

City of Watertown

Personnel Policy Manual



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MISSION STATEMENT

Our mission, as city employees, is to provide quality services while maintaining ethical, responsible, and fiscal accountability.

BELIEF STATEMENTS

- ★ We believe in the highest degree of ethics and integrity
- ★ We believe in fiscal responsibility and accountability
- ★ We believe in positive customer service while contributing to our community
- ★ We believe in the highest degree of efficiency and effectiveness
- ★ We believe in a positive teamwork attitude to achieve the best possible goal

PERSONNEL POLICY

PREAMBLE

This statement of policy shall be used in conjunction with active working agreements between the City and Local Union 2488 of the American Federation of State, County and Municipal Employees, Local Union 1724 of the International Association of Firefighters, and Watertown Fraternal Order of Police Union. In any instance where these personnel practices and procedures conflict with any statutes of the State of South Dakota or the United States, union contracts, civil service rules as applied to municipal employees, the provisions contained in the applicable state and/or federal laws, union contract or civil service rules shall supersede.

The City reserves the right to change, suspend, or terminate any and all benefits or policies set forth herein, in whole or in part, at any time with or without notice. This Personnel Policy is not intended to create, nor is it to be construed to create, a contract of employment between the City and its employees.

Each employee is free to leave the employ of the City at will, without cause, and the City is equally free to terminate the services of any employee at will (except those otherwise covered under union agreement), without cause. Nothing in this manual overrules this principal. In addition, no management official, elected or appointed, is authorized to make any oral assurance or promise regarding any condition of employment, including a promise of continued employment or adjustment to wages or benefits.

ARTICLE 1: GENERAL STATEMENT OF POLICY

SECTION 1.01 - PURPOSE

It is the stated purpose of the following personnel practices and procedures to establish an efficient and equitable system of personnel administration. This policy is intended to provide a consistent basis for personnel administration.

SECTION 1.02 - EQUAL EMPLOYMENT OPPORTUNITY

The City is committed to a policy of Affirmative Action in providing equal employment opportunities to all City employees and applicants for employment. This policy has been established to ensure the City's personnel practices against discrimination of all types and to comply with the requirements of Federal Executive Order 11246 as amended and all other federal/state laws governing equal opportunity in employment. In meeting this commitment, the Mayor, on behalf of the City, will see that all City offices and departments under its direction conform to the following procedures:

Recruit, hire, train, and promote for all positions without regard to the legally defined factors of race, color, sex, age, political affiliation, marital status, religion, national origin, sexual orientation or disability, and base these actions on ability to perform the duties and responsibilities of the position(s); and

Administer all other personnel practices such as compensation, benefits, transfers, layoffs, rehiring, and discipline without regard to the legally defined factors of race, color, sex, age, political affiliation, marital status, religion, national origin, sexual orientation, disability, or any other basis prohibited by state or federal law and see that all promotions are made in agreement with the objective of equal employment.

The City complies with the Genetic Information Nondiscrimination Act of 2009 (GINA) which prohibits employers covered by GINA Title II from requesting or requiring genetic information of employees or their family members. In order to comply with this law, we ask that employees not provide any genetic information on any documentation of medical issues including requests for sick leave and/or application for leave of absence.

SECTION 1.03 - SCOPE

These personnel practices and procedures shall not limit the authority of any municipal department head to make department rules and regulations. However, in the event of a conflict between these rules and departmental policy, these rules shall apply.

Copies of this statement shall be available in each department for reference. Each new full time employee will receive a copy upon employment and sign for the same. Each new part time employee will be informed of the policy, its location in the department, furnished a copy upon request and sign for the same.

SECTION 1.04 - ADMINISTRATION

The Finance Officer and Human Resource Coordinator/Risk Manager are responsible to administer these personnel practices and procedures. Questions of interpretation shall be determined by the City Attorney.

A policy committee will be established and serve as a review board for any proposed changes to the Personnel Policy. In addition to the Human Resource Coordinator/Risk Manager, this committee shall consist of a minimum of five (5) department heads and/or exempt employees to be determined on a volunteer basis.

SECTION 1.05 - RECOGNITION

The City recognizes Local Union 2488 of the American Federation of State, County and Municipal Employees (AFSCME), Local Union 1724 of the International Association of Firefighters (IAFF), and Watertown Fraternal Order of Police Union (WFOPU) as collective bargaining units referred to herein as the Union(s). The Working Agreements between the City and any Union are a part of this personnel policy for those employees within each bargaining unit. This provision does not amount to a waiver of any statutory or constitutional rights guaranteed to the union member.

ARTICLE 2: ADOPTION AND AMENDMENT OF THE WATERTOWN PERSONNEL POLICY

SECTION 2.01 - ADOPTION OF PERSONNEL POLICY

Policies relating to the administration of the City's personnel program shall be adopted by the Council and become effective upon adoption. Department heads may establish additional written policies for personnel in their department.

SECTION 2.02 - APPLICATION OF POLICY

This policy shall apply to all municipal employees and elected officials of the City excluding Municipal Utilities employees.

SECTION 2.03 - AMENDMENT OF POLICY

All or part of this policy may be amended by action of the Council through the acceptance of new union contract(s), change in civil service ordinance or following procedure:

1. An employee or department head may present a written, proposed policy change or amendment to the Human Resource Coordinator/Risk Manager who will then call a meeting of the Policy Committee.
2. The Policy Committee will determine if the proposed change(s) is deemed worthy of further consideration.
3. A notice of any proposed amendments shall be distributed to the department heads to be posted on departmental bulletin boards and provided to each Union for review and comments with a posted time frame of not to exceed 14 calendar days. The Policy Committee will review any written comments received and make any reasonable adjustments prior to presenting the recommended changes during a City Council Work Session.
4. Upon recommended action through City Council Work Session, the changes will be put before the Council for final action.
5. The Council may adopt them with or without amendment and shall be effective upon approval by Council.

ARTICLE 3: DEFINITIONS

SECTION 3.01 - DEFINITION OF TERMS

The following definitions apply, unless the context clearly requires otherwise:

Appointed Position: exempt employees not eligible for Union protection

Appointing Power: the Council or other officer having power to fill positions in the City.

Bargaining Unit: any organization or Union which includes employees of the City and which has as one of its primary purposes representing such employees in their employment relations with the City and has become recognized by the City.

City: the City of Watertown.

Compensatory time: time off with pay to compensate for overtime hours worked in lieu of overtime pay

Council: the City Council of Watertown.

Demotion: transfer of an employee from a position in a higher grade to a position in a lower grade of the classification system.

Department Head: persons appointed by the Mayor and Council, or governing board with power to appoint, as principal employee of a department for the performance of duties provided by law or particular delegated functions.

Discharge: the involuntary cessation of employment with the City.

Disciplinary Action: imposition of certain actions (e.g. reprimand, warning, suspension, dismissal, demotion) as a result of employee conduct deemed detrimental to the performance of the job and duties associated with that job.

Employee: any person who is a compensated worker in the City's service.

Evaluation: a periodic performance analysis prepared and delivered to each employee by supervisory personnel.

Exempt Employee: an employee in a position designated as executive, administrative or professional, which is not subject to the overtime pay provision of the Federal Fair Labor Standards Act.

Full-time Regular Employee: an employee who is assigned to work a predetermined, year-round schedule of at least 40 hours a week or averages 30 hours per week or more during a 12-month calendar year and has successfully completed the designated probationary period.

Grievance: a non-probationary employee's oral or written expression of dissatisfaction with some aspect of these rules and regulations affecting him/her. The purpose of a grievance is to gain a possible adjustment of said cause of dissatisfaction.

Job description: a written description of specific employment, whether occupied or vacant, calling for the performance of certain duties and the carrying of certain responsibilities by one individual, either on a full-time, part-time, or seasonal basis.

Layoff: a separation from employment because of a lack of work, lack of funds or materials, abolishment of position, or for other reasons not reflecting discredit on an employee and for reasons outside of the employee's control.

Military leave: the leave of absence granted to employees entering the armed forces of the United States, or required attendance to National Guard functions.

Non-probationary employee: the employee who has successfully completed the required length of probationary training period for the specific position.

Overtime: the actual time worked in excess of a full-time employee's regular scheduled work week for non-exempt, and certain part-time and seasonal employees. Holiday hours are included in calculations of overtime for full-time employees.

Part-time employee: an employee who normally works less than 30 hours per week on a regular basis year-round.

Personnel Action: any action taken with reference to appointment, compensation, promotion, transfer, layoff, dismissal, or other action affecting the status of employment.

Policy Committee: a committee comprised of a minimum of five (5) department heads and/or exempt personnel, the Finance Officer, City Attorney and the Human Resource Coordinator/Risk Manager.

Privacy Officer: the Human Resources employee working with the City employees' personnel files who is authorized by the City to be responsible for protected health information as defined in HIPAA (Health Insurance Portability and Accountability Act).

Probationary Employee: an employee who has not completed the probationary period required for their position.

Probationary period: a specified period of time from the date of hire, transfer or promotion for the purpose of training and assessing the individual's ability to perform the assigned duties. Successful completion of this specified period does not constitute contractual employment. The relationship with the City remains one of employment-at-will.

Promotion: the advancement of an employee from a lower grade to a higher grade of the classification system.

Resignation: voluntary action by an employee of separation of employment.

Rule of 75: when the employee's years of service plus age equals or exceeds 75. Documentation from South Dakota Retirement System (SDRS) proving the rule of 75 has been met under SDRS standards will be deemed acceptable.

Seasonal Employee: an employee hired for a predetermined season (summer or winter) whose work schedule is six months in length or less. The employee may work up to 40 hours a week during the season but is not eligible for benefits.

Seniority: the number of days of continuous service during the work year commencing with the first day of full time work in a City approved position including transfers, promotion and authorized leaves of absence.

Suspension: a temporary separation of an employee from their position for disciplinary or investigatory reasons.

Temporary Employee: an employee assigned to a position created for a definite period of time not to exceed 1040 hours per year.

Termination: the involuntary separation of employment with the City.

ARTICLE 4: EMPLOYMENT POLICY AND PROCEDURES

SECTION 4.01 - REQUIREMENTS OF EMPLOYMENT

A. ELIGIBILITY

All employees must supply federally accepted forms of identification and authorization for proof of eligibility to work in the United States. All employees must complete Form I-9, an Employment Eligibility Verification form, along with the selected forms of identification within 3 days from start date as part of the hiring process.

B. CERTIFICATION

Each employee recognizes that his/her employment is subject to meeting the stated job requirements and performance standards, which change over time. This applies to announced and specific performance, conduct, skill, certification and/or accreditation requirements. Each employee is accountable for meeting such requirements including continued up-dating of required certifications and/or accreditations. For example: Drivers license renewals are automatically required for all employees holding jobs involving the operation of motor vehicles.

C. RESIDENCY REQUIREMENTS

All full-time employees of the City shall be required to reside within Codington County. This applies to all existing full-time and new full-time employees. Any new, full-time employee shall be allowed six months to obtain residence within Codington County. Any employee who may not be able to meet the residency requirement within the first six months must submit to the department head a written request for a one-time extension of an additional six months. The request must state the special circumstances for the request and must be submitted prior to the initial six-month requirement deadline. The department head will then seek the Mayor's approval for the one-time extension. Any employee in violation of the residency requirements will be subject to immediate termination.

SECTION 4.02 - HIRING

In the filling of vacant and new positions, the City shall endeavor to provide the broadest possible notice of job availability and seek the best possible candidates. Present City employees are encouraged to apply for positions which result in promotion, or transfer to a position they would prefer.

A. NON-EXEMPT FULL-TIME STAFF

Notice of openings for non-exempt, non-promotional positions will be published in the City's designated paper and posted at City Hall, with the South Dakota Department of Labor and within each department. The notice will state application deadline. The Human Resources Coordinator shall be responsible to conduct and oversee the hiring process with the department. *Specific procedures for hiring are covered in detail in Appendix I.*

B. EXEMPT POSITIONS

Openings for exempt positions who report to department head personnel will be posted in each department and advertised to the public through the Human Resource Coordinator's office by various publication media. Department heads may select an interview committee of three to five members to interview and select a candidate. The interview committee must include the Human Resources Coordinator as one of its members.

C. DEPARTMENT HEAD POSITIONS

Openings for department head positions will be filled by recommendation from the appropriate Board or Mayor to the Council for approval.

SECTION 4.03 - PROBATIONARY EMPLOYEE – FULL TIME

A. NEW-HIRE EMPLOYEE

Each new-hire employee is subject to a minimum of a six-month up to one-year probationary period for the purpose of training and assessing the employee's ability to perform the assigned duties. During this time, the employee shall have no seniority status, is not eligible for promotion, transfer or the grievance process and may be discharged at any time at the discretion of the department head. When an employee successfully completes the assigned probationary period, seniority shall date back to the employee's date of hire.

B. TRANSFER OR PROMOTIONAL EMPLOYEE

Transferred or promoted employees are subject to a probationary period of a minimum of six months up to one year. During this probationary time, the employee will continue to receive all benefits as previously assigned.

C. PROBATIONARY PERIOD DESIGNATION

Exempt employees will serve a one-year probationary period. Non-exempt employees (with the exception of Firefighter/EMT, E-911 and Patrol Officers as governed under their respective Union Agreements) will serve a 6-month probationary period.

SECTION 4.04 - PROMOTION, TRANSFER AND LAYOFF

Non-exempt position openings which create an opportunity for promotion within the City will be posted internally for 10 working days prior to public advertisement of the position. Any employee wishing to apply for the promotion or possible transfer must complete and submit a written application by the announced deadline to be considered. Promotions are at the sole discretion of the department head and are based upon an employee's qualifications and merit. If all other conditions are equal, seniority shall prevail. Certain public safety promotions may be filled through open and competitive examinations.

Layoff from a department due to lack of work or lack of funds or for reasons other than the acts or delinquencies of the employee, all things being equal, shall be according to reverse seniority, with the least senior employee laid off first. Employees will be recalled to work as vacancies arise in the inverse order of their layoff.

SECTION 4.05 - NEPOTISM

The municipality's policy in employment is to hire and promote on the basis of an individual's merit, knowledge, skills, and abilities and avoid circumstances of favoritism and discrimination. Thus, the employment of immediate family members within the same department or other areas where an immediate family member would hire, supervise, discipline or otherwise judge the performance of the above is prohibited. It is permissible for family members to be employed in the same department provided there is no supervisory situation. The employment of a department head's immediate family member in any division under that department head's supervision is also prohibited. The municipality also reserves the right to prohibit such working relationships beyond the department level if a potential of conflict exists.

For the purpose of nepotism, immediate family is defined as: parents, step-parents, spouse, children, step-children, brothers, sisters, step-brothers, step-sisters, grandparents, grandchildren or an individual who has acquired any of the above status through marriage.

If employees become family members or a supervisory situation develops, the City will make reasonable efforts to assign job duties so as to minimize problems with supervision, safety, security, or morale. If accommodations of this nature are not practical, the employees will be given 60 days to determine which of them will resign. If the employees cannot make the decision, the Council will decide in its sole discretion which employee will remain employed.

ARTICLE 5: PERFORMANCE EVALUATION

SECTION 5.01 - OVERVIEW

The City recognizes the need for an operating performance appraisal system. Performance evaluations are designed to provide each employee with a performance record to:

- Acknowledge job performance strengths
- Encourage professional growth
- Promote communications between the supervisor and the employee
- Discuss areas of needed improvement
- Establish future goals

In addition, the evaluation process provides insight for the supervisor to identify training needs and opportunities for improvement within the department.

