

# **EMPLOYEE HANDBOOK**

## **CITY OF SEWARD**



P.O. Box 38, 537 Main Street, Seward, Nebraska 68434. Phone: 402-643-2928. Fax: 402-643-6491. [www.CityofSewardNE.gov](http://www.CityofSewardNE.gov)

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## **SECTION 1 – WELCOME TO THE CITY OF SEWARD**

### **Introduction**

The personnel system of the City of Seward, Nebraska, provides a means to recruit, select, develop and maintain an effective and responsive work force and includes policies and procedures for employee hiring, advancement, training, job classification, salary compensation, benefits, discipline, dismissal and other related activities. The purpose of this guide is to serve as a written statement of the employment practices of the City of Seward, Nebraska, for all employees.

As an employee of the City, your job is to serve all of the people of the City with efficiency and courtesy. It is your obligation to treat all citizens fairly, ethically, and with special privileges to none.

Every job with the City is important in that it provides a service to your employers--the residents of Seward. The manner in which you serve the public strongly influences the public relations of the residents of the City. Their opinions of their City government are based, to a large extent, upon their contact with City employees such as yourself.

This Employee Handbook is an outline of the basic personnel policies, practices, and procedures in the City of Seward, Nebraska as it pertains to hourly employees. The Employee Handbook supersedes all previous personnel policies and procedures adopted by the City of Seward, Nebraska.

**NO HANDBOOK CAN ANTICIPATE EVERY CIRCUMSTANCE OR QUESTION ABOUT POLICIES. AS WE CONTINUE TO GROW, THE NEED MAY ARISE TO CHANGE POLICIES DESCRIBED IN THIS HANDBOOK. THEREFORE, WE RESERVE THE RIGHT TO REVISE, SUPPLEMENT OR RESCIND ANY POLICIES OR PORTION OF THE HANDBOOK FROM TIME TO TIME, AS IT DEEMS APPROPRIATE, IN ITS SOLE AND ABSOLUTE DISCRETION. IF CHANGES ARE MADE, YOU WILL BE PROMPTLY NOTIFIED.**

**THIS HANDBOOK IS NOT A CONTRACT OF EMPLOYMENT. NOTHING CONTAINED IN THIS HANDBOOK OR IN ANY OTHER STATEMENT OF THE CITY'S PHILOSOPHY, INCLUDING STATEMENTS MADE IN THE COURSE OF PERFORMANCE EVALUATIONS AND WAGE REVIEWS, SHOULD BE TAKEN AS AN EXPRESS OR IMPLIED PROMISE OF CONTINUING EMPLOYMENT. THE CITY, LIKE THE EMPLOYEE, IS FREE TO TERMINATE THE EMPLOYMENT RELATIONSHIP AT ANY TIME FOR ANY OR NO REASON. IF AND WHEN YOUR EMPLOYMENT ENDS, YOU ARE REQUIRED TO RETURN THIS HANDBOOK TO THE CITY AT THE TIME YOU COLLECT YOUR LAST PAYCHECK.**

The Mayor and City Council of the City of Seward, Nebraska shall be the ultimate policy-making authority for the City in all matters pertaining to personnel administration.

## **PURPOSE**

The personnel policies of the City of Seward are designed to achieve the following objectives:

- Promote economy and efficiency in the City service;
- Maintain a compensation plan based upon the relative duties and responsibilities of positions in the City service;
- Provide fair and equal opportunity to all persons who enter City employment through fair and impartial methods of selection;
- Promote high morale among City employees by providing good working conditions, opportunity for advancement, consideration for employee welfare and a basis for understanding the conditions of City employment; and,
- Develop a program of recruitment, advancement and tenure that will make the City service attractive as a career and encourage each employee to give his best service to the City.

The purpose of this Personnel Manual, then, is to explain to you, the employee of the City of Seward, the personnel policies which affect your employment. This manual contains information on how your City government is organized, your responsibilities as an employee of the City and your job benefits. It is designed to answer questions which may arise concerning your job. However, if you have a question which is not answered in this manual or do not understand a stated policy, ask your Department Head to explain it. If the Department Head doesn't have the answer, the Department Head will get the information for you. It is hoped that your employment with the City of Seward will be both challenging and rewarding.

The Personnel Manual does not represent an employee contract or any aspect of an employment contract and should not be construed as such. Personnel policies may be modified by the City Council at any time and employees will be given notice of any such modifications. (Updated 11-15-16)

## **PERSONNEL FILES**

Employee personnel files are the property of the City, and do not belong to the employee. Employees wanting to inspect their personnel file must file a request to review personnel file form with the Assistant Administrator/Clerk-Treasurer. Within five (5) day of receiving the employee's request form, the Assistant Administrator/Clerk-Treasurer will schedule an appointment during which the employee can review his or her personnel file. All appointments are scheduled during regular business hours. All personnel file inspections take place in city offices in the presence of a representative designated by the Assistant Administrator/Clerk-Treasurer. The employee cannot remove any personnel files from the City offices.

Employees can make handwritten notes to record information included in their personnel files. Copies of the documents are provided to the employee within a reasonable period of time after a request has been made. The City reserves the right to charge the employee a reasonable fee to cover the copying costs. (Added 12/2012)

## **AFFIRMATIVE ACTION**

It is the policy of the City not to discriminate against any employee or applicant for employment on the basis of race, color, religion, sex, national origin, or status as a qualified individual with a disability or a protected veteran (i.e., disabled veteran, Armed Forces service medal veteran, recently separated veteran, or other veteran who served during a war, or in a campaign or expedition for which a campaign badge has been authorized). It is also the policy of the City to take affirmative action to employ and to advance in employment, all persons regardless of their race, color, religion, sex, national origin, or status as a qualified individual with a disability, or protected veteran, and to base all employment decisions only on valid job requirements. This policy shall apply to all employment actions, including but not limited to recruitment, hiring, upgrading, promotion, transfer, demotion, layoff, recall, termination, rates of pay or other forms of compensation and selection for training, at all levels of employment.

In furtherance of the City policy regarding Affirmative Action and Equal Employment Opportunity, the City has developed a written Affirmative Action Program which sets forth the policies, practices and procedures that the City is committed to in order to ensure that its policy of nondiscrimination and affirmative action is accomplished. (Added 12/2012)

## **AMERICANS WITH DISABILITIES ACT (ADA)**

The City of Seward abides by the requirements of the Americans with Disabilities Act, the ADA Amendment Act, and state laws governing employment of individuals with disabilities. Qualified individuals with disabilities may be entitled to an accommodation in the application process and/or in the workplace. Any qualified individual with a disability who requires reasonable accommodation in the employment process and/or in the workplace shall notify the City Administrator. It shall be the responsibility of a qualified individual with a disability to request reasonable accommodation in the hiring process or in the workplace. (Added 12/2012)

## **COVERAGE OF POLICIES: (New 11/01)**

These policies shall apply to all departments, divisions and employees of the City except in cases of conflict with applicable City ordinances, state or federal laws or regulations or with the rules of the City of Seward Civil Service Commission as statutorily applicable.

## **ADOPTION OF POLICIES: (New 11/01)**

These policies shall become effective when adopted by the Mayor and City Council, whereupon any conflicting rules, regulations, policies, or procedures previously adopted by the Mayor and City Council or by administrative directive shall be superseded to the extent of the conflict.

## **ORGANIZATION FOR PERSONNEL ADMINISTRATION**

Mayor - City Council: The Mayor and City Council shall be the ultimate policy-making authority for the City of Seward in matters pertaining to personnel administration.

## **DEFINITIONS**

ANNIVERSARY DATE: The calendar date upon which employment started with the City of Seward by a specific employee. An anniversary date will be adjusted to exclude calendar days of suspension and leave of absence without pay.

COMPENSATORY TIME-OFF: Full-time employees who are eligible for overtime may receive compensatory time off in lieu of overtime pay for hours worked in excess of the maximum set for their work period, if it is authorized in advance by the Department Head, with the approval of the appropriate authority. (Updated 2/07)

CONTINUOUS EMPLOYMENT: The time from original employment to the current date of employment excluding the calendar days when an employee is absent without leave, or when an employee is absent with leave without pay, and periods while an employee is under suspension. (Updated 11-15-16)

DEPARTMENT: A major functional unit of the City of Seward governmental structure.

DEPARTMENT HEAD: A person directly responsible for the administration of a City department.

DISMISSAL: The separation of an employee.

DEFINITIONS (Updated 12/17/96)

EMPLOYEE: An employee may be defined as:

- 1) Regular, full-time. This employee works at least forty (40) hours per week for a full year in his/her assigned classification and is eligible for full fringe benefits.
- 2) Regular, part-time. There are two (2) classifications for this position:
  - A. Regular part-time employee works a minimum of 1,040 hours over a 12 month period in his/her assigned classification and is therefore eligible for fringe benefits on a prorate basis; or
  - B. Regular part-time employee works at his/her assigned classification less than twenty (20) hours per week for a full year who is therefore not eligible for fringe benefits.
- 3) Temporary. This employee may be employed for any number of hours per week in positions declared to be seasonal or temporary in nature. This person may be assigned to a classification temporarily vacated by a regular employee while on military duty or other authorized absence, and is excluded from the fringe benefits.

EXEMPT EMPLOYEES: Employees paid on a salaried basis and whose primary duties and responsibilities meet the Fair Labor Standards Act criteria for executive, administrative or professional exemption from eligibility for overtime compensation.

NONEXEMPT EMPLOYEES: Employees paid on an hourly basis and whose primary duties and responsibilities meet the Fair Labor Standards Act criteria for mandatory eligibility for overtime compensation and minimum wages.

EMERGENCY EMPLOYEE: An employee whose primary duties and responsibilities include response to an emergency event during regular or non-regular hours. Emergency employees generally include Utility, Police and Public Works Department personnel.

NON-EMERGENCY EMPLOYEE: An employee whose primary duties and responsibilities do not include response to an emergency event (severe weather, utility disruption, etc.) during regular or non-regular hours. Non-Emergency employees generally include Administrative, Office, Library & Recreation personnel.

EMPLOYEE TARGET SYSTEM (Updated 1/98): A target system designed to measure the performance of an employee in achieving his/her performance standards/targets mutually established by the employee and Department Head. Employee targets shall be evaluated after an employee's initial six month evaluation period and then semiannually (October 1st and April 1st).

GRIEVANCE: Any complaint, view or opinion relating to employment conditions or relationships.

HOLIDAY: The twenty-four (24) hour period starting at midnight and ending at midnight of the day observed.

LAYOFF: The involuntary non disciplinary separation of an employee due to no fault of the employee.

LEAVE: An authorized absence from regularly scheduled work hours which has been approved by proper authority.

OVERTIME: Authorized time worked by an employee in excess of his total normal working hours per week, or for hours worked when an employee is called to return to duty due to an emergency as defined in Section 3.9. (Updated 2-07)

EVALUATION PERIOD: A six (6) month working test period during which an employee is required to demonstrate his fitness for the position to which he is appointed by actual performance of the duties of the position.

REPRIMAND: A form of disciplinary action designed to not only admonish or warn an employee but also to lead, guide, direct and instruct the employee in how to correct and avoid repeating the mistake, infraction, deficiency or problem.

SEPARATION: The termination of employment by reason of disqualification, end of temporary assignment, layoff, resignation, retirement or dismissal.

WORK PERIOD: For all regular, full-time employees other than law enforcement officers, the work period shall be 40 hours per week and shall begin at the end of the shift on Friday and conclude at the end of the shift on the following Friday.

For law enforcement officers, the work period shall be 80 hours over a 14 day time period and shall begin at the end of the shift on Friday and conclude after the 14 day time period at the end of the shift on Friday.

Non-exempt employees may only work during their scheduled work shift. All off-shift work is strictly prohibited without pre-authorization by the Department Head or appropriate authority. Working unauthorized overtime is grounds for disciplinary action, up to and including termination of employment.

SUSPENSION: A form of discipline consisting of relieving an employee from work without pay for a specific period of time depending upon the seriousness bringing about the disciplinary action.

TERMINATION: The permanent separation of an employee from the service of the City of Seward (see "Separation" above).

WORKERS' COMPENSATION: Benefits received by an employee who is injured while carrying out his assignment, as determined by the applicable state laws.

## **SECTION 1: METHOD OF MEETING STAFFING NEEDS**

### **1.1 Classification of Employees**

For purposes of salary administration, overtime, and benefits, the City of Seward classifies its employees as follows:

- A. ***Introductory Employee.*** An introductory employee is classified as an employee that has not completed their introductory evaluation period as specified in Section 1.5. Introductory employees are not yet eligible for retirement benefits but are eligible immediately for medical insurance and leave benefits if they are a full-time employee. An employee in this classification will be subject to establishment of performance evaluation goals each April 1<sup>st</sup> and October 1<sup>st</sup>.
- B. ***Regular Full-Time Employee.*** An employee who has completed the introductory period and is expected to work 40 hours per week. The employee may be considered exempt (salaried) or non-exempt (hourly), depending on how their classified position is indicated in the job description. This classification of employees is eligible for City benefits—leave, retirement, medical—as identified in Section 4. An employee in this classification will be subject to establishment of performance evaluation goals each April 1<sup>st</sup> and October 1<sup>st</sup>.
- C. ***Regular Part-Time Employee.*** An employee who has completed the introductory period and is expected to work between 20-29 hours per week on average. The employee will be classified as non-exempt (hourly) and will be eligible for leave benefits only as identified in Section 4. An employee in this classification will be subject to establishment of performance evaluation goals each April 1<sup>st</sup> and October 1<sup>st</sup>.
- D. ***Part-Time Employee.*** An employee who will not complete an introductory period and is expected to work less than 20 hours per week on average. The employee will be classified as non-exempt (hourly) and will be eligible for leave benefits only as identified in Section 4. An employee in this classification will not be subject to the establishment of performance evaluation goals.
- E. ***Seasonal Employee.*** An employee who will not complete an introductory period and is expected to work up to 40 hours a week for a specified period of time. The employee will be classified as non-exempt (hourly) and will not be eligible for any benefits identified in Section 4. An employee in this classification will not be subject to the establishment of performance evaluation goals.

### **1.2 Procedure for Staffing City Departments**

Department Heads shall notify the City Administrator and Human Resources Director as soon as they become aware of actual or impending vacancies within their Department. The hiring process may not be undertaken without the authorization of the City Administrator, who may specify the selection process or processes to be used. If a Department Head feels the need to add an additional employee or employees, a request should be submitted and approved by the City Administrator or by the City Council if it creates a new position. The request will be considered based on current and forecasted budget availability, assessment of current and forecasted duties of the department, and in consideration with any facility or equipment upgrades to be implemented. If a vacancy is actual or impending for the role of Department Head, the City Administrator will initiate the hiring process and the chosen candidate will be appointed by the City Council.

No applicant shall be prohibited from securing employment and promotional/transfer opportunity with the City of Seward on the basis of race, color, religion, sex (including pregnancy, sexual orientation or gender identity), national origin, age, disability, marital status, military status genetic information or any other characteristic protected by law. Any evidence of discrimination shall be brought to the attention of the affected employee's Department Head, Human Resources Director and City Administrator, in that successive order. The City will make reasonable accommodations for the known physical or mental

limitations of a qualified applicant or employee with a disability upon request unless the accommodation would cause an undue hardship on the operation of City business.

### 1.2.1 Selection of an Employee Currently in City Service

1.1.1a Promotion - A promotion is the assignment from a position in one class to a position in another class having a higher maximum salary. A Department Head may recommend an employee be promoted to a higher classification if the employee has demonstrated one or all of the following: efficiency in service, continued development, education, skill attainment or length of service in current position. A recommendation for promotion of a non-appointed employee shall be submitted to the City Administrator and must gain approval before initiated. City employees may apply and be considered for any vacant or newly created position but will be considered in the same manner as members of the public.

1.1.1b Transfer - A transfer is any assignment from position to another within the City, which may be considered a promotion if the employee qualifies. City employees shall have the privilege of requesting a transfer to another department at any time there exists a vacancy for which they qualify. Department Heads shall give deliberate and impartial consideration to such requests within their respective departments and should submit the request to the City Administrator for consideration and approval.

### 1.2.2 Competitive Selection

When a competitive selection process is to be used, the City Administrator, according to the best interest of the City, may designate the area of consideration to applications from the following:

1.2.2a The selection process may be limited to persons currently employed in the City service. If this method of filling a vacancy is chosen, advertisement of the position will be limited to internal methods only and the selection process may be governed by the promotion policy.

