



# Employee Handbook

Effective July 1, 2013

Dear Employee:

We welcome you as an employee of the City of Oskaloosa (City). There are many things about city government and your job that are new to you and may be unclear until you become settled in your new surroundings. We understand this and will work with you to help you resolve the questions or problems you have as you learn your job and the way the City operates.

To help us to do that, please be familiar with this handbook that has been developed for use by employees. We hope you will find it a useful guide, a ready reference, and a source of information to help you learn about the City and benefits of working here. Of course, no handbook can contain everything you need to know about your job and how the City operates. This handbook explains some of the rules, regulations, and policies of the City, but it is not your only source of information. With the help of your supervisor, you need to familiarize yourself with all policies and practices of the City.

Again, welcome to the City of Oskaloosa. We hope that your experience here will be challenging, enjoyable, and rewarding.

Sincerely,

CITY OF OSKALOOSA

City Manager

## TABLE OF CONTENTS

<b>SECTION I</b> .....	<b>4</b>
<b>ABOUT THIS HANDBOOK AND THE EMPLOYMENT RELATIONSHIP</b> .....	<b>5</b>
<b>GENERAL PROVISIONS</b> .....	<b>6</b>
<b>SECTION II</b> .....	<b>7</b>
<b>OPEN COMMUNICATIONS</b> .....	<b>8</b>
<b>THE OPEN DOOR POLICY</b> .....	<b>8</b>
<b>SECTION III – EMPLOYMENT PRACTICES</b> .....	<b>9</b>
<b>EQUAL EMPLOYMENT OPPORTUNITY</b> .....	<b>10</b>
<b>EMPLOYMENT ELIGIBILITY VERIFICATION FORM PROCESS - I-9</b> .....	<b>10</b>
<b>ADA COMPLIANCE</b> .....	<b>10</b>
<b>GINA COMPLIANCE</b> .....	<b>11</b>
<b>EMPLOYMENT OF RELATIVES</b> .....	<b>11</b>
<b>RESIDENCY</b> .....	<b>121</b>
<b>MEDICAL EXAMINATIONS</b> .....	<b>12</b>
<b>EMPLOYEE LICENSES AND CERTIFICATIONS</b> .....	<b>12</b>
<b>JOB POSTING</b> .....	<b>12</b>
<b>CLASSIFICATION OF EMPLOYEES</b> .....	<b>13</b>
<b>APPLICATION AND RESUME DISHONESTY</b> .....	<b>14</b>
<b>INTRODUCTORY PERIOD</b> .....	<b>14</b>
<b>PROMOTIONS</b> .....	<b>14</b>
<b>REHIRE</b> .....	<b>15</b>
<b>EMPLOYEE RECORDS AND PRIVACY</b> .....	<b>15</b>
<b>TERMINATION OF EMPLOYMENT</b> .....	<b>16</b>
<b>EXIT INTERVIEW</b> .....	<b>16</b>
<b>SECTION IV – SAFETY/SECURITY</b> .....	<b>17</b>
<b>YOUR SAFETY</b> .....	<b>18</b>
<b>ACCIDENTS/JOB-RELATED INJURIES</b> .....	<b>18</b>
<b>TEMPORARY MODIFIED DUTY</b> .....	<b>19</b>
<b>SECURITY</b> .....	<b>20</b>
<b>WORKPLACE PRIVACY AND SEARCHES</b> .....	<b>20</b>
<b>SECTION V - GENERAL PERFORMANCE GUIDELINES</b> .....	<b>22</b>
<b>CITY MANAGER DUTIES</b> .....	<b>23</b>
<b>PERSONAL CONDUCT</b> .....	<b>23</b>
<b>CORRECTIVE ACTION FOR UNACCEPTABLE PERFORMANCE/BEHAVIOR</b> .....	<b>24</b>
<b>SEXUAL AND OTHER FORMS OF HARASSMENT</b> .....	<b>25</b>
<b>WORKPLACE VIOLENCE</b> .....	<b>27</b>
<b>COOPERATION IN INVESTIGATIONS</b> .....	<b>28</b>
<b>POLITICAL ACTIVITY</b> .....	<b>28</b>
<b>ATTENDANCE AND PUNCTUALITY</b> .....	<b>29</b>
<b>PERSONAL APPEARANCE AND CLEANLINESS</b> .....	<b>30</b>
<b>COURTESY, SERVICE AND QUALITY</b> .....	<b>30</b>
<b>CONFIDENTIAL INFORMATION</b> .....	<b>30</b>
<b>TELEPHONE/FAX USE</b> .....	<b>31</b>

ELECTRONIC MAIL & COMPUTER PRIVACY POLICY.....	31
LOADING & INSTALLING OF COMPUTER SOFTWARE POLICY .....	32
COMPUTER AND INTERNET USE .....	32
SMOKING POLICY .....	35
ALCOHOLIC BEVERAGES.....	35
DRUG FREE WORKPLACE.....	35
DRUG TESTING.....	36
TRAFFIC VIOLATIONS .....	38
CITY VEHICLES, EQUIPMENT AND FACILITIES .....	38
FLEET SAFETY .....	39
SUPPLEMENTAL EMPLOYMENT .....	44
CONFLICT OF INTEREST.....	44
GIFTS .....	45
PERSONAL MAIL.....	46
OFFICIAL LETTERS .....	46
SOLICITATION.....	46
FOOD AND DRINK AT WORKSTATIONS .....	47
PERSONAL VISITS.....	47
INCLEMENT WEATHER.....	47
TRAINING, CONFERENCES AND TRAVEL.....	48
USE OF PERSONAL VEHICLE FOR CITY BUSINESS.....	48
NOTIFICATION OF ARRESTS AND OTHER GOVERNMENT ACTION .....	48
<b>SECTION VI – PAY PRACTICES AND HOURS OF WORK.....</b>	<b>50</b>
PAY, PERFORMANCE APPRAISAL AND PAY REVIEW .....	51
HOURS OF WORK .....	51
OVERTIME.....	51
CLASSIFICATION PLAN .....	52
PAY PLAN.....	54
HOLIDAY PAY.....	56
TERMINATION PAY .....	57
LAYOFF PROCEDURES .....	57
<b>SECTION VII - BENEFITS.....</b>	<b>58</b>
YOUR EMPLOYEE BENEFIT PLANS .....	59
TAX STATUS OF BENEFIT PAYMENTS .....	59
INSURANCE .....	59
CONTINUATION OF MEDICAL COVERAGE.....	60
RETIREMENT, PENSION PLANS .....	61
HOLIDAYS OBSERVED.....	61
VACATION .....	61
SICK LEAVE.....	63
LEAVES OF ABSENCE.....	64
GENERAL MEDICAL LEAVE.....	64
INJURY LEAVE.....	65
FAMILY AND MEDICAL LEAVE .....	65
PREGNANCY LEAVE .....	74

FUNERAL LEAVE.....	74
JURY AND WITNESS LEAVE .....	74
MILITARY LEAVE.....	74
VOTING LEAVE .....	76
PERSONAL LEAVE WITHOUT PAY.....	76
UNPAID LEAVES OF ABSENCE .....	76
UNIFORMS.....	77
VOLUNTEERS .....	77
EMPLOYEE ASSISTANCE PROGRAM (EAP).....	78
<b>ADDENDUM</b>	
DEFINITIONS.....	1

**SECTION I**

**ABOUT THIS HANDBOOK  
AND THE  
EMPLOYMENT RELATIONSHIP**

## **ABOUT THIS HANDBOOK AND THE EMPLOYMENT RELATIONSHIP**

ALTHOUGH THE CITY OF OSKALOOSA HAS DISTRIBUTED THIS HANDBOOK TO BE HELPFUL, YOU SHOULD UNDERSTAND THAT NEITHER THIS HANDBOOK NOR ANY RULES, REGULATIONS, OR POLICIES CONTAINED IN THIS HANDBOOK OR OTHERWISE EXPLAINED TO YOU CONSTITUTE AN EMPLOYMENT CONTRACT. YOU ARE TO BE AWARE OF AND UNDERSTAND THE FACT THAT YOU MUST CONFORM TO THE RULES, REGULATIONS, AND POLICIES OF THE CITY, AND THAT THE EMPLOYMENT RELATIONSHIP IS ON AN “AT-WILL” BASIS THAT CAN BE TERMINATED EITHER WITH OR WITHOUT REASON, EITHER WITH OR WITHOUT NOTICE, AT ANY TIME, AT THE OPTION OF EITHER YOU OR THE CITY. NO REPRESENTATIVE OF CITY OF OSKALOOSA, EXCEPT THE CITY COUNCIL OR ITS DELEGATED REPRESENTATIVE HAS THE AUTHORITY TO ENTER INTO AN AGREEMENT FOR EMPLOYMENT FOR ANY SPECIFIED PERIOD OF TIME OR TO MAKE ANY AGREEMENT CONTRARY TO THIS RULE.

The information contained in this handbook is presented for the benefit of all present and future employees. Our intent is to supply as much information as possible concerning City practices, benefits, regulations and rules of conduct. The City is committed to periodically reviewing this information and reserves the right to revise, change, correct and update this handbook at any time. When this happens, we will provide you with the changes or replacements to the handbook.

All employee handbooks and employee handouts issued prior to July 1, 2013 are replaced by this handbook. Documents issued prior to this date should be discarded.

## GENERAL PROVISIONS

The City of Oskaloosa is an Equal Opportunity Employer. It is the policy of the City of Oskaloosa that the employment in City government shall be based on merit and fitness. No discrimination shall be exercised in any manner by any City official or employee against or in favor of any applicant for city employment, or any employee for promotion or discipline because of his/her political or religious opinions or affiliations, or because of his/her race, creed, color, national origin, religion, marital status, age, sex, sexual orientation, gender identity, genetic information, disability, status as a military veteran, or any other characteristic protected under federal, state or local law. An applicant or employee shall be considered solely on the basis of his/her qualifications as required by the position he/she seeks or holds relative to experience, training, personal and physical fitness, abilities, skills and knowledge. Just and equitable incentives and conditions of employment are to be maintained to promote efficiency and economy in the operation of City government.

The City Manager is responsible and has authority for the administration of the personnel rules and regulations contained herein and may from time-to-time issue administrative directives interpreting and implementing the terms of these rules and regulations.

The personnel rules, regulations, policies, and practices contained herein shall apply to all employees of the City, except that when conflict exists with negotiated agreements with bargaining units, with Civil Service rules and regulations as they apply to police officers and firefighters, with other State statutes, Federal laws, or with City ordinances such Civil Service rules and regulations, negotiated agreements, State statutes, or City ordinances shall govern.

Consistent with the rules, regulations, policies and practices contained herein and subject to the approval of the City Manager, the various departments of the City may promulgate rules and regulations to govern individual departmental operations and procedures.

Amendments to these rules may be proposed to the City Council by the City Manager, and such amendments shall become effective as directed by the City Council.

Each regular full-time and regular part-time employee shall receive a copy of the Employee Handbook at the time of employment and shall sign an "Employee Acknowledgement Form" that such was received. Copies of amendments to the Employee Handbook will be distributed after official approval of the Mayor and City Council. Employees shall sign an "Acknowledgement of Change" form that documents the amendments were received.

**SECTION II**

**OPEN COMMUNICATION**

## **OPEN COMMUNICATIONS**

Communication is the primary path to understanding between individuals – something essential to accomplishment, progress, and personal satisfaction. Your immediate supervisor is responsible for passing along your ideas that will help the City. And when you have a question, your immediate supervisor is there to try to obtain a satisfactory answer for you.

## **THE OPEN DOOR POLICY**

FOR PEOPLE TO WORK TOGETHER EFFECTIVELY THERE MUST BE A FRIENDLY, CONGENIAL ATMOSPHERE BASED ON MUTUAL TRUST AND RESPECT. YET, IN ALL HUMAN RELATIONSHIPS, THERE ARE BOUND TO BE OCCASIONAL MISUNDERSTANDINGS AND DISAGREEMENT. IT IS IMPORTANT THAT THESE BE RESOLVED WITHOUT DELAY.

In most cases, this is a simple matter, handled easily by your immediate supervisor. However, he/she cannot always be expected to provide answers satisfactory to all concerned. The City of Oskaloosa's policy provides recourse to higher authority where that becomes necessary.

In general terms, the policy is simply an attitude of consideration for each individual's viewpoint. More specifically, it invites you to express yourself freely to your immediate supervisor about your job, or about the City's policies. If you have a problem, a misunderstanding, or a request, talk to your immediate supervisor about it. If your immediate supervisor is not able to give you a satisfactory answer, you are free to take your problem to the City Manager. If the City Manager is unable to give you a satisfactory answer, you are free to take your problem to the City Council, who will render a final decision.

When the issue personally involves the immediate supervisor, with whom you would ordinarily discuss a problem, you may bypass that individual and proceed to the next person in authority without fear of reprisal.

**SECTION III**

**EMPLOYMENT PRACTICES**

## **EQUAL EMPLOYMENT OPPORTUNITY**

It is the policy of the City of Oskaloosa to implement equal opportunity to all qualified employees and applicants for employment, without unlawful regard to race, religion, creed, color, sex, age, national origin, sexual orientation (defined as both actual and perceived heterosexuality, homosexuality and bisexuality), gender identity (defined as gender-related identity, regardless of the person's assigned sex at birth), genetic information, disability, status as a military veteran, or any other characteristic protected under federal, state or local law, and positive action shall be taken to ensure the fulfillment of this policy. The obligation includes: hiring, placement, upgrading, transfer, or demotion; recruitment; advertising, or solicitation for employment; treatment during employment; rates of pay or other forms of compensation; selection for training; layoffs or termination.

### **EMPLOYMENT ELIGIBILITY VERIFICATION FORM PROCESS - (I-9)**

The Immigration Reform and Control Act of 1986 requires the City to verify and document both the identity and employment eligibility of all persons hired after November 6, 1986. You are presented an I-9 form to complete and attest you are eligible for employment. The City is required to examine documentation presented by you establishing identity and employment eligibility. Typically, a driver's license and a social security card are used as documentation, although the I-9 form lists other acceptable documentation. The I-9 form will be placed in an I-9 file and retained for the longer of three years or one year after your employment ends.

### **ADA COMPLIANCE**

The Americans with Disability Act (ADA) prohibits discrimination against qualified individuals on the basis of disability. It is the policy of the City of Oskaloosa to comply with the Americans with Disabilities Act (ADA). The City will not discriminate against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment because of that person's physical or mental disability. In compliance with the ADA, the City will consider reasonable accommodations that do not pose undue hardship to the City to enable qualified applicants or employees with disabilities to perform the essential functions of the position. The City encourages applicants or employees to make suggestions regarding reasonable accommodations to their immediate supervisors, Department Heads, or the City Manager.

The applicant or employee claiming to have a disability and requesting an accommodation for that disability shall provide:

Documented medical evidence of the claimed disability.

A written statement of the means of accommodation that would enable the applicant or employee to perform the essential functions of the job that meet City performance standards.

The supervisor, Department Head, or City Manager and a physician, with possible consultation of a counselor or other appropriate professional, will determine the feasibility of the requested accommodation, considering factors, including but not limited to, the nature and cost of the

accommodation requested, the availability of outside funding, the City's overall financial resources, and the accommodation's impact on the operation of the City, including its impact on the ability of other employees to perform their duties. The City will provide reasonable accommodations in compliance with federal and state law as long as such action does not pose an undue hardship.

It is important for employees who might require accommodation to place the City on notice of that fact before job performance or professionalism suffer, and before the employment relationship may be adversely affected. An employee will not be subject to retaliation for seeking a reasonable accommodation. Further, employees will not be discriminated against for notifying the City that they suffer from a qualifying disability.

### **GENETIC INFORMATION NONDISCRIMINATION ACT COMPLIANCE**

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

### **EMPLOYMENT OF RELATIVES**

Relatives of an employee may be employed by the City. However, two members of an immediate family shall not be employed full-time, part-time or seasonal at the same time by the same City department or as department heads. This policy applies to promotions, demotions, transfers, reinstatements and new appointments. The City reserves the right to terminate an employee if conditions develop that creates a relation that violates this section. The City shall permit the hiring of relatives for the Reserve Fire Department and to work at the swimming pool. For purposes of this section only, the immediate family is defined as wife, husband, mother, father, brother, sister, son, daughter, mother-in-law, father-in-law, daughter-in-law, grandchildren, stepmother, stepfather, brother-in-law, sister-in-law, uncle, aunt, niece, nephew, grandparents, and great-grandchildren.

Elected officials shall also comply with the restrictions on hiring close relatives set forth in Iowa Code Chapter 71.

### **RESIDENCY**

Employees need not be residents of the City at the time of hiring. However, to ensure rapid response from emergency service personnel, within 90 days after being hired, a full-time firefighter must establish and occupy a residence in the City or within ten (10) miles of the City Limits, and a police officer must establish and occupy a residence in the City or within ten (10) miles of City Limits. Fire Chief and Police Chief must establish and occupy a residence within the City or within three (3) miles of the City Limits.

For purposes of this policy, residence shall mean the actual domicile of the employee where that employee normally eats and sleeps and maintains the normal personal and household effects necessary for daily living. "Residence" shall not include a place secured solely for the purpose of meeting the requirements of this policy which is maintained in addition to the employee's actual place of residence outside the City's maximum limit.

Employees shall provide proof of residency to the City Manager upon request. Residency requires proof of a physical address, rather than a post office box.

### **MEDICAL EXAMINATIONS**

You may be required to submit to a job-related medical examination when necessary to determine if you are able to perform the essential functions of your position, and to any fitness for duty examinations required by federal, state or local law or City policy. Also, voluntary medical examinations may be conducted as part of the City's employee health programs.