SECTION 5.02 - FREQUENCY OF EVALUATIONS

Evaluations shall be provided to the employee at the completion of a probationary period and thereafter on an annual basis. The annual basis for the evaluation is determined by the date of hire, unless the employee has been promoted or transferred, then the effective date of such promotion or transfer shall become the annual review date.

Department heads will be notified each month which employee evaluations should be conducted throughout the month. Department heads have access to evaluation forms via computer or may contact the Human Resource Coordinator for forms. The department head is responsible to monitor the timely completion of evaluations within the department. Completed evaluations should be submitted to the Human Resources Coordinator within 30 days of notification for each month's reviews.

SECTION 5.03 - ADMINISTRATION OF EVALUATIONS

The Mayor will conduct evaluations for the following department head personnel: Finance Officer, Attorney, Police Chief, Fire Chief, City Engineer, Building Official, Street Superintendent, Solid Waste/Wastewater Superintendent, Airport Manager, Watertown Community Recreation Center Director, Director of Parks/Recreation & Forestry, Information Technology Supervisor and The Upper Big Sioux River Project Coordinator. The Mayor may solicit input from the Board or delegate the Board to conduct evaluations for the following: Community Recreation Center Director; and Park, Recreation & Forestry Director, unless specific direction has been established by the respective Board by-laws. (The Library Director's evaluation is conducted by the Library Board.)

The Finance Officer will conduct the evaluation for the Assistant Finance Officer and Human Resources Coordinator/Risk Manager. All other employee evaluations will be conducted by the employee's most immediate supervisor.

Under no circumstance, however, will an employee who holds a position covered by a collective bargaining unit evaluate the performance of other employees of the collective bargaining unit.

Completed evaluations must be reviewed by the department head prior to the supervisor meeting with the employee to discuss the evaluation if the department head is not the immediate supervisor of the employee.

SECTION 5.04 - COMPLETED EVALUATIONS

Employees are required to sign the completed evaluation to acknowledge the opportunity to review the contents of the evaluation. By signing the evaluation, the employee does not imply agreement to the contents. Evaluations must be signed by the employee in a timely manner as directed by the supervisor. Following the review and signatures by the supervisor, employee and department head, the completed form will be submitted to the Human Resource Coordinator for signature. A copy of the completed form will be provided to the employee and the original placed in the employee's personnel file.

ARTICLE 6: BENEFITS AND PAYROLL DEDUCTIONS

SECTION 6.01 - INSURANCE

The City will offer group life and health insurance for each full-time employee and health insurance for the dependents of such employees as provided in the current union contract(s). For insurance purposes, a full-time employee is a regular employee that works an average of at least 30 hours per week during a 12-month calendar year.

A City retiree is eligible to participate in the City's group health insurance coverage if they meet any of the following:

For SDRS Class A Retirement Participants:

- * retire at age 60 or older; or
- * retire at age 50 or older and meet the rule of 75

For SDRS Class B Retirement Participants (Public Safety – Police and Fire):

- * retire at age 60 or older; or
- * retire at age 48 or older and meet the rule of 75

The City shall add such retiree and their qualified dependents to the City's group insurance at the rates charged by the insurance carrier and the City shall pay not to exceed \$62.50 per month for single coverage, and not to exceed \$200.00 per month for family coverage. The City will not offer coverage or pay any amount after the retired employee becomes eligible for and entitled to Medicare. Where applicable, dependents will be offered COBRA coverage as federally mandated.

SECTION 6.02 - PENSION-RETIREMENT SYSTEM

A. SDRS

Full-time employees are required to contribute a percentage of their gross salary to the South Dakota Retirement System. This money, along with the City's matching contribution, is invested by the retirement system and is used to pay retirement benefits.

Part-time employees, who work less than full time but greater than or equal to 20 hours per week for more than six months per year, shall participate in the South Dakota Retirement System pension plan and may elect to participate in the supplemental retirement plan as outlined below.

B. SUPPLEMENTAL RETIREMENT PLAN (OPTIONAL)

Full-time and part-time employees (as defined above) may elect payroll deduction for supplemental retirement plans (deferred compensation) on a pre-tax or after tax (Roth 457) basis which are available through the South Dakota Retirement System, and are designed to simplify the task of personal savings to meet the employee's retirement goals.

To promote and encourage savings for retirement, the City agrees that if an employee desires to participate in the South Dakota Retirement System Supplemental Retirement (pre-tax dollar program), the City will make a contribution as follows:

Employee contribution	City Contribution
\$50.00	\$25.00
\$40.00	\$20.00
\$30.00	\$15.00
\$20.00	\$10.00

The City cannot provide matching contributions towards participation in the Roth 457 election since this option is an after-tax dollars option.

City contributions shall be by an increase in wages in the amount of the option selected by the employee. Employee contributions shall be by deduction from wages. To qualify for the City's contribution, the employee must sign up and designate one of the above contribution levels.

SECTION 6.03 - OPTIONAL PAYROLL DEDUCTIONS

City employees will automatically have federal income tax, social security tax and Medicare tax withheld from their paycheck.

The criteria for adding other optional payroll deductions are as follows:

- 10% of the full time employees must sign up for the payroll deduction.
- After it has been determined that there is sufficient enrollment, the item must be brought before the Council and approved as a payroll deduction.

The criteria for deleting an optional payroll deduction are as follows:

- When participation falls below 10%, the City may delete the payroll deduction entirely from the list of eligible deductions. (This does not apply to US Savings Bonds SDCL 3-10-1)

Other Council approved voluntary payroll deductions, subject to the authorization of the employee, include:

- US savings bonds
- Cancer care and intensive care by AFLAC
- Supplemental retirement by South Dakota Retirement System
- AVANTI Federal Credit Union
- United Way
- Union Dues (non-exempt union members must have completed probationary status)
- Met Life
- WellMark – Section 125 (Medical Reimbursement and Dependent Care)
- WellMark – Health Insurance
- Delta Dental

SECTION 6.04 - HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA) POLICIES AND PROCEDURES

- A. The Human Resource Coordinator/Risk Manager shall be designated as the Privacy Officer for the City for the purpose of its covered benefit plans.
- B. The City will not share protected health information (PHI) with outside parties without a Business Associate Agreement.
- C. The City will implement reasonable technical and physical safeguards with regard to ensuring the security and confidentiality of PHI.
- D. The City will provide a privacy notice to employees as required.
- E. Departments must submit any medical information received from employees directly to the Human Resource Coordinator/Risk Manager to be placed in the employee's separate medical file. Copies of any medical information must not be kept by departments.

ARTICLE 7: ATTENDANCE

SECTION 7.01 - HOURS OF WORK - FULL TIME EMPLOYEES

A. SCHEDULED

This article is intended to set forth normal practices to be engaged in by the City. It does not constitute a guarantee of hours per day or days per week, but the City does intend to, where practical in light of circumstances, employ its personnel on a regular basis provided the employee is able to perform the required duties and is ready, willing and able to perform the work to which they are assigned. It is expressly understood, however, that whenever the City, in its sole discretion, determines a reduction of the work force is necessary, it may do so.

Employees Other Than Battalion Chiefs:

Unless otherwise provided or allowed for in the union contract(s), a 40-hour work week will consist of seven (7) twenty-four (24) hour days and will be assigned based on the schedule of the employee's department. The normal hours of work shall be eight hours; however, split shifts may be necessary in some departments. Normal work hours shall be (but are not restricted to) Monday - Friday 8:00 am to 5:00 PM. The normal schedule of days worked shall be five days. Days off may be consecutive. Work schedules which vary shall be posted on bulletin boards in the respective department showing the employee's shifts, work days and hours. Posted schedules shall not be changed without notification by the Employer to the employees affected unless an emergency is declared by the department head.

Battalion Chiefs:

Regular scheduled hours of work are 24 hours "on duty" and 48 hours "off duty" subject to time off as directed by the City and meeting the established Garcia Day rotation for firefighters as provided under the Fair Labor Standards Act with the actual mechanics to be in agreement with those hours worked out between IAFF Local 1724 and the Fire Chief. If the requirements of the Fair Labor Standards Act change or are held to be not applicable to Municipalities or to fire department, then this paragraph shall be of no force and effect. Garcia Days are intended to be scheduled time off of work and therefore should only be worked in case of a fire emergency.

B. REST PERIODS

Other than fire employees, each employee will be given two paid fifteen minute breaks during an eight hour shift. This break is to be taken at the job site. An employee scheduled to work beyond a regular eight hour shift shall be granted a fifteen minute break prior to the overtime hours. An additional fifteen minute break will be granted on a regular two hour basis throughout the overtime work.

C. MEAL PERIODS

Other than fire employees, all employees will be given a sixty or thirty minute non-paid meal period each eight hour shift. Employees required to be at their post of duty by reason of continuous operations will eat lunch as circumstances permit without deduction in pay for the meal period. This meal period shall be scheduled as nearly as possible to the middle of the

regular work shift. Meal periods of thirty minutes may be used if mutually agreeable by the employee and the Department Head.

SECTION 7.02 - HOLIDAYS

A. RECOGNIZED HOLIDAYS - official paid holidays for full-time City employees:

1. New Year's Day
2. Martin Luther King, Jr. Day
3. Presidents' Day
4. Memorial Day
5. Independence Day
6. Labor Day
7. Native American Day
8. Veteran's Day
9. Thanksgiving Day
10. Christmas Day

Except for Battalion Chiefs and certain provisions by Union contracts: when any of the above holidays falls on a Sunday, the holiday will be observed on the following Monday. When a holiday falls on a Saturday, the holiday will be observed on the preceding Friday. An employee will earn compensatory time on an hour-for-hour basis for hours worked on the day a holiday is observed.

Employees covered by Union contract must adhere to the applicable Union Agreement for holiday observation.

SECTION 7.03 - ELIGIBILITY REQUIREMENTS FOR EMPLOYEES (OTHER THAN BATTALION CHIEFS)

Unless otherwise specified in the union contract(s), employees must meet the following requirements to receive holiday pay:

1. Employees in a probationary status will be paid for holidays that fall within the probationary period, but will not receive extra pay if scheduled to work on the observed holiday.
2. A regular employee must work the hours scheduled on the last scheduled work day prior to the holiday and on the first scheduled work day after the holiday unless a paid leave or excused absence has been granted.
3. A regular employee who is scheduled to work a holiday and does not, will receive no holiday pay unless on vacation or excused for justifiable cause.
4. Non-probationary regular employees will receive paid time off at the regular rate for the number of hours in their normal shift.

5. An otherwise qualified regular employee on vacation when the holiday occurs may either receive the pay for the holiday, or be granted an additional day of vacation.
6. Employees who are on leave of absence, lay off, temporary, or part-time will not receive holiday pay.

SECTION 7.04 - HOLIDAY PAY FOR BATTALION CHIEFS

The paid holidays identified in Section 7.02 A & B shall be paid only under the following conditions:

1. The employee must have worked those hours required by the Employer on his/her last scheduled work day prior to the holiday, and must also have worked on his/her first scheduled work day after any holiday unless on paid leave or excused from work for some justifiable cause;
2. If any employee is scheduled or is requested to work on any holiday and does not work, the employee shall not be entitled to receive holiday pay, unless on vacation or excused from work for some justifiable cause.

Holidays shall be paid as follows:

1. If the above requirements have been met, the employee shall be compensated for an additional eight (8) hours of straight time pay; and
2. If an employee performs any work on an identified holiday during the hours of 7:00 a.m. to 5:00 p.m., the employee shall be paid straight time for all hours actually worked, up to a maximum of eight (8) hours.

SECTION 7.05 - ESTABLISHED WORK WEEKS

For purposes of establishing compliance with the Fair Labor Standards Act, work weeks will be designated as listed:

The seven-day work week for all City departments will begin at 12:00:01 AM each Monday with the following exceptions:

1. Library employees begin at 12:00:01 AM each Saturday.
2. Departments beginning at 12:00:01 AM each Sunday:
 - Airport
 - Fire (excluding Battalion Chiefs, Lieutenants and Firefighter/EMTs)
 - Recreation Center
 - Wastewater
 - Solid Waste
3. Police and E-911 employees begin at 06:00:01 AM each Monday.

SECTION 7.06 - WORK CYCLE FOR EMPLOYEES/DEPARTMENTS SUBJECT TO THE SECTION 207(K) EXEMPTION FROM THE FAIR LABOR STANDARDS ACT

Fire Department personnel (excluding the Chief, Assistant Chief, Fire Prevention Officer, 40-Hour Per Week Firefighter/EMT Assignment and Administrative Assistant) are scheduled to work 204 hours in each 27-day cycle with

24 hours “on duty” and 48 hours “off duty”, taking into consideration the Garcia Day schedule as provided for in Section 7.01 A of this Policy Manual.

SECTION 7.07 – DAYLIGHT SAVINGS TIME

For the purpose of establishing consistency within the City, employees who are on duty during the changing hours of Daylight Savings Time must follow the following:

- The hour an employee loses each spring when Daylight Savings Time goes into effect must be charged to vacation, compensatory time taken or, with supervisory approval, be made up within the same work week.
- The extra hour an employee works each fall when Daylight Savings Time ends must be paid to the employee within the guidelines for overtime provisions under the Fair Labor Standards Act.

ARTICLE 8: OVERTIME / COMPENSATORY TIME

SECTION 8.01 - DEFINITIONS

A. NON-EXEMPT COMPENSATORY TIME

Time accrued by regular full-time, non-exempt employees at the rate of one and one-half hours for each hour worked in excess of 40 hours in a work week except for the following:

1. Sworn Police Officers and Communication Officers - as stated in Police Union Contract.
2. Fire fighters - as stated in Fire Union Contract.
3. AFSCME employees - as stated in AFSCME Union Contract.

B. EXEMPT COMPENSATORY TIME

Time accrued by regular full-time, exempt employees on an hour-for-hour basis for actual time worked in excess of 40 hours in a work week. (Observed paid holiday hours are considered hours worked in a work week).

(For example, an employee who regularly works 40 hours a week would accrue one hour of comp time for every hour worked over 40 in a week, an employee who regularly works 204 hours every 27 days (Fire Battalion Chief) would accrue one hour of comp time for every hour worked over 204 during the 27 day period, etc.)

C. NON-EXEMPT EMPLOYEE

An employee subject to overtime provisions of the Federal Fair Labor Standards Act of 1938, as amended.

D. EXEMPT EMPLOYEE

An employee in a position designated as executive, administrative or professional, which is not subject to the overtime pay provisions of the Federal Fair Labor Standards Act.

SECTION 8.02 - EXEMPT COMPENSATORY TIME

The City's pay practices are based on the principles of public accountability. All exempt (non-elected) employees are required to complete a monthly timesheet accounting for time worked and time taken off from work.

All actual hours worked and observed paid holiday hours shall be counted for purposes of calculating exempt compensatory time earned. Hours worked in excess of 40 in a work week must be reported on the time sheet form submitted to payroll in order to accrue as exempt compensatory time. Meetings, conducted outside normal work schedule, in which department heads or exempt employees are required to attend, shall be counted in the 40 hours worked prior to accrual of exempt compensatory time earned. Work performed in an employee's home shall not accrue as exempt compensatory time.

Accrued exempt compensatory time may be taken off by the employee at a time mutually agreeable with the supervisor, during the employee's regular working hours. Compensatory time taken in excess of 3 consecutive days or 24 consecutive work hours must be approved in advance by the appropriate department head or Mayor.