1.2.2b The selection process may be opened up to the general public in which case any qualified applicants are encouraged to file an application. If this method of filling a vacancy is chosen, advertisement for the position shall be coordinated through the Human Resources Director. Each vacancy announcement shall include, at a minimum the following information:

- Title and salary of the position;
- Summary of the qualifications for the position;
- Method of and deadline for filing applications; and
- A statement that the City is an equal opportunity employer

Applications shall be filed with the contact as specified in the applicable vacancy announcements. The City Administrator may authorize the acceptance of late applications if in the best interest of the City. The City shall provide all reasonable assistance to persons requesting help in completing their applications. All information submitted by applicants shall be subject to verification. The City may cease accepting or processing applications at any time in accordance with operational requirements.

After the deadline for submittal, Department Heads and/or applicable Boards/Commissions, shall thoroughly screen the applications for completeness and should rank them on the basis of how well the applicant meets the hiring criteria indicated in the job advertisement. Criteria may include, but not be limited to the following: education, experience, skills/abilities, special training and certifications. Based on the rankings developed, the Department Head or Board/Commission in coordination with

the Human Resources Director shall schedule and conduct interviews with the highest-ranking candidates. Depending on the number of applications for a vacancy, it will be the intention to interview at least three applicants formally. Applicants who are interviewed shall be asked the same questions and their answers recorded in writing—any written documents, notes or tapes utilized or created in an interview will be forwarded to the Human Resources Director for retention. Applicants may be interviewed more than once if deemed necessary. Before the best candidate is identified, Department Heads or Board/Commission shall undertake the following tasks as possible: verification of previous employment, indication of performance in previous positions. Once the best candidate is identified, the Department Head or Board/Commission shall submit their recommendation to the City Administrator for consideration. If filling a vacancy for a non-appointed position, the City Administrator shall authorize the offer of the candidate deemed best qualified to fill the vacancy. If filling a vacancy for an appointed position, the City Administrator shall present a recommendation to the City Council for consideration and approval. The appointed individual will be offered the position only after City Council approval at a regular meeting.

Civil Service Rules & Regulations apply to appointing/hiring all sworn Police Department employees.

#### 1.2.3 Non-Competitive Selection

When in the best interest of the City, a non-competitive selection process may be specified by the City Administrator. Vacancies may be non-competitively filled with qualified person by the following means:

- a. Reinstatement of a former City employee;
- b. Demotion for cause, as specified in 'Disciplinary Action';
- c. Re-promotion of an employee previously demoted in lieu of reduction in force;
- d. Lateral transfer; or
- e. A selection process within the existing City service employees (See 1.2.2a).

#### 1.2.4 Disqualification of Applicants

An applicant may be disqualified from further consideration at any stage of the selection process for any of the following reasons:

- a. Applicant is an illegal alien or an alien with a visa specifically precluding their working;
- b. Applicant will not have attained their 18th birthday at the time of hire, except in cases where a lower minimum age has been established in the vacancy announcement;
- c. Applicant is not medically qualified to perform the duties as ascertained in a manner prescribed by the City Administrator, except that disabled persons shall not be disqualified on medical grounds if their disability can reasonably be accommodated in the workplace;
- d. Applicant is not of good moral character to the extent that their job performance would be impaired or that significant discredit or excessive risk would be brought upon the City by their employment;
- e. Applicant is not able to meet the residential requirement of the position;
- f. Employment of the applicant will violate the prohibition on the employment of relatives;
- g. Employment of the applicant will create a conflict of interest situation;
- h. Applicant lacks the education, experience, aptitude, or similar qualifications required for the position;
- i. Applicant obtains a positive substance abuse test result during the conditional offer phase of hiring;

- j. Applicant has a concerning background check result during the conditional offer phase of hiring, that would constitute an excessive risk to the City if they were employed;
- k. Applicant has been or is about to be dismissed from employment or military service for reasons indicating a current unfitness for the position or constituting an excessive risk to the City if they are employed;
- l. Applicant has made a false statement of material fact or has committed or attempted to commit a fraudulent, illegal, or unethical act or has attempted to exert political influence at any point in the application or selection process; or
- m. Applicant will not possess any required license or certificate or will not be able to comply with any other requirement or condition of employment as specified.

### 1.3 Conditional Offer Phase of Hiring Process

#### 1.3.1 Physical Fitness to Perform Job Duties

An applicant may be required to submit to a medical examination only after a conditional offer of employment and only if the examination is required of all applicants for the position. If the examination disqualifies an individual because of a disability, the examination standards shall be job-related and consistent with business necessity. An employee's medical records will be retained separate from personnel files and kept confidential in compliance with the regulations of the U.S. Equal Employment Opportunity Commission and the Nebraska Fair Employment Practice Act.

#### 1.3.2 Drug and/or Background Testing

An applicant may be required to submit to a substance abuse test prior to employment and in adherence to section 2.9.3. A background check of all prospective employees will be completed at the discretion of City Administration.

#### 1.3.3 Employment of Relatives

No applicant for a regular full-time position or regular part-time position shall be considered for employment if the position for which they are applying would result in their working in the same department as a member of their immediate family. These same conditions will apply for an employee who is promoted or transferred to a position in any department which would result in working in the same department as a member of immediate family. These policies apply to all members of the immediate family of all personnel of the City. Seasonal and temporary full-time or part-time positions are exempt from this policy.

### 1.4 Reinstatement of Previous Employees

Employees who retired from active City employment, whether or not they are receiving pensions from funds provided by the City, shall not be eligible for active employment pay from any City department funds unless approved by the City Administrator.

An employee who is separated from service with the City and did so in good standing, either due to a resignation or the elimination of a position, may be re-employed provided that the person is qualified to perform the duties of the position. In appropriate circumstances, reinstatements following layoff shall be based on seniority, with the persons with longest total regular City service being re-employed first. The employee shall once again serve an evaluation period regardless of the employee's status prior to the separation.

An employee who is re-employed shall be given credit for one-half of the years of service from a prior employment, given the re-employment date is within three (3) years of a previous employment ending date. If such credit is equal to or greater than one-half year, such credited year(s) are rounded up to the next full year of service. If such credit is less than one-half year, such credited years are rounded down to the previous full year of

service. The accrual rate for benefits will be determined using the same credit calculation.

**EXAMPLES: #1.** An employee who worked five (5) years previously would receive credit for 2.5 years, therefore, their credited service would be rounded up to three (3) years of service. **#2.** If an employee worked 2.5 years, they would receive credit for 1.25 years thus would be rounded down to one (1) year of service.

1.5 Introductory/Evaluation Period—Applicable to new, re-instated or promoted employees

All regular full-time and regular part-time employees of the City of Seward shall serve in an introductory period for the first six (6) calendar months of employment. The purpose of this is to permit the Department Head to closely observe and evaluate the capabilities and willingness of the new employee. During this time, the Department Head or Supervisor shall encourage and assist the new employee in making a successful adjustment to working for the City. Performance goals will be established for the next full period (six months) of performance goals creation, which begins in April and October annually.

For a promoted or re-instated employee (who previously completed an introductory period), an evaluation period of six (6) calendar months will be utilized for the Department Head to observe the capabilities of the employee in meeting the job requirements for the position. The Department Head and said employee shall establish performance goals at the beginning of a promotion or re-instatement period to allow for proper evaluation.

1.5.1 Failure of Introductory or Evaluation Period

At any time during the six-month introductory or evaluation period, an employee may be dismissed from the City service or may be reassigned by lateral transfer or demotion if their conduct, quality of work and/or fitness are insufficient to continue in the position. The Department Head, with the approval of the City Administrator, may provide an employee an additional period to demonstrate acceptable performance by extending the introductory or evaluation period no more than three months—failure to demonstrate acceptable performance after this extended evaluation period shall result in dismissal. The employee and Human Resources Director shall be notified if an introductory or evaluation period is extended. If an employee was promoted to the position and fails the six-month evaluation, they will be returned to their former position, if open, or may be reassigned to any other position deemed to which they qualify or may be terminated.

## **SECTION 2: EMPLOYEE RESPONSIBILITIES AND CONDUCT**

### **2.1 Standards for Appearance:**

As City representatives, employees should present a clean and professional appearance when in contact with other employees, elected officials, and members of the public. Employees are expected to use good judgement and common sense in choosing their workday attire. It is the intent of the City of Seward that any dress code standards created hereunder shall not discriminate against any employee based on race, color, religion, sex (including pregnancy, sexual orientation or gender identify), national origin, age, disability, marital status, military status, genetic information or any other protected class under the law. If the employee would request an accommodation based on any of the preceding factors, they should discuss the need with their immediate supervisor and/or the City Administrator. Instances of violation will be reported in the following order based on seriousness: immediate supervisor, Department Head, City Administrator or proper authorities.

#### **2.1.1 General Workday Attire**

Generally, all employees will dress in a manner that projects a professional, neat, business-appropriate appearance. With the prior approval of the City Administrator, Department Heads may have the ability to create different dress codes for their entire department, or within certain divisions, and even by certain work locations or sites. Several factors will be considered by the City Administrator in considering the request for an alternative dress code, including, but not limited to:

- The nature of the assigned work tasks and job assignments;
- whether such employee will be working primarily indoors or outdoors;
- federal, state and local safety regulations and requirements;
- interactions and meetings with the public, business agents, elected officials, and other officers.

Certain employees may be provided with uniforms and other City equipment, tools, and safety gear as needed to successfully complete job tasks.

#### **2.1.2 Casual Workday Attire**

Casual dress day may be observed by some departments on a designated day of every week, for a holiday or at any specified time by the City Administrator. An employee's participation in casual dress day is optional. Employees should not participate in any casual dress day when that employee has a scheduled meeting or presentation in which such casual dress wear would not be business or task-appropriate. Generally, on designated days these guidelines should be followed:

- No attire that is ripped, torn or has holes
- No attire that is unduly revealing and/or provocative
- No attire that is not appropriate for the task being performed for that day
- No attire that portrays a negative image or has inappropriate advertising or logos (eg. Drugs or alcohol related materials, obscene or inappropriate portrayals or pictures).

### **2.2 Attendance**

Employees shall promptly be in attendance at their place of work in accordance with the policies regarding hours of work, holidays and leave. Work hours shall be established by the Department Head and be approved by the City Administrator beforehand. If a department's regular work hours are altered, employees will be notified a minimum of 14 calendar days before the incorporated change.

If an employee, for some unavoidable reason, cannot report for work, the employee shall notify their supervisor or Department Head in advance of the first normal duty hour; in addition, if an employee has to leave work during the day for some unavoidable reason, they shall notify their Department Head or supervisor before they leave. Failure on the part of an employee to comply with these policies shall be cause for disciplinary action.

### 2.3 Complaint Policy

In situations where an employee feels a work-related complaint in regard to policy and handbook implementation is in order, the following steps should be taken:

2.3.1 If an employee believes that they have a legitimate work-related complaint, the employee is encouraged to first attempt to resolve the issue(s) with their Department Head. The complaint shall be presented in writing, on forms available at City Hall to their Department Head within five (5) business days from time of incident. The complaint shall clearly state the basis for the complaint and the relief requested. The Department Head will review the complaint and respond to the employee in writing within five (5) business days of receipt.

2.3.1b An employee remaining dissatisfied after receiving response from the Department Head may then submit the complaint to the City Administrator within five (5) business days after receiving response. The City Administrator will then review and respond within five (5) business days of receiving the complaint. Meetings may be held with employee, the Human Resources Department, and any other employee to discuss the complaint and remedy.

2.3.2 If a Department Head believes that they have a legitimate work-related complaint, the Department Head is encouraged to first attempt to resolve the issue(s) with the City Administrator. The complaint shall be presented in writing, on forms available at City Hall to the City Administrator within five (5) business days from time of incident. The complaint shall clearly state the basis for the complaint and the relief requested. The City Administrator will review the complaint and respond to the Department Head in writing within five (5) business days of receipt.

2.3.2b A Department Head remaining dissatisfied after receiving response from the City Administrator may then submit the complaint to the Mayor within five (5) business days from that date. The Mayor will investigate utilizing any or all of the following tools – written summary of the complaint, a review of the City Administrator’s response, and/or consultation with the City Labor Attorney - and respond within ten (10) business days of receiving the complaint. Meetings may be held with employee, City Administration, and the Human Resources Department to discuss the complaint and remedy. After the investigation is completed, the Mayor or City Attorney will advise the employee in writing of the results of their investigation and decision. The decision on the complaint shall be final and binding.

Time limits will strictly be enforced. Late submission of a complaint at any stage of the procedure shall bar its consideration unless there are extenuating circumstances. Similarly, if a Department Head or the City Administrator should fail to provide a written response within five (5) business days of receipt of complaint, the employee shall be allowed to advance their request to the next higher authority.

### 2.4 Personal Business

While on duty, personal phone calls (both incoming and outgoing), appointments and visitors should be conducted at break times or avoided unless absolutely necessary.

### 2.5 Cell Phone Usage

While at work, employees are expected to exercise the same discretion in using personal cell phones and electronic devices as is expected for the use of city phones. Excessive texting and personal calls during the workday, regardless of the phone or device used, can interfere with employee and department productivity and can be distracting to others. Employees are encouraged to text and make any other personal calls on non-work time where possible and to ensure that friends and family members are aware this policy.

Where workload needs demand immediate access to an employee, the City may issue a cell phone or other electronic device for work related communications, or a fee arrangement may be made to have the employee carry their own cell phone on an agreed upon schedule. As requested, the employee may be asked to produce this cell phone or electronic device for immediate return or inspection.

All employees are expected to follow applicable state or federal laws or regulations regarding the use of cell phones or other electronic devices. Employees whose jobs responsibilities include regular or occasional driving as a part of the work day shall refrain from texting or using the keypad while driving. Safety must come before all other concerns. Bring the vehicle to a safe stop before texting or using the keypad of the cell phone or electronic device.

Where possible, hands-free equipment will be provided with city issued phones and other electronic devices to facilitate the provisions of usage.

#### 2.6 Outside Employment

Employees of the City of Seward may take occasional or part-time jobs if there is no conflict with normal working hours; the employee's efficiency in his work is not hampered; or conflict with the interests of the City do not arise. The employee shall complete an "*Outside Employment Form*" and advise their Department Head of the nature of the outside employment, hours involved, and any other appropriate information prior to acceptance of the outside employment. The Department Head shall then recommend to the City Administrator or appropriate authority whether the outside employment should be approved. Outside employment by City employees shall not be authorized unless first approved by the City Administrator or appropriate authority. In any situation wherein extra duty will be necessary in an employee's normal City work, such extra duty shall be in preference to his outside employment.

#### 2.7 Political Activity

No employee shall be prohibited from participating in political activities except during work hours or when otherwise engaged in the performance of his or her official duties. No employee shall engage in any political activity while wearing a City uniform or wearing clothing denoting themselves as a City of Seward employee

#### 2.8 Social Media Usage

Employees shall refrain from using social media while on work time, unless it is work-related as authorized by the Department Head or consistent with the Cell Phone, Computer and Internet Services policy. Employees shall not use the City of Seward's email addresses to register on social networks, blogs or other online tools utilized for personal use.

##### 2.8.1. General Social Media Use

The City of Seward takes no position on an employee's decision to start or maintain a blog or to participate in other social networking activities. However, it is the right and duty of the City to protect itself from unauthorized disclosure of confidential information and information expressly exempted from Nebraska's public records laws. Unless specifically instructed, employees are not authorized and therefore are restricted from speaking on behalf of the City. Employees may not publicly discuss confidential information or information expressly exempted from Nebraska's public records laws outside of City-authorized communications. Employees are expected to protect privileged data. For example, employees, vendors, or clients are prohibited from disclosing personal employee and nonemployee information and any other proprietary and nonpublic information to which employees have access. Such information includes but is not limited to citizen financial information, legal process information, and personnel issues.

Employees are cautioned that they should have no expectation of privacy while using the internet. Postings can be reviewed by anyone, including City staff. The City reserves the right to monitor comments or discussions about the City, its employees,

vendors, and contractors posted on the internet by anyone, including employees and non-employees. The City may use blog-search tools and software to monitor forums such as blogs and other types of personal journals, diaries, personal and business discussion forum, and social networking sites.

Employees are cautioned that they should have no expectation of privacy while using City equipment or facilities for any digital purpose. The City reserves the right to use content management tools to monitor, review or block content on city blogs that violate City blogging rules and guidelines.

#### 2.8.2. Authorized Social Media Use on Behalf of the City

Only authorized employees can prepare and modify content for the City of Seward website and/or the social networking entries located on the web. Content must be relevant, add value and meet at least one of the specific goals or purposes developed by the City. If uncertain about any information, material, or conversation, discuss the content with the respective Department Head and/or City Administration. Access to City-owned social media sites will be discontinued upon resignation or termination of an employee who posts on behalf of the City.

Any copyrighted information where written reprint information has not been obtained in advance cannot be posted by an authorized employee.