All medical information collected by the City will be maintained in separate confidential files.

### **EMPLOYEE LICENSES AND CERTIFICATIONS**

It is the employee's responsibility to keep any required licenses and/or certifications current. All required licenses and certificates shall be brought to the appropriate Department Head to be copied for the employee's personnel file. Failure to keep required licenses and certifications current may result in termination.

### **JOB POSTING**

Whenever a position becomes available, a notice of such opening will be posted for at least ten (10) calendar days before the deadline for filing an application. The notice will contain the position title, a brief job description, and minimum hiring specifications.

Application forms are available from the City Clerk's office and shall be submitted to the City Clerk's Office. Applicants, including current employees, shall be considered on the basis of job-related qualifications including attitude, skill, ability, past performance, efficiency and disciplinary record. Military service may also be a factor in hiring decisions, as provided by Iowa's Veteran's Preference law.

## CLASSIFICATION OF EMPLOYEES

All employees of the City of Oskaloosa are employed on an “at will” basis. “At will” is defined as an employment relationship that can be terminated at will by either the employee or the City with or without notice, for any reason, or for no reason at all and that there are no expressed or implied agreements with respect to the term of employment.

While you are employed at the City of Oskaloosa on that basis, you will fall under certain employment classifications.

It is the intent of the City to clarify the definitions of those classifications so that you understand your employment status under the “at will” umbrella and benefit eligibility.

You are designated as either NONEXEMPT or EXEMPT under the federal and state wage and hour laws.

**NONEXEMPT-** employees are entitled to overtime pay under the specific provisions of federal and state wage and hour laws.

**EXEMPT-** employees are excluded from specific provisions of federal and state wage and hour laws.

In addition to the above designations, you will belong to one other employment classification:

**REGULAR FULL-TIME:** Employees who are not in a temporary status and who are anticipated to be scheduled to work the City’s full-time schedule, which shall be 35 hours or more per week. Generally, they are eligible for the employer’s full benefit package, subject to the terms, conditions, and limitations of each benefit program.

**REGULAR PART-TIME:** Employees who are not in a temporary status and who are anticipated to be regularly scheduled to work less than the City’s full-time schedule, which is 34 hours or less per week. Regular part-time employees may be eligible for a portion of the employer’s benefit package subject to the terms, conditions, and limitations of each benefit program.

**TEMPORARY/SEASONAL:** Employees hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of an unlimited and indefinite duration. Employment beyond any initially stated period does not in any way imply a change in employment status. “Temporary/Seasonal” employees retain that status until notified of a change. Only legally mandated benefits (such as Social Security and worker’s compensation insurance) are provided to temporary employees.

Classification is not a limitation upon, nor a guarantee of, the number of hours one may be required to work.

## **APPLICATION AND RESUME DISHONESTY AND REFERENCES**

If an employee provides false, inaccurate or incomplete information on an application or resume, or fails to disclose information requested on the application form, the employee may not be eligible for employment.

After an employee is hired, if it is discovered that the employee provided false, inaccurate or incomplete information, or failed to disclose requested information in the application, resume or interview process, the employee may be subject to disciplinary action, up to and including immediate termination of employment.

To ensure that individuals who are employed are well qualified and have a strong potential to be productive and successful, the City's policy is to check the employment references of applicants.

References will be placed in the employee's personnel file. The employee shall not have access to employment references written for the employee, pursuant to Iowa Code Section 91B.2.

## **INTRODUCTORY PERIOD**

The policy of the City of Oskaloosa is to employ applicants who are qualified or trainable for City positions as determined by City standards of education, training, experience, and personal qualifications on an at-will basis.

Although efforts are made initially to employ only those likely to succeed, screening is never completely successful; therefore, all at-will regular employees will participate in an introductory period of 180 days. This period gives the employee an opportunity to become acquainted with the job and gives the City an opportunity to evaluate the employee. All civil service employees shall participate in an introductory period as described in the applicable collective bargaining agreement.

If, at the conclusion of the Introductory Period, it is determined in the judgment of the Department Head that employment should be continued, it will continue on an "at-will" basis.

## **PROMOTIONS**

The City of Oskaloosa considers internal candidates along with external candidates for open positions.

Your progress will be based upon your job performance, management evaluation of your ability to accept more responsibility and the availability of promotional opening. As each new position becomes available, the appropriate supervisor will consider those individuals within the City who may have interest in the position and have prepared and developed themselves so that they fulfill the necessary qualifications. To this end, each employee is responsible for keeping the City informed of his/her career interest and pursuits in continuing education.

## **REHIRE**

Employees who leave the City in good standing will be considered for any position for which they meet minimum qualifications regardless of race, creed, religion, color, sex, age, national origin, sexual orientation, gender identity, genetic information, military veteran status, physical or mental condition or pregnancy or any other disability, or any other protected classification.

If you are a rehire, the City follows the provisions of the Employee Retirement Income Security Act ("ERISA") pertaining to breaks in service in determining eligibility and past credits for retirement benefits. For information pertaining to these provisions, please contact the City Manager.

## **EMPLOYEE RECORDS AND PRIVACY**

### **Employee Records**

The City has a personnel file for each employee which contains job-related information, such as application or resume, employment records, performance reviews, records of job changes, pay information, payroll deductions, education and training records, letter of commendation, and corrective action memos. This information, in addition to attendance records, may be used to determine your qualifications for transfer or promotion within the City.

If there are any changes in your personal information, you should contact the City Manager/City Clerk. It is very important that you keep your records up-to-date.

Personal information about you, except information covered by the Health Insurance Portability and Accountability Act ("HIPAA"), that has little or nothing to do with work performance will be kept in a separate file and will not be available to anyone except the City Manager and authorized personnel. This includes record of personal finances such as wage garnishments, life insurance beneficiaries and other similar types of information. These items are required to administer benefit plans, to meet the City's legal obligations, and to carry out other aspects of personnel administration, but are not necessary for the operating areas.

### **Internal Access**

Internal access to personnel files is extremely limited, and particular attention is paid to the proper use of the information.

### **Record Review Procedure**

You have the privilege of reviewing your personnel file. Also, you may request and receive copies of documents in your personnel file. You shall not have access to any employment references, pursuant to Iowa Code Section 91B.2.

If you wish to review information contained in your personnel file, you should notify the City Clerk. You must complete a "Request to Examine Employee Records" form.

A City representative will be present during the examination. You will be allowed a reasonable amount of time for inspection of the file. You may, at your own expense, request and receive copies of the contents of your file. The City may charge a reasonable fee for copying the requested items.

### **External Disclosure**

External disclosures from your records are extremely limited. Only the City Manager and authorized personnel are authorized to give out any information to prospective employers or anyone seeking any type of information. Without your written authorization, these people will inform prospective employers or other inquirers only of your first and last date of employment and last position held, and will respond that the City is not at liberty to divulge the other requested information. The City will release any information relating to the results of federally required drug tests in accordance with applicable laws.

The City may be compelled to release information deemed to be public information pursuant to Iowa Code Section 22.7(11)(a).

## **TERMINATION OF EMPLOYMENT**

You have the right to terminate your employment at any time, and the City of Oskaloosa retains a similar right. Although you may resign at will, at any time, with or without reason or advance notice, as a courtesy you are requested to provide at least two weeks advance notice whenever possible. All City keys, credit cards (if issued), employee handbook, and any other City property must be returned. A resignation will be considered unsatisfactory if proper notice is not given and/or all City property is not returned.

Refer to Pay Practices Section for information concerning termination pay.

## **EXIT INTERVIEW**

It is our practice to hold exit interviews for full-time employees only. These interviews will be held in private and kept in confidence. We urge you to participate and to be frank and candid. You will be given information about final compensation and your benefit continuation/conversion rights during the exit interview.

**SECTION IV**

**SAFETY/SECURITY**

## YOUR SAFETY

Safety of our employees is of utmost importance to the City. Safe working conditions and practices must be exercised by every employee. Protective wear must be worn when needed and City equipment and property must be maintained and operated safely and within manufacturers' suggested parameters. Employees must follow all safety procedures and policy applicable to the employees' assigned department.

### ACCIDENTS/JOB-RELATED INJURIES

In the event of an accident or sudden illness of an employee, the following steps should be taken:

- (1) The employee's supervisor and/or the persons responsible for safety should be summoned as soon as possible;
- (2) the employee should be made as comfortable as possible, clearing the area of all unnecessary personnel;
- (3) an employee trained in first aid procedures, if available, should be summoned so that appropriate first aid can be administered;
- (4) an ambulance, if necessary, should be called by the office for special emergency treatment at a local hospital.

These accident procedures must be followed to ensure safety for all employees.

After an accident on the job involving an employee, the "Employer's First Report of Injury" form is to be completed. The law requires that the City keep records on all accident injuries to employees. The employee should relate time, location, incident, nature of injury, and indicate if there were witnesses. All employees are expected to cooperate in supplying the information needed to complete this form.

In a non-emergency, first report to your supervisor. Your supervisor will recommend that you have first-aid treatment or go to a local physician or hospital. Don't neglect an injury, an illness, or any health problem because it seems slight.

#### **Coverage**

To provide for payment of your medical expenses and partial salary continuation in the event of a work-related injury or illness, employees other than police and firefighters are covered by workers' compensation insurance. The workers' compensation laws of the State of Iowa determine how employees receive medical care and how they are paid for lost work time as a result of a work-related injury or illness. You will be required to see a physician designated by the City for work-related injuries or illness.

### **Income Replacement**

Generally, an employee who is eligible for workers' compensation may use sick leave for scheduled work days lost during the first three (3) days following the injury or illness. If the employee continues to be eligible for workers' compensation, the employee will be paid by the workers' compensation carrier at the State of Iowa workers' compensation rate of pay starting on the fourth day of the disability. If the employee is off work for more than 14 calendar days, the insurance carrier will then pay for the first three (3) days following the illness or injury. The City will then deduct the pay for those first three days from the employee's next regular payroll check and reinstate sick leave hours used.

An employee may, upon his or her own election, choose to use accumulated sick leave, vacation, or compensatory time *in lieu of* workers' compensation if the employee requests the election in writing. The City will then compensate the employee according to his or her available sick leave, vacation or compensatory time payment. The employee's accumulated sick leave, vacation, or compensatory time will be reduced accordingly. If the employee exhausts available sick leave, vacation or compensatory time or if the employee provides the City Manager with a written request to discontinue the use of such leave in lieu of workers' compensation and the employee continues to be eligible for workers' compensation, the employee will be paid by the workers' compensation carrier at the State of Iowa workers' compensation rate of pay starting on the next day of the disability.

### **Workers' Compensation and FMLA**

A workers' compensation absence may constitute a leave covered by the Family and Medical Leave Act (FMLA). Workers' compensation leaves will run concurrently with applicable FMLA leaves in cases where a temporary modified duty assignment is not available, or where the employee has refused a temporary modified duty assignment.

### **Return to Work**

Before returning to work, an employee who has been receiving Workers' Compensation benefits must submit evidence satisfactory to the City that the employee is safely able to return to work.

## **TEMPORARY MODIFIED DUTY**

### **Eligibility**

Temporary modified duty assignments may be made by the City for employees with work-related injuries or illnesses who are covered by workers' compensation or for qualified individuals with disabilities or non-work-related injuries or illnesses that prevent them from performing their normal job duties. In either case, eligibility for modified duty is limited to employees for whom the assignment would be a progressive step in their return to work.

An employee with a job-related injury or illness who refuses a modified duty assignment will lose workers' compensation payments and will be placed on an unpaid FMLA leave if the employee's condition qualifies as a serious health condition and the employee is eligible for leave under that policy. At that point, the employer will substitute accrued paid leave from the date the Workers' compensation benefits cease.

### **Duration of Modified duty Assignments**

Assignment of modified duty tasks within an employee's medical restrictions is intended to be for a temporary duration determined by the City. Modified duty assignments will be documented with a list of the functions assigned and the duration of the assignment. Temporary modified duty assignments are not intended to become regular assignments.

### **Medical Certification**

Before assigning temporary modified duty, the City will require medical certification from the employee's physician or other health care provider that the employee is unable to perform his or her normal job duties within medical restrictions, and that the employee is able to perform the proposed modified duty assignment within medical restrictions. At the conclusion of the modified duty assignment, the City will require fitness-for-duty medical certification to determine whether the employee is able to return to his or her normal job duties.

### **Return to Work after Modified duty**

If, at the end of the temporary modified duty assignment, the employee is able to perform his or her normal job duties without posing significant risk of harm to his or her health or the safety or health of others, the employee may return to his or her normal position. If, at the end of the temporary modified duty assignment, the employee is not able to perform his or her normal job duties without posing significant risk of harm to his or her health or the health or safety of others, the City will review the employee's medical condition and determine whether the individual is a qualified individual with a disability and whether the employee's work restrictions can be reasonably accommodated to allow the employee to return to work. Possible reasonable accommodations include job restructuring or unpaid leaves of absence. If no reasonable accommodation is available to return the employee to his or her previous position, the City will then consider transferring the employee to a vacant position for which the employee is qualified.

## **SECURITY**

You should make sure nothing is left about after work hours that could be lost or discarded. It is your responsibility to safeguard pertinent information.

You should clean up your own work area. Secure tools and portable equipment before leaving at the end of each day; and if a fellow employee has left something of importance laying about, you should put it in a safe place as well. His or her laxity does not relieve anyone of the duty to protect pertinent information and valuable tools and equipment.

The City is not responsible for lost or stolen personal property or money. The employee is encouraged to leave valuables at home.

## **WORKPLACE PRIVACY AND SEARCHES**

The City attempts to maintain equipment and supplies that permit work to be accomplished in the most efficient and effective manner possible. While employees are encouraged to use these items, it is

important to understand that these are city property and are only to be used for conducting city business.

As part of your employment, a desk, workspace, computer, cellular telephone, and city vehicle may be made available to you. The desk, workspace, computer, cellular telephone and city vehicle are city property. Because the City has provided you with this property to accomplish work-related goals, any and all city property is subject to being inspected by the City at any time, with or without notice to you.

**SECTION V**

**GENERAL PERFORMANCE GUIDELINES**

## **CITY MANAGER DUTIES**

Subject to the provisions of the Home Rule Charter, the City Manager shall have the power to employ, reclassify or remove all employees of the city except the City Attorney and the City Clerk and except as provided herein subject to the provisions of applicable local, state, and federal laws.

Subject to the approval of the City Council, the City Manager shall fix compensation to be paid to all employees of the city except for the City Attorney and the City Clerk.

In the case of emergencies, extraordinary circumstances or until a termination conference, the City Manager may immediately suspend the employment of an employee either with or without pay.

## **PERSONAL CONDUCT**

The success of the City of Oskaloosa depends upon the confidence and respect employees generate while in their offices or at their workstations, representing the City at a business function, or in social gatherings. You must be able to work with others, to comply with the rules and regulations of the City, to adjust to change, and to promote the best interests of the City. Where conduct does not meet expectation, corrective action, which could include termination, will take place.

It is impossible to provide an exhaustive list that identifies every type of conduct that may result in corrective action. Notwithstanding this list, all employees remain employed "at-will."

However, in order to offer you some guidance, the following list provides examples of conduct, which are not all inclusive, that may result in corrective action up to and including discharge:

- poor job performance
- sexual and other forms of harassment
- disregard of City policies and procedures
- disclosure of business information, including intentional or unintentional unauthorized disclosure of city employee, client, customer or city confidential information
- unauthorized possession of confidential information or removal of confidential information from the workplace
- possession, distribution, sale, use or being under the influence of alcoholic beverages or illegal substances while on City premises or worksites, while on duty, or while operating a vehicle leased or owned by the City; however, the consumption of alcoholic beverages on the premises or during working hours as part of an organized function approved by the City Council is permitted.
- misconduct (such as theft, falsification of records, assault, insubordination, fighting, defacement of property, etc.)
- excessive absenteeism, tardiness; failure to report for, or call in, to work, including failure to return from a leave of absence
- having unauthorized firearms on City premises or while on City business
- violating a City safety rule or practice or creating or contributing to unsafe, unhealthy, or unsanitary conditions, including smoking violations.

- failing to maintain confidentiality of City, client, patient, or customer information.
  - failing to maintain necessary licenses and/or certifications.
  - failing to maintain required motor vehicle insurability.
  - failing to report an accident or incident.
  - failing to report damage to city owned or leased equipment.
  - failing to maintain and properly care for city owned or leased equipment.
  - engaging in on- or off-duty conduct that would impair, limit, or prohibit employee from fulfilling the essential functions of position.
  - unauthorized alteration to an electronic or printed city record or falsifying an electronic or printed city record.
- 
- engaging in criminal conduct or acts of violence, or making threats of violence toward anyone on City premises or when representing the City. Obscene or abusive language toward any manager, employee or customer; indifference or rudeness toward a customer, fellow employee, or manager; any disorderly/antagonistic conduct on City premises, including fighting or horseplay.
- 
- dishonesty; willful falsification or misrepresentation on your application for employment or other work records; lying about sick or personal leave; falsifying reason for a leave of absence or other data requested by the City; alteration of City records or other documents, including time cards.

### **CORRECTIVE ACTION FOR UNACCEPTABLE PERFORMANCE/BEHAVIOR**

It is important that you perform to the best of your abilities at all times. There may be occasions, however, where you may perform at an unsatisfactory level, violate a policy, or display inappropriate behavior. As previously noted, employment may be terminated at will by you or the City at any time with or without reason and without following any system of corrective action. Nevertheless, the City may choose to exercise its discretion to utilize forms of corrective action that are less severe than termination in certain cases to give you advance notice, whenever possible, of problems with your performance or behavior in order to provide you an opportunity to correct the problem. Examples of such less severe forms of corrective action include verbal warnings, written warnings, probationary action/suspension, and demotion.