The accumulated balance of exempt compensatory time remaining when an employee leaves City employment is forfeited. The City has no obligation to cash out exempt compensatory time nor is the City obligated to allow the employee to use any exempt compensatory time accrued.

SECTION 8.03 - OVERTIME AND NON-EXEMPT COMPENSATORY TIME

All actual hours worked plus observed holiday hours in a work week in excess of 40 hours shall count for the purpose of calculating overtime or compensatory time. (Sick leave, vacation and/or compensatory time taken cannot be used in calculating overtime or compensatory time earned.) Overtime hours worked must be reported on the time sheet form submitted to payroll in order for the additional hours to be compensated as overtime hours or accrued as compensatory time. Regular part-time employees will not be allowed to accrue compensatory time; rather, they will be paid for overtime as required by the Fair Labor Standards Act.

Non-exempt compensatory time will accrue at a rate of one and one-half hours for each hour of overtime worked and may be taken off by the employee at a time, mutually agreeable with the supervisor, during the employee's regular working hours, unless otherwise provided in the applicable collective bargaining agreement.

Compensatory time can be either earned or taken in a single work week, but not both. For example, if an employee comes to work an hour early and leaves two hours early, only the hours worked would be recorded on the time sheet (7 hours for a the day instead of the usual 8 hours) and counted towards the 40 hour week. On the other hand, if an employee comes to work two hours early and leaves one hour early, the actual time worked and recorded would be 9 hours for the day and counted towards the 40 hour week.

Non-exempt compensatory time may be accumulated to no more than 240 hours (480 for firefighter, and 200 for police). The accumulated balance of non-exempt compensatory time remaining at the time employment is terminated is to be cashed out at the employee's final rate of pay. The City reserves the right to pay cash, at any time, for all or any portion of a non-exempt employee's compensatory time balance. In such a case the employee will be paid at the regular rate earned at that time.

Department heads have the authority to establish a lower maximum accumulated hours within their department(s).

ARTICLE 9: LEAVES OF ABSENCE – FULL TIME EMPLOYEES

SECTION 9.01 - ANNUAL VACATION LEAVE BENEFITS

A. ACCRUAL AND ELIGIBILITY TO USE VACATION LEAVE

Employee vacation hours shall be credited to the employee's vacation account as accrued on a monthly basis and cannot be taken in advance of accruals. Vacation accrues on the 15th day of each month. No newly-hired employee may use accrued vacation leave until successful completion of the assigned probationary period. An employee must successfully complete the initial probationary period to be eligible for cash out of unused vacation leave upon leaving City employment.

B. CALCULATING VACATION LEAVE HOURS

All full-time employees shall be entitled to annual vacation leave in accordance with the following schedule:

Annual Vacation Schedule in Hours

	Battalion Chiefs/ IAFF	All Other
Years 1 through 6	120	80
Years 7 through 11	192	120
Years 12 through 17	216	136
Years 18 through 20	240	160
Years 21 and beyond	288	200

C. VACATION REQUESTS

Unless otherwise stated in Union Contracts, department heads may circulate a vacation request form to nonexempt employees in January of each year. Based on seniority, employees may sign up for eighty (80) hours of their total allowable vacation before other employees. Once the vacation sheet has been passed through the department, it will once again be circulated based on seniority for employees to sign up for the remainder of their vacation hours. Employees are asked to list their first choice of vacation periods for the calendar year. The department head will post the vacation schedule by February 1st. In the event of schedule conflicts, the employee with the most seniority will have priority.

An employee not bidding for full entitlement will relinquish any seniority rights for the purpose of selecting vacation time for the balance of the accrued and unused vacation. Unless otherwise approved by the supervisor, the remainder of an employee's unscheduled vacation may be taken in increments of not less than one full hour. Advanced notice must be given to request use of the unscheduled vacation.

D. MAXIMUM ACCRUAL OF LEAVE CREDITS

Other than Battalion Chiefs, employees will be allowed to accumulate two hundred hours of vacation. In the event an employee's accrued vacation exceeds 200 hours on 12/31 in any year, such excess vacation will be forfeited.

Battalion Chiefs will be allowed to accumulate three hundred and twelve (312) hours of vacation. In the event a Battalion Chief's accrued vacation exceeds 312 hours on 12/31 in every year, such excess vacation will be forfeited.

E. LUMP SUM PAYMENT

An employee who leaves City employment for reasons not reflecting discredit on themselves or the City will be entitled to cash compensation for accrued unused vacation leave up to 200 hours, (312 for Battalion Chiefs). The value of unused vacation leave is computed based on the employee's final rate of pay.

SECTION 9.02 - SICK LEAVE BENEFITS – FULL TIME EMPLOYEES

A. ACCRUAL OF SICK LEAVE

All full-time employees, other than Battalion Chiefs, will be allowed sick leave with regular pay accumulating at the rate of eight hours per month of employment not to exceed 96 hours per year. Sick leave accrues on the 15th of each month and cannot be taken prior to accrual. Battalion Chiefs will be allowed sick leave with regular pay accumulating at the rate of twelve hours per month of employment not to exceed 144 hours per year.

B. CONDITIONS FOR USE OF SICK LEAVE

Sick leave may be used to the extent of the accrued and unused sick leave as follows:

1. Illness of employee
2. Injury of employee
3. Medical disability of employee
4. Maternity - related disability, including prenatal care, birth, miscarriage, or other medical care for either employee or child: or for postnatal care for a period not to exceed six months (see Section 9.02 part G for further details)
5. Family illness – for purposes of family sick leave, family member relationships include: employee's spouse, child, step-child, parent, step-parent and /or assigned ward or legal guardianship of the employee with total time taken to include all family members not to exceed 56 hours per calendar year (84 hours for Battalion Chiefs). Sick leave used to care for family members should be noted on time sheet by placing "FAM SL" in the Notes section. The employee may be required to submit a physician's statement of illnesses claimed under this subsection.
6. Doctor or dental appointments

7. For the birth of an employee's child, the employee shall be granted a total of sixteen (16) hours of sick leave (24 for Battalion Chiefs) from accrued sick leave, which can be taken at the time of delivery or at the time of the mother or child's release from the hospital or any combination of both. Any other time off for this purpose shall be taken from compensatory time or vacation
8. Employees shall be entitled to three days deducted from accrued sick leave to attend the funeral of the following family relationships: son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, sister-in-law, and step-relatives in these same categories. An additional two days may be used with approval of the supervisor. Use of this three day or additional two day sick leave as funeral leave benefit for family relationship is not included in the restricted hours for family illness.

C. WORKER'S COMPENSATION

Any employee accidentally injured on the job who qualifies for worker's compensation pay will receive pay and/or benefits according to the following formula:

Receive regular pay from the Employer for any days of work missed as a result of the injury and sign all worker's compensation checks received from the insurer over to the Employer. Sick leave will be deducted from the balance available to the employee at the rate of 1:3 (for example: one (1) hour of sick leave deducted for every three hours of work missed). The Employer will allow such use of sick leave up to the maximum number of hours of sick leave available to the employee. In the event an employee choosing this option exhausts all available sick leave prior to returning to work, then upon such occurrence, the following provisions shall thereafter apply:

The employee with no available sick leave will accept worker's compensation payment from the insurer as full compensation with no leave time charged to any leave balance (sick leave, vacation leave, compensatory time) and no pay from the Employer. In the event an employee receives benefits pursuant to this provision, employee will be eligible for benefits only to the extent provided for under the Employer's personnel policy governing leaves of absence without pay.

D. SICK LEAVE REQUESTS

An employee who is unable to report to work due to injury or illness must notify the supervisor as far in advance as possible. The employee may be required to submit a physician statement to support the absence or suffer loss of sick leave pay for time absent.

E. LUMP SUM PAYMENT

An employee is entitled to receive a lump sum cash payment of unused accrued sick leave not to exceed 600 hours if any of the following is met:

For SDRS Class A Retirement Participants:

- * retire at age 60 or older; or
- * retire at 50 or older and meet the rule of 75

For SDRS Class B Retirement Participants (Public Safety):

* retire at age 60 or older; or

* retire at age 48 or older and meet the rule of 75

In the case of the death of a full time regular employee, all unused, accrued sick leave will be paid to the beneficiary designated on the employee's beneficiary designation form.

Upon voluntary separation by the employee or in the event an employee is discharged, all unused accrued sick leave shall be forfeited.

F. ABUSE OF SICK LEAVE

Misrepresentation of the actual reason for charging an absence to sick leave is cause for dismissal and forfeiture of any lump-sum payment.

Chronic, persistent or patterned use of sick leave without presentation of doctor's documentation may be subject to disciplinary action.

Absences improperly charged to sick leave may, at the City's discretion, be charged to available compensatory time or leave without pay. Vacation time may be charged in such cases at the mutual agreement of the employee and the City.

G. MATERNITY LEAVE

Pregnant employees may use any available accrued paid leave or leave without pay. The amount of leave taken for maternity purposes should be decided upon by the employee and the department head, taking into account the amount of accrued leave available.

SECTION 9.03 - OTHER LEAVES OF ABSENCE WITH PAY – FULL TIME EMPLOYEES

A. JURY DUTY

Each employee of the City who is under proper summons as a juror or prospective juror may receive the difference between the fees received as juror and the employee's regular wage (if jury fees are less than the regular rate), or may turn the juror fee check over to the employer and be paid at the normal wage. An employee called for jury service is expected to work full time when not actually in court or doing something in connection with such service. Any employee reporting for jury duty must indicate "Jury Duty" on the time sheet for the time taken for this cause.

B. FUNERAL LEAVE

Employees shall be entitled to a three day leave with pay to attend the funeral for family member relationships to include: employee's spouse, child, step-child, parent, step-parent, brother, step-brother, sister, step-sister, grandparent, step-grandparent, grandchild, step-grandchild and/or assigned ward or legal guardianship of the employee. An additional two days to be deducted from accrued sick leave may be granted with approval of the department head. Use of the two-day additional sick leave as funeral leave benefit for family relationship is not included in the restricted hours for family illness.

Provisions for funeral leave for family members not included in the above family relationship list are covered under sick leave Section 9.02, B-8.

C. CITY HALL CLOSED

Any closing of City Hall by “Official Action” will be specifically communicated directly to each department head or designee and clarified as such. Whenever City Hall is closed by official action the following conditions will apply:

- City Hall employees will not be required to use vacation or compensatory time for the hours declared closed.
- All other regular full-time employees, in departments/facilities that are not closed, during such hours City Hall is closed by official action shall receive time off on an hour for hour basis not to exceed 8 hours.
- Official action does not include weekends, holidays, or observed holidays.

D. SNOW DAYS

- The Mayor may declare a “snow day” when snow or other inclement weather conditions make travel difficult. On a “snow day” City Hall will be closed to the public to discourage the public from conducting routine business in adverse conditions. With the exception of emergency response departments, other City facilities and departments may also be closed to the public for the same reason. Full-time employees who work at City Hall and/or any other City facility or department which have been closed to the public are to use their own discretion in getting to work on a “snow day”; and, if they are unable to or choose not to come to work on a “snow day”, they will be required to take vacation leave, compensatory time or unpaid leave time for such hours taken away from normal scheduled work time.

SECTION 9.04 - MILITARY LEAVE

A. MILITARY LEAVE - GUARDS

An employee who is a duly qualified member of the "ready reserve" shall be granted leave for service training and obligations upon notice, either verbal or written, to the employer. Notice should be given as far in advance as is reasonable unless precluded by military necessity.

The employee will be entitled to return to City employment without any loss of status, pay or seniority. In the case where the military pay allowance for service training or obligation period is less than the employee’s normal wage, the employer will pay the difference. The City cannot require use of accrued vacation or similar paid leave while the employee is performing service, but the employee must be permitted use of such benefits if requested by the employee (*20 C.F.R. 1002.153*).

B. MILITARY LEAVE FOR ACTIVE DUTY

A full-time employee who is called into active duty in the Armed Forces of the United States shall be entitled to a leave of absence without pay for the period of service required by the original induction. Upon honorable discharge from the Armed Forces, the employee shall be reinstated to his/her former position or a comparable position provided application for such reinstatement is made prior to or within ninety days of separation from the Armed Forces, the position still exists, and the employee is capable of performing the duties of the position. If the employee is in a probationary status when activated for duty, the probationary period will be suspended until the employee is reinstated within the ninety day requirement.

SECTION 9.05 - LEAVE OF ABSENCE WITHOUT PAY – FULL TIME EMPLOYEES

A. EXTENDED LEAVE OF ABSENCE

With the Mayor's and Department Head's approval, regular employees may be granted a leave of absence without pay for up to one year for extended illness or personal injury, provided that the employee furnishes a certified physician's written statement.

B. OTHER

Employees may be granted leave without pay to pursue higher education necessary for a City related position, or any reasonable purpose with the approval of the Mayor and Department Head.

Employees who have not completed their probationary term and are therefore not eligible to use accrued vacation time may submit a signed, written request to their Department Head for unpaid time off stating the purpose of the leave. The request must be submitted a minimum of two weeks prior to the time off requested. The Department Head will take into consideration the staffing needs and schedules of other staff with seniority for the time requested. The Department Head will sign to acknowledge approval and further seek a signature of approval by the Mayor in advance of the time requested. This documentation must be immediately submitted to payroll for processing.

C. BENEFITS

An employee in an approved **leave without pay** status for 17 calendar days or more during any calendar month or 17 consecutive calendar days or more during any two or more consecutive months will not be entitled to receive the following employee benefits for that calendar month or the subsequent calendar months affected by the leave:

- Vacation leave accrual
- Sick leave accrual
- Longevity pay
- City contribution to supplemental retirement
- City contribution toward the group health insurance premium (unless the leave without pay is taken as Family & Medical Leave Act (FMLA) leave)

If an employee is not entitled to the City contribution toward the group health insurance premium while in an approved leave without pay status, the employee is responsible for the entire amount of the group health insurance premium.

SECTION 9.06 - ADMINISTRATIVE LEAVE

During an investigation, hearing, trial of an employee, or similar circumstance or event, when administrative leave would, in the opinion of the department head/supervisor, be in the best interest of the City, the department head/supervisor may recommend to the Mayor that the employee be placed on administrative leave for an indefinite period during the pendency of such circumstance or event which shall be construed as non-disciplinary action. In such cases the department head/supervisor may recommend to:

1. Temporarily relieve the employee of all duties and responsibilities and place the employee on paid leave, or
2. Temporarily assign the employee duties and responsibilities not related to the circumstance or event giving rise to the recommendation to place the employee on administrative leave, or
3. Temporarily relieve the employee of all duties and responsibilities and place the employee on unpaid leave.

When the administrative leave is approved by the Mayor the following steps shall be taken:

- The employee will be personally notified by the department head/supervisor of the administrative leave action. This notice shall be in writing and acknowledged with signatures of the Mayor, the department head and the employee. This notice will be placed in the employee's personnel file;
- The employee will be asked to leave City property at once and directed to either report back the following day or remain away until further notice. Acknowledgment for this action will be in writing with both the department head and employee signature on the notice which will then be placed in the employee's personnel file;
- When immediate suspension is imposed, all facts from the investigation shall be clearly documented in writing and a copy furnished to the employee at a reasonable later time, and a copy of the outcome of the investigation be placed in the employee's personnel file.

If the employee is placed on administrative leave and later reinstated, reinstatement will be to the same duties, classification, and rate of pay.