### 2.9 Care and Use of City Property

Employees shall be responsible for the proper care and use of all City property entrusted or available to them. Employees damaging or losing City property through negligence or abuse shall be subject to disciplinary action and may be required to reimburse the City for such damage or loss. City equipment, keys, materials, and supplies shall not be used for private purposes and shall not be removed from authorized locations without proper supervisory approval. Employees leaving the City service shall return any tools, uniforms, or other City property issued to them before receiving their final pay.

At no time will any employee or member of the public be allowed to use/borrow City equipment, or place or park their own personal vehicle in a City owned garage, shop or building. (This includes parking on city premises to change oil, wash vehicles, etc.). City employees shall only be entitled to utilize and borrow City-owned equipment and facilities as per the policies of general use from the public.

#### 2.9.1 Smoke Free Policy (New section added 11-01)

Smoking by the public and City employees shall be prohibited in all municipal buildings and vehicles.

#### 2.9.2 Guidelines for Computers & Internet Services

The City of Seward recognizes the need for computers and technology services to provide a productive professional work environment and will provide the necessary equipment to conduct such business. Computers and internet services are provided by the City of Seward to support open communications and exchange of information and the opportunity for collaborative government-related work. During business hours, computer use and internet communications to and from City employees and with outside entities, are presumed to be work-related. Although access to information and information technology is essential to the missions of government agencies and their users, use of computers and internet services is a revocable privilege. Abuse of the internet access provided by the City in violation of law or City policy will result in disciplinary action, up to and including termination of employment. Employees may be held personally liable for any violations of this policy. The following guidelines have been established to help ensure responsible and productive Internet usage.

All Internet data composed, transmitted, or received via the City's computer communications systems is subject to disclosure to law enforcement and other third parties. Employees should always ensure that the information contained in Internet

e-mail messages and other transmissions is accurate, appropriate, ethical, and lawful.

City computers and data stored in them are the property of the City and may be accessed at any time by authorized City officials. The equipment, services, and technology provided to access the internet offered by the City remain at all times property of the City. As such, the City reserves the right to monitor internet traffic, and retrieve and read any data composed, sent, or received through their online connections and stored in their computer systems. Employees should not expect privacy in the use of City computers.

Data that is composed, transmitted, accessed, or willingly received via the Internet must not contain content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating or disruptive to any employee or other person, except in the cases necessary for the performance of a specific job-related duty. Examples of unacceptable content may include, but are not limited to sexual comments or images, racial slurs, gender-specific comments or any other comments or images that could reasonable offend someone on the basis of race, color, age, sex/gender, religious or political beliefs, military status, national origin, disability, sexual orientation, marital status, pregnancy, genetic information, gender identity or any other characteristic protected by law.

The unauthorized use, installation, copying or distribution of copyrighted, trademarked, or patented material on the Internet is expressly prohibited. As a general rule, if an employee did not create material, does not own the rights to it, or has not gotten authorization for its' use, it should not be put on the Internet. Employees are also responsible for ensuring that the person sending any material over the Internet has the appropriate distribution rights.

The Internet is full of useful programs that can be downloaded, but some of them may contain computer viruses that can damage computers. Any software obtained from outside City government should be virus checked prior to use. Internet users should take the necessary anti-virus precautions before downloading or copying any file from the Internet. All downloaded files are to be checked for viruses; all compressed files are to be checked before and after decompression.

The use of e-mail through the City's network is for business purposes. Minimal personal use of the electronic mail system and Internet is permitted; however, the personal use is limited to the user's own time and is not to interfere with the job responsibilities and must adhere to all rules referenced herein. Employees should not use any e-mail messaging account or service other than that provided by the City.

When an instance of non-compliance with these guidelines is discovered or suspected, management shall take action in accord with City personnel policies. Suspension of service to users may occur when deemed necessary to maintain the operation and integrity of the City of Seward network. User accounts and password access may be withdrawn without notice if a user knowingly violates the acceptable use policy. Abuse of the Internet access provided by the City in violation of law or the City policies will result in disciplinary action, up to and including termination of employment. Employees may also be held personally liable for any violations of the policy.

The following behaviors are examples of previously stated or additional actions and activities that are prohibited and can result in disciplinary action:

- a. Any purpose which violates a federal, state or local law;
- b. Sending or posting discriminatory, harassing or threatening messages or images;

- c. Using the organization's time and resources for personal gain or for fundraising or public relations activities not specifically related to City activities;
- d. Stealing, using or disclosing someone else's code or password without authorization;
- e. Copying, pirating, downloading or installing software and electronic files without permission;
- f. Sending or posting confidential material, trade secrets or proprietary information without authorization;
- g. Violating copyright law;
- h. Failing to observe licensing agreements;
- i. Engaging in unauthorized transactions that may incur a cost to the organization or initiate unwanted internet services and transmissions;
- j. Sending or posting messages or materials that could damage the organization's image or reputation;
- k. Participating in the viewing or exchanging of pornography or obscene materials;
- l. Sending or posting messages that defame, harass or slander other individuals;
- m. Attempting to break into the computer system of another organization or person except in the cases necessary for the performance of a specific job-related duty;
- n. Refusing to cooperate with a security investigation;
- o. Sending or posting chain letters, solicitations or advertisements not related to business purposes or activities;
- p. Using the internet for political causes or activities, religious activities or any sort of gambling;
- q. Jeopardizing the security of the organization's electronic communications system;
- r. Passing off personal views as representing those of the City or other users;
- s. Sending anonymous e-mail messages;
- t. Accessing or distributing computer games that have no relation to City activities;
- u. Other similar actions.

### 2.9.3 Controlled Substance and Alcohol Testing Procedure

#### A. General Procedure

While at work, each City employee has a responsibility to the public to deliver services in a safe, efficient, and conscientious manner. In order to perform a job in the safest manner possible, City employees must be able to work in a drug free environment and themselves be free from the effects of alcohol and other job impairing substances while on the job. Accordingly, while on the job or in a City vehicle, the use, sale, distribution, possession, or being under the influence of an intoxicating liquor, controlled substance, drug not medically authorized, or any other substance that impairs job performance or poses a hazard to the safety and welfare of the employee, the public, or other employees, is strictly prohibited and may result in suspension or termination. Furthermore, the City is obligated to comply with the Department of Transportation (DOT) regulations relating to controlled substances and alcohol use. The City will ensure that the controlled substances and alcohol testing conducted conforms to DOT workplace testing requirements.

To that end, a medical examination for prospective employees for the City of Seward shall include a substance abuse screen. Substances of abuse to be tested for include, but shall not be limited to, amphetamines, barbiturates,

benzodiazepines, cocaine, methadone, opiates, phencyclidine (PCP), propoxyphene, and marijuana. A prospective employee is defined as any employee who might be considered for employment by the City whether they are permanent full-time, permanent part-time and any seasonal, part-time or summer employees that operate equipment or vehicles. Equipment includes but is not limited to lawnmowers, chainsaws, weed whips and other potentially hazardous equipment. Any offer of employment shall be contingent upon a negative substance abuse test result. Any preliminary employment arrangement shall be immediately terminated if the result is positive.

Additionally, employees can be asked to submit to a test if cause exists to indicate that their health or ability to perform work might be impaired. Factors that could establish cause include, but are not limited to:

- 1) Sudden changes in work performance;
- 2) Repeated failure to follow instructions or operating procedures;
- 3) Violation of City safety policies;
- 4) Involvement in an accident or near-accident;
- 5) Discovery or presence of illegal or suspicious substances or materials in an employee's possession or near the employee's workplace;
- 6) Odor of alcohol and/or residual odor peculiar to some clinical or controlled substances;
- 7) Unexplained and/or frequent absenteeism;
- 8) Personality changes or disorientation; and
- 9) Arrest or conviction for violation of a criminal drug statute.

Employees may be tested if they are involved in an on-the-job vehicle accident cited for a moving vehicle violation, personal injury, or property accident on the job. Employees are prohibited from using alcohol or controlled substances following such an incident until they have been tested. Any employee who is seriously injured and cannot provide a specimen at the time of the incident must provide the necessary authorization for obtaining hospital records and other documents that would indicate whether there was alcohol and/or controlled substances in the employee's system.

**B. Procedures for Employees with Commercial Driver's License (CDL)**

It is the policy of the City of Seward that its commercially-licensed drivers be free from controlled substance use and alcohol misuse. This policy has been adopted as part of the City's required compliance with United States Department of Transportation (DOT) regulations 49 C.F.R. Part 382. Those portions of this policy regarding disciplinary action or related to compliance with Nebraska law are based upon independent authority and are not prescribed by the DOT regulations.

Consequently, the use of illegal drugs by drivers is prohibited and drivers shall not use alcohol to engage in "prohibited conduct" as defined herein. Prohibited conduct is defined as the performance of safety-sensitive functions if under the influence of or impaired by alcohol. In addition to this policy, employees and other persons may be subject to other City policies and governmental regulations relating to alcohol misuse and controlled substance use affecting work activities that are not governed by DOT regulations related to functions performed by commercially-licensed drivers. Any driver who engages in prohibited conduct resulting in positive test result is subject to disciplinary action up to and including termination. Persons determined to have positive alcohol or drug test results will have a right to an impartial internal management review of those determinations when a review is requested. This review must be in accordance with the appeal process outlined in the City's Personnel Handbook with such modification as are necessary to accommodate alcohol and drug testing pursuant to the DOT regulations. Disciplinary action taken against an employee because of such

positive alcohol or controlled substances test results is reviewable under the City's Grievance Policy.

1) *Types of Tests:* §382.301-382.311 The City has implemented six circumstances for controlled substances and alcohol tests pursuant to regulations promulgated by the U.S. Department of Transportation (DOT)

- a. **§382.301 Pre-Employment testing**—Prior to the first time a driver performs safety-sensitive functions for an employer, the driver shall undergo testing for controlled substances as a condition prior to being used, unless the employer uses the exception in paragraph (b) of this section. No employer shall allow a driver, who the employer intends to hire or use, to perform safety-sensitive functions unless the employer has received a controlled substances test result from the Medical Review Officer (MRO) or Consortium/Third-Party Administrators (C/TPA) indicating a verified negative test result for that driver.
- b. **§382.303 Post-Accident Testing**—A driver involved in an accident must contact his or her supervisor as soon as possible following the accident. As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each employer shall test for alcohol for each of its surviving drivers: (1) who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or (2) who receives a citation within 8 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
  - (i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
  - (ii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
- c. **§382.305 Random Testing**--The City conducts random alcohol and control substance testing for persons it assigns to operate Commercial Motor Vehicles (CMV). The City will administer the City's drug and alcohol testing program through a Third-Party Administrator (TPA), responsible for compliance with DOT regulations. Selections will be at random the City will drug test, at a minimum, 25% of the average number of driver positions in each calendar year. The City will also select, at a minimum 10% of the average number of driver positions for random alcohol testing. Each employee who is notified of selection for random alcohol and/or controlled substances testing will proceed to the test site immediately.
- d. **§382.307 Reasonable Suspicion Testing**—An employee shall be required to submit to an alcohol test when the employer has reasonable suspicion. The employer's determination that reasonable suspicion exists to require the driver to undergo an alcohol test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver.
- e. **§382.309 Return-to-Duty Testing**—The City will conduct testing in accordance with 49 CFR part 40, subpart O.
- f. **§382.311 Follow-up Testing**—The City will conduct testing in accordance with 49 CFR part 40, subpart O.

2) *Refusal to Test:* **§382.211** Refusal to submit to required alcohol or controlled substance tests described herein will be grounds for refusal to hire driver/applicants and to terminate employment of existing drivers.

C. Provision of Training and Information (§382.601, §382.603)

The City Administrator or their designated representative will develop specific training for drivers and their supervisors. The City shall ensure that all persons designated to supervise drivers receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training will be used by the supervisors to determine whether reasonable suspicion exists to require a driver to undergo testing under §382.307-Reasonable Suspicion Testing. The training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

The City shall provide educational materials to each driver prior to the start of alcohol and controlled substances testing that explain the requirements of the DOT drug and controlled substances testing regulations and the City's policies for compliance. DOT regulations require each driver to sign a statement certifying receipt of these materials.

D. Substance Abuse Professionals and the Return-to-Duty Process (§40.287)

Each employee (including an applicant or new employee) who violates a DOT drug and alcohol regulation, must be provided a listing of Substance Abuse Professionals (SAPs) readily available to the employee and acceptable to the employer, with names, addresses, and telephone numbers. If the driver desires to become re-qualified, the driver must be evaluated by a SAP and submit to any treatment prescribed by the SAP following evaluation and treatment, if any, in order to become re-qualified, the driver must submit to and successfully complete a return-to-duty drug and/or alcohol test.

Such driver is also subject to follow-up testing. Follow-up testing is separate from and in addition to the City's reasonable cause, post-accident, and random testing procedures. Follow-up testing will be on a random basis and be in accordance with the instructions of the Substance Abuse Professional. **§40.307** No fewer than six unannounced follow-up tests will be performed in the first 12 months of safety-sensitive duty following the employee's return. Follow-up testing may continue for a period of up to 60 months following the driver's return to duty. The City does not guarantee or promise a position to the driver should he or she regain qualified status.

2.9.4 Use of City-Owned Vehicles

Department Heads and other employees, as designated by the Department Head, shall be allowed to use City-owned vehicles during on-duty hours. In certain instances, the City Administrator may permit employees to take City-owned vehicles home for the evening or to overnight trainings, conferences, seminars. Such vehicles shall not be used for other than official City business. Non-City employees – consultants, contractors, and other government officials - will be allowed to ride in City-owned vehicles for City related business, meetings, or conferences with the approval of the City Administrator or Department Head. In addition, both City and non-City employees may participate in the Police Department ride along program with approval of the Chief of Police. Employees using City vehicles will be expected to keep them clean, to schedule regular service checks and shall abide by all federal, state and local traffic regulations.

2.10 Safety

Employees shall observe prudent safety precautions at all times. Department Heads shall train their personnel to work safely. Each employee shall know what to do in case of fire or other disaster as well as the location and use of first aid supplies. Safety precautions include the observance of traffic regulations when driving or operating City vehicles and equipment.

- 1) Equipment
- A. *Safety Belts* - All employees shall wear safety belts (shoulder and/or lap), when driving, operating or riding in City vehicles and equipment.
  - B. *Hard Hats* - All employees shall wear hard hats, as supplied by the City, whenever working in an environment where a blow to the head could occur. Specifically, City employees shall wear hard hats in the following activities:
    - i) When cutting, trimming and/or loading trees, shrubs and overgrowth;
    - ii) When working in or around an area involving concrete removal;
    - iii) When working in or around an area where a backhoe or loader is to be used on the project;
    - iv) When working in or around an area where others are working overhead. For example, when working in a trench or pit or when working in or around scaffolding or buildings under construction or repair;
    - v) When working in a bucket truck or digger derrick and when working as a groundman for employee in a bucket truck;
    - vi) When working with underground electrical work.
  - C. *Worksite Access* - Persons, including contractors or consultants, authorized by a Department Head or worksite foreman shall observe all safety and hard hat requirements at all work and construction sites.
  - D. *Safety Vests* - Reflective vests, as provided by the City, shall be worn by all City employees working on construction, repair or a maintenance project on a public street or similar work site.

- 2) Violations of Safety Rules
- Violations of safety rules as set forth herein, as well as violations of internal departmental safety rules or the employee safety manual, shall not be tolerated. Any employee found in violation of safety rules will result in disciplinary action, up to and including termination of employment.

The City employee in charge at the site of any project shall be deemed responsible for all employees working at the site. Said employee shall be equally subject to disciplinary action if the employee has willingly allowed safety violations to exist.

- 3) Reporting of Accidents and Injuries
- Employees shall report all accidents and injuries to their Department Head as soon as possible after the incident. 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 or the EMC OnCall Nurse line. Rescue Squad services shall be used to transport employees to a hospital if the accident or injury results in incapacitation of the employee. Employees who have an accident with a City-owned vehicle shall first notify a law enforcement agency and then the Department Head. This shall be done regardless of how minor the accident. Within twenty-four (24) hours of the incident, the affected employee and Department Head shall file an accident-injury report at City Hall for insurance and Safety Committee review purposes. In addition, the Department Head shall ensure that the City's insurance carrier is notified of the accident/injury if a claim may be filed. These same conditions apply when employees are operating privately owned vehicles while conducting City business.

### 2.11 Maintenance of Personnel Records

Employees shall report to the Department Head, payroll administrator and City Clerk any changes of name resulting from a change in marital status, and any change of dependents. Also, to be reported are any changes in address, telephone number or information which will impact the personnel record of the employee. This information is required for insurance and tax purposes.

The City Clerk shall maintain records on each employee to include pertinent personal data such as name, address, telephone number, title of position held, the department to which assigned, current salary and changes in employment status.