Although one or more of these steps may be taken in connection with a particular employee, no formal order or system is necessary. The City may also terminate the employment relationship without following any particular series of steps whenever it determines, in its own discretion, that such action should occur.

Because facts and circumstances can vary widely, and are sometimes unique to a particular situation, the action that is taken in one situation should not be construed as setting a precedent for any other situations.

**Verbal Warning:** The verbal warning is an opportunity for a supervisor to inform an employee of deficient performance, conduct or any other matter affecting their employment at the City of

Oskaloosa. At this time, the supervisor may suggest ideas and answers to assist the employee in improving his/her work. This warning will be in writing and signed by the supervisor, the employee will also be asked to sign to verify that the issue or conduct was discussed with the employee in warning form.

**Written Warning:** If satisfactory improvements are not made following a verbal warning or if new or additional performance or conduct deficiencies develop, the employee may receive a Written Warning. This may result in the employee being suspended without pay and will serve as notice that further deficient performance or problems will result in the employee being discharged from employment at the City of Oskaloosa. The employee will also be asked to sign the written warning to verify that the issue or conduct was discussed with the employee in written warning form.

**Termination of Employment:** Termination of employment may be done at any time as the first, second or third step in the disciplinary process. If satisfactory improvements are not made by the employee after a verbal and/or written warning, or if, at the City's discretion, preliminary warnings are not warranted.

If the employee, for any reason, refuses or is unable to sign any of these warning forms, the supervisor will note the date it was offered and discussed with the employee and the reason the employee did not sign the document (e.g. refusal: absence). All disciplinary forms will be kept in the employee's personnel file. Signing a disciplinary form only indicates that the employee has been advised of the problem and has read the form. If an employee being disciplined refuses to sign the document, the employee's supervisor should obtain a written signature of a witness to verify the employee's refusal to sign the document.

Prior to termination, the City Manager, and if appropriate, the department head, shall hold a termination conference with the employee. The employee shall be given notice of the conference at least three working days before the conference is held. At such conference the reason for the proposed termination will be disclosed to the employee and the employee will be given an opportunity to respond. After the conference the City Manager may proceed with termination by sending a written notice of the termination to the employee, either in person or by regular U.S. mail.

In the case of all non-civil service department heads, with the exception of the City Clerk and the City Attorney, the City Manager shall hold a termination conference with said department head. The employee shall be given notice of the conference at least three working days before the conference is held. At such conference the reason for the proposed termination will be disclosed to the employee and the employee will be given an opportunity to respond. If the City Manager proceeds with termination, a written notice of termination shall be provided to the department head, either in person or by regular U.S. mail.

## **SEXUAL AND OTHER FORMS OF HARASSMENT**

The City of Oskaloosa is committed to providing a work environment that is free of discrimination. Actions, words, jokes, or comments based on an individual's sex, race, ethnicity, age, religion, sexual orientation, gender identity, genetic information, disability, military veteran status, or any other legally-protected characteristic are unacceptable when they are considered offensive by an employee.

## **Sexual Harassment**

As an example, sexual harassment, (both overt and subtle) can serve to create an offensive work environment and is thus prohibited. Sexual harassment means unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made, explicitly or implicitly, a term or condition of an individual's employment.
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual.
- Such conduct has the purpose or effect of unreasonable interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

**Sexual harassment may consist of a variety of behaviors, including, but not limited to the following examples:**

1. Verbal conduct such as sexual innuendo, suggestive comments, jokes of a sexual nature, sexual propositions, or threats;
2. Non-verbal or visual materials such as derogatory posters, photography, graffiti, cartoons, drawings, or gestures;
3. Physical conduct such as unwelcome touching, hugging, kissing, coerced sexual contact or assault;
4. Threats or demands to submit to sexual requests in order to keep your job or receive some job-related benefit; or
5. Retaliation for reporting or threatening to report harassment.

**Harassment based on race, color, religion, creed, age, gender, sex, sexual orientation, gender identity, national origin, or disability or any other legally-protected characteristic** may include, but is not limited to the following:

- 1) Epithets, slurs, joke and name calling, negative stereotyping, or threatening, intimidating or hostile acts, which relate to race, color, religion, creed, age, gender, sex, sexual orientation, gender identity, national origin, or disability or any other legally-protected characteristic.
- 2) Written or graphic material that ridicules, defames or shows hostility or aversion toward an individual or group because of race, color, religion, creed, age, gender, sex, sexual orientation, gender identity, national origin, or disability or any other legally protected characteristic and that is placed on walls, bulletin boards, or elsewhere on the City of Oskaloosa premises, or that is circulated in the workplace.

## **Procedures**

1. Any employee who has a complaint of harassment at work, by anyone, including supervisors, department heads, co-workers, or visitors to the workplace, should immediately bring the problem to the attention of their immediate supervisor, or to the City Manager.
2. The person receiving a complaint of harassment shall notify no later than the next working day the City Manager who will promptly name an impartial investigator. Investigations will be conducted in a timely manner. Confidentiality will be maintained to the extent that is possible.
3. Investigation of a complaint normally will include conferring with the parties involved and any named or apparent witnesses. All employees shall be protected from coercion, intimidation, retaliation, interference, or discrimination for filing a complaint under this policy, participating in an investigation, or filing a complaint with a state or federal agency.
4. If the employee feels that the matter has not been adequately resolved he/she may take the matter to the City Manager (in the case of initially reporting it to the immediate supervisor) or to the City Council or appropriate governing body (in the case of initially reporting it to the City Manager) to be reviewed. A review of the matter will be undertaken and a determination will be made as soon as practical and communicated to the employee.
5. Any employee determined after investigation to have harassed another employee will be subject to appropriate disciplinary procedures depending upon the severity of the behavior, up to and including termination. The City Manager will take appropriate action intended to punish the offender and to prevent further harassment.
6. In the event a non-employee subjects an employee to harassment in the workplace, the employee's immediate supervisor or the City Manager will inform the non-employee of the City's policy against harassment. Other action will be taken as appropriate.

## **WORKPLACE VIOLENCE**

The City of Oskaloosa does not tolerate acts of workplace violence. The City strictly prohibits employees from making threats or engaging in violent acts. This is a zero tolerance policy meaning that the City will terminate any employee who violates this policy.

Prohibited conduct includes, but is not limited to injuring another person physically; engaging in behavior that subjects another individual to extreme emotional distress; possessing, brandishing, or using a weapon while on City premises or engaged in City business; damaging property intentionally; threatening to injure an individual or damage property; and committing injurious acts motivated by or related to domestic violence or sexual harassment.

## COOPERATION IN INVESTIGATIONS

All employees are required to fully cooperate with any representative of the City who is conducting a work-related investigation. Employees will be disciplined for lying to any representative of the City, or providing information to any representative of the City which is dishonest, misleading, inaccurate, or incomplete.

Employees will also be disciplined for impeding, obstructing, or failing to cooperate with an inquiry or investigation conducted by any representative of the City. "Obstructing" includes, but is not limited to, threatening, intimidating, or coercing other individuals who may be contacted by a representative of the City, and discouraging other individuals who may be contacted by a representative of the City from responding to or cooperating with the City. "Failing to cooperate" includes, but is not limited to, failing to provide information, documents, or materials requested by a representative of the City, and providing information, documents, or materials to a representative of the City which are dishonest, misleading, inaccurate, or incomplete.

## POLITICAL ACTIVITY

### Hiring and Retention

City employees shall not be appointed or retained on the basis of their political activity. No employee shall be deprived of employment solely because that person is a member or an officer of a political party, committee or organization.

### City Elections

City employees shall not be coerced to take part in political campaigns, to solicit votes, to levy, contribute or solicit funds or support, for the purpose of supporting or opposing the appointment or election of a candidate for any City office.

### General Activities

No employee during regular assigned working hours, in a City uniform and/or while using City vehicles and/or equipment may engage in any political activity.

No equipment, personnel, or City facility that is not normally accessible to the public may be used or permitted for use for political activities or for furthering the election or defeat of any candidate for federal, state or local public office. No endorsement may be given that involves any display of City insignia or logo, the use of any City equipment or property, or involves any employee when on-duty. Any employee may give endorsements or support political activity when off-duty, so long as they avoid the use of City equipment, insignia, logo or property. They must do all in their power to clarify that their endorsement is personal or of some organization other than the City or one of its departments.

The use of the following in political advertisements is prohibited, and City employees shall not facilitate or accommodate such use:

1. City property not normally accessible to the public;

2. Employees in uniforms that display City insignia and logos or any use of City employees while on City time; and
3. City equipment.

Filming for political purposes on City property not normally accessible to the public is prohibited. Filming of City equipment for political purposes is prohibited, including the use of police and fire vehicles. City employees are prohibited from appearing in political advertisements wearing City equipment or City insignia or logos.

### **Leave of Absence**

An employee may be granted a 30 day leave of absence without pay and without accrual of benefits if that employee wishes to participate more fully in a political campaign or be a candidate for any office.

## **ATTENDANCE AND PUNCTUALITY**

The City of Oskaloosa expects you to be conscientious about attendance and punctuality at work. You are part of a team, and getting the work done depends on everyone being in the right place at the right time.

Work schedules will differ by departments. Your immediate supervisor will inform you of your work schedule. It is important that you be ready to begin your assigned duties at the designated starting time.

Also your punctuality in returning from lunch break is also essential to ensure the smooth operation of service to the customer.

Planned absences, such as vacation or leave without pay are to be reported as far in advance as possible.

If you are going to be absent for unplanned reasons or anticipate a late arrival, your immediate supervisor should be notified no later than your scheduled starting time. If the absence extends more than one (1) day and the date of return is indefinite, you must keep your immediate supervisor informed of the situation by reporting daily, unless otherwise excused, as to the reason for continued absence and the probable date of return. If absent for more than two (2) consecutive days, the City reserves the right to request a doctor's release before returning to work at the employee's expense.

Unreported absences will be treated as time-off without pay and considered as being non-compliant with this policy. If you are absent from work for three (3) consecutive days, and you do not notify your immediate supervisor during that period, you will be considered to have voluntarily resigned.

Your attendance and punctuality are an important consideration when being reviewed for pay adjustments or promotion.

## **PERSONAL APPEARANCE AND CLEANLINESS**

The City of Oskaloosa's public image is a direct result of its employees, both individually and collectively. Quality service, positive attitude, cooperation, good customer relations and pleasing personal appearance are key factors in creating and maintaining a favorable image.

The City expects you to be neat and clean in your grooming and personal hygiene. Your appearance is unacceptable to the City's general standards if it hinders or is detrimental to the public image and performance of the City as a whole, to your own job performance or to a fellow employee's performance.

The City reserves the right to determine appropriate dress at all times and in all circumstances and may send employees home to change clothes should it be determined their dress is not appropriate. Nonexempt employees will not be compensated for this time away from work. If employees require a reasonable accommodation regarding their dress for bona fide health and/or religious reasons, they should contact the City Manager to discuss an exception to the personal appearance guidelines. Unless it would constitute an undue burden or safety hazard, City will attempt to accommodate such requests.

## **COURTESY, SERVICE AND QUALITY**

We need good customer relations, so a good, friendly attitude is a must. Be courteous and pleasant.

In order to fulfill the City's goals to serve its customers efficiently and effectively, we must provide the type of quality service we would expect if we were the customer. This also applies to co-workers.

Since quality has a direct effect on all phases of our organization, we must all consider ourselves as members of a "Quality Control Department". With this in mind, we will be sure that our collective contributions to our services represent the highest standard of quality available. The success of the City and of the individuals on the City's team depends on this attitude.

## **CONFIDENTIAL INFORMATION**

It is the City of Oskaloosa's policy to treat in strict confidence all information regarding the affairs of citizens and customers, which is not already in the public domain.

Communications concerning the City of Oskaloosa, its employees and city business related activities with citizens and customers are confidential and are never discussed or disclosed to anyone except authorized personnel. Violation of this confidentiality policy is grounds for immediate disciplinary action. Compliance with the confidentiality policy is a condition of employment. If you have any questions, consult your supervisor or the City Manager.

You must make every responsible effort to ensure that all confidential records are kept under proper physical safeguards, that they can be reconstructed in the event of fire or other disaster, and that they will not be seen by unauthorized persons.

This policy is in no way meant to interfere with the Freedom of Information Act or any state or local policy that supports the open records laws.

### **TELEPHONE/FAX USE**

Courtesy and thoughtfulness in using the telephone are not only key elements in good public relations, but serve as indicators of your attitude, competence, and City consciousness.

Since the City of Oskaloosa's aim is to serve its customers, it is important that the telephone lines be kept as free as possible so as not to interrupt the daily flow of City business. Good judgment should be used in telephone conversations with co-workers in terms of keeping to the point and limiting personal conversations while still being courteous. Also, personal telephone calls and use of fax machines should be limited to those which are absolutely necessary, should be made during work breaks, and should be as brief as possible.

Cell phones are allowed in the work areas; however, the same good judgment regarding City telephones will be expected in keeping personal conversations and personal use of cell phones, including texting, accessing the internet and use of other smartphone applications to a minimum. It is preferred that cell phones will be set in vibrate mode or silenced when in an office setting, or when interactions with the public is expected. If cell phones are brought to City meetings they are to be turned off or placed in vibrate mode.

### **ELECTRONIC MAIL/COMPUTER PRIVACY POLICY**

The City provides computers to employees for use in conducting City business. These City computers are intended solely for City use. The City has a duty to maintain a positive and productive work environment including the use of City computers, while respecting the privacy of employees. The following policy is intended to inform employees of the limits to their privacy on City computers and to avoid potential misunderstandings, as well as to keep our work environment positive and productive.

The City Manager or other authorized persons may, at any time, without prior notice read any electronically stored data of electronic communications including, but not limited to: E-mail, Internet and fax communications contained on or transmitted by any City computer. The City Manager shall not disclose the contents of such materials to others without permission except as is necessary to maintain the operation of computer programs.

This policy is not intended to ban personal use of City computers. The employees may from time-to-time, use City computers, including E-mail messages for personal reasons so long as that use does not create additional cost to the City or interfere with the performance of any employee's work. However, all computer material, including personal messages, may be read by the City Manager or

other authorized persons. No employee should assume that any material on the City computers is private.

Some programs permit network computer users to deny other computer users access to certain materials. No employee is permitted to deny the City Manager or other authorized persons access to any materials contained on or transmitted by City computers. Usually, this means the employee must give the City Manager any passwords necessary to access such shielded materials.

All communications done over City computers, whether they are personal or not, must conform to all City policies. You may not use the City E-mail system in any way that may be seen as insulting, disruptive, or offensive by other persons, or harmful to morale. Examples of forbidden transmissions include but are not limited to sexually explicit messages, cartoons, or jokes; unwelcome propositions, or love letters; ethnic or racial slurs; or any other message that can be construed as harassment or disparagement of others based on their race, religion, creed, color, sex, age, national origin, sexual orientation, gender identity, or disability or any other legally protected characteristic. Any employee who receives such communications cannot assume that the City is aware of those materials and must forward them to the City Manager or other authorized persons.

### **LOADING AND INSTALLING OF COMPUTER SOFTWARE POLICY**

It is the City's policy to respect all computer software copyrights and to adhere to the terms of all software licenses to which the City is a party. Unauthorized duplication of software may subject users or the City to both civil and criminal penalties under the United States Copyright Act. City employees may not use software in any manner inconsistent with the applicable license agreement, including giving or receiving software or fonts from contractors, citizens, or others. The purchase of all commercial software to be installed on City-owned computers will be coordinated or purchased by the City Manager.

Users are not permitted to load or download any personal software onto City devices. Generally, City-owned software cannot be taken home and loaded onto a user's home computer if it also resides on a City computer. If an employee must use City-owned software at home, each user must consult with the City Manager to determine if appropriate licenses permit home use.

Computers shall not be loaded with any programs or files that have not been purchased for that specific computer by the City. No files shall be downloaded from the Internet or any files accepted from an E-mail message. The exception to this would be files downloaded from other City computers or files from business associates of the City.

In order to resolve problems and to reduce conflicts with hardware and software on computers, portable or handheld tablets and similar devices, all software and hardware needs to be approved prior to the purchase and installation of the product. Software and hardware that is not approved and/or not used to conduct business for the City will be removed. This includes backdrops, screen savers, and unapproved personal software.

If a computer is not operating properly, contact the City Manager or designee. That office will check the computer to see if it is a software or hardware problem. If the computer needs service, that office will then coordinate the units repair and return of the computer to you.

## **COMPUTER AND INTERNET USE**

We understand that Computer and Internet use, including the use of social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media.

*At any time, and without prior notice, the City reserves the right to examine email, voicemail, personal file directories, and other information stored on or transmitted through City computers. An employee's use of the City's computer system or electronic technology constitutes consent to such examinations.*

### **Guidelines**

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

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

Employees must use the Internet only to access information that is publicly available or to which the employee has authorized access. Confidential or sensitive information should not be transmitted over the Internet without appropriate security measures taken to safeguard the information. The City cannot guarantee confidentiality over the Internet, and therefore, individuals entering personal information for personal use do so at their own risk.

City employees or volunteers are prohibited from establishing Internet or other external network connections that could allow non-City users to gain access to City's systems and information. Alternate Internet Service Provider connections to the City's internal network are not permitted.