SECTION 9.07 - FAMILY MEDICAL LEAVE ACT POLICY – FULL TIME EMPLOYEES (FMLA)

The City will grant up to 12 workweeks in a 12 month period (or up to 26 workweeks during a single 12 month period for military caregiver) unpaid family and medical leave to its employees in the manner as set forth herein. This family leave shall not be in limitation of any leaves or benefits already provided to employees, unless specifically acknowledged; rather, this leave is intended to be complimentary to the leave provided in the contract.

An employee seeking approval for FMLA must provide 30 days advance notice when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable. Appropriate paperwork for FMLA requests may be completed through the Human Resources Coordinator's office.

A. ELIGIBILITY

Employees are eligible if they have worked for at least 12 months and have worked for at least 1,250 hours during the 12 months immediately preceding the leave. (The FLSA does not include time spent on paid or unpaid leave as hours worked to determine the 1,250 hours eligibility test for an employee under FMLA.)

B. TYPES OF LEAVE COVERED

1. Incapacity due to pregnancy, prenatal medical care or child birth of the employee.
2. Care of the employee's child after birth or placement with the employee of a child for adoption or foster care.
3. A serious health condition of the employee or a serious health condition of the employee's spouse, parent or child as follows:
 - a. An illness, injury, impairment or physical/mental condition that makes the employee unable to perform the functions of the assigned job.
 - b. A condition that requires inpatient care in a medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider.
 - c. An illness of a serious and long-term nature, resulting in recurring or lengthy absences – a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity. Chronic conditions requiring periodic health care visits for treatment must take place at least twice a year.

4. Military Family Leave Entitlements

- a. Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies including: attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.
- b. Military caregiver leave permits eligible employees to take up to 26 weeks of leave in a single 12-month period to care for a spouse, son, daughter, parent or next of kin covered servicemember with a serious illness or injury incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy or is in outpatient status; or is on the temporary disability retired list. Next of kin is defined as the closest blood relative of the injured or recovering servicemember. This provision includes veterans who are undergoing medical treatment, recuperation or therapy for serious injury or illness that occurred any time during the five years preceding the date of treatment.

C. COMPUTATION OF AVAILABLE LEAVE

The twelve-month period shall be a rolling twelve-month period, measured backward from the date the employee uses any family medical leave.

D. INTERMITTENT LEAVE

An employee can take family leave on an intermittent basis because of the birth or placement of a child for adoption or foster care only if the employer agrees. Intermittent leave to care for an FMLA eligible sick family member or the employee's own serious health condition may be taken when medically necessary, and if intermittent leave is granted in this situation the City may require the employee to temporarily transfer to an alternate position as defined under the applicable federal law.

E. APPLICATION OF SICK LEAVE AND VACATION LEAVE

If a serious health condition of the employee is involved, an employee must first use any medical sick leave. The employee is entitled to the use of medical sick leave to care for a seriously ill spouse or child to the extent of and in accordance with union contracts. Paid vacation leave may be substituted at either the employee's or employer's option for any qualified Family Medical Leave; however, if selected solely at the employer's option the employee's accrued vacation leave may not be reduced to less than ten working days. Otherwise Family Medical Leave is unpaid.

F. CONTINUATION OF BENEFITS

Employees on Family Medical Leave continue to receive group health insurance coverage as though they were not on leave, and as far as any portion of the premium cost the employee is already required to pay, the employer shall provide advance written notice of the terms and conditions in which payments must be made prior to commencement of leave. If the employee does not return to work after expiration of the entitled period of leave, the employer may receive from the employee all of the premiums it paid, unless the failure to return was because of the continuation, recurrence or onset of a serious health condition of the employee or a family member as defined herein, or because of other circumstances beyond the control of the employee. Seniority and any other employment benefits will not accrue during the period of any unpaid family leave.

G. REINSTATEMENT

Generally speaking, employees shall be reinstated to an equivalent position having substantially similar duties and conditions. Highly compensated employees as defined in the federal law interpreting this leave can be denied job restoration necessary to prevent substantial and grievous economic injury to the City.

H. ADVANCE NOTICE OF FORESEEABLE LEAVE

In any case in which the necessity of leave is foreseeable, the employee must provide thirty days advance notice of intent to use the Family Medical Leave and shall consult with the employer when planning the medical treatment to make reasonable efforts to schedule those leaves so as not to unduly disrupt the employer's operations.

I. MEDICAL CERTIFICATION

The employer may require appropriate medical certification when an employee requests leave for the employee's or family member's serious health condition, including a statement that the employee is needed to care for the family member and the amount of time needed.

J. HUSBAND AND WIFE AS CITY EMPLOYEES

If both husband and wife are employed by the City, each shall have full access to twelve weeks leave with respect to their own parents but shall only receive a total of twelve weeks between them for the birth of their child or a placement with them for adoption or foster care. Similarly, a combined total of 26 weeks would be available for military caregiver leave.

ARTICLE 10: PERSONNEL RECORDS

SECTION 10.01 - CONTENT OF PERSONNEL RECORDS

The City shall maintain an official personnel file for each employee in employment. Such files shall include but are not limited to the following items: Application form, resume, training records, promotion/demotion records, copies of certification documents for applicable positions, performance evaluations, disciplinary actions grievances or complaints, termination or separation documents, compensation records, benefit information, and other pertinent records. The Human Resource Coordinator/Risk Manager shall be responsible for the maintenance of the official personnel records.

An employee's personnel record is to be considered confidential and will only be accessible to authorized personnel. Authorized personnel may include but is not limited to: Finance Officer, Human Resource Coordinator/Risk Manager, Department Head, City Attorney, and Mayor.

Department heads and supervisors may keep satellite, or working files, on each subordinate. The files maintained by a supervisor should relate to the current job performance activities of the employee, and should only contain information that the supervisor is currently using. Such files may include but are not limited to the following: information relating to employee's work schedule, vacation or leave, attendance record, disciplinary track items, performance evaluation, notes for next evaluation, or positive and negative comments. Satellite files do not take the place of official personnel records. All official documentation must be provided to the Human Resource Coordinator/Risk Manager to be placed in the employee's official file. **No medical information shall be kept in satellite files.** Satellite files may be reviewed by the Human Resources Coordinator, City Attorney and/or Mayor upon request.

MEDICAL RECORDS

The Human Resource Coordinator/Risk Manager shall be responsible for the maintenance of the official City personnel medical records in a file that is separate from the official employee personnel file.

RETENTION OF RECORDS

Such records shall be maintained on a current basis for each employee. Records of former employees shall be maintained for at least 3 years following separation from the service.

EMPLOYEE'S RIGHT TO SEE RECORDS

Any employee may arrange to see his/her personnel records upon request to the Human Resource Coordinator/Risk Manager. Satellite files must be made available to the employee upon request to the department head or supervisor.

DOCUMENTATION OF PERSONNEL ACTIONS

All personnel actions will be documented to insure accurate maintenance of personnel records relative to leave, employment, and personal status changes. Responsibility for documentation is as follows:

Status Changes

1. Requests for personnel actions such as changes in classification (i.e., reallocation of a position, abolishment of position or class, revision of a grade, or creation of new position, appointment, completion of probationary period, dismissal, suspension, or transfer temporary or permanent) must be initiated by the department head or other authorized official, and forwarded to the Finance Officer or Human Resources Coordinator for review and consideration. A letter of final determination will be submitted to the department head once the review is finalized. Signatures of the department head and Finance Officer or designee must be obtained on an Employee Action Form prior to any change becoming effective.
2. Notices of personnel action such as resignations or changes in address, name, telephone number, marital status, dependents, etc., must be initiated by the employee and submitted to the supervisor prior to the effective date of such action or as soon as possible. The Department head must forward the notice to the Human Resource Coordinator/Risk Manager. Department heads should advise employees to report such changes, as well as adjustments in education and skills, whenever such changes occur to assure proper maintenance of records and personnel files.
3. The Finance Officer or designee will document all personnel actions affected in the employee's personnel record.
4. Employee Action Forms denoting standard pay increase will be initiated through payroll and distributed to the Department Head for approval and signatures.

ARTICLE 11: CLASSIFICATION SYSTEM AND COMPENSATION

SECTION 11.01 - CLASSIFICATION SYSTEM PURPOSE

The purpose of the classification plan is:

1. Establish desirable qualification standards for recruiting and examining purposes.
2. Provide a means of analyzing work distribution, areas of responsibility, lines of authority, and other relationships between positions.
3. Assist in determining budget requirements.
4. Provide a basis for developing standards of work performance.
5. Establish lines of promotion.
6. Indicate training needs.
7. Provide uniform titles for positions.

SECTION 11.02 - ADMINISTRATION OF CLASSIFICATION PLAN

Each full-time position within the City received a grade assignment between Grade 1 and Grade 9 within the Classification and Compensation Study commissioned by the City. The assigned grade is based on the Position Rating Manual point factor method in which specific factors have an assigned point value given complexity and/or other levels of risks and demands. The overall total points determine the grade level assigned each position.

Any department wishing to establish a new position or substantially change a current position may initiate a written request along with a proposed job description which indicates the changes requested to the Finance Officer or designee for evaluation to determine grade assignment or potential grade change for the position. The Finance Officer and at least one designee will evaluate the position. When the evaluation process has been completed, the Finance Officer or designee shall review the findings with the department head. The grade assignment for any position covered by a union contract is subject to the collective bargaining process.

The Finance Officer or designee shall present the recommended grade assignment for a new position or recommended grade change for an existing position to the Mayor and Council for approval.

If any position covered by Union Agreement requested to be consolidated, eliminated, or work subcontracted that would result in the elimination of a job, the City shall:

1. Provide six (6) months written notice to the Union;
2. Provide first preference for any other job openings for which the involved employees qualify. If more than one employee qualifies for the opening, seniority shall govern; and
3. Fulfill any other obligations outlined by the governing Union Agreement.

SECTION 11.03 - CERTIFICATION OF CLASSIFICATION CHANGE

A signed Employee Action Form is the official authorization form required for employee file documentation and for certification to payroll of any change in pay status. No change in pay will be granted without official action and the completion of the Employee Action Form. Human Resources personnel will initiate an Employee Action Form for a new-hire, transfer, promotion or any other change of position.

SECTION 11.04 - COMPENSATION

All City employees will be paid for duties performed as set forth in the effective salary resolution.

The City processes payroll once a month for payment on the last working day of the month for the Finance Office. The process electronically posts all payroll amounts directly into an employee's designated account. Each employee must submit appropriate account information for payroll transactions and maintain current account information for the payroll process. The City will generate a notice of deposit showing each employee the details of the payroll.

The Finance Officer shall be responsible for the maintenance of a uniform and equitable pay plan which consists of a minimum, intermediate steps and maximum basic wage for each grade of the classification system.

Insofar as it may be practical, the Finance Officer shall prepare a schedule of revisions to the compensation plan for approval by the Mayor and Council, whether negotiated or otherwise, and include said schedule of revisions for funding through the annual budget process.

SECTION 11.05 - MAINTENANCE OF THE PLAN

The Finance Officer shall prepare an analysis of prevailing rates of pay in conjunction with collective bargaining negotiations for comparable public and private employment in the area and at large, taking into consideration cost of living factors, budget affects of various alternative pay plans, and other factors which may be pertinent in recommending changes in the plan. The analysis shall be presented to the Mayor and Council with recommendations for plan changes.

SECTION 11.06 - PAY ADMINISTRATION AND APPOINTMENT RATES

A. EXEMPT/MANAGEMENT EMPLOYEES

A new employee in an exempt position should ordinarily be compensated at a rate of pay between the minimum Step 1 and Step 7 of the grade to which the position is assigned with consideration given for job-related experience and educational qualifications., In the event significant difficulty in filling an exempt position occurs, a higher wage may be given, but only with the express approval of Council action.

B. NON-EXEMPT EMPLOYEES

A new employee in a non-exempt position should be compensated at the minimum salary of the grade to which the position is assigned, however, if significant difficulty in filling a position occurs, a new employee may start at a salary above the minimum, but only with the express approval of Council action.

SECTION 11.07 - PAY RANGE ADJUSTMENTS

Pay range adjustments of one step of the wage matrix shall be made effective January 1 of each year. In the event general fund one-percent (1%) sales tax (1st Penny) revenues received from July 1 through June 30 of the previous year increase by more than three-percent (3%) of those compared to the prior year, employees will advance one additional step in the wage matrix, also effective January 1.

1. The following factors shall not affect eligibility for a pay range adjustment:
 - a. Overall pay adjustment resulting from any pay survey.
 - b. Transfer within grade providing supervisory responsibility remains intact.
 - c. A period of paid leave.

2. An employee receiving workers' compensation will not be eligible for a pay range adjustment until the employee returns to work; and the increase will become effective on the date of return to work.

SECTION 11.08 - DENIAL OF PAY RANGE ADJUSTMENT

If funding is not available, pay range adjustments may be denied. Written notice of any denial of a pay raise and the reasons therefore shall be submitted to the employee before the due date for the pay range adjustment. The employee's eligibility date for future increases shall remain unchanged.

SECTION 11.09 - PROMOTION

Consideration for a wage increase for employees promoted to a higher grade shall be calculated as follows:

- Calculate a 3.5% increase to the employee's current base wage and compare to Step 1 of the new grade.
- If Step 1 of the new grade is greater than the 3.5%, the employee will be placed on Step 1 of the new grade.
- If the 3.5% increase is greater than the Step 1 wage, the employee will be placed on the step immediately above the 3.5% amount.
- Thereafter, the schedule as set forth in the appropriate union contract or applicable salary resolution shall be followed. Exceptions to this may be necessary but only with the approval of the Council.

SECTION 11.10 - TRANSFER

When an employee requested transfer is approved, the employee's salary will be affected as follows:

If the approved transfer is to a position at the same grade, the employee will move to the new position without any change in pay.

If the approved transfer is to a position at a lower grade, the employee will move to the new position and the salary calculated as follows:

- Calculate step one +8.75% of the new grade. If the employee's current salary is below that amount, the salary will be reduced to Step 1 of the new grade. Otherwise, the employee will be placed on the step immediately above the Step 1 +8.75% of the new grade.

SECTION 11.11 – RECLASSIFICATION

The salary for an employee who is demoted to a lower grade shall be set at:

1. The rate in the lower grade which provides the smallest decrease in pay; if the action is not for cause, or
2. Any appropriate rate, as determined by the Mayor, in the lower grade that is less than the existing salary if the action is for cause.

When a position is reclassified to a lower grade within the classification system, the salary of the incumbent shall be set as follows:

1. If the change occurs during the calendar year, the employee shall remain at the employee's current wage until January 1 of the following year. At that time, the employee will be placed on the step of the lower grade that is closest to and above the current wage but will not receive any further increase for that year.
2. If the change occurs on January 1, the employee will be placed on the step of the lower grade that is closest to and above the employee's current wage but will not receive any further increase for that year.

SECTION 11.12 - LONGEVITY PAY

Full time regular employees are eligible for longevity pay at the rate of \$5.25 per month for each year of service following five years of continuous service with the City. (Example: An employee with ten years of service shall receive \$52.50 per month longevity pay.)

