, including termination.

**B. Ownership of Information and Data:** Information includes knowledge, in any form, that has value to the City and data includes any computer information that has been entered into a computer, stored in a computer, or retrieved from a computer. Examples would include spreadsheets, letters, memos, and database entries. All information and data generated or gathered by a user, in the course of their employment and/or generated or gathered utilizing City owned assets, is the exclusive property of the City. No information or data is to be transferred to, given to, or loaned to any other organization, business, or outside individual except for those instances where it is in the approved course of business for the City.

**C. Right to Monitor:** The City may routinely monitor use of City-supplied technology including phone records, usage, voicemail, and recordings. To clearly state, the City may access any information contained on any City owned computer hardware, cell phone, or other device, for any purpose, at any time. All computer related resources under the control of the City exist for the furtherance of the City's business pursuits. The City Manager may inspect or authorize inspection and/or monitoring of any City owned, leased, or controlled computer, computer device, network, computer facility, or storage device at any time for any reason. This includes the inspection of email (incoming, outgoing, or stored) and the monitoring of internet usage.

The City may divulge any information found during such inspections or monitoring to any party it deems appropriate or required to by law or regulation. This may include law enforcement search warrants, discovery requests in civil litigation, or public records requests. The use of encryption, the labeling of an email or document as private, the deletion of an email or document, or any other such process or action, shall not diminish the City's rights in any manner.

**D. Personal Use of Computers:** Users may utilize City owned hardware and software for personal use within the following guidelines. Department managers may use their discretion in requiring employees to adhere to more stringent regulations than those outlined here. Department heads, supervisors, or foremen may ask an employee to stop the personal use of the computer if they believe it is interfering with work duties or customer service.

- Such use must be purely personal and may not be for any commercial purpose.
- Such use must not be during ordinary work time.
- Such use must comply with all laws and regulations.
- Such use must not interfere with the City's needs or operation.

Each user is responsible for ensuring that their use of the City's internet access is consistent with this policy, any other applicable City policy, and appropriate business practices. Internet sites containing jokes, pornography, sexist material, racist material, defamatory material, obscene material, pirated software, personal ads, or any other inappropriate material shall not be accessed.

Users should be mindful that internet sites they visit collect information about visitors. This information will link the user to the City. Users will not visit any site that might in any way cause damage to the City's image or reputation.

**E. Personal Use of Cell Phones:** To protect the City from any liability created by the use of cell phones by staff during working hours, department managers may use their discretion in requiring employees to adhere to more stringent regulations than those outlined here. City employees may exercise occasional use of their personal electronic devices while at work as long as they do not interfere with their duties. Department heads, supervisors, or foremen may ask an employee to stop using such device if they believe it is interfering with work duties or customer service.

**F. Discovery:** Internal and external e-mails and content are considered business records and may be subject to discovery in the event of litigation. Be aware of this possibility when sending e-mail within and outside the company. All documents and records produced on a City owned device or by a City employee while in the scope of employment may be deemed a public record and subject to public disclosure.

## 16.5 SOCIAL MEDIA

*Updated August 21, 2018*

To assist in making responsible decisions about social media use, the following guidelines have been established for the appropriate use of social media.

**A. General Guidelines:** In the rapidly expanding world of electronic communication, *social media* can mean many things. *Social media* includes all means of communicating or posting information or content of any sort on the internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the City, as well as any other form of electronic communication.

Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees or otherwise adversely affects members, customers, suppliers, people who work on behalf of the City or the City's legitimate business interests may result in disciplinary action up to and including termination.

**B. Know and Follow the Rules:** Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action. (See 16.4)

**C. Be Respectful:** Be fair and courteous. Avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage customers or coworkers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or company policy.

**D. Be Honest and Accurate:** Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Even deleted postings can be searched. Never post any information or rumors that you know to be false.

**E. Post Appropriate Content:** Express only your personal opinions. Never represent yourself as a spokesperson for the City. If the City is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of the City or fellow employees.

**F. Using Social Media at Work:** Using social media while on work time or on equipment we provide should be consistent with Section 16.4 of this manual. Do not use the City's email addresses to register on social networks, blogs or other online tools utilized for personal use.

**G. Retaliation is Prohibited:** The City prohibits taking negative action against any coworker for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action.

## 16.6 MEDIA CONTACT

*Updated August 21, 2018*

All media inquiries should be directed to Department Heads. Employees should not speak to the media on the City's behalf without first contacting the Department Head. Employees will not post any official comment or make public statements regarding City business without prior authorization.

When releasing information, the City is committed to a culture of openness with the media and public that values the exchange of ideas, data, and information and doing so in a manner that is timely, responsive, and accurate. Protect confidential, classified, and non-public information while condensing information as much as possible and emphasize the positive. Avoid liability issues and try not to speculate or predict the future. Act promptly to correct the record or erroneous information when appropriate and use language that is easy to understand.

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