### 2.12 Peddling, solicitation, etc.

In order to avoid disruption to City services and operation, the City has established the following criteria related to solicitations and distribution of literature on City property:

- a. Non-employees may not solicit or distribute literature on City property at any time for any purpose;
- b. Employees may not distribute literature during working time for any purpose; and
- c. Employees may not distribute literature at any time in working areas.

Working time includes the working time of both the employee doing the soliciting and distributing and the employee to whom the soliciting or disrupting is being directed. Working time does not include break periods, meal periods, or any other specified periods during the workday when employees are properly not engaged in performing their work tasks.

### 2.13 Conflict of Interest

No employee shall engage in any activity or enterprise which conflicts with their duties as a City employee or with the duties, functions, and responsibilities of the department in which they are employed. The following activities shall be considered a conflict of interest with City employment:

- 1) Any employment, activity or enterprise which involves the use for private gain of the City's time, facilities, equipment or supplies, or the badge, uniform, prestige or influence of a City office or employment.
- 2) Involves the receipt or acceptance by the employee of any money or other consideration from anyone other than the City for performance of an act in which the employee would be required or expected to render in the regular course of City employment or as part of their duties as a City employee.
- 3) Involves the performance of an act in other than their capacity as a City employee which may later be subject, directly or indirectly, to the control, inspection, review, audit or enforcement by such employee or the department by which they are employed.
- 4) Involves so much of the employee's time that it impairs their attendance or efficiency in the performance of their duties as a City employee.

### 2.14 Gratuities

No employee of the City of Seward shall accept any fee, reward, gift or gratuity that has any connection with said employee's municipal employment or from the performance of an employee's official duties. This acceptance limitation of any gift or gratuity shall not apply in those instances where a departmental gift or gratuity of nominal value is given by some individual or organization. The policy is intended, however, to discourage all gifts and gratuities which may be offered any employee or group of employees. Each employee should decline acceptance of such gifts or gratuities in the most courteous manner possible.

### 2.15 Sexual Harassment Policy.

The City of Seward expressly prohibits its officials or employees from engaging in any form of unlawful harassment or discrimination as well as any behavior that would be inconsistent with the spirit and intent of this policy. Harassment or discrimination of any employee is a

serious violation of City policy and will not be tolerated. This policy sets forth procedures by which allegations of sexual harassment may be filed, promptly addressed (and investigated if necessary), and appropriate action taken if warranted.

The City of Seward prohibits unlawful sexual harassment. Sexual harassment is unlawful when it: (1) is based on the individual's sex; (2) is unwelcome; (3) is severe or pervasive in nature; and (4) is made a condition of employment, unreasonably interferes with an individual's work performance, or has the purpose or effect of creating an intimidating, hostile or offensive work environment.

It is not possible to define every action or word that could be interpreted as sexual harassment. Sexual harassment may encompass a wide range of verbal, physical and/or visual behaviors. Each situation depends on a number of factors. In some cases, one incident will be sufficient to constitute harassment. In other cases, a pattern or series of incidents may be necessary. In addition, even if the behavior in question may not constitute unlawful sexual harassment, it may still be inappropriate in our workplace and subject to disciplinary action.

Examples of behaviors that might constitute sexual harassment (depending on the circumstances) and are the types of behaviors in which an employee should not engage include, but are not limited to:

- 1) Unwelcome sexual advances;
- 2) Verbal harassment or abuse;
- 3) Subtle pressure or requests for sexual activity;
- 4) Unnecessary touching of an individual, e.g., patting, pinching, hugging, repeated brushing against another employee's body;
- 5) Requesting or demanding sexual favors accompanied by implied or overt threats concerning an individual's employment status;
- 6) Requesting or demanding sexual favors accompanied by implied or overt promise of preferential treatment with regard to an individual's employment status;
- 7) Sexually explicit language, gestures, pictures, jokes or objects; or
- 8) Distribution of representations or descriptions of actual or simulated sexual acts, representations or descriptions of excretory functions, masturbation, or lewd exhibition of the genitals in hard copy, email, cell phone cameras, IMS, texts or in any other manner.

In addition, this policy prohibits retaliation against any employee because he/she files a complaint under this policy, cooperates with any internal investigation, or otherwise pursues their legal rights.

Complaint Procedure: Any employee who feels in good faith that they have been subjected to sexual harassment has several ways to make their concerns known.

- 1) Aggrieved persons who feel comfortable doing so should directly inform the person engaging in sexual harassing conduct or communication that such conduct or communication is offensive and must stop.
- 2) If an aggrieved person does not wish to communicate directly with the person whose conduct or communication is offensive or if direct communication with the offending party has been unavailing, the aggrieved employee shall contact his or her supervisor or the offending party's supervisor.
- 3) Aggrieved employees alleging either sexual harassment by anyone with supervisory authority or the failure of a supervisor to take immediate action on the employee's complaint should communicate with the supervisor at the next level of command or file a grievance in accordance with the provisions of the appropriate grievance procedure.

Regardless of the means selected for resolving the problem, the City will take every reasonable measure to address (and investigate if necessary) the situation and take

appropriate action if warranted. Employees filing a complaint will not be subjected to retaliation for bringing such matters to the City's attention in good faith. All concerns will be handled with the utmost confidence, to the extent reasonably possible and consistent with a fair resolution of the problem.

#### 2.16 No Discrimination or Harassment Policy and Complaint Procedure

The City of Seward expressly prohibits its officials or employees from engaging in any form of unlawful harassment or discrimination as well as any behavior that would be inconsistent with the spirit and intent of this policy. Harassment or discrimination of any employee is a serious violation of City policy and will not be tolerated.

Harassment of City employees by anyone, whether management/supervisory personnel, co-workers, or others on the basis of race, color, religion, sex (including pregnancy, sexual orientation or gender identify--nonsexual in nature, sexual harassment is covered by a separate policy), national origin, age, disability, marital status, military status, genetic information or any other prohibited basis of discrimination protected by law, will not be tolerated. Such conduct will result in immediate disciplinary action, including possible termination of employment.

Harassment is unlawful when it: (1) is based on race, color, religion, sex (including pregnancy, sexual orientation or gender identity), national origin, age, disability, marital status, military status, genetic information or any other characteristic protected by law; (2) is unwelcome; (3) is severe or pervasive in nature; and (4) is made a condition of employment, unreasonably interferes with an individual's work performance, or has the purpose or effect of creating an intimidating, hostile or offensive work environment.

It is not possible to define every action or word that could be interpreted as harassment. Harassment may encompass a wide range of verbal, physical and/or visual behaviors. Each situation depends on a number of factors. In some cases, one incident will be sufficient to constitute harassment. In other cases, a pattern or series of incidents may be necessary. In addition, even if the behavior in question may not constitute unlawful harassment, it may still be inappropriate in our workplace and subject to disciplinary action.

- 1) Epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts, because of an individual's race, color, religion, sex (including pregnancy, sexual orientation or gender identity), national origin, age, disability, marital status, military status, genetic information or any other characteristic protected by law. This includes acts that purport to be "jokes" or "pranks" but that are hostile or demeaning with regard to any protected characteristic.
- 2) Written or graphic material that denigrates or show hostility or aversion toward an individual or group because of race, color, religion, sex (including pregnancy, sexual orientation or gender identity), national origin, age, disability, marital status, military status, genetic information or any other characteristic protected by law and that is placed on walls, bulletin boards, or elsewhere on the employer's premises, or circulated in the workplace.

It is the responsibility of management personnel to maintain a working environment free of harassment on any of these bases and to make known to employees the policy of the City on such harassment. In addition, management is expected to take immediate action to deal promptly with known situations involving such harassment.

In addition, this policy prohibits retaliation against any employee because they file a complaint under this policy, cooperates with any internal investigation, or otherwise pursues their legal rights.

It is the employee's responsibility to report all incidents or perceived incidents of such harassment, pursuant to the following complaint procedure:

Complaint Procedure: Any employee who feels he or she has been subjected to harassment has several ways to make his or her concerns known.

- 1) Aggrieved persons who feel comfortable doing so should directly inform the person engaging in harassing conduct or communication that such conduct or communication is offensive and must stop.
- 2) If an aggrieved person does not wish to communicate directly with the person whose conduct or communication with the offending party has been unavailing, the aggrieved employee shall contact his/her supervisor or the offending party's supervisor.
- 3) Aggrieved employees alleging either harassment by anyone with supervisory authority or the failure of a supervisor to take action on the employee's complaint should communicate with the supervisor at the next level of command or file a grievance in accordance with the provisions of the appropriate grievance procedure.

Regardless of the means selected for resolving the problem, the City will take every reasonable measure to address (and investigate if necessary) the situation and take appropriate action if warranted. Employees filing a complaint will not be subjected to retaliation for bringing such matters to the City's attention in good faith. All concerns will be handled with the utmost confidence, to the extent reasonably possible and consistent with a fair resolution of the problem.

### 2.17 Workplace Violence

The City takes the safety of its employees very seriously. As a result, the City will not tolerate any acts or threats of violence by any employee or former employee. The City prohibits any acts or threats of violence against its employees, customers, or visitors by any individual on the City's premises at any time or while such individual is engaged in business with or on behalf of the City, on or off the City's premises. The City considers violence to include such things as physically harming, shoving, pushing, harassing, intimidating, or coercing another person. In addition, threatening, discussion of, describing, or joking about violence is considered violence as well.

In keeping with the spirit and intent of this policy, and to ensure the City's objectives in this regard, the City is committed to the following:

- 1) Providing a safe and healthful work environment;
- 2) Taking prompt remedial action up to and including immediate termination against any employee who engages in any threatening behavior or acts of violence or who uses any obscene, abusive or threatening language or gestures;
- 3) Taking appropriate action when dealing with customers, former employees, or visitors to the City's facilities who engage in such behavior. Such action may include notifying police or other law enforcement personnel and prosecuting violators of this policy to the maximum extent of the law; and
- 4) Prohibiting employees from possessing or carrying any firearms or other weapons, while on the City's property or while performing work as a City employee. For purposes of this policy, weapons include guns, knives, explosives, and other potential weapons.

In furtherance of this policy, employees have a role in preventing violence as well. If an employee believes a co-worker, former employee, customer, or visitor may become violent or they know of a violation of this policy, the employee must immediately report this to their supervisors. This would include, for example, threats or acts of violence, aggressive behavior, offensive acts, threatening or offensive comments or remarks, and the like. Employee reports made pursuant to this policy will be held in confidence, to the maximum possible extent. The City prohibits any form of retaliation against any employee for making a report in good faith under this policy.

## **SECTION 3: COMPENSATION OF EMPLOYEES**

### **3.1 Pay Plan Structure**

Within the limitations of its financial position, it is the policy of the City of Seward to maintain a Pay Plan which promotes the recruitment and retention of competent employees, through fair and equitable wages. It is the City's policy to maintain a salary program which provides peak motivation to employees by paying salaries which reflect an individual's accomplishments, as long as they remain within the limits of the established ranges for each position.

Each position is established by Ordinance and is classified into a "Pay Range" according to the level of responsibilities assigned the position. For example, a director's position would be expected to have a higher level of responsibilities than a subordinate, thus the pay range will reflect this fact. Each pay range shall be defined by a minimum salary and a maximum salary with seven salary steps in between (nine total steps). Except as affected by Longevity Pay (see Section 3.5), an employee's salary shall not be lower than or higher than the Pay Range for his position.

### **3.2 Pay Plan Step Placement**

All new employees shall be assigned a 'step' within the pay plan structure. It is expected that a new employee will be paid at the minimum wage of the Pay Range (Step 1) for the position for which they were hired. The only exception to this rule would be a new employee who significantly exceeds the minimum requirement of the position, either in education or experience. This employee may, with the recommendation of the Department Head and approval by the City Administrator, receive a salary commensurate with their qualifications within the limits of the Pay Range. In the case of hiring a City Administrator, the terms of the employment contract shall dictate what step they begin with, as approved by the Mayor and City Council.

### **3.3 Pay Plan Maintenance**

The City Administrator, with the assistance of the Human Resources Director, may periodically review the pay plan to ensure that that salary levels in the applicable labor markets are properly reflected. The City Administrator shall propose to the Mayor and City Council such pay adjustments as are necessary for the City to remain a competitive and equitable employer and to meet the requirements of the Nebraska Commission of Industrial Relations (NCIR) and State law. Comparability studies such as these may occur each fall and any salary adjustments shall be reflected in the first full pay period following October 1<sup>st</sup> if approved by the City Council for any or all employees.

The City shall complete a formal Comparability Study of wages and benefits at least once every five (5) years by a recognized expert in the field of job analysis, wage and fringe benefit surveying with familiarity in testifying such matters before the Nebraska Commission of Industrial Relations (NCIR).

### **3.4 Annual Performance Pay**

Compensatory increases shall be awarded annually through a performance evaluation system (See Section 5) and increase in 'step' in the pay-plan structure. Any change in salary will be effective April 1<sup>st</sup> to employees whose work performance is considered satisfactory or above (defined in Section 5). All new employees must have completed a six-month introductory evaluation period (See Section 1.5) and all employees who have changed positions or been promoted must hold their new position for a minimum of six (6) months with at least satisfactory performance to be eligible for such pay increases. No performance increase will be awarded to an employee who has been demoted, suspended from work that results in disciplinary action, or who has two written reprimands in a 12-month period.

Annual performance increases are determined based on the average score of an employee's previous two semi-annual performance reviews and implemented effective April 1st. Employee performance goal sheets are completed and reviewed with the employee

semiannually (October 1st and April 1st). Under the City's performance review system, employees with at least satisfactory performance advance one step on their pay range. For employees at the top of their pay ranges, performance pay for at least satisfactory performance scores will be awarded in the form of a one-time lump sum payment each April (not added to base pay). This payment will be in the amount of 3% of an employee's annual salary—only regular full-time and regular part-time employees will be eligible for this payment. The lump sum payment will have to be re-earned each year. Employees whose lump sum payment would have been in excess of 3% on April 1, 2023, under the prior performance standard before the adoption of the June 21, 2022 amendment to this handbook, shall have their lump sum amount frozen, until their payment is equal to 3% of their current salary or upon termination of the employment relationship.

### 3.5 Longevity Pay

Each full-time employee, who has completed their introductory period, will, for each year of service to the City, receive three dollars and forty-seven cents (\$3.47) per month if classified as exempt, or two cents (\$0.02) an hour if classified as non-exempt. This pay will be in addition to the established base pay in their respective salary range. Longevity pay will be reflected in the first full pay period in October of each year for anniversaries met during the previous fiscal year (October 1<sup>st</sup> – September 30<sup>th</sup>).

### 3.6 Recording of Work Hours

To ensure that accurate records are kept of the hours actually worked (including overtime hours where applicable), all non-exempt employees are required to record their time daily on the payroll timesheet software provided by the City. Employees must record the time when they begin work and when they complete their day, as well as any time they go off the clock for lunch, personal appointments or errands, or for any other reason. Note: The system will round time worked to the nearest quarter hour (up or down) depending on the minute of entry. The Finance Director will keep a record of accrued vacation and sick leave hours as well as compensatory time. Copies of these records will be kept on file at City Hall.

### 3.7 Pay Period Compensation

The standard pay cycle shall be bi-weekly. Payment will be made by direct deposit to the account identified from the employee. Funds will be available on the Friday following the preceding Friday's end of the pay cycle. The City is required by federal law to make certain deductions from employee wages, which include deductions for Social Security and Medicare taxes as well as federal, state, and any local withholding taxes. Additionally, all voluntary deductions authorized in writing will be made as directed by the employee. Voluntary deductions may include the employee's share of the insurance premium.

It is the City's policy to comply with the salary basis requirements of the Fair Labor Standards Act (FLSA). If an employee feels an error has been incurred on their paycheck, it should immediately be communicated to the Human Resources Director, who will then promptly investigate the matter. Any discrepancies proved to be true will be rectified during the following pay period.

#### 3.7.1 Incomplete Pay Period

An employee who does not work their regular scheduled work week shall have a percentage of their regular pay deducted from their pay, unless such absence is authorized as leave as hereinafter provided for and is authorized by their Department Head or the appropriate authority. Deductions from pay are permissible for an 'exempt' employee when one or more of the following conditions are present:

- when an exempt employee is absent from work for one or more full days for personal reasons other than sickness or disability;
- for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness;
- to offset amounts employees receive as jury or witness fees, or for military pay;

- or for unpaid disciplinary suspensions of one or more full days imposed in accordance to workplace disciplinary infractions (see Section 6). Non-exempt employees may also fall under this condition.