### **Know and follow the rules**

Carefully read these guidelines, including our policy prohibiting discrimination and harassment in the workplace, and ensure your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

### **Unauthorized Use Prohibited**

Employees shall not use another user's email account without the permission of the account's owner. Unless specifically acting as an agent for another when sending a message from another account, users should clearly identify themselves as the author of the email message. Similarly, users shall log on and off appropriately and take personal responsibility for password strength and other precautions to avoid unauthorized use.

### **Be respectful**

Always be fair and courteous and keep in mind that you are more likely to resolve work related complaints by speaking directly with your co-workers or by discussing concerns with your supervisor than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage customers, members, associates or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or company policy.

### **Be honest and accurate**

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about fellow employees or other City personnel.

### **Post only appropriate and respectful content**

- Employees must use the Internet in a professional and ethical manner.
- Employees must comply with state and federal law, and may not, under any circumstances, post the following content to official City websites or social media pages:
  - Sexually explicit content;
  - Solicitation for commercial ventures, religious, social, charitable or political causes;
  - Profane language; or
  - Statements which may be construed as defamatory or libelous.
- Employees must not create, distribute copy or knowingly use unauthorized copies of copyrighted material or software, store such copies on City computers, or transmit them over the City's networks.
- Do not create a link from your blog, website or other social networking site to a City website without identifying yourself as a City employee.
- Express only your personal opinions. Never represent yourself as a spokesperson for the City. If your employment with the City is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of the City or other people working on behalf of the City. If you do publish a blog or post online related to the work you do or subjects associated with the City, make it clear that you are not speaking on behalf of the City. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of the City of Oskaloosa."

### **Personal use and using social media at work**

Refrain from using social media while on work time or on equipment we provide, unless it is work-related as authorized by your supervisor or consistent with the policy described herein pertaining to use of City equipment. Do not use City-affiliated email addresses to register on social networks, blogs or other online tools utilized for personal use. City-affiliated email addresses may only be used for official City-sponsored social media presence. City-sponsored social media accounts must be approved by the City Manager prior to activation.

The City's computers and Internet should rarely, if ever, be used for personal use. Use must not interfere with the performance of the employee's duties or productivity and must not negatively impact the performance of the City's computing infrastructure or the system/device being used. Use must not create the appearance of impropriety or reflect poorly on the City, its personnel, or its reputation.

### **Retaliation is prohibited**

You may not take negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

### **Media contacts**

Employees should not speak to the media on the City's behalf without contacting the City Manager. All media inquiries should be directed to the City Manager.

## **SMOKING POLICY**

The City is committed to providing a safe, healthy and comfortable working environment for all of its employees. City Hall and all other buildings under local government control are considered public places. Under Iowa Code Section 142B.2(1), smoking is prohibited in all public places, City vehicles and public meetings.

## **ALCOHOLIC BEVERAGES**

The City prohibits the consumption of alcoholic beverages on the premises during working hours unless it is a part of an organized function approved by the City Council. Also, an employee reporting to work, or who is at work, under the influence of alcohol is strictly prohibited.

## **DRUG FREE WORKPLACE**

It is the policy of the City to create a drug-free workplace in keeping with the spirit and intent of the Drug-Free Workplace Act of 1988. The use of controlled substances is inconsistent with the behavior expected of employees, subjects all employees and visitors to our facilities to unacceptable safety risks, and threatens the City's ability to function effectively and efficiently, and undermines the public's trust in our operations. In this connection, the unlawful manufacture, distribution, dispensation, possession, sale or use of a controlled substance in the workplace or while engaged in City business off the City's premises is strictly prohibited. Such conduct is also prohibited during nonworking time to

the extent that in the opinion of the City, it impairs an employee's ability to perform on the job or threatens the reputation or integrity of the City.

Employees directly engaged in work performed pursuant to a federal grant or contract are required to report any conviction under a criminal drug statute for violations occurring on the employer's premises or off the employer's premises while conducting employer business to the employee's immediate supervisor or other appropriate City official within five days of such conviction. Employees who violate any aspect of this policy may be subject to corrective action up to and including termination. At its discretion, the City may require employees who violate this policy to successfully complete a drug abuse assistance or rehabilitation program as a condition of continued employment.

If you become aware of another employee selling, purchasing, transferring or using illegal substances while on the job, you are expected to take prompt action to report the circumstances to your immediate supervisor or the City Manager.

If you are using prescription drugs for medical purposes, and such drug usage may impair your work performance, you should consult with your immediate supervisor. If the medication affects your work, you should be under a doctor's care and arrangements should be made for you to have the necessary time off or alternate job function. This will be handled on a case-by-case basis.

## **DRUG TESTING**

### **Statement of Policy Applicable to All Employees**

In order to foster an appropriate environment for the provision of services to citizens and to protect the health and safety of employees, it is the policy of the City that the following conduct is prohibited: (1) the use, sale, offering for sale, or possession of illegal drugs, controlled substances, imitation controlled substances, or counterfeit controlled substances, on the job, on the City's premises, or in City vehicles; (2) any improper use of "legal" or physician-prescribed drugs on the job, on the City's premises, or in City vehicles; (3) the use, sale, offering for sale, or possession of alcoholic liquor (beer, wine, or alcohol) on the job, on the City's premises, or in City vehicles; and (4) being under the influence of illegal drugs or controlled substances, alcoholic liquor (beer, wine, or alcohol) or improperly used prescription drugs on the job, on the City's premises, or in City vehicles.

### **Application**

Unless otherwise specified, this policy applies to all City employees, including part-time, seasonal, and temporary employees.

This policy applies while employees are on the job, on the City's premises, in City vehicles, and to off-site lunch periods or breaks when an employee is scheduled to return to work. Visitors, vendors, and contractor employees are governed by this policy while on City premises and will not be permitted to conduct business if found to be in violation of this policy.

### **Drug Testing of Employees Required to Maintain a Commercial Driver's License**

All employees that are required to have a Commercial Driver's License (CDL) for their employment are subject to the drug and alcohol testing of the Federal Department of Transportation. Such employees

involved in any accident are required to have an alcohol test within two (2) hours of the accident and a drug test within thirty-two (32) hours of the accident. The employee shall contact their immediate supervisor or City Manager as soon as possible. The police department shall be notified to investigate the accident. See the City's Drug and Alcohol Policy for additional information. Any employee using prescription medication or over the counter medication that would affect their operation of city equipment or vehicles in a safe and proper manner are required to notify their supervisor.

### **Pre-Employment Testing**

Applicants for employment, other than temporary or seasonal employment, shall undergo drug and alcohol testing as part of the physical requirements prior to commencement of their duties for employment. If the test of an individual results in a Medical Review Officer (MRO)-verified positive test for the use of controlled substances or an alcohol concentration of .04 or greater, the applicant will not be eligible for employment.

### **Reasonable Suspicion Testing**

Employees who are reasonably suspected of being impaired by or under the influence of a controlled substance or alcohol (that is, having a controlled substance or alcohol in the body) shall be either suspended from their job duties pending an investigation and verification of their condition, or, if drug-testing facilities are not available, ordered to immediately discontinue all work activities and leave the City's premises. Employees who are reasonably suspected of being impaired by or under the influence of a controlled substance or alcohol will not be permitted to drive a motor vehicle after they have been suspended. If the employee has driven a motor vehicle to work, the employee must either make arrangements with another individual to drive their vehicle or must make arrangements for alternative transportation.

Employees may be subject to testing when there is reason to believe that an employee is using or has used alcohol or other drugs in violation of the City's written policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. For purposes of this provision, facts and inferences may be based upon, but are not limited to, any of the following:

1. Observable phenomena while at work such as direct observation of alcohol or drug use or abuse or of the physical symptoms or manifestations of being impaired due to alcohol or other drug use.
2. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
3. A report of alcohol or other drug use provided by a reliable and credible source.
4. Evidence that an individual has tampered with any drug or alcohol test during the individual's employment with the City.
5. Evidence that the employee has manufactured, sold, distributed, solicited, possessed, used, or transferred drugs while working or while on the City's premises or while operating the City's vehicle, machinery, or equipment.

Reasonable suspicion testing will only be required during, just before, or just after the period of the day when the employee is engaged in work functions.

Employees who are required to submit to reasonable suspicion testing will be suspended from their job duties pending an investigation and the report of the tests. If the test of the employee results in an alcohol concentration of less than .04 and a MRO-verified negative test for the use of controlled substances, then the period of suspension will be with pay. If the test of the employee results in an alcohol concentration of more than .04 or a MRO-verified positive test for the use of controlled substances, then the period of suspension will be without pay.

In the event that the employee tests positive for the use of controlled substances, the employee will be suspended without pay for an additional ten (10) days following the first positive drug test. Any subsequent positive test result will result in immediate termination.

### **Post-Injury Testing**

Employees will be subject to testing if they have suffered a work-related injury for which a report could be required under Iowa Code Chapter 85.

The employee is permitted to obtain necessary medical attention following an accident, to leave the scene of an accident for the period necessary to obtain necessary emergency medical care, but the employee will be subject to post-injury testing and must remain readily available for testing or the employee will be deemed to have refused to submit to testing.

Alcohol tests will be administered as soon as practicable but no later than eight (8) hours after the injury. Tests for controlled substances will be administered as soon as practicable but no later than 32 hours after the injury.

## **TRAFFIC VIOLATIONS**

Penalties/fines resulting from moving traffic violations and/or non-compliance with transportation requirements, (such as tarping at the landfill) while operating City equipment are the responsibility of the employee-operator. These violations will also be subject to the corrective action process.

## **CITY VEHICLES, EQUIPMENT AND FACILITIES**

**On Duty** - All vehicles, equipment and facilities shall be utilized safely and in a manner that will not damage any particular item. Any willful negligence resulting in damage to City property may be cause for corrective action. Vehicles, equipment and facilities shall only be used for City business and activities. These shall not be used for personal errands, personal work activities or other reasons. Only City employees or others authorized by the City Manager shall ride as passengers in City vehicles or use City equipment or facilities as may be necessary in the carrying out of City business. No city vehicle shall be driven after the employee has consumed any alcoholic beverage. No city vehicle shall be driven by an employee using prescription drugs for medical purposes when such drug usage impairs work performance. Seat belts are to be used at all times.

**Off Duty** - There shall be no use of City vehicles, equipment or facilities during off duty hours. When a vehicle is in the possession of an employee during off duty hours, it shall only be used for City business when the need arises. It shall not be used for personal errands or other activities, except for personal errands on the way to and back from work. As approved by the City Manager, certain employees may be authorized to drive City vehicles to their homes. Use of City vehicles for commuting shall be considered taxable compensation to the employee, except by the Police Chief and Fire Chief.

**Accidents** - Any accident whether or not damage results to City vehicles, equipment and/or facilities shall be reported immediately to the Police Department and to the appropriate supervisor who shall submit a written report to the City Manager. When deemed appropriate by the Manager, the accident will be investigated and subsequent action taken.

## **FLEET SAFETY**

The theme of this manual is safety: the purpose is ACCIDENT PREVENTION. Our aim in implementing this policy is to improve safety awareness and performance, in addition to creating a system of accountability for any individual who is entrusted with the serious responsibility of operating a vehicle for City business. The primary objective of vehicular accident prevention is the prevention of injuries to people, with an additional goal of preventing damage to vehicles and other property.

This policy formally establishes an accident prevention program with a minimum set of safety regulations, standards and disciplinary procedures, which will be completely enforced. It is expected that all individuals driving vehicles for City business will fully understand these rules and the need to follow them, and it is expected that supervisors will enforce them. This policy supersedes all previous fleet safety policies.

Public Safety, to include the Police and Fire Departments, will be exempt from this policy if they have a policy in place that meets or exceeds the policies and procedures outlined here. City Council will also be exempt from this policy. Operators with a Commercial Driver's License must follow federal and state guidelines, as well as City policy.

### **Management Responsibilities**

#### CITY MANAGEMENT/CITY CLERK

- a. Ensure effective application of this policy by seeing that the required programs are carried out.
- b. Work closely with the Public Works Director in establishing goals and objectives of the accident prevention program.
- c. Review and log all vehicular Incident Reports and Investigations. Oversee that quality and accuracy is maintained, and proper disciplinary and corrective action has been taken.
- d. Perform annual Motor Vehicle Record (MVR) checks on an ongoing basis.

DIRECTORS - Ensure that all vehicles, vehicular equipment and fleet facilities meet and are maintained at safety standards.

#### SUPERVISORS

- a. See that drivers receive complete safety instruction at the first available opportunity.

- b. Enforce all safety rules, regulations and standards.
- c. See that all accidents are properly and promptly reported to the City Clerk.
- d. Ensure proper maintenance of equipment.
- e. Immediately remove from a driving position any driver whose license is cancelled, expired, refused, revoked, suspended, or restricted in a manner which affects the individual's ability to drive on City business.

## DEPARTMENT HEADS

- a. Ensure that supervisors have a clear understanding of their responsibilities as they relate to this policy.
- b. Ensure that effective programs are developed and administered in their respective departments, regarding maintenance, safety and cleanliness standards.

### **Minimum standards for all Drivers**

- Drivers/operators should always practice good, courteous, defensive driving habits. All drivers/operators shall comply with the applicable local, state and federal traffic laws at all times by observing posted laws and regulations, speeds, traffic control signals and signs pertaining to the operation of motor vehicles on public streets and highways.
- Seat belts must be used in all vehicles at all times.
- The possession, transportation or consumption of any alcoholic beverage or any controlled substance within or upon any City vehicle is expressly prohibited.
- No personal business may be conducted using a City vehicle, unless specifically approved by the City Manager or designee.
- No unauthorized passengers may ride in a City vehicle, unless specifically approved by the City Manager or designee. Other City employees or individuals conducting business with the City are considered to be authorized.
- Any substantiated report of tailgating, speeding or other unsafe driving behavior will be subject to disciplinary procedures up to and including termination.
- All moving violations or traffic citations are to be reported to the supervisor as soon as practical.
- License denials, suspensions and revocations or any change in driving status must be reported to the supervisor before the beginning of the next scheduled work shift.
- All moving violations or citations will be the responsibility of the driver, whether driving a City vehicle or not. The City will not pay for any costs associated with violations or citations.
- Smoking is expressly prohibited in all City vehicles. This applies to all employees of the City, as well as volunteers or employees of other agencies performing work for the City. It shall also apply to any member of the general public who has access to a City vehicle as a passenger. The assigned driver/operator is at all times responsible for ensuring that no one smokes in the vehicle.
- No radio, tape player or CD player will be played in a City vehicle at a volume that interferes with the driver/operator's ability to hear traffic and engine sounds.
- Exercise reasonable care and caution if it is necessary to answer a cell phone or radio call while operating a City vehicle. **Text messaging or internet surfing via phone while operating a City vehicle is prohibited.**

- It is the full and total responsibility of the driver/operator assigned to a City vehicle to conduct daily inspections of the City vehicle. Inspection forms should be turned in to the driver/operator's supervisor if repairs or service are needed. If not, the inspections should be maintained in the City vehicle and turned in every Friday. Driver/operator of City pool vehicles must turn in an inspection form if repairs or service are needed.
- All accidents, regardless of circumstances or fault, are to be reported to a supervisor as soon as possible. The supervisor must *immediately* notify the City Clerk and the Department Director, to expedite insurance claims and damage repair.
- It is the responsibility of the driver/operator to keep an Accident Reporting Kit in each City vehicle and to use it to collect information in the case of an accident. Refer to the "In Case of an Accident" portion of this program for specific details.
- A Damage Report Form must be filled out whenever a City vehicle comes into contact with another vehicle, person, building or other property, regardless of apparent lack of damage.
- It is the responsibility of the driver/operator of any City vehicle who is involved in an accident to file an accident report as required by law.
- The City requires that privately owned vehicles operated for City business be registered in the State of Iowa and insured as required by Iowa State law.
- The City requires all employees to remain eligible for insurance coverage by the city's insurance provider, if in the event an employee loses eligibility, discipline up to and including termination shall be pursued.

**Abuse of City Vehicles or Equipment** Abuse of any City vehicle or equipment may subject the abuser to a suspension of driving privileges and/or other disciplinary action up to and including termination in accordance with the City Employee Handbook. Examples of abuse include, but are not limited to:

- driving at excessive speeds,
- towing without proper equipment,
- overloading,
- failure to perform operator inspections/maintenance,
- failure to facilitate scheduled preventative maintenance, and
- general neglect and horseplay.

Any person observing such abuse may report incidents of abuse of equipment to the Public Works Director, Public Works Manager, Fleet Manager or your Supervisor.

### **Motor Vehicle Record (MVR) Guidelines**

NEW HIRES- It is the responsibility of the City Clerk/Finance Department to request an MVR from each prospective employee. Volunteer coordinators are responsible for requesting an MVR for each volunteer driver prior to allowing them to operate a City vehicle. No one shall be allowed to drive a City vehicle whose MVR indicates:

- Three (3) or more moving violations in the previous 36 months.
- More than two chargeable accidents within the previous 36 months.

- A conviction of driving under the influence within the previous 36 months.
- License has been cancelled, refused, revoked, suspended, or restricted as the direct result of a moving violation received within the previous 36 months.
- A current cancellation, expiration, refusal, revocation, suspension, or restriction that affects the applicant's ability to drive on City business.
- Other factors such as a non-chargeable accident, zero point violation, or pending OUI/OWI charge are considered in determining if the applicant's driving record is permissible.

No person may be hired to operate a vehicle for City business without possessing a valid, current Iowa driver's license. Out of State applicants may be required to furnish a copy of their driver's license record prior to the offer of employment and may be required to obtain an Iowa Drivers' License as a condition of employment. Depending on the vehicle to be driven, the license must be the appropriate class.