ARTICLE 12: GENERAL CONDUCT AND APPEARANCE

SECTION 12.01 - CIVIL SERVICE CODE

All City employees will be held accountable for their conduct and are expected to maintain the standards set forth in the Civil Service ordinance as well as the following:

SECTION 12.02 - RULES OF CONDUCT

- A. Acceptance of gifts and other things of value.
 - 1. No officer or employee shall directly or indirectly solicit any gift, or accept any gift whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence, or could reasonably be expected to influence the officer or employee, in the performance of official duties, or was intended as a reward for any official action.
 - 2. It is not a conflict of interest for any official or employee to receive a gift or gratuity that is an unsolicited item of nominal intrinsic value.
- B. Personal use of City vehicles, property, materials, uniforms, weapons, and any other City-issued equipment, and/or facilities is strictly prohibited.
- C. Employees must report to their department head any citation received while operating any vehicle on City business. Any such incident must be reported immediately, if possible, or before the work day schedule ends.
- D. The City will attempt to provide the safest possible working conditions for its employees. All department heads shall be responsible for maintaining within their respective departments an active safety program. All municipal employees are expected to conduct themselves and to handle equipment in such a manner as to avoid accidents. Municipal employees are also responsible for observing all City safety rules, and are to report unsafe working conditions or equipment to the department head. All municipal employees are required to wear safety belts while operating City vehicles and when operating personal vehicles on City business.
- E. All municipal employees are responsible for providing their particular municipal services to the public in a courteous, polite manner. All municipal employees are expected to maintain high standards of conduct and cooperation in their duties for the City. The City believes an individual accepts an additional responsibility to the community by accepting a position in municipal government and urges employees to act accordingly when off the job.
- F. Employees are expected to report any mistake made immediately to their supervisor or the head of the department. Any attempt to cover up a mistake will be dealt with on an individual basis.

- G. Employees are expected to be courteous and helpful to all citizens who come into the department and equally courteous over the telephone. All communications should be answered promptly and in a businesslike manner. Every attempt should be made to provide individuals assistance and/or direct them to the proper authority.
- H. No unauthorized selling or solicitation during work hours is permitted. Refer any solicitors or sales persons to the department head.
- I. Every effort should be made to avoid waste of materials and supplies used at work. Lights should be turned out when work areas are not in use.
- J. Work areas should be kept clean and orderly in appearance. Department facilities should be kept in good repair.
- K. It should be understood that the ownership rights to any inventions, ideas, or processes the employee invents or develops for the City or with City resources where subject to copyright or patent belong to the City.

SECTION 12.03 - WORKSITE SMOKE-FREE POLICY

As an employer, the City is a smoke-free work environment.

Smoking will be strictly prohibited in City owned or leased buildings, vehicles, and equipment. This policy applies to all employees, clients, contractors and visitors.

SECTION 12.04 - LATEX FREE POLICY

It is the policy of the City to provide its employees, and the citizens of the community, protection from possible latex allergy reaction. The City is a latex free work environment.

Employees will be observant and vigilant as to avoid any possible outside latex contamination of the workplace. (Examples are balloons, gloves other than issued.)

ARTICLE 13: TRAVEL REGULATIONS

The City will pay for travel expenses incurred by employees required to travel on City business under the guidelines and limits set out in this article. The Mayor will receive an annual sum of \$250 as compensation for use of the Mayor's own vehicle for in-town travel commitments. Out-of-town travel for the Mayor will be reimbursed in the same manner as for other employees.

SECTION 13.01 - APPROVAL

Prior to traveling, an employee must obtain approval for the trip and the mode of travel from their department head. Any travel by an employee or elected official which will exceed \$4,000, except for the purpose of firefighter or law enforcement response, must be approved by the Council or other board. If the timing of such travel would not allow for pre-approval by Council, the Mayor may authorize such travel and report those conditions to the Council at its next session. Travel expenses incurred without proper approval are the responsibility of the employee incurring the expense and will not be paid by the City.

SECTION 13.02 - EXPENSES ALLOWED

A. TRANSPORTATION

An employee authorized to use his/her own automobile is entitled to collect a mileage allowance. The mileage allowance shall be computed according to the shortest passable route at the rate permitted by the Council (current rates available at Finance Office). Claims for maintenance and repair of employee-owned vehicles will not be paid. Traffic fines, including parking fines, are the responsibility of the employee and will not be paid by the City.

Preauthorized expenses for transportation on common carrier will be paid at actual cost provided appropriate receipts are submitted. Only one ticket per employee will be an allowable expense.

B. MEALS

1. An employee in an authorized travel status is entitled to collect a meal allowance for meal expenses incurred. The meal allowance shall be consistent with the rate paid to state employees (current rates available at Finance Office).
2. An employee may claim a meal allowance provided a meal expense is actually incurred and the employee is in a travel status for more than three continuous hours during the following periods:
 - a. if leaves post of duty before 5:31 a.m. or returns to post of duty after 7:59 a.m., breakfast may be claimed
 - b. if leaves post of duty before 11:31 a.m. or returns to post of duty after 12:59 p.m., noon lunch may be claimed
 - c. if leaves post of duty before 5:31 p.m. or returns to post duty after 7:59 p.m., dinner may be claimed

d. if leaves post of duty before 8:01 p.m. or returns to post of duty after 1:59 a.m., evening supper may be claimed by ambulance personnel only in a receipted amount not to exceed the City's per diem amount.

3. An employee would not be entitled to a meal allowance for meals paid for by the City as part of a conference registration fee, airfare or other similar circumstances. In addition, an employee would not be entitled to a meal allowance for meals they chose not to eat. For example an employee who skipped lunch to do something else, or didn't stop to eat lunch while traveling would not be entitled to meal allowance.

C. LODGING

Lodging expenses incurred while in an authorized travel status will be paid as follows:

1. Actual cost will be paid if the lodging expense is incurred while attending a conference, convention, seminar, school, meeting or training event.
2. If additional lodging expenses are incurred because a spouse or other individual stays with an employee, only the single room rate will be paid.

D. REIMBURSEMENT

Upon returning from a trip, an employee may claim reimbursement for eligible travel expenses by completing and submitting an itemized travel voucher with appropriate receipts attached. Travel reimbursement vouchers shall be processed along with regular monthly bills. Requests for reimbursement should be submitted immediately following eligible travel. Any request beyond six months of the date of return from travel will not be honored.

RULES REGARDING THE USE OF THE CITY CREDIT CARDS

1. Only department heads or employees authorized by their department head will be permitted to sign out a City credit card. The employee that plans to use the card must sign for the card and complete the credit card sign-out sheet in the Finance Office, or in the main office for those departments who have department issued cards (Fire, Police, Park & Recreation), before the card will be released to the employee. An authorized member of the appropriate office staff must initial the credit card sign-out sheet as witness to the employee's signature.
2. The credit card is to be used to pay only legitimate City expenses that cannot be paid through the normal billing process.
3. Meals should not be charged against the credit card because employees are reimbursed on a per diem basis for meals.
4. Fuel for a personal vehicle should not be charged to the credit card because employees are reimbursed on a per-mile basis for use of personal vehicles. Fuel and other expenses for a City-owned vehicle may be charged to the credit card.

5. Employees should always request that travel expenses (e.g. motel charges, car rental, etc.) be billed directly to the City rather than use the credit card. This will save the City the sales taxes on such transactions which can be substantial. The credit card should be used only if the charges cannot be direct-billed to the City.
6. Employees that charge items using the City credit card must submit receipts for any expenses charged. The copy of the credit card charge slip may NOT be adequate - actual receipts must indicate what items were charged and must be turned in to the Finance Office. Be sure to ask for a receipt. The employee may be personally responsible to pay charges on the credit card that cannot be substantiated with an actual receipt.
7. The credit card should be returned to the appropriate office of issuance as soon as possible after returning to Watertown.

SECTION 13.03 - COMPENSATION

A. TRAVEL TIME

Unless otherwise stated, travel time shall be compensable within the guidelines of the Fair Labor Standards Act.

Approved, work-related travel that occurs during regular work hours is compensable time. This is true whether or not an employee actually performs work, since an employee is deemed to be substituting travel for other work. This is also true when the employee is a passenger.

Approved, work-related travel that occurs on nonworking days is compensable time.

Travel that occurs outside of normal working hours as a passenger on an airplane, bus, train, or car, is also compensable time. The department head shall change the employee's schedule to accommodate such training/travel time. Appropriate advance notice of schedule change (no less than 14 work days) must be provided to the employee.

ARTICLE 14: GRIEVANCE PROCEDURE – FULL TIME NON-UNION EMPLOYEES

It is the policy of the City to assure all non-probationary employees, through the use of a formalized procedure, a method whereby they may have their complaints considered as fairly and as rapidly as possible without fear of reprisal.

A non-probationary employee may have a representative of his choosing present his complaint, but normally employees who have a complaint or grievance are expected to proceed generally as follows:

- A. Meet with immediate supervisor to openly and rationally discuss the situation and attempt resolution of the problem.
- B. If the outcome of the meeting with the immediate supervisor is not satisfactory to the employee, a written complaint may be directed to the Department Head. A meeting will be scheduled within 10 days to discuss the complaint. The Department Head will render a written decision on the complaint within five working days of the meeting.
- C. If the matter remains an unresolved issue after the decision of the Department Head, the employee may provide a written complaint or appear in person before the Mayor. The Mayor will give full consideration to all aspects of the problem, and, if necessary, will confer with the supervisors concerned and seek to obtain an amicable solution. Any decision given by the Mayor is final.

Union employees will be governed by the collective bargaining agreement.

ARTICLE 15: DISCIPLINARY ACTION

SECTION 15.01 - CAUSE FOR DISCIPLINARY ACTION

Any action which reflects discredit upon the service or employees of the City or is a direct hindrance to the effective performance of City functions shall be considered good cause for disciplinary action. Such cause may also include, but not be limited to misconduct, inefficiency, the willful giving of false information, incompetence, insubordination, indolence, unlawful act, withholding information with intent to deceive, drinking intoxicating beverages, or the use of non-prescription drugs on the job, or arriving on the job under alcohol or drug influence, violation of a lawful duty, breach of discipline, being absent from work without first notifying and securing permission from your immediate supervisor, being habitually absent or tardy for any reason, conviction of a felony or a misdemeanor involving moral indiscretion, using religious, political, or fraternal influence, accepting fees, gifts, or other valuable items in the performance of the employee's official duties for the City.

SECTION 15.02 - PROCEDURES

The degree of discipline will depend on the severity of the infraction and will be in accordance with any appropriate labor contract(s) and/or Civil Service Ordinance. It is the responsibility of the immediate supervisor to evaluate the circumstances objectively. The supervisor will then apply the most suitable form of discipline to the best of his/her knowledge and discretion.

Several types of disciplinary action may be applied to discourage detrimental behavior or actions. The following are only guidelines and are not all-inclusive or intended to apply to every situation. The City may, but is not required, to apply these actions progressively. For example, suspension or termination of employment may be applied as a first step of discipline if the situation warrants such action. Employment is at-will and this disciplinary policy does not otherwise create any other employment relationship. The City reserves the right to suspend an employee with pay, however, such action is not deemed to be a disciplinary action.

A. Oral Warning

Talk to employees in private. This discipline should ordinarily be used as a first step in the process for minor infractions. A notation stating contents of the oral warning should be presented to the employee to sign in "acknowledgment" that the warning was given, signed and dated by the supervisor and placed in the employee's personnel file for documentation purposes.

B. Written Warning

This notice shall be a written statement by the immediate supervisor which contains the nature of the infraction in detail. The warning shall be discussed with the employee in private, and a copy given to the employee. Both the supervisor and employee should sign and date the statement which will be placed in the employee's personnel file. If the employee refuses to sign, another person must attest to the fact that the employee was given a copy of the warning.

C. Suspension

This form of discipline is administered as a result of a severe offense or after the employee has received a written warning and performance has not improved. This is the most severe form of discipline, given by a supervisor, short of termination. Notice of Suspension to an employee should be administered only after the Department Head has made contact with Human Resources and City Attorney for a thorough evaluation and determination that this disciplinary action is warranted.

If suspension is warranted the supervisor shall then set forth in writing all facts leading to the reason for the disciplinary suspension, the duration of the suspension and indication whether or not the suspension is with or without pay. He/she shall then inform the employee of the disciplinary action, making certain that the reasons for the action are known. The original copy of the disciplinary action is to be placed in the employee's personnel file and a copy given to the employee.

D. Demotion

Demotion may be used in instances where an employee is unable to perform the responsibilities of the position. It should be applied after adequate written warning and documented attempts at remedial training. The City recognizes there may be other reasons, that are not listed here, that may call for the demotion of an employee. Demotion includes reduction in pay as outlined in Article 11, Section 11.

E. Discharge

The supervisor will put in writing the reasons for recommending the discharge of an employee. The supervisor shall discuss his/her recommendation for discharge with the Department Head who will then contact the Human Resources Coordinator and the City Attorney to be certain that all facts have been reviewed and that there is ample justification for the discharge action.

If, in the opinion of the supervisor, the offense is so severe as to necessitate immediate termination, the supervisor should take action by placing the employee on suspension without pay until which time a Loudermill hearing can be scheduled. The department head shall notify the employee of the reasons for the impending termination and time and place of the Loudermill hearing. At the Loudermill hearing, the Supervisor and Department Head/s will present the grounds for termination and the employee will be allowed to an opportunity to express his/her reasons for appeal.

The Department Head or Appointing Power will be responsible for discharging an employee.

ARTICLE 16: SEPARATION OF EMPLOYMENT – VOLUNTARY / INVOLUNTARY

SECTION 16.01 – VOLUNTARY SEPARATION

Voluntary separation of employment is initiated by the employee in the form of resignation, retirement, or extended absence without proper notification to the employer. The City requests that an employee wishing to voluntarily leave the City's employment submit a written two-week, advance notice to his/her supervisor. The City requests that the notice be in letter form and provide the reason for leaving. In extenuating circumstances, the Department Head or Appointing Authority may accept the employee's voluntary separation as taking effect immediately.

If an employee is absent without proper notification to the immediate supervisor, the employee shall be considered to have voluntarily resigned. Re-instatement upon presentation of extenuating circumstances or reason for such absence shall be at the discretion of the Department Head or Appointing Authority.

There is no mandatory retirement age for City employees. However, all employees must continue to meet the performance requirements for their position.

SECTION 16.02 – INVOLUNTARY SEPARATION

Involuntary separation of employment is not initiated by the employee and may be the result of layoff or discharge (termination).

Whether separation of employment for a full-time employee is voluntary or involuntary, the employee should contact the payroll department at City Hall to complete final procedures for benefits and address/contact information.

SECTION 16.03 – RETURN OF CITY PROPERTY

City employees are expected to return all City property at the time of their departure from City service. Such property may include but is not limited to keys, City-issued cell phone and accessories, laptops, City identification materials, office supplies, and City-issued clothing (vests, raingear, etc.) The City reserves the right to withhold from the employee's final paycheck the amount for any property that is not returned or for which there is no explanation for the absence of the property. The City may take further action if necessary to recover City property.

ARTICLE 17: DRUG AND ALCOHOL ABUSE POLICY

SECTION 17.01 – POLICY STATEMENT

The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance or consumption of alcohol during on-duty hours is prohibited by all City employees in all departments of the City. Any employee determined to be under the influence of drug or alcohol or where reasonable suspicion has been established of unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance while on duty will be placed on suspension of duty pending disciplinary action up to and including termination of employment with the City. Off-duty drug and alcohol-related criminal convictions are unacceptable as they may affect job performance and public confidence in City's employees and; therefore, may be cause for disciplinary action up to and including termination.

Department heads and supervisory personnel for the City shall attend any required drug-free awareness training programs to learn about the signs and dangers of drug and alcohol abuse in the workplace; to become aware of available drug counseling, rehabilitation and other assistance programs; and to learn about the laws and penalties that may be imposed upon employees for drug and alcohol abuse violations.