### 3.7.2 Overtime Pay

Overtime (1.5 times the employee's hourly rate) shall be paid to those entitled regular, non-exempt, full-time employees working in excess of the maximum set for their work period. All overtime pay must be pre-approved and documented. Working unauthorized overtime is grounds for disciplinary action, up to and including termination. If an employee is called to return to work to respond to an emergency, they shall be paid the overtime rate no matter how many regular hours they worked that week (benefits will be deducted as if the employee worked a regular shift). An emergency shall include utility service disruptions, snow and ice removal and other situations that are similar in nature which occur outside of normal working hours.

Pool employees are not eligible for overtime pay. The Fair Labor Standards Act, which is the Federal labor law for the application of overtime, minimum wage and Equal Pay Act includes the definition for employees that may be exempted from overtime. Pursuant to the Fair Labor Standards Act (Section 13(a)(1), those classified as Administrative, Executive, Professional or Computer Professional will be exempt from overtime.

### 3.7.3 Payment of Wages in Advance or in Lieu of Vacation Leave

The City of Seward will not provide any advances on future wages, including accrued vacation leave. The City will also not pay an employee in lieu of vacation leave—the employee is encouraged to utilize the vacation leave which they have accrued.

### 3.7.4 Termination Pay

An employee who is dismissed, voluntarily resigns, or dies as a current employee shall receive a final payroll payment on the next regularly scheduled payday or within two weeks of the last regularly scheduled payday, whichever date is earlier. This final paycheck will include the payment of any accrued, non-sick leave hours at the rate upon which the employee was terminated. If the employee is separated from the payroll less than one week prior to the next regularly scheduled payday, the final payroll payment for the employee will be made within two weeks of the next regularly scheduled payday. Sick leave payout will be governed by Section 4.2.

## 3.8 Other Instances of Employee Compensation

Outside of regular hours and overtime, the following situations may necessitate compensation to an employee in the form of payment or leave accrued.

### 3.8.1 Compensatory Time

In an effort to ensure financial stewardship, the City will utilize compensatory time off in lieu of overtime pay. All compensatory time accrued and used must be approved by the Department Head for subordinates, City Administrator in the case of Department Head, or Mayor in the case of City Administrator.

Overtime hours, if converted to compensatory time, shall be accrued at a rate equal to the adjustment for pay if the overtime hours were paid out (see Section 3.7.2). Compensatory time shall be capped at 60 hours.

On-call hours, where an hourly employee is on standby, can be accrued as compensatory time. Should an hourly employee be called in, call back time would be eligible for conversion to compensatory time, subject to a request submitted by the Department Head and approved by the City Administrator.

The Golf Shop Manager position is exempt from this regulation, due to the seasonal activities of the golf course. This position shall not accrue more than 480 hours compensatory time in any calendar year, which shall be used prior to April 1 of the

following calendar year, unless the City Administrator authorizes an extension of this date.

The accrual of compensatory time by Police Officers, while attaining initial certification, maybe exempt from this regulation with approval of the Chief of Police and City Administrator but cannot exceed 120 accrued hours. Accrued hours attained during this initial certification period shall be used down to 60 hours within 90 calendar days following training completion or will be paid out at the regular rate earned by the employee at the time the employee receives the payment.

Overtime earned when working for another department shall be paid out and charged to the department in which the work was performed. This time cannot be accrued as compensatory time.

The City shall have the option of buying back accrued compensatory time from employees on an annual basis at the City's discretion at the end of the fiscal year. An employee can request accrued compensatory time be paid out at any time during the year. If accrued compensatory time is bought back from the employee or paid out, the compensation shall be paid at the regular rate earned by the employee at the time the employee receives the payment. Upon termination of employment, an employee shall be paid for the unused compensatory time at the regular rate earned by the employee at the time the employee receives the payment.

An employee shall be permitted to use compensatory time within a reasonable period if the use does not unduly disrupt the operations of the Employer.

Exempt employees shall be allowed time off for attendance at official evening meetings or events, weekend meetings or events, and for extra time spent in order to complete special projects, with approval of the City Administrator or appropriate authority, and as long as such time off does not interfere with completion of their duties. Any compensatory accruals will not be paid out upon termination of employment.

### 3.8.2 On-Call Time/SCADA Monitoring

Employees in the Electric, Water/Wastewater, Street and Public Properties Departments are subject to regular "On-Call" duty. Regular on-call duty consists of a seven-day period, when the employee is responsible for any emergency or trouble call in the respective utility and any regular weekend or holiday duty. Department Heads and employees shall ensure on-call duty during holidays is handled by only one employee during a seven-day period. Compensation for remaining available for the regular seven-day period shall consist of two (2) hours of paid leave, or four (4) hours of paid leave if it occurs during a holiday week, for the seven-day period. If an employee is on regular on-call duty, the two (2) hours or four (4) hours of paid leave will be taken off during the same pay period. If, in the opinion of the Department Head, the workload is such that the employee cannot take the paid leave, the employee will be paid at the regular hourly rate for the two (2) hours earned while "on-call"--such paid leave shall count towards overtime calculations or may be converted to compensatory time off.

Employees in the Electric and Water/Wastewater Departments, who are required to monitor SCADA systems, shall be compensated for such time in the same manner as 'on-call' duty.

All other employees are subject to 'on-call' duty if they are provided written notification of a possible event/emergency by their Department Head. Once written notification has been given, they shall be compensated at 1/4 an hour at their regular rate, or 1/2 an hour at their regular rate if it occurs during a holiday week, for each day during the week they are placed on the on-call duty. Such compensation shall count towards overtime calculations or may be converted to compensatory time off.

Employees must always be reachable by telephone, cell phone or other method as agreed to by the City.

During on-call duty, an employee should abstain from consumption of alcohol. It shall be the responsibility of an employee to advise their supervisor if they have consumed alcohol or believes that they have a blood alcohol content of .04 or greater or have taken any other drug. With that information, the supervisor shall have the discretion of what duties that employee is to perform. If the employee has reported to the site, they may be required to submit to an alcohol or controlled substance test when the employer has reasonable suspicion to believe that they are in an intoxicated state. If a previously informed on-call employee reports in a state exceeding the legal limit, they will be subject to disciplinary action up to and including termination. They may also be subject to legal disciplinary action if they were in operation of a motor vehicle.

### 3.8.3 Call-Back Time

For all employees called in to work, who are eligible to receive overtime pay, compensation shall consist of a rate not less than one- and one-half times the employees' hourly rate (double time on the City's observed holiday), for a minimum of two (2) hours, regardless of the time actually worked. Compensatory time may be eligible for employees called-back, subject to Section 3.8.1.

In the case of a call back to which the employee was informed of the likelihood beforehand, an employee should abstain from consumption of alcohol. In the case of an emergency call-back in which the employee was not notified beforehand, it shall be the responsibility of an employee to advise their supervisor if they have consumed alcohol or believes that they have a blood alcohol content of .04 or greater or have taken any other drug. With that information, the supervisor shall have the discretion of what duties that employee is to perform. If the employee has reported to the site, they may be required to submit to an alcohol or controlled substance test when the employer has reasonable suspicion to believe that they are in an intoxicated state. If an employee reports in a state exceeding the legal limit, they will be subject to disciplinary action up to and including termination. They may also be subject to legal disciplinary action if they were in operation of a motor vehicle.

## 3.9 Instances of Employee Reimbursement

An employee may be entitled to compensation due from the City in the subsequent instances if they are approved by a Department Head and/or City Administrator. Requests for reimbursement shall use the current form established by the Finance Department and should be submitted as soon as possible after the expense is incurred. **Reimbursement requests in excess of six (6) months may be denied at the discretion of the Department Head and/or City Administrator.**

### 3.9.1 Uniform/Apparel Replacement

All new full-time employees within the Electric, Public Properties, Street, and Water/Wastewater Departments will be issued an allotment of uniforms/apparel as determined by the Department Head. After initial issue, it will be the employee's obligation to properly maintain or replace uniforms/apparel as needed. Funds for maintenance and replacement of uniforms/apparel will be allotted annually for each qualifying employee—as determined independently by each Department Head and established by the annual budget. Any requests for items exceeding the annual allotment shall be incurred at the cost of the employee. If maintenance or replacement of a uniform/apparel is requested, the item shall first be inspected by the Department Head to ensure it is needed. At the discretion of the Department Head, the replacement/maintenance item shall either be ordered by the City or the employee may order and submit a request to the Department Head for reimbursement. No reimbursement will be made to any employee unless the receipt and item is presented to the Department Head for confirmation of receipt. Any City-reimbursed items should be returned to the City promptly upon termination at the discretion of the Department Head and/or City Administrator.

### 3.9.2 Lodging, Meals and Incidentals

Subject to prior approval from their Department Head and/or the City Administrator (See Section 5.2), an employee may receive reimbursement for any lodging, meals & incidentals costs up to the current U.S. General Services Administration rates. Any expenditures in excess of the pre-approved rates, may be incurred at the employee's expense at the Department Head's discretion, unless the expenditure(s) were unavoidable given the situation. To be reimbursed for any expenses while on travel status, the employee must have receipts to accompany the claim and the reimbursement must be approved by the Department Head and/or City Administrator.

Meals may be provided, or eligible for reimbursement, for employees who begin performing emergency service work four (4) hours prior to their normal work day; or for work that continues four (4) hours past their normal work day, as long as the expenditures adhere to the U.S. General Services Administration rates.

### 3.9.3 Mileage

Subject to prior approval from the Department Head and/or the City Administrator (See Section 5.2), an employee may be reimbursed for mileage incurred in their personal vehicle at the prevailing rate established by the Internal Revenue Service (IRS). This rate includes all travel and storage expenses (parking fees) of the vehicle. Odometer readings and/or documentation will be necessary for mileage reimbursement. To be reimbursed for any expenses while on travel status, the employee must have receipts to accompany the claim and the reimbursement must be approved by the Department Head and/or City Administrator.

### 3.9.4 Tuition

Subject to prior approval from Department Head and the City Administrator (See Section 5.2), an employee may be reimbursed up to 50% of all eligible costs—including tuition, books, and laboratory fees—for any courses deemed to enhance employee's skills and abilities in their current position. To be reimbursed for any expenses, the employee must provide proof of successful completion of the course and a billing statement. The reimbursement must be reviewed and approved by the Department Head and City Administrator.

### 3.9.5 Personal Cell Phone

Employees deemed to be subject to 'on-call' or 'call-back' requirements, may be eligible for quarterly reimbursement of cell phone expenditures subject to prior approval from their Department Head and City Administrator. The amount of monthly reimbursement shall be established by the City Administrator.

### 3.9.6 Permits and Licenses to Operate City vehicles and equipment

Subject to the requirements for the position and the necessary permits and licenses, employees may be eligible for full reimbursement of these costs. The permit/license as well as the reimbursement request shall be presented to the Department Head and/or City Administrator for review and approval. Depending on the cost and nature of the training(s), they may be subject to a signed agreement between the employee and the City. Such an agreement would stipulate terms for employee repayment for training(s) to the City should they leave City service prior to a given period of time.

### 3.9.7 Eyeglass Program

Subject to adherence to the program requirements, an employee may be eligible for reimbursement up to 50% of the purchase cost of protective eye wear.

### 3.9.8 Miscellaneous Supplies for Operations

In some instances, an employee may be instructed by a Department Head or the City Administrator to make purchases on behalf of the City for convenience purposes to necessitate service operation. Reimbursement requests will be submitted and approved by a Department Head and/or the City Administrator.

#### 4. EMPLOYEE BENEFITS FOR REGULAR FULL-TIME EMPLOYEES

##### 4.1 Holidays (Updated 2-1-22)

1) Official Holidays Declared, Closing of Offices.

The following named days shall be the official holidays for City of Seward Employees:

New Year's Day - January 1  
Birthday of Martin Luther King Jr. – third Monday in January  
Memorial Day-last Monday in May  
Independence Day-July 4  
Labor Day-1st Monday in September  
Veteran's Day-November 11  
Thanksgiving Day-4th Thursday in November  
Discretionary-Day after Thanksgiving  
Christmas Day-December 25  
4 Personal Days (thirty-two (32) hours) – **subject to Personal Day Cap**  
(Effective 3-1-06-eliminated Birthday Holiday)

City offices, except the Police Department and such other offices that are open twenty-four (24) hours a day shall be closed on the above noted Holidays. If an official holiday shall occur on a Saturday, when such offices are normally closed, the holiday shall be determined to occur as on the Friday just preceding it. If said holiday shall occur on a Sunday, when such offices are normally closed, the holiday shall be determined to occur on the Monday following.

Personal Day Cap: All full-time employees will acquire thirty-two (32) hours of Personal leave time each January 1 (sixteen (16) hours for regular part-time). Any Personal leave time not used by December 31 of each year will be carried over to the next year; however, time carried forward from the prior year will be deducted from the thirty-two (32) hours acquired on January 1 so that no employee will have more than thirty-two (32) hours (sixteen (16) hours for regular part-time) of Personal time available at any given time. Personal leave must be taken a minimum of two hours at a time. (New employees will be eligible for this leave on a pro-rated basis from their date of hire). Unused Personal leave payouts upon resignation, termination or employee death will follow the vacation payout policy. (Updated 2-1-22)

Due to the work schedule of the Police Department, all regular full-time sworn Police Officers will be compensated for authorized holidays on the day of the actual holiday, all other Police non-sworn personnel and salaried sworn personnel, will take the holiday off on the same date all other regular, general full-time personnel of the City take the holiday. Compensation for those Police personnel working on the designated holiday is time and one-half for the hours worked. For Police personnel not working on the designated holiday, compensation is eight (8) regular-time hours for each holiday. (Updated 12/29/04 – effective 1-3-05)

2) Employees not required to Work on Holidays

Each regular full-time employee, who is not required to be on duty, will be allowed to be absent from work without loss of pay on an official holiday; each regular part-time employee, who is not required to be on duty, will be allowed to be absent from work without loss of one-half pay on an official holiday.

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## 4.2 Leave

### 1) Sick Leave (Updated 11-15-16)

#### A. How Earned and Accumulated

- i) Each regular, full-time employee, shall be entitled to sick leave with full pay in the amount of 96 hours per year. This leave is to be accumulated at the rate of 8 hours per month. Each regular part-time employee working 20 or more hours per week shall be entitled to sick leave with full pay in the amount of 48 hours per year. This leave is to be accumulated at the rate of 4 hours per month. An employee must be employed for 1 month, after which the sick leave will begin accumulating. If a new employee has no accumulated sick leave and is absent due to illness or for any other reason for which sick leave is allowed, a deduction shall be made from his/her wages. If an employee has accumulated sick leave but it has been used due to illness or for any other reason for which sick leave is allowed, a deduction shall be made from his/her wages.
- ii) If a new employee has no accumulated sick leave and is absent due to illness or for any other reason for which sick leave is allowed, or if an existing employee who has accumulated sick leave and used it due to illness or for any other reason for which sick leave is allowed, a deduction shall be made from his/her wages. The new or existing employee, may however, be granted an advance of sick leave. For regular full-time employees, they may request an advance up to a maximum of 48 sick leave hours; and for regular part-time they may request up to a maximum of 24 sick leave hours.
- iii) The maximum accumulated sick leave for regular full-time employees will be 900 hours and the maximum sick leave for regular part-time employees will be 450 hours. Effective January 1, 2007 - An employee who retires in good standing after reaching the age of 55 years or older; or an employee who resigns in good standing with twenty (20) years of continuous service to the City; or an employee who dies while in service to the City, shall be paid fifty percent (50%) of their accumulated sick leave balance.
- iv) All other sick leave credits accumulated by an employee shall terminate when the employee retires, resigns or is dismissed by the City.
- v) Any employee who is laid off from his position for reasons beyond his control who is reappointed within 12 months, will be provided any unused sick leave existing at the time of his layoff. When an employee is transferred to another position, any leave which may have accumulated to his credit shall transfer with him.

#### B. How It Can Be Used

- i) An employee eligible for sick leave with pay shall be allowed to use such earned sick leave for the following reasons:
  - (a) Personal Illness: An employee may use sick leave benefits for a personal illness or physical incapacity resulting from causes beyond the employee's control. For the benefit of all City employees, any employee who has a contagious illness will be expected to stay home. Depending on the seriousness of the illness, the employee may be required to present a doctor's certificate indicating that they are well before they can return to work. Department Heads will have the authority to send employees home if they feel it is necessary for the well being of all employees. Any

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employee who does not follow this rule shall be subject to disciplinary actions.

- (b) Family Illness: An employee may be allowed sick leave to care for an eligible family member with a serious injury or illness or during a major surgery. Sick leave may be used for the following described family member(s) - spouse, domestic partner, children, grandchildren, parents, and others bearing this same relationship to the employee's spouse, or any other legal dependent who resides with the employee. The use of more than 3 consecutive days of sick leave for this purpose shall require verification from the attending physician that the employee's personal care or attention is needed. In addition, the Department Head or appropriate authority may, with approval of the City Administrator, require a certificate from an attending physician, for sick leave used for this purpose that is less than 3 days, if it is deemed to be in the best interest of both the employee and the City. (Updated 11-15-16)
- (c) An enforced quarantine of the employee in accordance with community health regulations.