**ANNUAL MOTOR VEHICLE RECORD** - At least annually, the City may request a copy of the Motor Vehicle Record (MVR) through the Iowa Department of Transportation Motor Vehicle Division for all City employees and volunteer drivers. The City reserves the right to check MVRs at any time for proof of valid driver's license. License revocation or suspension, OUI, OWI or any drug violation shall be cause for disciplinary action up to and including termination.

MVRs for employees and volunteer drivers accumulating three (3) or more moving violations in a 36 month period will be forwarded to the appropriate Manager or Department Head for action.

Action may consist of any combination of the following: warnings (verbal or written), retraining, evaluation by a professional, probation, suspension and termination.

City Management must review all decisions regarding disciplinary action to be taken or not taken against the driver/operator. Any action involving demotion, suspension or termination of the driver/operator must be reviewed and approved by City Management. This policy does not prohibit the City from taking action before the accumulation of three (3) moving violations, if the situation warrant's such action.

**Administrative Actions** Employees and volunteer drivers in Driving Positions are expected to obey all laws, regulations, policies and mandates when operating City vehicles or when operating personal vehicles on City business. Failure to do so may result in disciplinary actions up to and including termination. Examples of violations include, but are not limited to:

- Employee or volunteer driver drives when their license is expired,
- Employee or volunteer driver fails to notify supervisor that he/she is not in possession of license, and drives,
- Employee or volunteer driver drives without appropriate class of license,
- Employee or volunteer driver drives contrary to a restriction,
- Employee or volunteer driver drives while license is cancelled, refused, revoked, or suspended,
- Employee or volunteer driver fails to notify supervisor of change in driver's license status or fails to notify supervisor of any citation concerning OUI/OWI by the beginning of the next scheduled work shift or return to active work status from leave status, and

- Violation of any policy concerning OUI/OWI, while on City business or driving a City vehicle

### **In Case of an Accident**

ACCIDENT REPORTING - The supervisor will assure that all drivers/operators have been adequately trained in what to do when an accident occurs. All accidents will be reported immediately to a supervisor. The supervisor will immediately report the accident to the City Clerk and the Public Works Director. All accidents are to be carefully investigated in a prompt manner to determine accident cause, responsibility and preventability.

It is the responsibility of the driver/operator to keep an Accident Reporting Kit in each City vehicle he or she operates, and to use it to collect information in the case of an accident. Kits may be obtained from the City Clerk or Public Works Director.

A Damage Report Form should be filled out whenever a City vehicle comes into contact with another vehicle, person, building or other property, regardless of apparent lack of damage. It is the responsibility of the driver/operator of any City vehicle who is involved in an accident to file an accident report under the terms and conditions of the state in which he or she drives.

VEHICLE ACCIDENT REVIEW - Corrective action will be based on a number of factors such as employee history, how much the employee contributed to the incident, severity of damage or loss, etc. The Department Head will determine the final decision on corrective action or discipline, with City Management reviewing all decisions (any decision involving demotion, suspension or termination must also be approved by City Management).

The Fleet Safety Review Committee, consisting of the Public Works Director, Police Chief and Fire Chief, will meet once a month. This committee will review the incident and its disposition and may make additional recommendations based on their examination.

Action may consist of any combination of the following: warnings (verbal or written), retraining, evaluation by a professional, probation, suspension and termination. City Management must review all decisions. Any discipline involving demotion, suspension or termination must be reviewed and approved by the Management. Any appeal will be governed by the City Employee Handbook. Any City vehicle or equipment which is involved in any accident or is reportedly or suspected to be involved in abuse must be driven, towed or transported to the Vehicle Maintenance Shop as soon as possible, but no more than three (3) days after the accident or incident report, for inspection and estimates for repair. Failure to properly report any accident or to deliver the vehicle or equipment to the Vehicle Maintenance shop in accordance with this policy may result in disciplinary action up to and including termination, in accordance with the City Employee Handbook.

### **IF YOU ARE INVOLVED IN AN ACCIDENT:**

#### **DO:**

- Stop at once. Turn off engine. Turn on emergency flashers. Extinguish fires.
- Make sure no one is injured. Call 911 if needed.
- Fill out a Damage Report immediately and thoroughly.
- Notify your supervisor and Public Works Director *immediately*.

- Answer all questions truthfully when asked by the police agency investigating the accident.

**DO NOT:**

- **Do not** admit that you did anything wrong, violated any policies/procedures or failed to act reasonably.
- **Do not** call insurance company: please let management do this.
- **Do not** give a signed statement to the claims adjuster representing the other driver's insurance company.
- **Do not** speak to the claims adjuster representing the other driver's insurance company without the presence of a representative of the City Attorney, Public Works Director, the City's insurance administrator or a law firm hired by the City's insurance administrator.
- **Do not** give a statement to the press.

**SUPPLEMENTAL EMPLOYMENT**

Legitimate employment in addition to City employment is allowed if it does not interfere with the employee's performance of his City duties and responsibilities or reflect adversely upon the City or conflict with applicable State and Federal laws. The City reserves the right to restrict any supplemental employment it believes to be inappropriate for City employees. This restriction would include the appearance or potential for a conflict of interest. Employees shall inform their supervisors in writing of any outside employment, and a copy of all such reports shall be included in the central personnel file along with a copy of the Department Head's written permission authorizing such supplemental employment. No City vehicles, equipment, facilities or, in cases of uniformed employees, uniforms shall be worn and used during such outside employment. An employee may not seek or perform outside employment while on FMLA leave without the approval of the City Manager.

**CONFLICT OF INTEREST**

**Contract** - When used in this section, "contract" means any claim, account, or demand against or agreement with the City, express or implied.

A City officer or employee shall not have any interest, direct or indirect, in any contract or job of work or material or the profits thereof or services to be furnished or performed for the City of Oskaloosa except as permitted under Iowa law. A contract entered into in violation of this section is void. The provisions of this section do not apply to:

- a. The payment of lawful compensation of a city officer or employee holding more than one city office or position, the holding of which is not incompatible with another public office or is not prohibited by law.
- b. The designation of a bank or trust company as a depository, paying agent, or for investment of funds.
- c. An employee of a bank or trust company, who serves as treasurer of a city.

- d. Contracts in which a city officer or employee has an interest solely by reason of employment, or a stock interest of the kind described in subsection b, or both, if the contracts are made by competitive bid, publicly invited and opened, and if the remuneration of employment will not be directly affected as a result of the contract and the duties of employment do not directly involve the procurement or preparation of any part of the contract. The competitive bid requirement of this subsection shall not be required for any contract for professional services not customarily awarded by competitive bid.
- e. The designation of an official newspaper.
- f. A contract in which a city officer or employee has an interest if the contract was made before the time he was elected or appointed, but the contract may not be renewed.
- g. Contracts with volunteer firemen or civil defense volunteers.
- h. A contract with a corporation in which a city officer or employee has an interest by reason or stockholdings when less than five percent of the outstanding stock of the corporation is owned or controlled directly or indirectly by the officer or employee or the spouse or immediate family of such officer or employee.
- i. A contract made by competitive bid, publicly invited and opened, in which a member of a city board of trustees, commission, or administrative agency has an interest if he is not authorized by law to participate in the awarding of the contract. The competitive bid requirement of this subsection does not apply to any contract for professional services not customarily awarded by competitive bid.

**Conflict with Federally Funded Programs** - No employee, officer or agent of the City shall participate in selection, or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

- a. The employee, officer or agent;
- b. Any member of his immediate family;
- c. His or her partner; or
- d. An organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award.

The grantee's officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value of more than \$3 from any one party during one calendar day.

## GIFTS

With the exception of food and drink and non-monetary items with a value of three dollars or less, public officials, public employees, and that person's immediate family members (defined as spouse and dependent children) shall not directly or indirectly accept or receive any gift or series of gifts from a party doing or potentially doing business with the City.

Acceptance is forbidden unless the item is available without charge to the general public. The law currently provides for exceptions from the gift prohibition. Refer to Section 68B.22 Code of Iowa for additional information.

All of the gifts that are received from an unknown source shall be turned over to the City Manager for transfer by the Mayor to a charitable institution or other beneficiary. However, the donee need not report food and beverage provided for immediate consumption in the presence of the donor. By the 15<sup>th</sup> day of the month following the month in which the gifts have been received a copy of the report disclosing the gift or gifts shall be filed in the office of the County Auditor of the county or counties in which the city is located.

### **PERSONAL MAIL**

To lighten the City's increasing volume of mail, you should not direct personal mail to the City. Also, City stationery must not be used for personal correspondence because any communication sent out under the City's letterhead may be considered an official communication.

Use of the City postage meter is not allowed.

### **OFFICIAL LETTERS**

Only authorized employees are to sign letters sent out by the City. This authority may be delegated to you by your immediate supervisor. Where there are occasions that you feel a letter is necessary, such situations should be referred to the supervisor in the department for his/her review and signature.

### **SOLICITATION**

There is to be no solicitation by employees of any type, including solicitation of signatures or money for any purpose or cause, in any area of the City during working time. Working time is defined as the time assigned for the performance of a job and does not apply to break periods and meal times.

Solicitation for such activities will be permitted, but only during the employee's non-working time, such as break periods, meal times, or other specified periods during the workday when employees are not engaged in performing their work tasks. Any employee who is not on working time may not solicit an employee who is on working time.

Distribution by employees of leaflets, pamphlets, advertising, tickets, notices, or other such written materials is prohibited in working areas at any time and in non-working areas during working time. Working areas do not include the lunch room, break rooms, or the parking areas.

The City will consider requests by employees to solicit charitable contributions from employees. These requests must be made to and approved by the City Manager. The City Manager will establish conditions which must be observed by the employee, if the request is approved. The approval of the

request which is made by one employee does not establish any precedent or practice with regard to the request made by any other employee.

No employee shall be required to donate funds to any charitable cause or organization as a function of that person's employment with the City.

Individuals who are not employees of the City are prohibited from distributing material or soliciting employees on City property at any time.

### **FOOD AND DRINK AT WORKSTATIONS**

It is of primary importance that the City of Oskaloosa presents a pleasing and businesslike atmosphere to customers and other visitors who have occasion to be in City facilities. Thus, there are some areas in where food and drink are obviously not in good taste. There are other reasons why these practices may not be appropriate, such as possible damage to machines, papers, documents, valuables, etc., or, in some cases, interference with efficient operation. You are expected to exercise good judgment in these matters.

Drinking coffee and other beverages is allowed at your workstation, unless specifically prohibited by departmental rules.

### **PERSONAL VISITS**

Personal visits are to be reserved for your lunch, before work, or after work. Visiting during work hours not only is unproductive, but is also disturbing to fellow employees.

### **INCLEMENT WEATHER**

In case of a severe snowstorm (defined as blizzard conditions as determined by the National Weather Service), or other severe weather conditions, such as a tornado or flooding conditions, the following policy will be in effect:

1. If an employee is unable to get to work, he/she will be allowed to charge such an absence to vacation, or compensatory time provided he/she has the time accumulated. If no paid time off is available, the employee may choose to take the time off without pay with Department Head approval.
2. In the event a severe snow storm or other severe weather conditions should occur the day before or on the day after one of the observed holidays, holiday pay would be paid to all eligible employees, whether or not they worked the day before or the day after the holiday.
3. An employee may request to leave work early because of a severe snowstorm or other severe weather conditions. If the request is approved, the employee may use accumulated

compensatory time, or vacation. If no paid time off is available, the employee may choose to take time off without pay with Department Head approval.

4. Benefit accumulation and eligibility will not be affected if an employee chooses to take the time off without pay.
5. Employees in departments that serve the public during severe weather (including departments that provide snow removal and law enforcement services) are expected to report to work during severe weather conditions.

### **TRAINING, CONFERENCES AND TRAVEL**

**Conferences and Seminars** - The City may reimburse employees for expenses related to professional conferences, training and seminars. There are no specific time and place limitations on such conferences and seminars; however, all such training shall be job-related and shall be approved by the City Manager.

**Travel and Use of Personal Vehicles** - Employees shall receive their supervisor's authorization for any trips in a City vehicle outside the City boundaries. Use of personal vehicles when authorized for City business shall be reimbursed at a rate per mile, as approved by the City Manager.

**Meal Allowance** - The City shall pay a maximum, as established by the City Manager, per day for reimbursement of meal costs to employees at training, conferences and seminars, based upon actual receipts. The City Manager may approve payment of actual costs of a higher amount in special circumstances.

### **USE OF PERSONAL VEHICLE FOR CITY BUSINESS**

Employees who use their personal vehicles to perform City business as part of their employment duties must provide personal vehicle insurance coverage indicating that all personally owned vehicles driven by the employee during employment hours have insurance coverage. The personal insurance policy issued by the City licenses to do business in the State of Iowa shall show a minimum limit of liability coverage in the amounts of:

Bodily Injury Each Person:	\$100,000
Bodily Injury Each Accident:	\$300,000
Property Damage Each Accident	\$100,000
Or/Combined Single Limit	\$300,000

Employees shall agree to maintain the above limits of liability at all times while employed by the City and will provide notice of any change in insurance coverage. All employees further understand that the City does not provide any coverage for the employee while operating his/her personal motor vehicle while performing City business (except as indicated below) and that his/her personal vehicle insurance coverage will be the primary insurance coverage for him/her in the event of loss. The City will provide coverage that protects only the City of Oskaloosa in the event of a loss.

In the event the employee cancels or materially changes his/her vehicle insurance coverage he/she is required to notify the City of Oskaloosa and immediately cease operating his/her personal vehicle while performing official City business until the required insurance is reinstated.

Employees must provide a copy of their personal vehicle insurance upon request by the City.

### **NOTIFICATION OF ARRESTS AND OTHER GOVERNMENTAL ACTION**

Employees are expected to perform their assigned jobs, respect and follow City policies, and obey the law. In the event that employees are arrested or receive a citation for any crime, have any criminal charges filed against them, receive notice of a disposition of any criminal charges pending against them (including, but not limited to, a conviction, a guilty plea, a plea of *nolo contendere* (no contest), or deferred judgment) or receive notice of any charges relating to operating a motor vehicle while intoxicated, they must notify the City Manager. Notification to the City Manager must occur within five (5) business days of notification to the employee.

Employees whose duties require possession of a Commercial Driver's License (CDL) and/or who regularly and frequently operate City vehicles must report all charges and citations, including traffic tickets such as speeding tickets. Other employees need not report such traffic tickets.

Employees who have any contact with minor children must notify the City Manager of any child abuse complaints filed against them. Employees must notify the City Manager regarding the findings in any complaint against them alleging child abuse. The City Manager must be notified of any complaints and findings within five (5) business days of notification to the employee.

Information relating to arrests, criminal charges, and child abuse complaints will be treated as confidential and maintained as part of the employee's personnel file. Employees who do not notify the City as required by this policy may be subject to disciplinary action up to and including discharge.

**SECTION VI**

**PAY PRACTICES AND HOURS OF WORK**

## **PAY, PERFORMANCE EVALUATION AND PAY REVIEW**

Your performance counts at the City of Oskaloosa. There are some basic concepts that will be important to you in your progress here.

We attempt to pay you in proportion to the responsibilities of the job and your relative proficiency in performing the duties of the job.

The purpose of the Performance Evaluation System is to take a personal inventory, pin-point strengths and areas that need improvement, and determine what practical steps both the employee and the City can take during the succeeding time period to make improvements when necessary. All full-time employees will be evaluated at least annually. Salary increases may be withheld due to a below average performance.

The Performance Evaluation System sets forth both the procedure and form to be used in the Performance Evaluation. For introductory employees, the evaluation will be conducted within 30 days prior to the employee's anniversary date of hiring or promotion.

The signed copy of the Evaluation form will be kept in the employee's central personnel file.

## **HOURS OF WORK**

**Hours of Work** - The standard work cycle for all employees except wastewater, police and fire personnel assigned to shift duty shall be from Monday beginning at 12:01 a.m. through 12:00 midnight of the following Sunday. Employees shall work 40 hours during each work cycle. Exact scheduling of hours during the work cycle shall be determined by the City Manager and the appropriate Department Head for the purpose of best meeting the needs of the City and in conformance with State and Federal regulations. Work schedules for part-time employees shall be determined by the department head.

**Reporting for Work** - Employees shall be expected to be in attendance on time at their designated work site.

**Break Periods** - Scheduling of lunch and rest break time shall be determined by the Department Head.

## **OVERTIME**

**Basis of Determination** - Overtime shall constitute authorized work in excess of the normal number of scheduled work hours for which an individual is paid during the designated work cycle of that employee. Generally, employees will work forty (40) hours per week during their particular work cycle except shift firefighters who will work an average fifty-six (56) hours. All hours for which compensation is paid shall be counted in determining whether an employee is entitled to overtime.

**Assignment** - All overtime must be authorized in advance by the Department Head or by a designated supervisor. Employees are expected to respond to a call-out during an emergency or

when overtime is assigned, except when illness or unusual circumstances make it impossible to do so. Responsiveness to call-out orders and fulfillment of overtime assignments shall be a consideration in all performance evaluations. Overtime hours shall be assigned as equitably as practical.

**Compensation** - Overtime work shall be paid at one and one-half times the hourly rate equivalent to the base salary of the employee as shown in the pay plan of the City.

**Compensatory Time** - At the request of an employee, a supervisor may provide that, in lieu of cash payment for overtime employment, the employee be allowed time-off equal to the number of hours of overtime worked on a time and one-half basis. Any such time-off shall be taken at a time mutually agreed upon by the employee and the supervisor. An employee may accumulate a maximum of 40 hours of compensatory time except nonunion shift police officers may accrue 48 hours and non union shift fire employees may accrue 240 hours.