All employees of the City are required to abide by the terms of this statement and to notify the employer of any criminal drug statute or alcohol-related arrest for a violation no later than five days after such arrest. Failure to report any such arrest may be cause for disciplinary action up to and including termination of employment.

The legal use of prescribed drugs by a licensed physician is not prohibited. In consideration of safety issues, an employee should notify the supervisor when taking prescribed medication(s) that would impair the employee's ability to safely perform any assigned job functions.

SECTION 17.02 – REASONABLE SUSPICION

The City may request that the employee undergo drug and alcohol testing if there is a "reasonable suspicion" that the employee is under the influence of drugs or alcohol during work hours. Reasonable suspicion tests should be administered as soon as practical following the determination of reasonable suspicion. If the alcohol test is not administered within 2 hours of the determination of reasonable suspicion, the attending supervisor will document the reason for the delay. If the alcohol test is not administered within 8 hours of the determination of reasonable suspicion all attempts to conduct the alcohol test will cease and the attending supervisor will document the reasons for the failure to test. If the controlled substances test is not administered within 8 hours of the determination of reasonable suspicion, the test should still proceed. The attending supervisor must document the reasons for the delay. If the controlled substances test has not been administered within 32 hours of the determination of reasonable suspicion, all attempts to conduct the controlled substances test will cease and the reasons will be documented by the attending supervisor.

"Reasonable Suspicion" means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence of drugs or alcohol.

Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:

- A pattern of abnormal or erratic behavior that is so unusual that it warrants summoning a supervisor, department head or other individual for assistance.
- Information provided by a reliable and credible source with personal knowledge
- Direct observation of drug or alcohol use
- Presence of the physical symptoms of drug or alcohol use; (i.e. glossy or blood-shot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes
- Possession of substances in violation of the City's drug and alcohol policy

The employee, where reasonable suspicion exists, may be asked to submit to blood and/or urine testing by a qualified medical physician or hospital at the City's expense. Prior to testing, the proper authority shall secure a signed release statement from the employee to have the hospital/physician release medical information to the City. An employee who refuses to consent to a drug and/or alcohol test when reasonable suspicion exists may be subject to disciplinary action.

A positive result from the drug and/or alcohol test confirming the reasonable suspicion may result in disciplinary action. The proper authority is required to detail in writing the specific facts, symptoms, or observations that led to the reasonable suspicion. This documentation, which includes the results of the drug or alcohol test as confirmation of the use of drugs or alcohol on the job, shall be given to the Human Resources Coordinator and placed in the employee's file only if confirmed by the drug and/or alcohol test.

SECTION 17.03 – DRUGS TO BE TESTED FOR

The following drug groups were selected based on the ability of each drug to adversely affect physical/mental performance. All are controlled substances under state and federal law.

1. Alcohol, ethyl
2. Amphetamines/Methamphetamines; i.e. speed
3. Barbiturates; e.e., to include but not limited to amobarbital, butabarbital, phenobarbital, cecobarbital
4. Cocaine, Cocaine Metabolites
5. Benzodiazepines
6. Opiates; i.e., to include but not limited to codeine, heroin, morphine, hydromorphone, hydrocodone
7. Phencyclidine (PCP)
8. THC (Marijuana) Metabolite

SECTION 17.04 – POST-ACCIDENT

Any City employee involved in a work-related vehicular accident may be subject to post-accident testing. Nothing in this section, however, will be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

Each employee will be required to sign a copy of this policy upon hire.

ARTICLE 18: AMERICANS WITH DISABILITIES ACT

SECTION 18.01 - EMPLOYMENT

The City will not discriminate against a qualified person with a medical or physical disability, as defined in the Americans with Disabilities Act (ADA), in its practice of hiring, promoting, dismissing or disciplining employees. The term “qualified individual” means an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires. The City will make reasonable accommodation to known physical or mental limitations of an otherwise qualified individual unless to do so would impose an undue hardship on the City.

SECTION 18.02 - SERVICES, PROGRAMS AND ACTIVITIES

The City will not discriminate against a qualified individual with a disability in the services, programs and activities of the City. For purposes of this section, a qualified individual with a disability is a person who, with or without reasonable modification to rules, policies or practices, the removal of architectural, communication or transportation barriers or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services in programs or activities. The City will endeavor to disseminate sufficient information to applicants, participants, beneficiaries, and other interested persons to inform them of the rights and protection afforded by the ADA.

SECTION 18.03 - DESIGNATED ADA CONTACTS FOR THE CITY

As required by the ADA, the City has designated the City Engineer and the Watertown Municipal Utilities has designated the Human Resource/Risk Manager Coordinator as the City employees responsible for coordinating ADA efforts. Individuals who believe that their rights to City services, programs or activities may have been violated or request further information should be directed to the City Engineer or the Human Resource/Risk Manager Coordinator of Utilities.

SECTION 18.04 - GRIEVANCE PROCEDURES

Any individual who believes that he/she or a specific class of individuals with disabilities has been subject to unlawful discrimination on the basis of that disability by the City may by him/herself or by any authorized representative, file a complaint.

Complaints should be addressed to the City or the Watertown Municipal Utilities ADA coordinators:

(City)
City Engineer
P.O. Box 910
Watertown, SD 57201
(605) 882-6203

(Municipal Utilities)
Human Resource/Risk Manager Coordinator
901 4th Ave SW
Watertown, SD 57201
(605) 882-6233

1. Any complaint must be in writing and contain: the name of the individual or representative filing the complaint, a description of the alleged discriminatory action in sufficient detail to inform the entity of the nature and date of the alleged violation, and be signed by the complainant or authorized representative. Complaints filed on behalf of third parties must describe or identify the alleged victims of the discrimination.
2. The complaint must be filed within 180 days after the alleged violation occurs. This time may be extended for good cause shown.
3. The assigned ADA coordinator shall promptly conduct an informal, but thorough investigation of the complaint. All interested parties shall be afforded an opportunity to submit evidence relevant to the complaint.
4. A written determination as to the validity of the complaint and a description of the resolution, if any shall be issued and a copy forwarded to the complainant no later than 30 days after its filing.
5. The ADA coordinator shall maintain the files and records of the City relating to the complaints filed.
6. The complainant may request a reconsideration of the complaint in cases where he or she is dissatisfied with the resolution. The request for reconsideration must be made to the Council within 10 days of the receipt of the written findings.
7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing an ADA complaint with as appropriate federal agency or with the U.S. Department of Justice. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.
8. These rules shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards and to assure that the City complies with the ADA and implementing regulations.

ARTICLE 19: ANTI-HARASSMENT POLICY

SECTION 19.01 - POLICY

The City prohibits all types of harassment, including sexual harassment, by all employees at all levels. Employees who are determined to have violated this policy while on duty, while pursuing a City activity, through City employment or using City authority shall be subject to disciplinary action up to and including suspension or termination.

Retaliation in any way against an individual for raising a harassment complaint is prohibited and shall be grounds for disciplinary action up to and including suspension or termination. Additionally, retaliation against an employee for filing a sexual harassment complaint is grounds for a sexual harassment complaint.

SECTION 19.02 - DEFINITIONS

- A. Forms of harassment include verbal, non-verbal or physical conduct or offensive behavior regarding race, religion, color, national origin, sex, age, disability or any other basis prohibited by state or federal law, or any behavior which may cause a hostile work environment for another employee.
- B. Sexual harassment includes any unwanted advances, requests for sexual favors and any other verbal or physical conduct of a sexual nature when:
 - 1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment; or
 - 2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the employee or applicant; or
 - 3. Such conduct has the purpose or effect of interfering with an employee's work performance, or of creating an intimidating, hostile or offensive working environment.

Sexual harassment refers to behavior that is not only unwanted, but also can be personally offensive, fails to respect the rights of others, lowers morale and interferes with work performance, or violates an individual's sense of well-being. This behavior also applies to same-sex harassment issues.

Sexual harassment is behavior which may include the following examples:

- 1. Verbal: sexual innuendoes, foul language, degrading or suggestive comments, repeated pressure for dates, jokes of a sexual nature, unwelcome sexual flirtations, degrading words used to describe an individual, obscene and/or graphic descriptions of an individual's body and threats that job, wages, assignments promotions or working conditions could be affected if the individual does not agree to a suggested sexual relationship.

2. Non-Verbal: sexually suggestive or offensive objects or pictures, written comments, suggestive or offensive sounds, whistling, catcalls or obscene gestures; treating an employee differently than other employees when an employee has refused an offer of sexual relations.
3. Physical: unwanted physical contact, which may include touching, hugging, pinching, patting or regularly brushing against the body of another person.

SECTION 19.03 - FILING A COMPLAINT

A. EMPLOYEE RESPONSIBILITY

The City's policy is to thoroughly investigate and remedy any known incidents of harassment brought to the attention of management. Any employee who feels aggrieved by any form of harassment should communicate the problem immediately by taking the following steps:

1. An employee should directly inform the person(s) engaging in any harassing conduct that the behavior is offensive and must stop.
2. An employee should contact his/her immediate supervisor(s) to register any complaint of harassment. If the immediate supervisor is the alleged harasser, an employee may contact someone at the next supervisory level of the Department. If for some reason the employee feels uncomfortable dealing directly with any of these individuals, or if the complaint is not resolved within fourteen calendar days, the employee may pursue a formal complaint with the Human Resource Coordinator or Finance Officer.
3. A formal complaint must state the objectionable behavior or misconduct alleged. Any records (notes) that will corroborate the allegations should be included in such complaint.

B. MANAGEMENT RESPONSIBILITIES

When management receives a report of misconduct or harassment of any nature, management shall promptly inform the City Finance Officer or Human Resource Coordinator of the report. The Human Resource Coordinator will initiate a thorough, confidential and impartial investigation of the complaint.

A report of any form of harassment, its investigation, the outcome of the investigation, and any action(s) taken relating to a specific employee or employees is confidential. Dissemination of confidential information shall be limited to persons with a need to know to conduct an investigation. All employees contacted must cooperate with any such investigation.

The findings and intended actions will be communicated to the complainant and the alleged harasser. These findings do not in any way affect the complainant's right to pursue a sexual harassment complaint with any appropriate state or federal authority. Retaliation or intimidation directed toward a complaining party or any individual contacted during the investigation is also prohibited by law and will not be tolerated by the City under any circumstances.

If the City's investigation determines that harassment occurred, a recommendation will be presented to the Supervisor and/or Appropriate Board for disciplinary action. The complainant and alleged harasser(s) will be informed of any disciplinary action.

Management should document steps taken to resolve the complaint. Any violation of the above policy by any employee may be cause for disciplinary action.

ARTICLE 20: WORKPLACE VIOLENCE AND WEAPONS POLICY

SECTION 20.01 - POLICY STATEMENT

The City condemns harassing, intimidating, threatening, or assaultive behavior, speech or actions by any City employee or volunteer. In addition, the City will not tolerate and may prosecute City employees or volunteers for intentional damage to City property.

The City hereby adopts a policy against violence in any form in the workplace. Any employee who violates this policy will be subject to discipline up to, and including, discharge. The City will assist law enforcement in the prosecution of anyone who commits violent acts against employees or damages to City property.

SECTION 20.02 - WEAPONS PROHIBITED

For the safety of City employees and the public, employees will not be permitted to bring or possess firearms, explosives, or other weapons in City buildings, except those employees authorized to do so in the course of their duties as employees of the City and except those employees who live in a private residence on City owned property. Examples of prohibited weapons include but may not be limited to:

1. All types of firearms including rifles, shotguns, and pistols.
2. Archery equipment including arrows, hunting bows, crossbows.
3. Large hunting or weapons-style knives including “bowie” knives, machetes, stilettos or switchblades, etc. (This does not prohibit possession of personal folding pocket or penknives or other bladed tools used in the course of employment.)
4. Any explosive devices or explosive materials used in such devices. For the purpose of this policy, ammunition is not deemed an explosive.
5. Other objects clearly designed or intended to be used as weapons such as nunchakus, clubs, and brass knuckles.

SECTION 20.03 - INVESTIGATION/REPORTING

Employees should immediately report violent behavior, speech, actions, or outright or implied threats of violence against themselves, others, or the City to their immediate supervisor and/or respective department head, unless the immediate supervisor is the alleged violator, in which case an employee may contact someone at the next supervisory level of the Department. If for some reason the employee is uncomfortable dealing directly with these individuals the employee may pursue a formal complaint with the Human Resource Coordinator/Risk Manager or City Finance Officer. No employee acting in good faith, who reports real or implied threats and/or acts of violent behavior, will be subject to retaliation or harassment due to submitting a report. Complaints will receive immediate attention and the situation will be investigated. Based upon the results of the investigation, appropriate responsive action will be taken.

911 should be called immediately when any employee or volunteer observes an act of violence at work or believes the situation poses imminent danger to themselves or others.

SECTION 20.04 - FIREARMS USE BY AUTHORIZED CITY EMPLOYEES (Excluding Sworn Law Enforcement Officers)

It is understood by the City, that in some instances a need shall exist for certain City employees to use firearms in the normal performance of their duties (Ord. No 13.0302). The use of these firearms shall be for the control of nuisance or feral animals.

Procedure A - Requirements for Use of Firearm

City employees discharging firearms in the normal performance of duty and the weapon being used shall first be approved by the Chief of Police or designee.

A. Approved authorized weapons include:

1. Shotgun
2. Rifle
3. Tranquilizer gun
4. Air rifle

B. Employees authorized to use these weapons will be required to attend an annual training class.

1. Training will include review of department's rules and procedures for initial certification.
2. Game, Fish, and Parks personnel will provide gun safety training for city employees.
3. The list of qualified personnel shall be authorized by individual department heads and approved by the Chief of Police.
4. A written firearms qualifications certificate shall be provided to the Human Resource Coordinator/Risk Manager and kept in employee's personnel file at city hall.
5. A refresher course will be held annually, or when a new firearm is added to authorized list, or another employee is authorized or certified.
6. Files of all authorized and approved personnel will be kept at the Watertown Police Department including documentation of all training received.

Procedure B - Lock Boxes

Firearms and ammunition will be kept in a locked room or locked container when not in use.

Procedure C - Notification of Firearm Discharge

Anytime a firearm is discharged the person discharging the firearm will notify the Police Communication Center at the Watertown Police Department that a firearm was or is being discharged and why.

Procedure D - Inspection of Authorized Weapons

The department head shall be responsible for the inspection of the lock boxes at the department facilities as part of the monthly building safety inspections. A separate inspection report in regard to the lock box shall be supplied to the Chief of Police.

Procedure E - Firearms Maintenance

Weapon maintenance will be done in accordance with the manufacturer's specifications.

ARTICLE 21: USE OF COMMUNICATION DEVICES BY CITY EMPLOYEES AND CITY OFFICIALS

SECTION 21.01 - POLICY STATEMENT

The intended use of the City's telephone, electronic and wireless communication devices including but not limited to cell phones, laptop computers, removable storage devices, Internet access and email by City employees, city officials and volunteers is to directly or indirectly conduct City business. Employer-issued devices are for City business use only and are subject to periodic monitoring, search and review. The employee should have no expectation of privacy for City-issued devices including e-mails and/or electronic messages sent or received. Improper use of such equipment may result in disciplinary action up to and including termination of employment.

SECTION 21.02 – TELEPHONE, CELL PHONE, ELECTRONIC AND WIRELESS COMMUNICATION DEVICES

A. Personal Calls, Text and Electronic Messaging Limited to Necessity

Employees are expected to exercise discretion in personal calls, text and all forms of electronic messaging while at work. Excessive personal calls or messaging during the work day, regardless of the phone used, can interfere with employee productivity and can be distracting to others. Employees are therefore asked to make personal calls during non-work time where possible and to ensure that friends and family members are aware of the City's policy. Flexibility will be provided in circumstances demanding immediate attention.