C. Workers' Compensation

See "Workers' Compensation" under definitions.

D. Sick Leave Without Pay

An employee who needs sick leave for purposes enumerated under "2" above and who does not have any accrued sick leave credits, may request leave without pay. Such a request shall have a Department Head's approval before it is granted, and the City Administrator, appropriate authority or Chief of Police may grant such a leave if it is in the best interest of the City to do so.

E. Notification of Departments

All employees shall notify their Department Head of an illness which will prevent them from reporting for work before, or by the time their work shift begins. Failure to make such a report will be considered absence without leave and without pay.

F. Personal or Family Member Appointments

- i) Personal Appointments: Employees are encouraged to schedule personal and/or family member doctor and dental appointments on non-city time. Leave may be granted by the Department Head or appropriate authority if a personal appointment must be scheduled during work hours. This leave will be charged to the employee's accrued leave (sick leave, vacation or compensatory time) or the time off can be made up as long as it is done during the same week.
- ii) Family Member Appointments: If it is necessary for the employee to take any of the following described family member(s) - spouse, domestic partner, children, parents, and others bearing this same relationship to the employee's spouse, or any other legal dependent who resides with the employee, to a doctor or dental appointment, this leave will be charged to the employee's accrued leave (sick leave, vacation or compensatory time) or the time off can be made up as long as it is done during the same week. The Department Head or appropriate authority may, with approval of the City Administrator, require a certificate from an attending physician explaining the necessity for the employee to use leave for

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this purpose.

G. Accident-Injury Leave

Accident leave shall be provided to allow a period of recovery from on-the-job injuries or accidents. See "Workmen's Compensation".

2) Military Leave

All employees who are members of the National Guard, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, and Coast Guard Reserve, shall be entitled to a military leave of absence from their respective duties, without loss of pay, when employed with or without pay under the orders or authorization of competent authority in the active service of the state or of the United States. Members who normally work or are normally scheduled to work one hundred twenty hours or more in three consecutive weeks shall receive a military leave of absence of one hundred twenty hours each calendar year. Members who normally work or are normally scheduled to work less than one hundred twenty hours in three consecutive weeks shall receive a military leave of absence each calendar year equal to the number of hours they normally work or would normally be scheduled to work, whichever is greater, in three consecutive weeks. Such military leave of absence may be taken in hourly increments and shall be in addition to the regular annual leave of the persons named in this section. When the Governor of this state declares that a state of emergency exists and any of the persons named in this section are ordered to active service of the state, a state of emergency leave of absence will be granted until such member is released from active service of the state by competent authority. A military leave of absence shall not be used during a state of emergency declared by the Governor. Other forms of leave may be granted. During a state of emergency leave of absence because of the call of the Governor, any official or employee subject to this section shall receive his or her normal salary or compensation minus the state active duty base pay he or she receives in active service of the state.

A. Active Service and Induction Examinations

Returning service members will be reemployed in the job that they would have attained had they not been absent for military service (the long-standing "escalator" principle), with the same seniority, status and pay, as well as other rights and benefits determined by seniority. Reasonable efforts (such as training or retraining) will be made to enable returning service members to refresh or upgrade their skills to help them qualify for reemployment. Alternative reemployment positions will be offered if the service member cannot qualify for the "escalator" position. While an individual is performing military service, he or she is deemed to be on a furlough or leave of absence and is entitled to the non-seniority rights accorded other individuals on non-military leaves of absence.

In general, if the employee has been absent by reason of service in the uniformed services, he or she will be eligible for reemployment under USERRA by meeting the following criteria:

- i) The City had advance notice of the employee's service;
- ii) The employee has five years or less of cumulative service in the uniformed services in his or her employment relationship with the City;
- iii) The employee timely returns to work or applies for reemployment; and
- iv) The employee has not been separated from service with a disqualifying discharge or under other than honorable conditions.

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Upon completing service in the uniformed services, the employee must notify the City of his or her intent to return to the employment position by either reporting to work or submitting a timely application for reemployment. Whether the employee is required to report to work or submit a timely application for reemployment depends upon the length of service, as follows:

- (a) Period of service less than 31 days or for a period of any length for the purpose of a fitness examination. If the period of service in the uniformed services was less than 31 days, or the employee was absent from a position of employment for a period of any length for the purpose of an examination to determine his or her fitness to perform service, the employee must report back to the City later than the beginning of the first full regularly-scheduled work period on the first full calendar day following the completion of the period of service, and the expiration of eight hours after a period allowing for safe transportation from the place of that service to the employee's residence. For example, if the employee completes a period of service and travel home, arriving at ten o'clock in the evening, he or she cannot be required to report to the City until the beginning of the next full regularly-scheduled work period that begins at least eight hours after arriving home, i.e., no earlier than six o'clock the next morning. If it is impossible or unreasonable for the employee to report within such time period through no fault of his or her own, he or she must report to the City as soon as possible after the expiration of the eight-hour period.
- (b) Period of service more than 30 days but less than 181 days. If the employee's period of service in the uniformed services was for more than 30 days but less than 181 days, he or she must submit an application for reemployment (written or verbal) with the City not later than 14 days after completing service. If it is impossible or unreasonable for the employee to apply within 14 days through no fault of his or her own, he or she must submit the application not later than the next full calendar day after it becomes possible to do so.
- (c) Period service more than 180 days. If the employee's period of service in the uniformed services was for more than 180 days, he or she must submit an application for reemployment (written or verbal) not later than 90 days after completing service.

If the employee's most recent period of service in the uniformed services was more than 30 days, he or she must not be discharged except for cause-

- (a) For 180 days after the employee's date of reemployment if his or her most recent period of uniformed service was more than 30 days but less than 181 days; or,
- (b) For one year after the date of reemployment if the employee's most recent period of uniformed service was more than 180 days.

### 3) Vacation Leave for Regular Full-Time Employees. (Updated 11-15-16)

- A. Upon completion of six months of continuous employment and completion of the initial position evaluation period, an employee will be granted forty (40) hours of vacation leave. All employees who quit or are relieved of their duties after six months of employment will be entitled to a vacation leave pay prorated to the time worked.

Each employee shall be entitled to a vacation leave per basis of one (1) year successive periods of continuous employment. The year, for this purpose, shall

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begin the day of employment and shall constitute 365 days.

REGULAR FULL-TIME –

The following vacation schedule for regular full-time employees, effective October 1, 2007 is hereby adopted:

Forty (40) hours upon completion of six months and completion of position evaluation period and an additional forty (40) hours upon completion of the first full-year period for a total of eighty (80) hours. (11-15-16)

Eighty (80) hours upon completion of two through five years of employment.

Ninety-six (96) hours upon completion of six years of employment.

One hundred twenty-eight (128) hours upon completion of eleven years of employment.

One hundred forty-four (144) hours upon completion of fifteen years of employment.

One hundred fifty-two (152) hours upon completion of eighteen years of employment.

One hundred sixty (160) hours upon completion of twenty years of employment.

One hundred eighty four (184) hours upon completion of twenty five years of employment.

REGULAR PART-TIME -

The following vacation schedule for permanent part-time employees who work 20 or more hours per week is hereby adopted.

Forty hours upon completion of the first full-year period.

Forty-eight hours upon completion of six (6) years of employment.

Sixty-four hours upon completion of eleven (11) years of employment.

Seventy-two hours upon completion of fifteen (15) years of employment.

Seventy-six hours upon completion of eighteen (18) years of employment

Eighty hours upon completion of twenty (20) years of employment.

Ninety two hours upon completion of twenty five (25) years of employment.

All vacations shall be taken in a minimum of four (4) hour increments. Vacation leave by the hour will not be allowed.

Vacation leave is earned based on an employee's anniversary date (see schedule above). Employees are encouraged to use all of their earned vacation days each year.

Any vacation remaining at the end of the anniversary year will be carried over. (In accordance with the exception of the Vacation Leave Cap - See No. 3)

For those employees who have earned twenty (20) leave days or one hundred sixty

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(160) hours , no more than ten (10) days or eighty (80) hours, shall be taken at one time, unless special permission is granted by the Department Head and City Administrator or Mayor; or by the Department Head and Board or Commission representative.

No exempt employee's salary will be subject to reduction when the exempt employee is absent for less than a day and has exhausted his leave benefit.

B. Scheduling of Vacations (Updated 11-15-16)

Vacations shall be scheduled with the approval of the Department Head, City Administrator, or appropriate authority. Employees shall submit vacation requests for approval at least one work week in advance of the vacation leave date. The Department Head, City Administrator or appropriate authority shall have the discretion to waive this requirement. A report of absence shall be filed in the office of the City Clerk no later than the next payday for each employee approved for vacation.

Holidays occurring during scheduled vacation leave shall not be charged against vacation leave, but against holiday leave.

C. Vacation Leave Cap

On their anniversary date, employees are not eligible to earn any additional vacation once they have reached one and one-half times their annual vacation accrual limit, until they use all or a portion of their earned vacation. One and one-half times the annual vacation accrual limit is equivalent to one and one-half times the maximum number of vacation hours an employee is entitled to earn during a given vacation accrual year, based on the employee's length of service. For example, an employee with eleven (11) years of service may earn up to one hundred twenty-eight (128) hours of vacation during the vacation accrual year (the employee's annual vacation accrual limit). If the employee fails to take all his or her vacation time in the year earned, those hours will be carried over to the next year, and the employee will be allowed to earn an additional one-half the annual accrual limit. Thus, this employee will not accrue any additional vacation time until the earned vacation time is used and the number of hours in the employee's "vacation bank" is reduced to below one hundred ninety two (192) hours.

D. Vacation Rights at Termination of Employment/Regular Full-Time Employees

- i) Employees who have unused earned vacation leave at time of termination of employment with the City shall be paid for such unused earned vacation leave in their final paycheck.
- ii) Earned Vacation for Deceased Employees. An employee's earned and unused vacation accumulated since his last anniversary date for each full month's employment to the date of an in-service death, shall be paid to the deceased's personal representative, if such is determined, or to the next of kin upon the execution by such next of kin of a surety bond protecting the City from further claims by the estate.

4) Maternity Leave - See Sick Leave and Family and Medical Leave - same rules apply.

5) Special Leave

i) To Serve as a Juror or Witness:

- (a) Special leave with pay shall be granted to an employee to serve when

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called for jury duty or as a witness in an official capacity.

- (b) Pay received from the court for such duty shall be given to the City Treasurer. Expense reimbursement shall be kept by the employee.
- (c) An employee involved in court as an expert witness (not because of his official capacity) or in a personal case, either as a plaintiff or as a defendant shall be granted leave. However, the time off shall be charged to either vacation leave or leave of absence without pay.

ii) Family Member Death: An employee may be allowed special leave of up to twenty-four (24) hours for the Death of any of the following described members of their family - Spouse, domestic partner, children, parent, sister, brother, grandparent, grandchild, others bearing this same relationship to the employee's spouse, or any other legal dependent who resides with the employee. If more than twenty-four (24) hours are needed, they will be charged to earned leave. (Updated 11-15-16)

iii) To Attend a Funeral

For the time to travel and attend a funeral in Seward, special leave with pay shall be granted of one (1) to four (4) hours. For a funeral out of Seward, one (1) to eight (8) hours special leave with pay shall be granted. The maximum special leave to be used per year is twenty-four (24) hours for full-time employees and twelve (12) hours for regular part-time employees, unless special permission is given by the Department Head and City Administrator. (Updated 1-29-09)

6) Voluntary Leave of Absence Without Pay (Updated 1/3/96)

- A. An employee shall be granted a leave of absence without pay if such leave will serve the interest of the City. Any employee who is granted such a leave shall be limited to a maximum annual leave in accordance with his/her length of service as follows:

LENGTH OF SERVICE:

Maximum Annual Leave

Under 5 years	-	2 Weeks
5 - 10 years	-	1 Month
10 - 15 years	-	2 Months
15 years and over	-	3 Months

Fringe benefits (such as Insurance, Sick Leave and Vacation), awarded to employees by the City shall be reduced proportionately during the leave of absence. For example, in the case of paid insurance benefits, the employee shall be required to pay that part of the premium reflecting the amount of leave without pay taken. This leave can only be used when all other leave, i.e. Vacation and/or Sick leave has been exhausted.

- B. Requests for leave of absence without pay shall be in writing to include a complete justification for the leave. Such requests must be approved by both the Department Head and City Administrator or appropriate authority for other than Police Department Personnel. The Chief of Police shall make the necessary approval for his personnel, and advise the Civil Service Commission accordingly.

7) Termination Leave

See "Vacation Leave - Vacation Rights at Termination of Employment"

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## 8) Family and Medical Leave (FMLA)

The Family and Medical Leave Act (FMLA) became effective on August 5, 1993 and entitles eligible employees to take up to 12 weeks of unpaid, job-protected leave in a 12-month period for specified family and medical reasons. Amendments to the FMLA by the National Defense Authorization Act for FY 2008 (NDAA), Public Law 110-181, expanded the FMLA to allow eligible employees to take up to 12 weeks of job-protected leave in the applicable 12 month period for any "qualifying exigency" arising out of the fact that a covered military member is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation. The NDAA also amended the FMLA to allow eligible employees to take up to 26 weeks of job-protected leave in a "single 12-month period" to care for a covered servicemember with a serious injury or illness.

A. To be eligible for FMLA benefits, an employee must:

- have worked for the City for a total of 12 months; and
- have worked at least 1,250 hours over the previous 12 months.

While the 12 months of employment need not be consecutive, employment periods prior to a break in service of seven years or more need not be counted unless the break is occasioned by the employee's fulfillment of his or her National Guard or Reserve military obligation (as protected under the Uniformed Services Employment and Reemployment Rights Act (USERRA), or a written agreement, including a collective bargaining agreement, exists concerning the City's intention to rehire the employee after the break in service.

B. The City will grant an eligible employee up to a total of 12 workweeks of unpaid leave during any 12-month period for one or more of the following reasons.

- for the birth and care of a newborn child of the employee;
- for placement with the employee of a son or daughter for adoption or foster care;
- to care for a spouse, son, daughter, or parent with a serious health condition;
- to take medical leave when the employee is unable to work because of a serious health condition; or
- for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or call to active duty status as a member of the National Guard or Reserves in support of a contingency operation. See FMLA (Military Family Leave) policy.

The City will also grant an eligible employee who is a spouse, son, daughter, parent, or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness up to a total of 26 workweeks of unpaid leave during a "single 12-month period" to care for the servicemember.

Spouses employed by the City are limited in the amount of family leave they may take for the birth and care of a newborn child, placement of a child for adoption or foster care, or to care for a parent who has a serious health condition to a combined total of 12 weeks (or 26 weeks if leave to care for a covered servicemember with a serious injury or illnesses is also used). Leave for birth and care, or placement for adoption or foster care, must conclude with 12 months of the birth or placement.

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Under some circumstances, employees may take FMLA leave intermittently – taking leave in separate blocks of time for a single qualifying reason – or on a reduced leave schedule – reducing the employee’s usual weekly or daily work schedule. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the City’s operation. If FMLA leave is for birth and care, or placement for adoption or foster care, use of intermittent leave is subject to the City’s approval.

Under certain conditions, employee or the City may choose to “substitute” (run concurrently) accrued paid leave (such as sick or vacation leave) to cover some or all of the FMLA leave. An employer’s ability to substitute accrued paid leave is determined by the terms and conditions of the City’s normal leave policy.

“Serious health conditions” means an illness, injury, impairment, or physical or mental condition that involves either:

- Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility, including any period of incapacity (i.e., inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care; or
- Continuing treatment by a health care provider, which includes:
  - i) A period of incapacity lasting more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also includes:
    - treatment two or more times by or under the supervision of a health care provider (i.e., in-person visits, the first within 7 days and both within 30 days of the first day of incapacity); or
    - one treatment by a health care provided (i.e. an in-person visit within 7 days of the first day of incapacity) with a continuing regimen of treatment (e.g., prescription medication, physical therapy); or
  - ii) Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence; or
  - iii) Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence; or
  - iv) A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; or
  - v) Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

C. The City will maintain group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. Arrangements will need to be

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made for employees to pay their share of health insurance premiums while on leave. In some instances, the City may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave.

- D. Upon return from FMLA leave, an employee must be restored to the employee's original job, or an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. An employee's use of FMLA leave cannot result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA leave, nor be counted against the employee under a "no fault" attendance policy. If a payment is based on the achievement of a specified goal such as hours worked or perfect attendance, and the employee has not met the goal due to FMLA leave, payment may be denied unless it is paid to an employee on equivalent leave status for a reason that does not qualify as FMLA leave.