Compensatory time may accumulate maximum hours as follows:

A non-exempt employee	40 hours
Police Lieutenants	48 hours
Fire Department Captains	240 hours

**Positions Ineligible for Overtime Compensation** - Employees exempt from the FLSA are not eligible for overtime compensation. Furthermore, temporary or seasonal and part-time employees shall only be compensated on a straight-time basis for all hours worked, unless required by the Fair Labor Standards Act to be compensated at time and one-half.

**Minimum Call Back** - Employees eligible for overtime compensation will be paid a minimum of two hour's pay at the overtime rate when they are called back to work even though their actual time worked in such a call back situation is less than two hours, except if the employee stays beyond the normal work day or reports immediately before their starting time. In that situation the employee is paid overtime based upon the actual time worked and the two hour minimum does not apply.

**Overtime Increments** - Employees working overtime, whether on a call back or hold over assignment shall be paid on a one-quarter hour increment basis.

## CLASSIFICATION PLAN

**Purpose** - The purpose of the Classification Plan is to provide a complete inventory of all positions in the City service and accurate descriptions and specifications for each class of employment. The plan standardizes titles, each of which is indicative of a definite range of duties and responsibilities, and has the same meaning throughout the City service.

**Composition** - The Classification Plan consists of:

- A grouping into classes of positions which are of approximately equal difficulty and responsibility, which require the same general qualifications and which can be equitably compensated within the same range of pay under comparable working conditions.

- A class title, descriptive of the work of the class, which identifies each class.
- Written class specifications for each class of positions, containing a description of the nature of the work and of the responsibility of the positions of the class, examples of work which are illustrative of duties of positions assigned to the class, requirements of work in terms of knowledge, abilities, and skills necessary for performance of the work, a statement of experience and training desirable for recruitment or promotion into the class, and, in certain cases, necessary special qualifications.

**Title** - Class titles shall be used in all personnel, budget, appropriation, and financial records. Titles used in the course of departmental routine or in dealing with the public to indicate authority, status in the organization, or administrative rank may continue to be used for such purposes.

**Specifications** - Class specifications are to be interpreted in their entirety and in their relation to others in the Classification Plan. Particular phrases or examples are not to be isolated and treated as a full definition of the class. Specifications are descriptive of the kind of work performed and are not inclusive of all duties which may be performed or assigned.

Uses of the Plan - The Classification Plan shall be used:

- In preparing public announcements of vacancies.
- As a guide in preparing examinations that will measure the qualifications needed to adequately perform the work of the class.
- In determining lines of promotion and in developing an employee training program.
- In preparing personal service items in the departmental budgets.
- In determining salaries for various types of work.
- In providing uniform job terminology understandable by all City officials, employees, and the general public.

**Administration** - A Classification Plan has been established by the City Council and is maintained by the City Manager. When circumstances warrant, the classification of a particular position or class of positions may be amended by the City Manager with the approval of the City Council.

**Coverage** - The classification plan shall include all classes of full-time positions in the City.

**Maintenance** - Department Heads and supervisors shall be responsible for presenting in writing to the City Manager any permanent, material change in the nature of duties, responsibilities, working conditions or other factors affecting the classification of any position. Any employee may request a classification review of his own position by presenting in writing to the employee's Department Head supporting information for reclassification. Following the receipt of such information, the City Manager shall restudy the position and determine if the classification should be changed.

**Classification of New Positions** - The City Manager shall be responsible for the allocation of new positions to the existing classes or to new classes of position in the City.

## **PAY PLAN**

**Purpose** - The purpose of the Pay Plan is:

- To provide equal pay for positions of relatively equal complexity and responsibility.
- To provide salary ranges which are reasonably comparable to those paid by other governmental jurisdictions and private industry.
- To provide orderly and consistent means of rewarding employees for good performance.
- To simplify and facilitate payroll administration, budgeting, and other phases of financial and personnel administration.

**Composition** - The Pay Plan may include schedules of standard salary ranges consisting of minimum and maximum rates of pay and in some salary ranges intermediate steps.

**Development and Maintenance** - The City Manager shall be responsible for the development, review and maintenance of the Pay Plan subject to the City Council approval of all changes in the Pay Plan and all adjustments of Position Titles within the Pay Plan. Pay Plan salary ranges shall be linked directly to the titles of positions in the Classification Plan and shall be determined with due regard to the following factors:

- The knowledge, skills and ability required to satisfactorily perform the work.
- The nature of degree of supervision received.
- The nature of supervision exercised.
- Any special working conditions related to the work. From time-to-time the City Manager may recommend changes in the assignment of salary ranges to the City Council for approval. In the cases when a new salary range is assigned, an employee's salary will normally be adjusted so that he/she has the same relative position within the new salary range as he/she had in the old.

**Starting Date** - The minimum rate of pay for a class shall be paid upon assignment to the class, except that starting rates above the minimum rate may be paid if the Department Head submits a written request outlining reasons for such action which is approved by the City Manager. Justification for approval of a starting rate above the minimum rate for the class will be limited to recognition of exceptional qualifications of a candidate or lack of available candidates at the minimum rate. If a former employee is reemployed in a class in which he/she was previously employed, the City Manager may make an appointment at the same rate of pay which the employee was receiving at the

termination of his/her service if the former employee's previous rate of pay is at or above the established minimum rate at the time of reemployment. Conversely, with the approval of the City Manager, original employment below the minimum rate for the class may be authorized when the most qualified candidate possesses less than the minimum qualifications for the available position. Such appointments below the minimum rate of pay shall be made on a trainee basis with an agreed-upon period of time for training and when the trainee is able to function on a full performance basis, he shall advance to the minimum rate of pay for the class. If at the end of the agreed-upon training period the trainee does not meet the minimum qualifications of the position, his employment will be terminated.

### **Salary Increases -**

- Salary increases within a salary range shall be from one step to the next higher step and shall be made every six months from the anniversary date of the employee assuming his/her current position, based upon recommendation of the department head, and approved by the City Manager.
- Salary increases of more than one step, or more frequently than specified above may be made by the City Manager on the basis of recommendations from the Department Head including detailed written statements.
- Salary increases or decreases resulting from the adjustment of salary ranges in accordance with the *Development and Maintenance* section of this Pay Plan shall not prevent within range increase in accordance with this *Salary Increases* section.

**Pay Rates in Transfer, Promotion and Demotion** - If an employee is transferred, promoted or demoted, his or her rate of pay for the new position shall be determined as follows:

- If the rate of pay in the former class is less than the minimum rate established for the class of the new position, the rate of pay shall be advanced to the minimum for the class of the position.
- If the rate of pay in the former class is more than the maximum rate established for the new class, the pay shall be reduced to the maximum rate or an intermediate rate of the new range as determined by the City Manager.
- If the rate of pay of the former class falls within the new range of pay and at an established rate in the range of the new class, the salary rate shall remain the same in the case of a transfer, shall be increased one step in the case of a promotion, and at the discretion of the City Manager, shall remain the same or shall be adjusted to a lower increment in the case of demotion.

**Pay Day** - Employees will be paid every other Friday morning for the two work weeks that ended the previous Sunday. If Friday is a holiday, payday shall be on the workday prior to the Friday holiday.

**Direct Deposit** - An employee hired on or after July 1, 2005, as a condition of employment as established in Section 91A.3 of the Iowa Code, shall participate in direct deposit of the employee's wages in a financial institution of the employee's choice.

**Longevity Pay** - Employees hired before July 1, 1979 will continue to receive \$5.00 per month for each year of service completed to a maximum of \$100.00 per month after twenty (20) years of service.

Employees hired July 1, 1979 and after will not receive longevity payments until they have completed six (6) years of service at which point they will receive \$5.00 per month per years of service to a maximum of \$75.00 per month after twenty (20) years of service.

Longevity pay will be included in the annual base rate of pay. The appropriate longevity pay is added effective every July 1<sup>st</sup> and prorated every pay period.

## **HOLIDAY PAY**

**Full-time employees** who do not work on a holiday shall receive their regular compensation for holidays observed by the City, computed at one time their hourly wage rate times their normal daily work hours. Holiday time is considered time worked for overtime purposes.

### **Eligibility for Holiday Pay**

To be eligible for holiday pay, you must work the last regularly scheduled workday preceding the holiday and the first regularly scheduled workday following the holiday. An unauthorized absence by an employee on his last scheduled working day before, or the first scheduled working day after a holiday shall result in that person not being compensated for the holiday.

### **Excused Absence Before or After Holiday**

If you are absent due to illness or jury service on the day before or after a holiday, you must present proof of illness or jury service satisfactory to the City in order to be eligible for holiday pay.

### **Work on Holidays**

An employee required to work on a holiday shall be compensated at the rate of additional straight time pay for the hours worked.

In lieu of time off, nonunion Fire Department shift employees shall receive 132 hours additional pay per year. Payment shall be made for 60 hours on December 1<sup>st</sup> and for 72 hours on June 1<sup>st</sup> of each year.

Police Department nonunion shift employees shall receive 40 hours extra pay on December 1<sup>st</sup> and 48 hours extra pay on June 1<sup>st</sup> (88 hours total). If the first falls on a Saturday or a Sunday, payment will be made on the following Monday.

### **Holidays during Paid Leave**

If a holiday falls during your vacation or any period of approved paid sick leave, it will be counted as a holiday and will not be deducted from your accumulated vacation or sick leave.

### **Holidays during Unpaid Leave**

Employees on an unpaid leave of absence at the time a holiday occurs will not be paid for the holiday.

## **TERMINATION PAY**

Termination pay includes:

- A. Pay for work performed through the last hour worked;
- B. Pay in lieu of unused earned vacation, contingent upon the employee providing proper notice; and
- C. Comp time allowance.

Termination pay shall be reduced by any of the following:

- A. Required legal deductions
- B. Authorized deductions
- C. Insurance premiums, if due that payroll period
- D. Pre-arranged deductions for City property not returned

Termination pay is normally made available on the regular payday for the pay period in which your last day of work occurred. Such pay is issued through normal payroll procedures in the form of a paper check and not through automatic deposit.

## **LAYOFF PROCEDURES**

All reductions in force or layoffs will be within specified job classifications or categories. The City may consider productivity, merit, qualifications, skills, efficiency of operation and other relevant factors in determining the employee(s) to be laid off.

**SECTION VII**

**BENEFITS**

## YOUR EMPLOYEE BENEFIT PLANS

The City of Oskaloosa currently provides several different benefit plans for you and your family. The City's current plans provide a foundation for:

- **Protection** – against medical expenses resulting from sickness or accident.
- **Security** – by providing an income for retirement or for death.
- **Opportunity** – through on-the-job training and other educational assistance and time to enjoy your outside interests through vacations, holidays and City sponsored activities.

The current benefit plans cover all regular full-time employees and all employees otherwise eligible for coverage by state or federal law. You should remember that length of service is the basis for several employee benefit plans.

***Because of the changing nature of insurance plans and benefits, the City reserves the right to alter, modify or terminate any of the insurance plans, programs and benefits at any time, with or without notice, subject only to its obligation, if any, to bargain with an employee organization. The City reserves the right to change insurance carriers at any time.***

***The insurance benefits for all plans that are referred to in this section are subject to the terms and conditions of the policies the City has with the insurance carrier. If there is any inconsistency between the description of Benefits in this Handbook and any plan documents, the plan documents shall control.***

While we believe in these plans, we reserve the right to change or discontinue these plans in the future.

## TAX STATUS OF BENEFIT PAYMENTS

Certain employee benefit payments may be considered income subject to taxation under federal and state laws and subject to withholding tax.

Since the tax treatment of employees may vary depending on individual circumstances, employees who feel that they require tax assistance should secure help from a qualified tax advisor or from their local tax office.

## INSURANCE

**Coverage** - The City will make available to its full-time employees, and all other employees otherwise eligible for coverage by state or federal law, who qualify group health (hospital, surgical and major medical and life insurance) at the level of benefits determined by the City Council. In some circumstances pre-existing conditions for new employees and their dependents may not be covered under the group health insurance policy. Applicants for City employment should contact the City Clerk's office for further information.

Police and Firefighters shall receive benefits pursuant to Iowa Code Chapter 411. For all other employees, the City provides Worker's Compensation Insurance pursuant to Chapter 85 and will provide any coverage required by Unemployment Compensation laws of the State of Iowa held to be enforceable by a court competent jurisdiction.

**Premium Payments** - The City may require employees to participate in the cost of group health and/or life insurance premiums and co-insurance as they are determined from time-to-time.

### **CONTINUATION OF MEDICAL COVERAGE**

If you resign or your employment is otherwise terminated (for reasons other than gross misconduct on your part), or if your work hours are reduced, and consequently you or your dependents are no longer eligible to participate in the group health insurance plans offered by the City, you and your eligible dependents may have the right to continue to participate for up to eighteen months at your (or your dependents') expense. (You may be required to pay all or part of the premium for continuation coverage, plus up to 2% for administrative expenses.) The eighteen-month continuation coverage period provided in the event of your termination or reduction in working hours may be extended to thirty-six months for your spouse and dependent children, if, within that eighteen-month period, you die or become divorced or legally separated, or if a child ceases to have dependent status. In addition, if you enroll for Medicare during the eighteen-month period, your spouse and dependent children may be entitled to extend their continuation period to thirty-six months, starting on the date that you become eligible for Medicare. If you are determined to be disabled under the Social Security Act at the time of your termination or reduction in hours, you may be entitled to continuation coverage for up to twenty-nine months.

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

If you or your eligible dependents elect to continue in the group health insurance plan, you will be charged the applicable premium and you may be charged an additional 2 percent administrative fee. Failure to make timely payments may result in termination of coverage.

If this election for continuation of coverage is made, you and your dependents may have the option to convert this coverage to an individual policy with our insurance carriers at the end of the continuation period.

The City's third party administrator will contact you concerning these options at the time termination occurs or your work hours are reduced. The City's third party administrator will contact your qualified beneficiaries in the event of your death or enrollment for Medicare benefits. However, in the event that you become divorced or legally separated, or one of your dependents ceases to be eligible for coverage under our group health insurance plan, you and/or your dependent is responsible for contacting the City's third party administrator to discuss continuation/conversion rights. You and your qualified beneficiaries are also responsible for notifying the City's third party administrator within sixty days of qualifying for social security disability benefits.

**Continuation Coverage under Iowa Code Chapter 509A**

Employees who retire from City employment before age 65 are eligible to continue in the City's group health insurance plan up to age 65. For purposes of this section, a retired employee is one who has applied for and is receiving a retirement allowance.

*PLEASE REFER TO YOUR HEALTH INSURANCE BENEFIT  
BOOKLET FOR COVERAGES*

**RETIREMENT, PENSION PLANS**

**Coverage's** - Regular full-time employees shall be covered by retirement or pension plans in accordance with statutory requirements. The authorized retirement and pension plans for City employees include the Iowa Public Employees Retirement Systems (IPERS), the Municipal Fire and Police Retirement System of Iowa (MFPRSI), and the International City Management Association Retirement Corporation (ICMA-RC).

**HOLIDAYS OBSERVED**

The City of Oskaloosa recognizes certain days of importance as holidays and pays employees for time off on those days in accordance with eligibility rules explained in this section. The City recognizes the following holidays:

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<b>New Year's Day</b>	<b>Veteran's Day</b>
<b>Martin Luther King Day</b>	<b>Thanksgiving Day</b>
<b>President's Day</b>	<b>Friday following Thanksgiving</b>
<b>Memorial Day</b>	<b>Christmas Eve Day</b>
<b>Independence Day</b>	<b>Christmas Day</b>
<b>Labor Day</b>	

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**Weekends** - Whenever any of the above holidays fall on a Saturday, the Friday immediately preceding shall be a general holiday for City employees. Whenever any of the above holidays falls on a Sunday, the Monday immediately following will be a general holiday for City employees.

**VACATION**

Recognizing our employees' need for rest and relaxation, the City grants vacation with pay to recognize eligible employees' length of service and to show our appreciation by providing time off with pay.

**Eligibility**

Regular full-time employees in good standing shall earn vacation credits according to the following schedule:

Years of Continuous Service	Weeks of Vacation Earned
After one (1) year	One (1) week
After two (2) years	Two (2) weeks
After six (6) years	Three (3) weeks
After fourteen (14) years	Four (4) weeks
After twenty (20) years	Five (5) weeks

Employees shall be eligible to use vacation credits earned on the completion of their respective anniversary dates. Fire Department shift employees will receive equivalent vacation periods off. The most recent date of full-time employment with the City shall be the basis for determining vacation benefits. Employees shall not be granted vacation pay in lieu of vacation time, except when terminating employment.

**Vacation Periods** - Employees are required to file a request for vacation leave with their Department Head by the date stipulated in departmental rules. Time off for vacation shall be taken in no less than one-half hour increments. The time of each vacation shall be determined by the needs of the City and as approved by the Department Head. Seniority may be used as a basis for the scheduling of vacation time for employees, in particular the assignment of the first two weeks of vacation. Employees shall have a maximum of two consecutive weeks except as approved by the City Manager and Department Head.

**Carryover** -Vacation credits earned in one twelve month period of time shall be fully used during the succeeding twelve months. Carryover will only be approved in unusual circumstances by the City Manager, but in no event, may more than five vacation days be carried over from one anniversary date to the next. All requests for carryover of vacation time must be used within 30-days of the employee's anniversary date. Except in instances specifically approved by the City Manager, the chaining of the use of the vacation credits with previously earned vacation credits shall not be permitted. In effect, an employee cannot run together two consecutive years of vacation credits without the approval of the City Manager.