B. The City will not be liable for the loss of personal cellular phones brought into the workplace.

C. City Issued Cellular Phones or Stipend Option

Where the job or business demands immediate access to an employee, the City may issue a business cell phone or at the City's discretion offer the choice of a stipend. The stipend should be requested on an Employee Action Form by the Department Head and submitted to the Finance Officer for approval before being submitted to payroll. The amount requested and approved will be consistent within each grade and position title. Exempt employees who are required to carry cellular phones are required to have the phone on and available 24 hours a day.

Employees choosing the stipend shall provide the City with their cell phone number. The employee is responsible for any contracts, bills, equipment, etc. associated with the cell phone. Per IRS regulations a stipend is taxed as ordinary income. An employee using their phone and receiving a stipend acknowledges the fact that the phone may be subject to electronic discovery pursuant to a legal process involving business of the City.

Employees receiving a City issued cell phone must follow the policy as stated in this section. The cell phones are not intended to be used for routine communications or for personal convenience.

The following are **unauthorized usages** of a City cell phone:

- * Any call made in relation to an employee's personal business enterprise;
- * Loan or make available a City-issued cell phone to anyone else
- * Any call for purpose of entertainment, such as any 900 call that does not concern City business;
- * Any personal call, unless the call is necessary and unavoidable.

Phone bills may be audited and employees may be required to reimburse the City for unauthorized calls.

Employees in possession of company equipment such as cellular phones are expected to protect the equipment from loss, damage, or theft. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the phone and accessories for return or inspection. Employees unable to present the phone and accessories in good working condition within the time period requested may be expected to bear the cost of a replacement.

D. Safety Issues for Cellular Phone Use

Employees whose job responsibilities include regular or occasional driving who use a cell phone for business use are expected to refrain from using their phone while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call in unavoidable and pulling over is not an option, employees are expected to keep the call short, use hands-free options if available, refrain from discussion of complicated or emotional issues and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather or the employee is driving in an unfamiliar area. Under no circumstances are employees allowed to place themselves at risk to fulfill business needs.

Electronic messaging while driving is prohibited.

Employees are required to abide by all applicable state laws and City ordinances pertaining to sending, receiving, and viewing messages on an electronic device while operating a motor vehicle.

Employees who are charged with traffic violations resulting from the use of a cell phone or other handheld electronic device while driving will be solely responsible for all liabilities that result from such actions.

Excessive non-work related calls or other abuses of this policy shall be handled through disciplinary procedures.

SECTION 21.03 - PROHIBITED USES OF COMMUNICATION DEVICES

Uses of electronic and wireless communication devices that does not support City business includes but are not limited to:

- * use on City time for personal gain or entertainment
- * social networking and/or internet surfing for personal use
- * harass, threaten, defame, or injure another party
- * violate software license agreements
- * transmit or forward any messages that are received from legal counsel in the conduct of legal affairs for the City. Any such communications should include within the message an indicator that the text is “attorney/client privileged communications”
- * send personal chain letters
- * send (upload) or receive (download) copyrighted material, trade secrets, proprietary financial information, or similar materials without authorization
- * compromise the assets of the City and its normal business operation in any way
- * conduct personal business such as sales, services, job searches, or any personal, professional, or political paid advertisements
- * create any offensive or disruptive messages including any messages which contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone’s age, sex, religious or political beliefs, national origin or disability
- * solicit for commercial ventures, religious, political, or labor union causes, outside organizations or other non-job-related solicitations
- * view, print, download, or send any sexually explicit images, messages, cartoons, or jokes. If received from another person, the user will immediately advise the sender that he/she is not permitted to receive such information and not to send it again

SECTION 21.04 - INTERNET ACCESS, COMPUTER USE AND DEVICES

A. The City may exercise its right to install software which will restrict employee access to web sites that are not business-related.

B. WIRELESS DEVICES

City issued cell phones, laptop computers or any other wireless communication devices are intended for the employee’s use to conduct City business. These devices are property of the City and as such, the City reserves the right to access and disclose the content of any and all messages, including text messages and emails, created on, transmitted by, received on or stored within the devices.

C. DOWNLOADS

City employees must refrain from downloading or installing any software and/or programs (including music, photos, games, etc.) without prior approval of the City’s Computer Network Administrator.

D. BRING YOUR OWN DEVICE (BYOD)

The City reserves the right to prohibit or block the use of employee-owned storage devices such as, but not limited to, flash drives, thumb drives, smart phones, personal iPads or tablets, or any other technical, removable storage devices to be used with City computer equipment. The employee has no right for expectations of privacy on any removable storage device which contains City information and understands that such device may be subject to electronic discovery pursuant to a legal process.

E. REMOTE ACCESS TO CITY WEBSITE AND/OR OTHER ACCESS FEATURES

1. No union-eligible or any other non-exempt employee will be granted permission or given the ability to remotely log in to the City server(s) or website and perform any work duties outside the assigned work location.
2. Exempt staff must be pre-approved by the Mayor and Finance Officer for any remote access feature. The intent is to provide department heads the ability to complete City work-related tasks when it is necessary to travel out of town. Any exempt employee approved for this feature shall not receive compensatory time, nor is this feature intended to provide an exempt employee the ability to be compensated for completing work from home.

ARTICLE 22: SALARY BASIS POLICY

SECTION 22.01 - POLICY STATEMENT

It is the City's policy to comply with applicable wage and hour laws and regulations. The improper pay deductions specified in Title 29 of the Code of Federal Regulations § 541.602(a), with the exceptions noted for Public Agencies in §541.710, may not be made from the pay of employees who are subject to the salary basis test (exempt employees) under the Fair Labor Standards Act.

Any City employee who believes any deduction has been made from his or her pay inconsistent with his or her salary status should immediately contact the Human Resource Coordinator or Finance Officer at 882-6203.

Any complaint will be resolved within a reasonable time after review of all relevant facts and circumstances. If an investigation reveals an employee was subjected to an improper deduction from pay, the employee will be reimbursed and the City will take whatever action deemed necessary to ensure compliance with the salary basis test in the future.

APPENDIX I

External Hiring Process for Non-exempt / Full-time Staff

1. Application process
 - a. Complete an official City of Watertown application
 - b. Submit to Human Resources Coordinator by closing date and time
2. Pre-Interview
 - a. Department head and Human Resources Coordinator review and approve interview questions
 - b. Applications reviewed by Human Resources Coordinator and department head (may include direct supervisor of the position opening)
 - c. Candidates not meeting the minimum qualifications notified by the HR office - no longer considered for the position
 - d. All applicants meeting the minimum qualifications placed on the eligibility list – no maximum
3. Candidate interview selection
 - a. Human Resources Coordinator and department head select best qualified candidates to interview (may include direct supervisor of the position opening)
 - b. Minimum of five (5) / maximum of the (10) applicants to be interviewed first round (unless total applicants falls below minimum number)
4. Interview team
 - a. Minimum of four individuals (Human Resources Coordinator is one member)
 - b. Maximum of five individuals (Human Resources Coordinator is one member)
 - c. Eligible staff to conduct interviews for non-exempt, applicants include
 - i. department head, assistant to department head, first-line supervisor for position, an additional first-line supervisor within department and/or a department head from another department.
 - ii. *Mayor should only be included on a team for the Administrative Assistant to the Mayor and City Attorney*
5. Interview process
 - a. Each member independently evaluates and scores each interviewed candidate
 - b. Standardized score sheet to be used during all interviews will be provided by Human Resources Coordinator
 - c. All score sheets signed by individual interview team member
 - d. Score sheets given to the Human Resources Coordinator as part of official file
 - e. Human Resources Coordinator proofs scores and compiles results sheet for overall ranking order
 - f. Candidate receiving the combined top score ordinarily receives conditional offer of employment, must come from top 5 overall score (if better overall “fit” for department)
 - g. Ranking order considered in determining future candidate selection

6. Post interview
 - a. Conditional offer of employment letter prepared by the Human Resources Coordinator
 - b. Authorization for background check as needed
 - c. All pre-employment conditions completed prior to official date of hire
 - d. Human Resources Coordinator completes all follow-up letters for post-interview process

7. Future openings of the same position
 - a. Internal promotional posting if required by Union agreement governing position
 - b. If no candidate promoted, may return to the eligibility list
 - c. If the current ranked candidates on the list no longer interested, department head may request an interview team to conduct interviews for any candidates remaining on the eligibility or may request to externally post a new opening.
 - d. Term of the eligibility list expires one year from closing date of original position opening

APPENDIX II

CITY OF WATERTOWN

DOT

DRUG/ALCOHOL TESTING POLICY

**CITY OF WATERTOWN
DOT DRUG/ALCOHOL TESTING POLICY
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SUBSTANCE ABUSE/MISUSE POLICY COMMERCIAL DRIVERS LICENSE HOLDERS

POLICY

- 1.0 It is the policy of the City of Watertown to assure worker fitness for duty and to protect City employees and the public from the risks posed by the use of alcohol and prohibited drugs by employees with commercial drivers licenses(CDLs). This policy is intended to comply with all applicable Federal regulations governing workplace drug and alcohol abuse and misuse.

PROCEDURES

2.0 APPLICABLE FEDERAL REGULATIONS:

The Department of Transportation (DOT), through its Operating Administrations of the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA), enacted federal regulations 49 CFR Parts 653 and 654 (FTA), and Parts 382 et al (FHWA) as amended, that mandate urine drug and breath alcohol testing for holders of CDL's and prevent performance of safety-sensitive functions when there is a positive test result and/or reasonable suspicion of use/misuse. The DOT enacted 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens. These regulations are effective 1-1-96 for all covered employees with a CDL.

In addition to the above-referenced regulations, this policy includes sections of specific reference, as notated, to the Drug-Free Workplace Act of 1988 and the Americans With Disabilities Act of 1990.

3.0 DEFINITIONS:

- 3.1 Commercial Drivers License Holder-any employee who has obtained a commercial drivers license for use with City employment.
- 3.2 Covered Employee-any person, including a volunteer, applicant or transferee, who holds a CDL to operate or potentially operate a City vehicle for which such license is required.
- 3.3 Substance Abuse Professional (SAP)-a licensed physician or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission), with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol-related disorders.
- 3.4 Breath Alcohol Technician (BAT)-an individual who instructs and assists individuals in the alcohol testing process and operates an EBT.
- 3.5 Evidential Breath Tester (EBT)-a device approved by the National Highway Traffic Safety Administration for the evidential testing of breath.
- 3.6 Medical Review Officer (MRO)-a licensed physician responsible for receiving laboratory results who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate a confirmed positive test result.
- 3.7 Accident-any occurrence involving a vehicle in which (1) a death occurs, (2) an individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident, or (3) one or more vehicles involved in the accident incurs disabling damage and must be towed from the accident scene.
- 3.8 Employee on Standby-any employee who is designated and paid an additional sum as stated in the union contract, to be available to report to work outside of regular scheduled hours at the request of the supervisor or other person designated by him at the time of the assignment for standby.

4.0 CATEGORIES SUBJECT TO TESTING:

Participation in the prohibited substance testing program is a requirement of each CDL holder and is a condition of employment. The following positions are considered to be safety sensitive and are subject to the contents of this policy and the defined provisions of the federal regulations:

Operation of a vehicle when required to be operated by the holder of a Commercial Driver's License;

Supervisors who also hold a CDL; and

Volunteers who perform functions which require a CDL.

5.0 PROHIBITED SUBSTANCES:

5.1 Illegal Substances-the use of the following illegal substances is prohibited: (1) marijuana, (2) amphetamines, (3) opiates, (4) cocaine, and (5) phencyclidine [PCP].

5.2 Alcohol-the use and misuse of beverages containing alcohol, ethyl alcohol, or other low molecular weight alcohol, including methyl or isopropyl alcohol, is prohibited within specified time limits. Alcohol concentration is expressed in terms of grams of alcohol per 210 liters of breath as indicated by an EBT. This prohibition includes the use of any alcohol-based over-the-counter or prescribed medications.

5.3 Legal Drugs-the appropriate use of legally prescribed drugs and non-prescription medications is not prohibited so long as the use of same conforms to the requirements of this policy. The use of any non-prescription medication which carries a warning label indicating that mental functioning, motor skills, or judgment may be adversely affected should be reported to supervisory personnel and medical advice should be sought, as appropriate, before performing safety-sensitive functions. The supervisor should use his/her best judgment regarding whether or not to allow the employee to perform any safety-sensitive functions. Any employee who is currently taking a medication prescribed by a physician that may affect the employee's mental functioning, motor skills, or judgment must obtain a release from the prescribing physician that the employee can safely perform his/her safety-sensitive functions. A covered employee who fails to report the use of prescription or non-prescription drugs that can affect performance of job duties may be subject to disciplinary action.

6.0 PROHIBITED CONDUCT:

6.1 Alcohol Use-no covered employee: (1) will report for duty or remain on duty when his/her ability to perform assigned safety-sensitive functions is adversely affected by alcohol or when his/her alcohol concentration is 0.04 or greater, (2) will use alcohol while on duty, or while performing safety-sensitive functions, (3) will have used alcohol within four hours of reporting for regular duty, and/or (4) will use alcohol during the hours he/she is on paid standby.

6.2 Employee Self-Identification-if a covered employee not on standby has consumed alcohol and is called in to work outside of regular scheduled hours, and within 4 hours of performing a safety-sensitive function, the employee may state he/she has consumed alcohol and indicate whether or not he/she is able to perform a safety-sensitive function.

If the employee believes he/she is not capable of performing the function, the supervisor will excuse the employee from doing so. To encourage employees to admit that alcohol has been consumed, they will not be subject to the consequences specified in Section 10.0. If an employee not on standby is called in outside of regular scheduled hours and does not indicate that he/she has consumed alcohol and exhibits signs of alcohol misuse, the employee may be subject to reasonable suspicion testing. If the test indicates a concentration level at 0.04 or greater, the employee will be subject to the consequences of violating this policy.

- 6.3 Drug Use-the consumption of illegal drugs is prohibited at all times.
- 6.4 Impaired Covered Employees-any covered employee who is reasonably suspected of being intoxicated, impaired, under the influence of a prohibited substance, or not fit for duty will not be allowed to commence job duties and/or will be suspended from job duties pending an investigation and verification of condition. Covered employees reasonably suspected of being under the influence of prohibited substances will be removed from duty and will be required to submit to the appropriate drug or alcohol test. A drug or alcohol test will be considered positive if the covered employee is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.
- 6.5 Manufacture, Trafficking, Possession, and Use-in accordance with the Drug-Free Workplace Act of 1988, any employee engaging in the manufacture, distribution, dispensing, possession, or use of prohibited substances while in the performance of job duties will be subject to disciplinary action up to and including termination. Law enforcement will be notified, as appropriate, where criminal activity is suspected.

7.0 CIRCUMSTANCES FOR TESTING:

All covered employees will be subject to testing at the times prescribed as follows:

7.1 Pre-Employment And Pre-Transfer Into A Position requiring a CDL:

- 7.10 Drugs-an applicant will be required to take a drug test for the screening of illegal drugs and the drug test must produce a verified negative result. No current employee may transfer from a non-CDL position to a CDL position until the employee takes a drug test with a verified negative result. If an applicant or employee drug test is canceled, the applicant or employee will be required to take another pre-employment drug test before he/she will be offered employment or transfer.