An employee has no greater right to restoration or to other benefits and conditions of employment than if the employee had been continuously employed.

- E. Employees seeking to use FMLA leave are required to provide 30-days advance notice to take FMLA leave when the need is foreseeable and such notice is practicable. If leave is foreseeable less than 30 days in advance, the employee must provide notice as soon as practicable - generally, either the same or next business day. When the need for leave is not foreseeable, the employee must provide notice to the City as soon as practicable under the facts and circumstances of the particular case. Absent unusual circumstances, employees must comply with the City's usual and customary notice and procedural requirements for requesting leave. Employees must provide sufficient information for an employer reasonably to determine whether the FMLA may apply to the leave request. Depending on the situation, such information may include that the employee is incapacitated due to pregnancy, has been hospitalized overnight, is unable to perform the functions of the job, and/or that the employee or employee's qualifying family member is under the continuing care of a health care provider.

When the employee seeks leave for an FMLA-qualifying reason for the first time, the employee need not expressly assert FMLA rights or even mention the FMLA. When an employee seeks leave, however, due to an FMLA-qualifying reason for which the City has previously provided the employee FMLA-protected leave, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave.

When an employee requests FMLA leave or the City acquires knowledge that leave may be for an FMLA purpose, the City will notify the employee of his or her eligibility to take leave, and inform the employee of his/her rights and responsibilities under the FMLA. When the City has enough information to determine that leave is being taken for an FMLA-qualifying reason, the City must notify the employee that the leave is designated and will be counted as FMLA leave.

- F. The City may require that an employee's request for leave due to a serious health condition affecting the employee or a covered family member be supported by a certification from a health care provider. The City may require second or third medical opinions (at the City's expense) and periodic recertification of a serious health condition. The City may use a health care provider, a human resource professional, a leave administrator, or a management official - but not the employee's direct supervisor - to authenticate or clarify a medical certification of a serious health condition. The City requires employees returning from leave for their own serious health condition to submit a certification that they are able to resume work. If reasonable safety concerns exist, the City may, under certain

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circumstances, require such a certification for employees returning from intermittent FMLA leave.

### 8(1) FMLA (military Family Leave).

The National Defense Authorization Act for FY 2008 (NDAA), Public Law 110-181, amended the FMLA to allow eligible employees to take up to 12 weeks of job-protected leave in the applicable 12-month period for any "qualifying exigency" arising out of the active duty or call to active duty status of a spouse, son, daughter, or parent. The NDAA also amended the FMLA to allow eligible employees to take up to 26 weeks of job-protected leave in a "single 12-month period" to care for a covered servicemember with a serious injury or illness. These two new types of FMLA leave are known as the military family leave entitlements.

- A. To be eligible for Military Family Leave benefits, an employee **must**:
- have worked for the City for a total of 12 months; and
  - have worked at least 1,250 hours over the previous 12 months
- B. **Military Caregiver Leave.** The City will grant an eligible employee who is a spouse, son, daughter, parent, or next of kin of a covered servicemember with a serious injury or illness up to a total of 26 workweeks of unpaid leave during a "single 12-month period" to care for the servicemember. A covered servicemember is 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. A serious injury or illness is one that was incurred by a servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank, or rating. The "single 12-month period" for leave to care for a covered servicemember with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12-month period established by the employee for other types of FMLA leave. An eligible employee is limited to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during the "single 12-month period" (Only 12 of the 26 weeks total may be for a FMLA-qualifying reason other than to care for a covered servicemember.)
- C. **Qualifying Exigency Leave.** The City will grant an eligible employee up to a total of 12 workweeks of unpaid leave during the normal 12-month period established by the City for FMLA leave for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation. Under the terms of the statute, qualifying exigency leave is available to a family member of a military member in the National Guard or Reserves,; it does not extend to family members of military members in the Regular Armed Forces.

Qualifying exigencies include:

- Issues arising from a covered military member's short notice deployment (i.e., deployment of seven or less days of notice) for a period of seven days from the date of notification;
- Military events and related activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and information briefings sponsored or promoted by the military, military

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service organization, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member.

- Certain childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member;
- Making or updating financial and legal arrangements to address a covered military member's absence;
- Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member;
- Taking up to five days of leave to spend time with a covered military member who is on short-term temporary, rest and recuperation leave during deployment;
- Attending to a certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member's active duty status, and addressing issues arising from the death of a covered military member; and
- Any other event that the employee and the City agree is a qualifying exigency.

Spouses employed by the City are limited to a combined total of 26 workweeks in a "single 12-month period" if the leave is to care for a covered servicemember with a serious injury or illness, and for the birth and care of a newborn child, for placement of a child for adoption or foster care, or to care for a parent who has a serious health condition.

FMLA leave may be taken intermittently whenever **medically necessary** to care for a covered servicemember with a serious injury or illness. FMLA leave also may be taken intermittently for a qualifying exigency arising out of the active duty status or call to active duty of a covered military member. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer's operation.

Under certain conditions, employees or the City may choose to "substitute" (run concurrently) accrued paid leave (such as sick or vacation leave) to cover some or all of the FMLA leave. An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the City's normal leave policy.

- D. Employees seeking to use military caregiver leave must provide 30 days advance notice of the need to take FMLA leave for planned medical treatment for a serious injury or illness of a covered servicemember. If leave is foreseeable but 30 days advance notice is not practicable, the employee must provide notice as soon as practical be – generally, either the same or next business day. An employee must provide notice of the need for foreseeable leave due to a qualifying exigency as soon

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as practicable. When the need for military family leave is not foreseeable, the employee must provide notice to the City as soon as practicable under the facts and circumstances of the particular case. Generally, it should be practicable to provide notice for unforeseeable leave within the time prescribed by the City's usual and customary notice requirements.

An employee does not need to specifically assert his or her rights under FMLA, or even mention FMLA, when providing notice. The employee must provide "sufficient information" to make the City aware of the need for FMLA leave and the anticipated timing and duration of the leave. Depending on the situation, such information may include as applicable:

- that the requested leave is for a particular qualifying exigency related to the active duty or call to active duty status of a covered military member and the anticipated duration of the leave;
- that the leave is for a qualifying family member who is a covered servicemember with a serious injury or illness and the anticipated duration of the leave.

When an employee seeks leave due to a FMLA-qualifying reason for which the City has previously provided the employee FMLA-protected leave, the employee **must** specifically reference either the qualifying reason for leave or the need for FMLA leave.

- E. When an employee requests FMLA leave or the City acquires knowledge that leave may be for an FMLA purpose, the City will notify the employee of his or her eligibility to take leave, including a reason for non-eligibility if the employee is determined not to be eligible. Such eligibility notice may be oral or written and should, generally, be given within five business days of the request for FMLA leave. Subsequent eligibility notice in the same 12-month leave period may be required when an employee's eligibility status changes. The City will inform employees of their right and responsibilities under FMLA, including giving specific written information on what is required of the employee.

When the City has enough information to determine that leave is being taken for an FMLA-qualifying reason, the City will notify the employee that the leave is designated and will be counted as FMLA leave. The City will designate leave that qualifies as both leave to care for a covered servicemember with a serious injury or illness and leave to care for a qualifying family member with a serious health condition as leave to care for a covered servicemember in the first instance. The designation notice must be in writing and, generally, must be given within five business days of the determination. The City will notify the employee of the number of hours, days, or weeks that will be counted against the employee's FMLA entitlement.

- F. The City will require that employee's request for military family leave be supported by appropriate certification. The City will require that:
- leave for a qualifying exigency be supported by a copy of the covered military member's active duty orders and certification providing the appropriate facts related to the particular qualifying exigency for which leave is sought, including contact information if the leave involves meeting with a third party;
  - leave to care for a covered servicemember with a serious injury or illness be supported by a certification completed by an authorized health care provider or by a copy of an Invitational Travel Order (ITO) or Invitational Travel

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Authorization (ITA) issued to any member of the covered servicemember's family.

Second and third opinions and recertification are not permitted for certification of a covered servicemember's serious injury or illness or of a qualifying exigency. The City may use a health care provider, a human resource professional, a leave administrator, or a management official -- but not the employee's direct supervisor -- to authenticate or clarify a medical certification of a serious injury or illness, or an ITO or ITA. Additionally, the City may contact the individual or entity named in a certification of leave for a qualifying exigency for purposes of verifying the existence and nature of the meeting.

#### 4.3 Worker's Compensation Act (Updated 11/01)

All work related accidents are covered by the Nebraska Workers Compensation Act as found in Chapter 48, Article 1, Section 48-101 of the Revised Statutes of Nebraska.

#### 4.4 Hospital and Medical Insurance Programs

- 1) Employees: Subject to the City's fiscal condition, health, dental and life insurance coverage for regular full-time employees shall be provided in accordance with the results of the Comparability study. (Updated 10/01)
- 2) Dependents of regular full-time employees shall be provided health insurance at the employee's request. The percentages that the City pays and the employee pays will be established during the budget process and employees will be notified of any changes on a yearly basis. Payroll deductions will be made for the employee portion of the premium. (Updated 3/2/99)
- 3) Dependent dental coverage may be purchased through payroll deduction by the regular full-time employees.
- 4) Participation in the insurance programs shall be voluntary. The current program will outline any waiting period or pre-existing condition stipulations. (Updated 3/2/99)

#### 4.5 Retirement Systems (Updated 3/2/99)

The City agrees to pay an adopted percentage based upon results of the comparability study of the regular full-time employee's monthly base pay up to the Social Security Taxable Wage Base, plus 6% in excess of the Social Security Taxable Wage Base. Employees will be advised of the percentage and are to pay the same rate of their monthly salary into a retirement fund as per contract with the City's Retirement Plan Company. Overtime will not apply to the retirement plan for regular full-time employees, but will apply to the Police Officers retirement plan. Employees are allowed to make additional contributions to their own retirement plan, in accordance with the Retirement Plan provisions.

Police Pension will be in accordance with Ordinance Number 913.

#### 4.6 Social Security Benefits

Social Security is administered by the federal government and is supported by joint contributions from the City and the employees. Contributions are based on a percentage of the employee's salary. The employees contributions are made by payroll deduction. Employees shall be eligible for retirement benefits under Social Security as applicable and consistent with law.

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4.7 Rest Periods (Updated 3/2/99)

A fifteen-minute rest period will be allowed to employees of the City during each one-half day of work (4 hours shall constitute the minimum for one-half day) for relaxation from the regular routine of duty. All rest periods will be held at the job site, respective City shop facility or location which benefits the work schedule of the Department itself as determined by the Department Head. Department Heads have the ability, on a case by case basis, to amend these requirements from time to time with approval of the City Administrator or appropriate authority.

With the exception of the Police and Library personnel, all full-time employees will be allowed one meal period each workday. The meal period will be one-half to one hour in length and will be scheduled to accommodate operating requirements of the Department. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time. Department Heads have the ability, on a case by case basis, to amend these requirements from time to time with approval of the City Administrator or appropriate authority. Police and Library personnel are not relieved of all active responsibilities and restrictions and consequently may be compensated for meal time.

The City shall provide reasonable break time for an employee to express breast milk for her nursing child for one year after the child's birth each time such employee has need to express the milk; and a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk. If possible, such break time should be taken during the rest breaks already provided to the employee. Any additional breaks taken to express milk will be unpaid.

4.8 Awards program (Revised 10/21/08)

Within the limitations of its financial position, the City of Seward may provide one recognition dinner each year for the elected and appointed officials, employees or volunteers. The maximum cost for such dinner shall be established in the budget process.

The following policy for awards for employees of the City of Seward for years is service is hereby adopted.

10 Yrs. of Service - Presentation of Certificate	\$ 15.00 Gift
15 Yrs. of Service - Presentation of Certificate	\$ 30.00 Gift
20 Yrs. of Service - Presentation of Certificate	\$ 80.00 Gift
25 Yrs. of Service - Presentation of Certificate	\$110.00 Gift
30 Yrs. of Service - Presentation of Certificate	\$140.00 Gift
35 Yrs. of Service - Presentation of Certificate	\$170.00 Gift
40 Yrs. of Service - Presentation of Certificate	\$200.00 Gift
45 Yrs. Of Service - Presentation of Certificate	\$230.00 Gift
50 Yrs. Of Service - Presentation of Certificate	\$260.00 Gift

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## EMPLOYEE DEVELOPMENT

### 5.1 Orientation

Each Department Head shall be responsible for facilitating the adjustment of an employee to his work situation by:

- 1) Providing him/her a clear statement of their duties and official relationships;
- 2) Introducing him/her properly to those with whom they will be working;
- 3) Instructing and guiding him/her in learning to perform his/her functions;
- 4) Discussing with him/her at frequent intervals the progress in learning and performing the work; and,
- 5) Providing him/her a clear statement of fringe benefits available.

### 5.2 Travel, Training, Education and Expense for Meetings. (Updated 12/2012)

Approval: The City encourages the development of job skills by allowing participation in available training programs whenever possible and economically feasible. Prior approval shall be required from the Mayor, City Administrator or appropriate authority for attendance and overnight accommodations by Elected Officials, Appointed Officials and City employees at conferences, training sessions and business meetings.

No reimbursement will be made for any expenses incurred without a valid receipt approved by the Mayor, City Administrator or appropriate authority.

Registrations: The City shall pay the registration costs, tuition costs, or fees for an employee to attend required/approved conferences, training sessions and business meetings. All registrations must be made in a timely manner in order to receive any discounts in the fees. Anyone who registers for a meeting and/or meal will be required to be in attendance at the meeting/meal. If they are not, they will be required to reimburse the City for the expenses, unless there was an unavoidable reason that prohibited them from attending and that reason has been approved by the Mayor or City Administrator.

Travel & Mileage: Travel on official business outside the City by an employee shall be by City-owned vehicle when available. If a City-owned vehicle is not available, or if the City Administrator authorizes the use of a personal vehicle, the employee shall be paid mileage at the prevailing rate established by the state legislature and/or transportation services bureau of the State Department of Administrative Services. This rate includes all travel and storage expenses (parking fees) of the vehicle. Odometer readings will be necessary for mileage reimbursement. (Updated 11-15-16)

Employees using City vehicles are individually responsible for all fines or penalties assessed to the employee as a result of speeding tickets or other traffic offenses for which the employee is cited while using a City vehicle. (Added 12/2012)

Lodging: The City will pay for lodging for approved training, conference or meetings outside the City.

Meals: Meals will be reimbursed for approved training/travel according to the State of Nebraska per diem meal cost allowance guidelines which are as follows:

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In-State:

Departure	Meal	Allowance
Before 6:30 a.m.	Breakfast	Up to \$ 7.00
After 6:30 a.m. thru 1:00 p.m.	Lunch	Up to \$ 7.00
After 1:00 p.m. thru 8:00 p.m.	Dinner	Up to \$23.00

The total per diem meal cost allowance for overnight in-state travel for an employee who leaves before 6:30 a.m. will be \$37.00. The total per diem meal cost allowance for overnight in-state travel for an employee who leaves after 6:30 a.m. will be \$30.00.

Out of State:

Departure	Meal	Allowance
Before 6:30 a.m.	Breakfast	Up to \$ 9.00
After 6:30 a.m. thru 1:00 p.m.	Lunch	Up to \$ 8.00
After 1:00 p.m. thru 8:00 p.m.	Dinner	Up to \$31.00

The total per diem meal cost allowance for overnight out-of-state travel for an employee who leaves before 6:30 a.m. will be \$48.00. The total per diem meal cost allowance for overnight out-of-state travel for an employee who leaves after 6:30 a.m. will be \$39.00.

Per diem meal allowance guidelines will be reviewed periodically and adjusted as necessary.

Hours of Attendance: Any hours of attendance or travel time at training sessions, conferences or meetings over the regularly scheduled work hours as prescribed for that employee, shall be taken as time-off during the same time period whenever feasible. If the Department Head determines that time-off is not feasible, nonexempt full-time employees will be allowed to count these hours as compensatory time or receive overtime pay. If time-off is not feasible for part-time employees, they will be receive regular pay as they are not eligible for the compensatory time benefit. Lunch and dinner hours and personal business are not to be included in hours of attendance.

The City shall provide financial assistance on a reimbursement basis to a full-time employee or permanent part-time employee working 20 hours or more, for pre-approved job-related college credit courses. An employee must submit a written request to the Department Head which specifically explains how the course directly relates to their position and will enhance their job skills/abilities. The Department Head shall in turn forward the request with their recommendation for approval/denial to the Mayor, City Administrator or appropriate authority for final decision. In order to receive financial assistance, the employee must provide City Hall with proof of successful completion of the course along with documentation (billing statements/receipts) of course tuition, books and laboratory fees. The employee will be reimbursed for fifty percent (50%) of all eligible costs.