**Holidays and Sick Leave** - In the event that a holiday occurs during an employee's vacation period, time for such holiday shall not be charged against that employee's vacation credit. If an employee becomes ill during a vacation period, such days may not be designated as sick leave days, thereby carrying over the vacation time to another period, unless specifically approved by the City Manager.

However, if an employee is ill and has exhausted sick leave benefits, vacation credits earned may be used by the employee in lieu of paid sick leave.

**Separation** - An employee in good standing and separating from the City service shall be paid for any unused earned vacation upon separation, plus accrued vacation since the last anniversary date, provided the employee gives proper written notice to the City Manager. It is customary that such notice is delivered at least two weeks prior to the employee's intended last day of service. If an employment relationship ends due to involuntary dismissal or termination, the terminated employee will not be paid for accrued vacation.

## SICK LEAVE

**Eligibility** - All regular full-time employees in good standing shall be eligible for paid sick leave benefits. The employee shall not be eligible for sick leave if injured while working on outside employment by a different employer who should be covered by worker's compensation. An employee may be eligible for sick leave because of personal illness or physical incapacity resulting from causes beyond the employee's control or enforced quarantine of the employee in accordance with health regulations. An employee shall be eligible to use up to twelve (12) days of their accumulated sick leave per fiscal year for family illness or injury that requires the employee to stay at home or for a hospital stay with a family member. Family members for purpose of this section are the employee's spouse, parents, child or step-child. Family Leave may be extended beyond twelve (12) days at the sole discretion of the City Manager. Sick leave shall be used in one-half hour minimum increments.

**Accumulation** - An employee can accumulate sick leave at a rate of eight hours per month (12 hours per month in the Fire Department for shift employees) with a maximum of 120 days (1152 hours in the Fire Department for shift employees) of sick leave with pay to protect the employee during extended illnesses. An employee shall be entitled to the use of any or all accumulated sick leave benefits with pay if and when needed and as authorized. Accumulation of sick leave is based on the employee's original date of employment as a regular full-time employee with the City.

**Notification** - An employee who is unable to report for work shall report the reason for the absence to the supervisor within one half hour of the regular starting time for that employee. Failure to provide notice on each such day may be considered a leave of absence without pay for that full day. The City may require evidence, paid for by the employee, supporting the use of sick leave, as it sees fit. Absences of three or more work days due to illness may require a doctor's statement, paid for by the employee. An employee who is sick is expected to be confined to one's residence or hospitalized unless the employee is en route to or located at the office of a physician or medical facility.

**Vacations and Holiday** -Paid sick leave will not be granted if taken the day immediately before or after authorized vacation or holiday time unless specifically approved by the City Manager.

### **Compensation -**

While on sick leave, an employee shall receive his normal rate of base pay. Employees shall continue to accrue benefits and seniority while on paid sick leave.

**Unused Sick Leave** - An employee shall be compensated for one-half (one-quarter by employees hired after July 1, 2008) of their unused sick leave of the amount actually accrued or the maximum allowed to be accrued if the employee is at that amount, under the following circumstances:

- At the time of voluntary termination of employment by the employee, if the employee has worked 20 years or more as a full-time employee with the City.
- If employed full-time at the time of death, regardless of the length of service, payment to the employee's beneficiary as provide in the employee's life insurance policy provided by the City.

## LEAVES OF ABSENCE

A leave of absence is generally considered a day or more off from the job with permission to help alleviate situations that may arise during the ongoing service of an employee. It is not intended here to set forth the explicit reasons for which leaves will be granted, however, some reasons may arise from situations that are more common. Leave circumstances for which the City's special policies cover are these:

- **GENERAL MEDICAL LEAVE**
- **INJURY LEAVE**
- **FAMILY AND MEDICAL LEAVE**
- **FUNERAL LEAVE**
- **JURY AND WITNESS DUTY**
- **MILITARY LEAVE**
- **VOTING LEAVE**
- **PERSONAL LEAVE WITHOUT PAY**

**ELIGIBILITY:** Regular, full-time employees are generally eligible to take leaves of absence without loss of seniority, subject to the conditions and limitations described in the special policies or to the discretionary actions of the City where policies are not stated. Leaves require prior approval of the Department Head. Vacation time will continue to be earned, and sick leave will continue to accrue during any approved paid leave of 12 weeks or less and made available for use upon return to active work status.

**LIMITATIONS:** In order to continue group health related insurance coverage after paid leave has been exhausted, the employee must make arrangements to pay the City's portion of the premium payments at his/her own expense.

Performance reviews and any eligible pay adjustments will be postponed until you return to work, if your review date falls within the leave of absence period. Also, you will be ineligible for pay for any holidays that fall within the leave of absence period.

Each request for leave should be made to your immediate supervisor. Each request will be considered on an individual basis.

Leave time is not counted as hours worked in computing overtime.

## GENERAL MEDICAL LEAVE

If you require a leave of absence for medical reasons such as an extended illness, surgery, disability, pregnancy or injury, including injuries arising out of and in the course of employment, you should discuss your condition with your immediate supervisor as soon as possible. If your absence is for a serious health condition, or if the absence is for other than a serious health condition and expected to be longer than three (3) days, you will be required to complete a "Request for Medical Leave of Absence" form and may, at the discretion of the City, be asked to provide medical certification.

Any earned vacation, compensation time, and accrued sick leave is to be applied to the leave. After vacation, compensation time, and sick leave have been exhausted, any remaining leave time will be without pay. Limitations for benefits and pay practices during leaves of absences apply here.

You should return to work as soon as possible upon receiving written approval from your physician. If your circumstances require additional time beyond the original expiration date of your leave, you should submit a written request for an extension prior to that date.

The City reserves the right to request a medical examination by a City-appointed physician to confirm disability and to confirm ability to return to work.

For leaves that do not exceed three months, service time with the City shall continue during the leave and an effort will be made to reinstate you to the same position or one of equal status at the same rate of pay upon returning to work.

Failure to return on or before the expiration date of your leave without receiving an approved extension will be recognized as a voluntary termination.

## **INJURY LEAVE**

### **Work-Related Injuries**

To provide for payment of your medical expenses and partial salary continuation in the event of a work-related injury or illness, you are covered by Insurance described on page 58 of this Handbook. The amount and duration of benefits payable depend on the nature of your injury or illness. An employee who is eligible for workers' compensation may instead elect to use paid accrued sick leave for scheduled workdays lost. If you are injured on the job, you must notify your department head immediately.

Before returning to work, an employee who has been receiving benefits must submit evidence satisfactory to the City that the employee is safely able to return to work. Upon return to work of the employee, the Employer shall make a complete review of the total sick leave and worker's compensation payments. The employee will be given a written summary of the review findings and may either affirm or dispute the findings of the Employer in writing within 10 workdays. If disputed, the employee shall set out the specifics of the dispute and his/her proposed correction. The Employer will review the employee's proposal for conformity with this section and if necessary, discuss any dispute with the employee. On resolution and agreement of the matter, any adjustments in sick leave credit will be made on a mutually agreeable schedule.

**Reporting Injuries** - All personal injuries, no matter how minor, incurred in the course of performing assigned work duties shall be reported immediately to the employee's supervisor. A written report of the injury is to be completed by the supervisor. All job related injuries requiring medical treatment are to be initially treated at the facility designated by the City Manager. Job related injuries shall not be reported as claims under the City's group health insurance policy.

**Retention of Benefits** - While on work related injury leave, the employee shall continue to accrue benefits and seniority.

## FAMILY AND MEDICAL LEAVE

It is the policy of the City to provide unpaid family and medical leave in accordance with the federal Family and Medical Leave Act (FMLA) of 1993. Whether or not a particular situation is covered by FMLA depends on whether the law's requirements have been met, not on whether an employee actually requests FMLA leave. The City will designate leave as FMLA leave if the employee is eligible for FMLA leave and if the law's other requirements are satisfied, even if the employee has not requested FMLA leave.

### Leaves Available

- Twelve workweeks of leave in a 12-month period for:
  - A. the birth of a child and to care for the newborn child within one year of birth;
  - B. the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
  - C. to care for the employee's spouse, child, or parent who has a Serious Health Condition;
  - D. a Serious Health Condition that makes the employee unable to perform the essential functions of his or her job;
  - E. any Qualifying Exigency/Event arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" **or**
  
- Twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness who is the spouse, son, daughter, parent, or next of kin to the employee (Military Caregiver Leave).

### Eligibility Requirements

To be eligible for family and medical leave, you must have worked for the City for at least 12 months, and for at least 1,250 hours during the 12 months immediately preceding the start of the leave.

### General Provisions

For purposes of this policy:

### Serious Health Condition

For purposes of C and D, above, "Serious Health Condition" means an illness, injury, impairment, or physical or mental condition that involves one of the following:

#### ***Hospital Care***

Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with such inpatient care.

#### ***Absence With Treatment***

A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:

- a. Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or
- b. Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.

***Pregnancy***

Any period of incapacity due to pregnancy, or for prenatal care.

***Chronic Conditions Requiring Treatments***

Any period of incapacity or treatment for such incapacity due to a chronic Serious Health Condition. A chronic Serious Health Condition is one which:

- a. Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
- b. Continues over an extended period of time (including recurring episodes of a single underlying condition); and
- c. May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

***Permanent/Long-term Conditions Requiring Supervision***

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

***Multiple Treatments (Non-Chronic Conditions)***

Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

Ordinarily, unless complications arise, the common cold, the flu, earaches, upset stomach, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that do not meet the definition of a Serious Health Condition and do not qualify for family and medical leave.

Substance abuse may be a Serious Health Condition if the conditions of this term are otherwise met. However, family and medical leave may only be taken for treatment for substance abuse by a health care provider or by a provider of health care services on referral by a health care provider. On the other hand, absence because of the employee's use of the substance, rather than for treatment, does not qualify for family and medical leave.

**"Child"** means son or daughter under 18 years of age, or a child 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's child is one for whom the employee has actual daily responsibility for care and includes a biological, adopted, foster or step-child.

**"Parent"** does not include parents-in-law.

**"Spouse"** does not include an unmarried domestic partner.

The **"twelve month period"** The annual entitlement to leave is measured on a "rolling" basis which looks backward to the 12-month period ending on the date an employee uses any FMLA leave. For example, each time an employee takes FMLA leave for purposes of A through D above, the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months.

**Married employees:** If an employee and his/her spouse both work for the City, they are both eligible for leave. The employee and employee's spouse may be limited to a combined total of 12 weeks of FMLA leave in a 12-month period if the leave is taken for:

- The birth, adoption, or foster placement of a child;
- To care for and bond with such child who does not suffer from a Serious Health Condition;
- To care for a parent with a Serious Health Condition; or
- A combination of the above.

For military caregiver leave, the employee and employee spouse may be limited to a combined total of 26 weeks of leave in a 12-month period, including the types of leave listed above in this paragraph.

### **How and When Leave May Be Taken**

Family and medical leave is taken either in consecutive workweeks; intermittently in separate blocks of time; or by reducing the number of days you work per week, or hours per day.

**Intermittent or reduced schedule** leave may be taken when medically necessary to care for your spouse, child, or parent with a serious health condition, or because of your own serious health condition. You must provide the City with medical certification of the need for intermittent or reduced schedule leave, and must attempt to schedule your intermittent or reduced schedule leave so as not to disrupt City operations. You may be transferred temporarily to an alternative position or schedule, with equivalent pay and benefits, which better accommodates the intermittent leave or reduced schedule.

Leave for childbirth, adoption or foster care may be taken intermittently or on a reduced leave schedule only if the employee's Department Head agrees to the proposed intermittent or reduced leave schedule.

Leave for the birth of a child or placement of a child for adoption or foster care must be taken within twelve (12) months of the birth, adoption or placement.

### **Notice Requirements**

If you know in advance that you will be taking leave because of birth, adoption or placement of a foster child in your home, or because of planned medical treatment for you or a covered family member, you

must notify your immediate supervisor in writing using a "Request for Family/Medical Leave" form at least thirty (30) days in advance.

If circumstances require that the leave begin in less than 30 days, you must notify your immediate supervisor as soon as is practicable.

When the need for leave is foreseeable based on planned medical treatment for you or your covered family member, the City expects you to consult with your immediate supervisor and Department Head and to make a reasonable effort to schedule the treatment so as not to unduly disrupt City operations.

### **Medical Certification**

All requests for leave for an employee's own Serious Health Condition or to care for a family member with a Serious Health Condition must be supported by a certification issued by the health care provider of the employee or the health care provider of the employee's son, daughter, spouse or parent, as appropriate.

The City will provide certification forms for completion by the health care provider. Use of these forms is required. The employee must provide the certification within 15 calendar days after the City requests certification, unless it is not practicable under the circumstances to do so despite the employee's diligent, good-faith efforts. Where an employee fails to timely provide the required certification, FMLA leave may be delayed or denied, in which case time off work may be handled under the City's regular policies and practices for attendance and absences from work, and may be considered unexcused absences subjecting the employee to discipline up to and including termination of employment.

When the employee provides a certification which is incomplete or insufficient and the City provides the employee with notice and an opportunity to cure the deficiency, the employee will have seven (7) calendar days to cure the deficiency with a resubmitted certification. Where an employee fails to timely cure a deficiency, FMLA leave may be denied, in which case time off work may be considered unexcused absences subjecting the employee to discipline up to and including termination of employment.

Re-certifications will be required by the City at the employee's expense. The employee must provide the requested recertification within 15 calendar days after the City requests recertification, unless it is not practicable under the circumstances to do so despite the employee's diligent, good-faith efforts. Where an employee fails to provide the requested recertification, FMLA leave may be delayed or denied, in which case time off work may be considered unexcused absences subjecting the employee to discipline up to and including termination of employment.

The City may obtain clarification and authentication of certifications, and may require re-certifications and fitness for duty certifications as allowed by federal regulation. Annual certifications may also be subject to second and third opinions.

**At all times, FMLA leave for the employee's or a family member's Serious Health Condition is subject to the certification process. Any absences and time off work which are not covered by FMLA (for example, when an employee fails to provide timely certification, fails to timely cure a deficiency in a certification, fails to allow clarification of a certification, where absences and time off work prior to and during the certification process are later determined to not be**

covered by FMLA, etc.) are subject to the City's regular policies and practices regarding attendance and time off work, including disciplinary policies depending on the number of absences and other circumstances. Similarly, an employee's failure to cooperate or comply with the recertification or fitness for duty certification process can result in absences not covered by FMLA and subject to the City's regular policies and practices.

### **Second and Third Opinions**

The City reserves the right to obtain at its expense a second opinion from a health care provider designated by the City. If the second opinion differs from the opinion in the original certification, the City may require that a third opinion be obtained at the City's expense from a health care provider designated jointly by the City and the employee. Such opinion shall be final and binding.

If a medical certification to support the FMLA Military Caregiver Leave is obtained from a healthcare provider affiliated with the military, such certification will not be subject to second and third opinions.

### **Use of Paid Leave**

The City will require you to use paid leave as part of your family and medical leave as follows:

1. You must use any earned vacation and any available comp time for any portion of the twelve (12) week leave for birth, adoption, foster placement, or to care for a child, spouse, or parent with a serious health condition or for any portion of the twenty-six (26) week Military Caregiver Leave.
2. You must use any accrued sick and earned vacation leave for any portion of the twelve (12) week leave to care for your own serious health condition. Any situation in which you use paid sick leave because you are unable to work due to a condition that qualifies as a serious health condition under this policy will be counted against your twelve week FMLA entitlement.

When you have used all required paid leave for any portion of a FMLA leave, the balance of the leave will be without pay.

### **Rights and Benefits during Leave**

Seniority will accrue only during periods of paid leave.

All benefits which you had accrued before taking leave will be retained after returning from an approved FMLA leave, if not depleted during the leave.

While you are on family or medical leave, paid or unpaid, the City will continue your group health insurance coverage at the same level and under the same conditions that coverage would have been provided had you continued working. The employee will be required to pay the same cost of coverage as if he or she were actively at work. Employee contributions to the premium will be required either through payroll deduction or by direct payment to the City of Oskaloosa by the 1<sup>st</sup> of the current month for continued coverage is required. The employee will be informed of the amount and method of payment at the beginning of the leave. Loss of insurance coverage may result if the premium amount is more than thirty days late. If the employee misses a premium payment and the City pays the employee's contribution, the employee will be required to reimburse the City for the delinquent payment upon return from leave.

Under certain circumstances, if you fail to return to work and remain employed for sixty (60) days after an approved FMLA leave, the City may require you to reimburse it for the amount the City paid for your health insurance premium during the leave.

### **Returning to Work**

Where practicable under the circumstances, employees will be required to contact {their immediate supervisor} every two weeks to report on the employee's status and intent to return to work. Where a change in circumstances modifies the anticipated duration of FMLA leave, the employee must provide the City reasonable notice, within 2 business days, of the changed circumstances where foreseeable.

Subject to limitations provided by applicable law, the returning employee will be restored to the position he or she held when the leave commenced, or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment. However, if the employee is unable to perform an essential function of the position because of a physical or mental condition, including the continuation of a Serious Health Condition, the employee is not guaranteed reinstatement except as may be required by applicable law. Further, in accordance with applicable law, certain key employees are not guaranteed reinstatement and business circumstances may prevent reinstatement.

Upon expiration of the leave, an employee on leave for his or her own Serious Health Condition shall provide the City with a certification from his or her health care provider, at the employee's expense, that the employee is able to resume work (fitness-for-duty certification). In some circumstances the City may require that the certification address the employee's ability to perform the essential functions of the employee's job. In most circumstances an employee must submit the required fitness-for-duty certification before the employee will be restored to employment. Unless the employee provides either a fitness-for-duty certification or a new medical certification for a Serious Health Condition at the time FMLA leave is concluded, the employee may be terminated. An employee who fails to return to work or contact the City regarding his or her status following conclusion of FMLA leave will be considered to have voluntarily terminated the employment as of the conclusion of the FMLA leave.