Within 14 days after a new or transferred employee is employed in a position requiring a CDL, the Finance Office or contracted testing service must obtain the records of the employee's previous employers over the past two years regarding the employee's participation in prior employer's drug/alcohol testing program. If the City obtains information that an employee previously tested positive for an alcohol level with a concentration of 0.04 or greater, had a verified positive for controlled substances, or refused to be tested, the employee will not be allowed to perform a safety-sensitive function until information indicating the employee successfully completed SAP-mandated requirements is received from the SAP to which the employee was referred. The employing department cannot allow the employee to perform safety-sensitive functions after the 14th day without obtaining the required information.

7.2 Random Testing-random testing will be unannounced and spread evenly throughout the calendar year as follows:

- 7.20 Random Test Selection-random test selection will be made by a scientifically valid method that is matched with covered employees' Social Security numbers, payroll identification numbers, or other comparable identifying numbers. Under the selection process, each covered employee will have an equal chance of being tested each time selections are made.

- 7.21 Alcohol-the City will randomly test identified covered employees at a minimum annual rate of 25% of the number of covered employees in the selection pool. A covered employee will be randomly tested (1) just before the employee is to perform a safety-sensitive function, (2) while the employee is performing a safety-sensitive function, (3) just after the employee has ceased performing such functions or (4) when the selected employee is not scheduled to perform a safety-sensitive function but may be called upon to do so at any time during the work shift. Upon notification of selection for random testing, the covered employee must immediately proceed to the test site.

7.22 Drugs-the City will randomly test identified covered employees at an annual rate of 50% of the number of covered employees in the selection pool. Upon notification of selection for random testing, the covered employee must immediately proceed to the test site.

7.3 Reasonable Suspicion-the City will conduct an alcohol and/or drug test when there is reasonable suspicion to believe that a covered employee has violated the prohibitions of this policy. The determination of reasonable suspicion must be made by a supervisor who is trained in detecting the signs and symptoms of alcohol misuse and drug abuse and must be based upon specific, immediate, and clearly obvious observations concerning the appearance, behavior, speech, or body odors of the covered employee.

7.30 Alcohol-testing is authorized if the observations of suspected misuse are made just preceding, during, or just after the performance of a safety-sensitive function and the directive to submit to the test will only be at these defined times. If the test is not performed within 2 hours of determination of reasonable suspicion, a report must be prepared by the supervisor and filed with the Finance Office stating the reason the test was not administered promptly. Attempts to test must continue up until 8 hours has elapsed. If a test is not administered within 8 hours following determination, the attempts to administer the test will cease and the reasons for not obtaining the test recorded. Regardless of the absence of the test, the supervisor must not permit a covered employee to report for duty, remain on duty, nor perform or continue to perform safety-sensitive functions while the covered employee is under the influence of or impaired by alcohol until (1) an alcohol test is administered and the alcohol concentration is less than 0.02 or (2) the start of the covered employee's next regularly scheduled duty period, but not less than 8 hours following the determination of reasonable suspicion. During that period before a test is given, during which an employee is not on duty resulting from restrictions resulting from this paragraph, the employee shall be entitled to credit for that time as on duty time if the test is not given, or if a negative result is obtained. Should it be necessary for an employee to be available after his work day has been completed, and a test is not given, or a negative result obtained, the employee shall be compensated pursuant to the existing collective bargaining agreement.

7.31 Drugs-testing is authorized at any time the covered employee is on duty if the observations are made within the defined parameters by a trained supervisor. When directed to submit to a drug test, the covered employee must proceed to the drug testing facility. As soon as practicable after receiving notice from the MRO that the covered employee has a verified positive drug test result, or, if the covered employee refuses to submit to a drug test, the supervisor must require that the covered employee cease performance and/or not allow the performance of any safety-sensitive function. Before the employee is allowed to resume performance of safety-sensitive functions, the employee must meet the requirements of return to duty drug testing with a verified negative result.

7.4 Post Accident:

7.41 Fatal Accidents-as soon as practicable following an accident in which a death occurs, each surviving covered employee on duty in the vehicle and any other covered employee whose performance could have contributed to the accident, as determined using the best information available at the time of the decision, will be tested for drugs and alcohol.

7.42 Nonfatal Accidents-Alcohol-All covered employees will be tested for alcohol under the following circumstances:

- (1) when one or more vehicles is disabled and requires a tow from the scene and when any or all of the following conditions exist:
- (2) (a) the covered employee has been issued a citation under state or local laws for a moving traffic violation;
- (b) his/her performance could have contributed to the accident; or
- (c) an individual suffers a bodily injury and receives medical treatment away from the scene of the accident.

Testing will be accomplished within 2 hours following the accident. If testing is delayed beyond 2 hours, reasons for the delay must be documented and forwarded to the Finance Office. Attempts to administer the test will continue up to, but not beyond, 8 hours following the accident.

7.43 Nonfatal Accidents-Drugs-the same parameters as 7.42 above apply to testing for drugs in a nonfatal accident with the exception of the time constraints. A covered employee subject to drug testing will be tested as soon as practicable but within 32 hours of the accident.

7.44 Availability For Testing-any covered employee subject to testing under this section and who fails to remain readily available for testing, including notification of his/her location if departing the scene of the accident prior to submission to a test, may be deemed to have refused to submit to testing. This will not be construed to require the delay of necessary medical attention for injured people or to prohibit a covered employee from leaving the scene for a period necessary to obtain assistance in responding to the accident or to obtain emergency medical care.

7.5 Return To Duty-before assuming duties in a CDL position, any covered employee who has violated the prohibitions concerning the use/misuse of alcohol or substance abuse and has previously tested positive on a drug or alcohol test will undergo a return to duty test with a verified negative result.

7.6 Follow-up Testing-any covered employee who has tested positive for drugs or alcohol and has been evaluated by an SAP must undergo follow-up unannounced testing for a minimum period of 12 months up to a maximum period of 60 months and will be required to have verified negative test results. The frequency and duration of follow-up testing will be recommended by the SAP as long as a minimum of 6 tests are conducted during the first 12 months after the employee has returned to duty. If a covered employee has tested positive for either drugs or alcohol, the City may require the covered employee to test negative for both drugs and alcohol. Any covered employee who is subject to follow-up testing will also continue to be subject to random testing.

7.7 Transportation To Test Site-at no time will any covered employee who is suspected of being under the influence of drugs or alcohol be allowed to transport him/herself to the test site. The supervisor or designee will make appropriate arrangements for the employee to be transported to the test site.

7.8 Test Scheduling-during the normal business hours of the Finance Office, all test scheduling for drug/alcohol testing will be coordinated through the Finance Office. In the event a supervisor determines reasonable suspicion exists or an accident occurs after normal hours of the Finance Office, the supervisor will call the testing facility to arrange for completion of testing. The supervisor will report the incident in writing to the Finance Office the next business day.

7.9 Costs for Drug/Alcohol Testing and SAP Mandated Treatment-all charges for pre-employment, random, negative reasonable suspicion and negative post accident drug/alcohol testing will be paid by the City. All charges for positive reasonable suspicion, positive post accident, return to duty, and follow-up drug/alcohol testing, and all SAP mandated treatment will be paid by the employee.

8.0 REFUSAL TO SUBMIT TO TESTING:

Conduct that constitutes a refusal to submit to a drug and/or alcohol test includes (1) refusal to take a test, (2) the covered employee's inability to provide sufficient quantities of breath or urine to be tested without a valid medical explanation, (3) providing false information in connection with a test, attempting to falsify test results through tampering, contaminating, adulterating, or substituting the specimen or collection procedure, (4) not reporting to the collection site within the time frame allotted, or (5) leaving the scene of an accident without a valid reason before required testing has been conducted. Any covered employee who exhibits the behaviors described in this paragraph, will be immediately removed

from duty. Refusals, as defined herein, will be construed as a positive test result and will result in the same consequences applicable to an actual positive test. As well, refusals will be considered as insubordination.

9.0 DRUG/ALCOHOL TESTING PROCEDURES:

- 9.1 Testing Facilities-testing will be conducted in a manner that assures adherence to all standards of confidentiality of test specimen collection, test results, and release of records, assures the privacy of a tested employee is protected, assures a high degree of accuracy and reliability, and utilizes techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (DHHS) and the DOT. Testing may be conducted at any site, including laboratory facilities or field specimen collection sites, deemed necessary to achieve the testing requirements.
- 9.2 Drug Testing-an initial drug screen will be conducted on each specimen as per the procedures in 49 CFR Part 40 of the federal regulations. The test will be considered positive if the amounts present are above the minimum thresholds established in 49 CFR Part 40. In the event of a positive result, the applicant or covered employee will have 72 hours in which to request a confirmatory gas chromatography/mass spectrometry (GC/MS) test
- 9.3 Alcohol Testing-testing for the presence of alcohol will be conducted by a certified BAT using an approved EBT. In limited circumstances, generally involving an accident, alcohol testing may be performed at the accident site by law enforcement personnel trained in the use of and utilizing an approved EBT.
- 9.4 Test Results-the laboratory and/or BAT will use procedures to ensure that all drug and/or alcohol test results are attributed to the correct safety-sensitive employee.
- 9.5 Confidentiality/Access To Records-the City will take appropriate measures to ensure that the confidentiality of test results and access to records are strictly maintained. Test results and records may be released only under the following circumstances:
 - 9.51 release of information or copies of records to third parties as directed by specific, written instruction from the employee;
 - 9.52 as pertaining to the proceeds of a lawsuit, grievance, or other proceeding initiated by or on behalf of the tested employee;
 - 9.53 upon written request from any employee relating to his/her test;
 - 9.54 as requested by DOT or any DOT agency with regulatory authority over the City or any of its employees.

10.0 CONSEQUENCES OF THE USE OF DRUGS/MISUSE OF ALCOHOL:

Any covered employee who has a confirmed positive drug or alcohol test will be removed from his/her position and will be subject to the consequences as detailed in this section.

- 10.1 Drugs-any covered employee who has a confirmed positive drug test will be removed from his/her position, informed of available educational and rehabilitation programs, and be referred for evaluation by an SAP who will determine whether the covered employee is in need of assistance in resolving problems associated with prohibited drug use. The cost of any such education, rehabilitation, and evaluation shall be the responsibility of the employee. At a minimum, the employee will not be allowed to return to his/her position until he/she has been evaluated and released to return to duty by the SAP.
- 10.2 Alcohol-any employee who has engaged in prohibited conduct will not be permitted to perform safety-sensitive functions. If the initial test indicates an alcohol concentration of 0.02 or greater, a

second test will be performed to confirm the results of the initial test. An employee who has a confirmed alcohol concentration of greater than 0.02 but less than 0.04 will be removed from his/her position for 8 hours unless a retest results in a concentration measure of less than 0.02. An alcohol concentration of 0.04 or greater will be considered a positive test and will result in referral to an SAP. The cost of any such education, rehabilitation, and evaluation shall be the responsibility of the employee. At a minimum, the employee will not be allowed to return to his/her position until he/she has been evaluated and released to return to duty by the SAP.

10.3 Treatment Requirements-under certain circumstances, safety-sensitive employees may be required to undergo treatment for substance abuse/misuse. Such treatment will be at the employee's expense. Any safety-sensitive employee who refuses to undergo or fails to comply with requirements for treatment, after care, or return to duty will be subject to disciplinary action, up to and including termination.

10.4 Continuation Of Employment-any covered employee who tests positive for drugs and/or alcohol will be subject to disciplinary actions up to and including termination. In accordance with City standards, violations of this policy may result in termination of employment.

11.0 TRAINING:

Training related to the effects of drugs and alcohol will be conducted by the Finance Office, and/or others selected by the City who are qualified to provide instruction. All covered employees will be required to participate in drug/alcohol training as follows:

11.1 Supervisors who make reasonable suspicion determinations will participate in a minimum of one hour of training each on the physical, behavioral, and performance indicators of probable drug use and alcohol misuse;

11.2 Covered employees, including new hires and transferees to safety-sensitive positions, will participate in training on the effects and indicators of drug use and will receive, at a minimum, printed information concerning the effects of alcohol misuse on the employee's health, work, and personal life and signs and symptoms of an alcohol problem;

11.3 All covered employees will be provided copies of the City's alcohol misuse and drug abuse policy and procedure and written information regarding the effects of drug and alcohol misuse/abuse. Additionally, information regarding the prohibited drug use and alcohol misuse policy and program will be prominently displayed in all work areas in which covered employees perform safety-sensitive functions.

12.0 EFFECTS OF ALCOHOL MISUSE:

Alcohol abuse and misuse has a devastating impact on the workplace, the individual and his/her personal health, and the family unit. The signs and symptoms of alcohol use include dulled mental processes, lack of coordination, odor of alcohol on breath, possible constricted pupils, sleepy or stuporous condition, slowed reaction rate, or slurred speech. The employee personally can suffer chronic and deteriorating health consequences such as dependency, fatal liver disease, increased cancers of various body parts, kidney disease, pancreatitis, spontaneous abortion and neonatal mortality, ulcers, birth defects in unborn infants, malnutrition, tremors, and despair or depression. Social issues that are affected by alcohol use include homicides, motor vehicle accidents, suicides, family stability, increasing the chances of domestic violence, and impacting financial well-being. In the workplace, alcohol affects an employee's ability to perform his/her job by impairing the person's reasoning and motor skills, increases the incidents of absenteeism, and jeopardizes the safety of the employee, coworkers, and the public. A person who is legally intoxicated is 6 times more likely to have an accident than a sober person. When an employee is suspected of or self-identifies an alcohol problem, help is available. Any employee who believes he/she has an alcohol-related problem is encouraged to contact his/her supervisor, the Personnel Department, or other competent professional assistance for guidance and referral to assistance. All contacts are held in the strictest of confidence.

13.0 IMPACT OF AMERICANS WITH DISABILITIES ACT (ADA):

In accordance with the provisions of the Americans With Disabilities Act of 1990, any applicant or covered employee who tests positive for the use of illegal drugs is not "a qualified individual with a disability". Under Title I of the ADA, the City may deny employment to or discharge any individual who has a positive result on a DOT-mandated drug test. However, a qualified applicant or covered employee who has completed a rehabilitation program for drugs or alcohol and who is currently drug or alcohol free may be considered to have a disability and may be entitled to reasonable accommodation. Determinations will be made by or in cooperation with the SAP on a case by case basis. All questions regarding the provisions of the ADA should be directed to the Finance Office.

14.0 RETENTION OF RECORDS:

The City in cooperation with any contracted drug and alcohol service agency will maintain records of its anti-drug and alcohol misuse programs. Records are maintained, with controlled access, in the Finance Office and any contracted drug and alcohol service agency.

15.0 PROPER APPLICATION OF POLICY:

Supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the provisions of the federal regulations or this policy, or who is found to deliberately misuse the policy with regard to subordinates, will be subject to disciplinary action, up to and including termination.

16.0 CONTACT DEPARTMENT:

Any questions regarding implementation of the federal regulations, the contents of this policy, and available assistance to the drug/alcohol impaired employee should be directed to the following department:

City of Watertown Finance Office
23 2nd Street NE
Watertown, SD 57201
605-882-6203

17.0 GOVERNING BODY CERTIFICATION:

The City of Watertown, by signature of the Mayor of Watertown, certifies that the City of Watertown has established and implemented an anti-drug and alcohol misuse prevention program in accordance with the terms of 49 CFR parts 653 and 654 (FTA) and Parts 382 et al (FHWA) and further certifies that the employee training conducted meets the requirements of the regulations.