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## DISCIPLINARY ACTION

### 6.1 Policy

Employees of the City are public servants and as such, are accountable to the residents of the community which employs them. Therefore, the City of Seward expects all of its employees to conduct themselves, both on- and off-duty, in a manner that brings credit to the City.

The discipline policy is intended to make sure that when an employee in any Department violates a City rule or policy, the resulting disciplinary action will be the same as would occur for an employee in any other department for a similar violation. (Police Department employees shall be governed by the procedures established by the Civil Service Rules & Regulations in accordance with State Law).

It shall be the responsibility of all supervisors to reasonably and impartially supervise, and when necessary, discipline the personnel assigned to them. All supervisors shall exercise good judgment and discretion in taking or recommending disciplinary action and shall consult with the City Administrator, or appropriate authority, to insure that any disciplinary action taken is consistent throughout the City employment.

This policy does not remove a Supervisor's power of discretion. Each Supervisor is expected to provide the training and constructive criticism needed for employees to attain a consistently high standard of performance. When a Supervisor determines that an employee has crossed a threshold making disciplinary action, as a corrective step, necessary, the policy provides a uniform framework for that action. (Note: when a serious violation has occurred, the policy protects the Supervisor against the charge of excessive discretion.)

### 6.2 Disciplinary Procedures

Definitions of Types of Discipline:

- 1) Oral Reprimand: An infraction that is 1) minor in nature or 2) does not involve a serious degree of negligence. A record of this action will be kept in the employee's personnel file.
- 2) Written Reprimand: An infraction that is 1) serious in nature or 2) involves a serious degree of negligence, where the supervisor is convinced that a written reprimand is necessary to correct the behavior. A record of this action will be kept in the employee's personnel file.
- 3) Suspension/Demotion: An infraction that is 1) severe in nature, 2) involves gross neglect, or 3) where the past conduct of the employee demonstrates the infraction is repetitive in nature and the supervisor is convinced a suspension or demotion is the only remedy to correct the behavior. Department Heads, with the approval of the City Administrator or appropriate authority, may summarily suspend an employee with pay in cases of a serious infraction, criminal offense or similar incident until an investigation is completed and a determination is made as to whether disciplinary action will be initiated. Upon completion of investigation, the Department Head shall submit a recommendation to the City Administrator, or appropriate authority as soon as possible. After review, the City Administrator, or appropriate authority shall determine what if any, disciplinary action shall be initiated and notice of such determination shall be given to the affected employee and the Human Resource Director for inclusion in the employee's personnel file.

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- 4) **Formal Notice of Unsatisfactory Job Performance:** A formal notice of unsatisfactory job performance shall be a written statement, citing the disciplinary offense(s) that have resulted in the notice and stating that any additional infraction may result in either dismissal, demotion, suspension or reduction in pay. Any employee who receives a notice of unsatisfactory job performance will be placed on a six-month evaluation period.
- 5) **Dismissal:** An infraction, or series of infractions, so grave in nature that continued employment would affect the operational effectiveness of the department, and the Department Head is convinced that corrective action is not possible. The Department Head shall submit a letter to the City Administrator, or appropriate authority, describing the infraction and the employee's case history, and shall include the recommendation for dismissal. The recommendation shall be reviewed by the City Administrator, or appropriate authority, after consultation with the Human Resource Department. If it is determined that dismissal should occur, notice of such determination shall be given to the affected employee and the Human Resource Department for inclusion in the employee's personnel file.

### 6.3 Grounds

While it is not possible to list each and every action of an employee for which disciplinary action is necessary, there is established for purposes of this Chapter, Class A, B, C and D offenses as set forth in this section.

Listed below are some examples of infractions of the City's rules and regulations. The lists that follow should not be viewed as being all inclusive. Other types of behavior and conduct that the City considers inappropriate could lead to disciplinary action up to and including termination of employment with prior warning, at the sole and complete discretion of the City. Further, if performance, work habits, overall attitude, conduct or demeanor become unsatisfactory in the judgment of the City, based on violations of Class A, B and/or C offenses or any other policies, rules or regulations, the employee will be subject to disciplinary action, up to and including dismissal.

#### A. Class A Offense

An infraction which is fatal to the working relationship between the employee and the City and has the potential to cause a major disruption in normal operations. A Class A offense shall result in dismissal.

A "Class A" Offense shall include the following actions or conduct:

- 1) Engaging in a strike, work stoppage or slow down.
- 2) Use or possession of illegal drugs or alcohol while on duty.
- 3) Theft of City property.
- 4) Third notice of unsatisfactory job performance.
- 5) Insubordination, including the willful refusal to comply with proper order of higher authority.
- 6) When required by job description and duties to possess a driver's license, loss of driver's license for over 60 days.
- 7) When required by job description and duties to possess a Commercial Driver's

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License, inability to acquire or maintain a CDL for a period in excess of 60 days.

- 8) Actions or conduct similar in nature to those listed above but that are not specifically described above.

**B. Class B Offense**

An infraction which is critical in nature, involves gross negligence or has the potential to create serious disruption to normal operations. A Class B offense shall result in a formal notice of unsatisfactory job performance, suspension without pay of five (5) to fifteen (15) days, demotion or dismissal.

A "Class B" Offense shall include the following actions or conduct:

- 1) Fighting while on duty.
- 2) Unauthorized or improper use of official authority.
- 3) Failure to retain required certification for the position.
- 4) Conviction of a Felony or a Class I Misdemeanor.
- 5) A safety violation which entails reckless disregard of safety precautions or operating procedures that may result in injury, serious damage or death.
- 6) Solicitation or acceptance of any bribe for performance or non-performance of duties.
- 7) Falsification of any City document or record.
- 8) Intentionally or recklessly making false statement(s) in connection with any official duties.
- 9) Absent without leave for three (3) consecutive days.
- 10) Following notification, failure to report for duty promptly in the case of a community disaster.
- 11) Unauthorized obtaining, use or communicating of confidential information.
- 12) Sexual harassment and other forms of harassment as per Sections 1.18 & 1.19
- 13) Inability to obtain automobile liability coverage when required by job duties to operate a motor vehicle.
- 14) Failure of an employee on-call to maintain physical and mental readiness for the request to return to duty.
- 15) Failure to report to Department Head anticipated treatment or surgery of work-related injury.
- 16) Obtaining, attempting to obtain and/or disseminate any information from Department files, reports or sources other than what is statutorily

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classified as public information.

- 17) Failure to successfully complete two consecutive work performance evaluation periods.
- 18) Suspension or revocation of motor vehicle licenses or other loss of the privilege to operate a motor vehicle for a period of time less than 60 days if the employee is required by their job duties to possess a valid motor vehicle operator's license.
- 19) Actions or conduct similar in nature to those listed above but are not specifically described above.

### C. Class C Offense

An infraction which is serious in nature or has the potential to create noticeable disruption to normal operations. A Class C offense shall result in the suspension without pay of one (1) to five (5) days and a formal notice of unsatisfactory job performance for a second violation with a five (5) year period.

A "Class C" Offense shall include the following actions or conduct:

- 1) A supervisor who knowingly issues an order requiring a subordinate to commit an illegal act.
- 2) An employee who knowingly obeys an order requiring him or her to commit an illegal act.
- 3) An employee who slanders, defames or engages in backbiting or subversion of other employees, supervisors, managers or elected officials.
- 4) Abusive language, intimidation or mistreatment of a member of the public or another City employee.
- 5) Discriminatory treatment of any person because of political or religious opinions or affiliations or because of race, color, national origin, marital status, veteran status, age, sex or physical disability.
- 6) No Department Head or employee shall circumvent the Chain of Command, except where necessary in periods of emergency, serious breach of discipline, etc.
- 7) Failure of an employee to comply with any lawful order from his/her supervisor. The term "lawful order" shall mean a directive authorized by law, rule or regulation.
- 8) Absence without leave in excess of more than one hour.
- 9) Conduct unbecoming of a City employee, tending to be prejudicial to the reputation on the City government, or otherwise contravening the public interest.
- 10) Abuse of sick leave or other benefits.
- 11) A safety violation which entails disregard of safety precautions or operating procedures that may result in injury, serious damage or death.

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- 12) Use or attempted use of political influence or bribery to obtain a favorable personnel action.
- 13) Failure by a supervisor or employee to assume responsibility or exercise diligence, intelligence and interest in the pursuit of assigned duties, or whose performance is below acceptable standards.
- 14) Actions or conduct similar in nature to those listed above but that are not specifically described above.

D. Class D Offense

An infraction which is minor in nature and does not unduly disrupt normal operations. A Class D offense shall result in a written reprimand and may result in suspension without pay not exceeding one day.

- 1) Discourteous or unprofessional behavior to a member of the public or another City employee.
- 2) Sleeping, dozing or giving the appearance of sleeping or dozing while on duty.
- 3) Conducting personal business on City time.
- 4) Taking unauthorized time for lunch or rest break.
- 5) Failure to complete and submit reports in a timely manner.
- 6) Failure to notify supervisor of impaired capacity as a result of a prescription drug.
- 7) Tardiness up to one hour.
- 8) Unauthorized early departure.
- 9) Leaving an assigned duty station without authorization or proper relief.
- 10) Failure to comply with rules regarding City smoking policy.
- 11) Failure to perform duties in terms of quality and/or quantity.
- 12) For supervisors, failure to plan, organize, direct and evaluate the work of subordinates.
- 13) Unauthorized solicitation.
- 14) Neglect, waste or misuse of City property.
- 15) Failure to observe safety precautions or operating procedures that may or do result in injury or property damage.
- 16) Failure to observe use of cell phone policy.
- 17) Failure to observe seat belt or safety belt policy.
- 18) Failure to observe the Departments tornado watch & warning policy.

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- 19) Failure to observe the City's reimbursement of expenses policy.
- 20) Actions or conduct similar in nature to those listed above but that are not specifically described above.

#### 6.4 Department Heads Failing to Report an "A" or "B" Offense

Any Department Head who does not report and document an "A" or "B" offense of an employee, shall be disciplined at that same level of offense.

#### 6.5 Employees Failing to Report an "A" or "B" Offense

An employee who does not report an "A" or "B" offense of a supervisor or fellow employee shall be disciplined at one level below the offense of that supervisor or employee.

#### 6.6 Types of Disciplinary Action

Disciplinary action shall be consistent with the nature of the deficiency or violation involved and the record of the employee. Types of disciplinary action include oral reprimand, written reprimand, denial or delay of a scheduled salary increase, reduction in salary within grade, suspension from work with pay or without pay, demotion and dismissal. A lateral transfer may also be effected for disciplinary reasons. One or more of the foregoing types of action may be taken for a particular deficiency or violation. Disciplinary action shall be imposed in a clear and businesslike manner and, as appropriate, shall be directed at improving the employee's performance and/or conduct and at avoiding recurrence of the deficiency or violation.

#### 6.7 Disciplinary Authority

Unless otherwise provided by supplemental personnel regulations, all Department Heads shall have the authority to issue oral and written reprimands. All other types of discipline, including suspensions with or without pay, lateral transfers, demotions or dismissals require the approval of the City Administrator or appropriate authority. Disciplinary actions other than oral reprimands shall be thoroughly documented for permanent inclusion in the official personnel record of the employee(s) involved.

#### 6.8 Protective Suspension

When an employee is under investigation for a crime or official misconduct or is awaiting hearing or trial in a criminal matter, he or she may be suspended from work without pay for the duration of the investigation or proceeding if necessary to protect the public interest. Such suspension shall require the approval of the City Administrator, or appropriate authority and any return to duty shall be under such terms and conditions as may be specified by the City Administrator, or appropriate authority.

#### 6.9 Employee Grievance - Appeal Procedure for Disciplinary Action

Step One: If an employee wishes to appeal a disciplinary action, they shall present the appeal in writing, on forms available at City Hall to their Department Head within five (5) working days from the time of occurrence. The Department Head will review the disciplinary action and appeal with the City Administrator, and respond to the employee in writing within five (5) working days after receipt. Meetings may be held with the employee, and any other witnesses, to discuss the grievance

Step Two: If an employee still feels the answer is not satisfactory, they may appeal that decision in writing to the Mayor (Civic Center Commission for Civic Center employees)

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within five (5) working days after receiving the response from the Department Head and City Administrator. The Mayor (Civic Center Commission) will investigate the grievance within ten (10) working days. This may include a review of the written summary of your statement, a review of the Department Head and City Administrator findings, discussions with all witnesses or individuals concerned, and a further investigation by the City's Labor Attorney if necessary. Meetings may be held with the employee, and any other witnesses, to discuss the grievance. After the investigation is completed, the Mayor or City Attorney will advise the employee in writing of the results of the investigation and decision based on that investigation. The decision will be final and binding.

For Police Department employees subject to the Civil Service Act, the appeal procedure for disciplinary action established in the Civil Service Commission Rules & Regulations governs.

The City does not tolerate any form of retaliation against employees availing themselves of this procedure. The procedure should not be construed however, as preventing, limiting, or delaying the City from taking disciplinary action against any individual, up to and including termination. (Updated 12/2012)

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## TERMINATION:

### 7.1 Reduction in Force

An employee may be laid off because of a reduction in required personnel, reorganization of a department or City Function, a decrease in work load, or a lack of funds. Whenever possible, employees who are to be laid off in one department shall be integrated into another department by transfer. It is the policy of the City in establishing a reduction in force policy, to consider several factors, which include, but are not limited to:

- 1) The multiple job skills recently or currently being performed by the employee;
- 2) The knowledge, skills and abilities of the employee;
- 3) The performance appraisal of the employee, including any recent or pending disciplinary actions involving the employee;
- 4) The employment policies and staffing needs of the department, together with contracts, ordinances and statutes related thereto;
- 5) Required federal, state, or local certificates or licenses; and
- 6) Seniority

This policy applies to all employees who have successfully passed through the City's initial orientation period, except those included in a bargaining unit or covered by State Civil Service Laws. For those employees still under the terms of the City's orientation period, and not included in a bargaining unit or covered by State Civil Service laws, employment may be terminated with or without cause or without notice, at any time, at the option of the City.

For those employees with five years or more of continuous employment with the City and not included in a bargaining unit or covered by State Civil Service laws, the following procedure will be utilized when a layoff is necessary:

- 1) The City Administrator will determine how many employees are to be reduced from the payroll.
- 2) The City Administrator will determine by skill levels, work record and length of service, who are the employees to be reduced.
- 3) The City Administrator will determine those employees who are in critical jobs which are exempted from this procedure. A critical job is defined as one which requires special skills, education, training or specialized knowledge.
- 4) The City Administrator will review any lay-off determination with the Mayor and City Council prior to issuing formal notice to affected employees.

The City will endeavor to give two (2) weeks' notice of a layoff. Formal written notice of the layoff will be issued by the City Administrator and will contain the following information:

- 1) Notice of the last day to be worked.
- 2) Benefit coverage and date of expiration.
- 3) Reason for the layoff and anticipated length of the layoff.

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Notices will be personally given to the employees by the City Administrator and their immediate supervisor or will be sent to their last known address by certified mail.

### 7.3 Resignation (Updated 11-15-16)

All Appointed Officials without a contract, who desire to resign in good standing, shall provide a written resignation to the City Administrator or Appropriate Authority a minimum of forty-five (45) days prior to the effective date of their resignation.

All other employees who desire to resign their position with the City in good standing, shall provide a written resignation to their Department Head, City Administrator or appropriate authority a minimum of two (2) weeks prior to the effective date of their resignation.

Vacation leave will not be allowed during the forty-five (45) day or two (2) week time period, except by agreed upon, written conditions between the employee and the Mayor, City Administrator or appropriate authority. Personal/Safety leave is allowed upon prior approval of the Department Head. Only under extreme conditions will vacation/personal/safety leave be allowed on the last day of active service. Compensation for earned and accrued vacation/personal leave will be awarded to the employee with their final paycheck. (Updated 11-15-16)

Employees terminating before completion of one full year of employment must repay any salary received for sick leave drawn in excess of their total allowed accumulation. This repayment will be adjusted on their final paycheck.

An exit interview will be arranged on the employee's last day of active service at which time the employee will turn in all City uniforms, equipment and materials issued during their tenure. Termination of Employment". Employees who resign in good standing shall also be entitled to re-employment as provided in "Pay Plan - Re-Employment". (Updated 12/2012)

### 7.4 Retirement

Whenever an employee meets the conditions set forth under the two retirement systems which exist within the City (See "Employee Benefits - Retirement Systems"), he may be retired and shall receive all earned benefits therefrom.

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## 7.5 Dismissal

See "Discipline - Dismissal.

As was noted at the beginning of this policy, this personnel manual does not create any contractual rights of employment. It is intended to give you general guidelines on employee personnel policies for the City of Seward. These personnel policies may be modified by the City Council at any time and you will be given notice of any such modifications. (Updated 3/2/99)

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