### **FMLA for Military Families**

#### ***Injured Service Member (Military Caregiver) Leave***

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury which was sustained or aggravated in the line of duty on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness which was incurred or aggravated in the line of duty on active duty; or a veteran who has a serious injury or illness which was incurred or aggravated in the line of duty on active duty and who was a member of the Armed Forces, including the National Guard or Reserves, at any time within five (5) years of receiving the treatment that triggers the need for military caregiver leave. This military caregiver leave is available during "a single 12-month period" during which an eligible employee is entitled to a combined total of 26 weeks for all types of FMLA qualifying reasons. The other types of FMLA leave remain subject to the 12-week limit per rolling year. When care for a covered service member is involved, spouses employed by the same employer are jointly entitled to a combined total of 26 weeks of leave during a single 12-month period for the birth and care of a newborn child, placement of a child for adoption or foster care, to care for parent who has a Serious Health Condition, and to care for the covered service member.

### **Active Duty Family Leave (Qualifying Exigency Leave)**

Eligible employees are entitled to up to 12 weeks of leave because of "any qualifying exigency" arising out of the fact that the spouse, son, daughter, or parent of the employee is a member of any branch of the Armed Forces, including the National Guard or Reserves, and is on active duty in a foreign country or has been notified of an impending call to active duty status in a foreign country. This leave is subject to the same aggregate 12 weeks of FMLA leave per rolling year as the traditional forms of FMLA leave.

Both types of military family FMLA leave are subject to certification or other verification requirements. Where an employee fails to timely comply with any such requirements, or where this process establishes time off and absences from work are not covered by FMLA, the FMLA leave may be delayed or denied and any absences and time off may be considered unexcused absences subjecting the employee to disciplinary action, up to and including termination of employment.

### **General Provisions**

The City is the sole administrator of this Policy and, as such, is the exclusive interpreter of its terms. The City reserves the right to modify this Policy at any time.

All provisions of this Policy shall be interpreted consistent with the Family and Medical Leave Act of 1993, as amended. This Policy is not a contract and is not intended to create any rights greater than those conferred on employees by the Family and Medical Leave Act of 1993, as amended.

The existence of this Policy does not create or confer any FMLA rights if FMLA does not apply due to the number of employees or any other eligibility criteria. The existence of this Policy shall not be relied on to determine whether an employee is entitled to FMLA leave. The presence of FMLA posters in the workplace shall not be relied on to determine whether an employee is entitled to FMLA leave. The applicability of FMLA, and the availability of FMLA leave at any given time, shall only be determined by {Organization Name/Title's Human Resources manager or other designated employer representative authorized by Organization Name/Title} to make FMLA determinations.

For further information regarding employee rights and responsibilities under the Family and Medical Leave Act see WHD Publication 1420, which is available at: <http://www.dol.gov/whd/regs/compliance/posters/fmlaen.pdf> and is posted in your workplace.

### **Genetic Information Nondiscrimination Act**

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

### **Employee Rights and Responsibilities Regarding FMLA**

(See next page.)

## EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

### Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

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

### Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintroduction briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember 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.

### Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

### Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

### Definition of Serious Health Condition

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

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

### Use of Leave

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

### Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

### Employee Responsibilities

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

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

### Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

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

### Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

### Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.



For additional information:  
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627  
[WWW.WAGEHOUR.DOL.GOV](http://WWW.WAGEHOUR.DOL.GOV)



U.S. Department of Labor | Employment Standards Administration | Wage and Hour Division

WHD Publication 1420 Revised January 2009

## **PREGNANCY LEAVE**

Leave associated with an employee's own serious health condition, the birth of a child or to care for the newborn child within one year of birth may be available under the City's Family and Medical Leave policy, above. If an employee is ineligible for FMLA leave, she is nonetheless entitled to a leave of absence for the period that the employee is disabled because of the employee's pregnancy, childbirth, or related medical conditions, not to exceed eight (8) weeks. The employee *will be required* to utilize any available paid time off during this leave of absence, and after all paid time is exhausted the leave shall be unpaid. If this leave is unpaid, the employee will not accrue length of service, vacation, or sick leave and are not eligible for paid holidays.

The employee must provide timely notice of the period of leave requested; the City must approve any change in the period requested; and the City may require that the employee's disability resulting from pregnancy be verified by medical certification stating that the employee is not able to reasonably perform the duties of employment. Any pregnancy disability leave will be exhausted concurrently with any other available leave or benefits, including but not limited to FMLA leave or any short term disability benefits.

## **FUNERAL LEAVE**

A full-time employee in good standing may be granted up to five (5) working days leave with pay in the event of the death of a spouse, son, daughter (including foster or step-child), mother, father and up to three (3) days for sister, brother, grandparents, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law. Funeral leave must be taken within the date of death through two (2) days following the funeral. Fire Department shift employees on 24 hour shifts shall receive a one, or two, 24 hour work period for funeral leave depending on the scheduled work days that occur during the period granted for such funeral leave.

## **JURY AND WITNESS LEAVE**

You must notify your immediate supervisor promptly after notification to report to jury duty and exhibit the summons of the court. While you are on jury duty, you will continue to be paid according to your regular work schedule. Therefore, you are required to turn into the City your pay for jury duty (you may retain any expense monies paid to you for jury duty). If you are excused from jury duty during working hours and there are two or more hours left of your workday, you are to report to the office for the remainder of the day.

## **MILITARY LEAVE**

### **Leaves Available**

The City will grant leaves of absence for military service to full-time and part-time employees in accordance with applicable state and federal law. A full-time or part-time employee, who is a member of the uniformed services, when ordered by proper authority to serve in the uniformed services, shall be granted leave for the period of service. The first thirty calendar days of military leave each calendar year shall be without loss of pay. Any amount of military leave taken during any part of an employee's scheduled workday, regardless of the number of hours taken, shall count as one day toward the thirty

calendar days without loss of pay. Absences required for military service that exceed thirty (30) calendar days shall be granted in accordance with the City's policies on vacation, personal, compensatory time, or unpaid leave, and with applicable state and federal law.

### **Reemployment Rights - Eligibility**

Your eligibility for reemployment with the City after you complete military service will be determined in accordance with applicable state and federal law. Conditions for reemployment are briefly explained as follows:

1. You, or an appropriate officer of the uniformed service in which you serve, must give advance written or verbal notice of your service to your immediate supervisor, unless military necessity prevents you from giving notice or if it is otherwise impossible or unreasonable;
2. The cumulative length of the absence and all previous absences from your employment with the City for reason of military service must not exceed five years;
3. You must not be disqualified due to a dishonorable or bad conduct discharge, court martial or dismissal by the President during war time, AWOL status for more than three (3) months or incarceration, or due to separation from service for conditions other than honorable; and
4. When you return from military service, you must report to work or submit a timely application for reemployment according to the following schedule:

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

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

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

### **Continuation of Benefits during Military Service**

Employees on leave for military service and any of their dependents entitled to coverage under the City's health insurance plan are entitled to coverage as follows:

1. An employee that leaves employment for less than 31 days is entitled to continued health insurance coverage, and will not be required to pay more than what an active employee would pay for coverage.
2. An employee that leaves employment for more than 30 days is allowed to elect to receive continued coverage under the City's health insurance plan for up to 18 months following separation from employment or until the employee's reemployment rights expire, whichever event occurs first. The City may require the employee to pay up to 102% of the premium.

## **VOTING LEAVE**

Any person entitled to vote at an election in this State who does not have three consecutive hours in the period between the time of the opening and the time of closing of the polls during which the person is not required to be present at work for an employer, is entitled to such time off from work time to vote. If you meet these criteria and wish to leave work to vote, you must notify your supervisor in writing prior to the date of election and as soon as reasonably possible. If you meet the above mentioned criteria, the City will designate the period of time to be taken off, and your absence during such period of time will be paid.

## **PERSONAL LEAVE WITHOUT PAY**

Your Department Head may grant a personal leave without pay when a written request for such leave is presented. (However, if you have any paid time off such as vacation or sick leave available, it will be applied to the leave time.) The request will be granted on the following conditions:

1. The nature of the leave.
2. The length of the leave.
3. The needs of your department.

## **UNPAID LEAVES OF ABSENCE**

Unpaid leaves of absence may be granted in certain circumstances. If you have exhausted all applicable sick leave, vacation, compensatory time, and FMLA leave, you may request an unpaid leave of absence. Applications for unpaid leave must be made in writing and shall state the reasons for the leave and inclusive dates. Approval of unpaid leave is at the discretion of the City.

Employees who are not eligible for leave under the City's sick leave or Family and Medical Leave Act policies may apply for an unpaid leave under this section for purposes of pregnancy or a related condition as provided in Iowa Code section 216.6(2)(e). Medical certification stating that the employee is not able to perform the duties of employment may be required by the City.

During an unpaid leave granted under this section, you do not receive compensation, do not accrue length of service, or sick leave and are not eligible for paid holidays. The City does not make contributions to retirement programs for the duration of the leave. You may continue in the group health program during an unpaid leave under this section by paying the full cost of the premium by the 1<sup>st</sup> of the month for the current month's coverage. Failure to pay the premium on time will result in termination of coverage.

If you plan to return to work following an unpaid leave taken under this section, you must notify your Department Head before the end of your leave. The City will attempt to restore you to the position you held at the start of the leave, or in a comparable position, if possible. If no such position is available, your employment will be terminated.

When an employee has been on unpaid leave for 30 calendar days, the City Manager shall review the circumstances and either extend the unpaid leave or terminate the employee.

## UNIFORMS

Uniforms for City of Oskaloosa employees will be in accordance with the policy adopted by City Council. Uniform items provided to the employees by the City remain the property of the City and will be worn only during work hours when the employee is on duty. Upon separation from the service, uniforms and all other City property must be returned prior to the issuance of the employee's final check.

## VOLUNTEERS

The City of Oskaloosa shall use the services of volunteers to:

1. Supplement the efforts of paid city staff in meeting demand for good quality public service.
2. Serve as a method of encouraging citizens to become familiar with city departments and the services being offered.

### **General Provisions for Volunteers**

Nothing in this policy shall be deemed to create a contract between volunteers and the City of Oskaloosa. Volunteers and the City of Oskaloosa have the right to terminate any type of volunteer's association with the city at any time, for any reason, with or without cause. If a volunteer wishes to terminate the volunteer arrangement, the City of Oskaloosa would appreciate advance notice so a replacement may be sought.

Prior to engaging in any volunteer activity, each volunteer will be required to complete a "Nonstatutory Volunteer Coverage Application" form, and visit with a staff member from the City of Oskaloosa. A background check may be performed for any individual who volunteers at the city.

Volunteers may be asked to work on projects that are supportive of staff efforts. Examples may include clerical tasks, miscellaneous labor, and assist with various department services.

The supervisory staff member will determine hours of volunteer service in discussion with the volunteer. Volunteers are expected to arrive at the designated city department in time to begin work as scheduled or call the department if they will be absent. All volunteer work must be completed within normal department hours. The department head may make exceptions.

Volunteers are expected to sign in and out each time they work at the city department and are expected to indicate the type of work that was done.

### **Recruitment and Supervision of Volunteers**

Volunteers will be sought through a variety of methods to meet specific as well as general project needs. Recruitment shall be the responsibility of the supervisory staff member or the department head.

Volunteers will work directly with the department staff members to receive training and complete projects. All volunteers will be assigned one primary staff member to guide them in their work; however, staff members may offer guidance to any of the volunteers.

### **Operation of City Vehicles**

Volunteers are prohibited from operating city vehicles or are prohibited until they are approved by the city's insurance carrier. If it is necessary that the volunteer operate a city vehicle, the volunteer's full

name, birth date, and valid driver license will be presented to the HR Department. The HR Department will forward the information to the city's insurance carrier for approval. The department head will be informed if the volunteer is or is not approved to operate city vehicles.

### **Volunteer Training**

At minimum, volunteer training shall include the following:

- Tour of department
- Review of the volunteer's job description
- Review of relevant department policies
- Completion of required form(s)
- Targeted instruction in the volunteer's specific tasks

### **EMPLOYEE ASSISTANCE PROGRAM (EAP)**

At the discretion of the City Council, the City may provide an EAP for employees and the members of their immediate family.

## ADDENDUM

## DEFINITIONS

**Abuse** of a vehicle or equipment - Any operation beyond the specified purpose or capabilities for the vehicle or equipment that may result in inordinate wear or damage.

**Accident** - Any contact by any City vehicle or equipment with any person or object that it was not intended to come in contact with which causes, creates or leaves **any** damage to the vehicle, the person or the object, whether visible or not.

**Anniversary Date** - The date that an individual becomes a regular full-time or part-time employee of the City. For promotion purposes, the date of promotion shall be the anniversary date of the employee for salary considerations. For salary consideration the anniversary date shall be changed for an employee who has taken an unpaid leave of absence by the number of days of the leave.

**Appointment** - The selection of a person to a full or part-time position on a regular or temporary basis in the City service who is not currently an employee of the City.

**City Manager** - The position created by the City Charter of the City of Oskaloosa and the individual duly appointed to such position by the City Council.

**Class or Classification** - A position or group of positions that involves similar duties and responsibilities and requires similar qualifications and is designated by a single title indicative of the kind of group.

**Demotion** - A change in an employment status from a position in one classification to a position in a lower classification involving a decrease in responsibility and a lower maximum salary.

**Department Head** - A position created by ordinance or authorized by City Council of the City of Oskaloosa to be responsible for and direct a major function of the City and the individuals duly appointed to such positions by the City Council, appointing Board, and/or the City Manager.

**Driver/operator** – A person who is assigned, assumes or takes responsibility, whether directly or indirectly, for the operation of any City vehicle or equipment; or any person who is at any time in actual physical control of any vehicle or equipment.

**Employee** - A person occupying a position in the City service or a person who is on authorized leave of absence whose position is being held pending the return of that person. (See definition Section III, page 3)

**Gift** - The rendering of money, property, services, granting a discount, loan forgiveness, payment of indebtedness or anything else of value in return for which legal consideration of equal or greater value is not given and received if the donor is in any of the following categories:

- a. Is doing or seeking to do business of any kind with the City of Oskaloosa, meaning being a party to any one or any combination of sales, purchases, leases or contracts to, from, or with the City.

- b. Is engaged in activities which are regulated or controlled by the City of Oskaloosa.
- c. Has interest which may be substantially and materially affected by the performance or non-performance of the donee's official duty.
- d. Is a lobbyist for a prospective matter within the donee's jurisdiction.
- e. The following items are not encompassed within the definition of gift:
  - a. Campaign contributions
  - b. Informational material relevant to a public servant's official functions, registration fees or tuition not including travel or lodging for not more than three days at seminars or other public meetings conducted in Iowa at which the public servant receives information relevant to the public servant's official function.
  - c. Anything received from a person related within the fourth degree of kinship or marriage unless the donor is acting as an agent or is acting as an intermediary for another person not so related.
  - d. Any inheritance.
  - e. Anything available to or distributed to the public, generally without regard for the official status of the recipient.
  - f. Food, beverage, registration and scheduled entertainment at group events.
  - g. Actual expenses for food, beverages, travel, lodging, registration and scheduled entertainment of the donee or meeting which is given in return for participant in a panel or speaking engagement at the meeting.
  - h. Plaques or items of negligible resale given as recognition for public service.

**Immediate Supervisor** - An employee who has continuing authority to decide or authority to recommend any or all of the following personnel actions: granting merit increases, making work assignments, hiring, dismissing, suspending, providing discipline, promoting, transferring, granting leaves of absence, authorizing overtime, and participating in grievance procedures.

**Layoff** - A separation of an employee from the City service which has been made necessary by lack of work or funds or other reasons related to fault, delinquency or misconduct on the part of an employee.

**Position** - A group of current duties and responsibilities assigned or delegated by competent authority and requiring the full or part-time service of one employee.

**Pay Plan** - The listing of position classes in the City together with the corresponding amounts of remuneration to be paid to each one.

**Pay Range** - The minimum and maximum amount of money that the City will pay an employee in a classified position.

**Promotion** - A change in employment status from a position in one classification to a position in a higher classification involving an increase in responsibility and a higher pay range.

**Salary** - The hourly, weekly, monthly, or annual monetary amount which the City will pay directly to an employee for work performed.

**Vehicle** - Any motorized equipment that requires a license to operate or is registered through the Department of Transportation, Motor Vehicle Division.

**Volunteer** - A volunteer shall be considered as an individual, eighteen years of age or older, who assists with work done for the City of Oskaloosa, without remuneration. Such volunteer is not an employee or agent of the city. A volunteer may provide ongoing assistance on a regular basis or may provide assistance only on specific projects.

## **Employee Acknowledgement of Receipt of Handbook**

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I have received a copy of the City of Oskaloosa Employee Handbook. I know that I must read the Handbook so that I can understand my responsibilities as an employee of City of Oskaloosa.

I understand that this Handbook is not a contract of employment, but rather an explanation of City policies. The City has not solicited my assent or agreement to the policies set forth in this Handbook and my employment is not in consideration of, or in return for, my being bound by this Handbook. I realize that the City may interpret, clarify, revise, and/or deviate from the policies set forth in the Handbook at any time, with or without notice to me.

I also realize that my employment relationship with City is voluntarily entered into and is subject to termination by me or the City at-will, with or without reason or notice, at any time either party believes such action to be appropriate, and that nothing in this Handbook creates additional rights or provides a basis for me to believe my employment is not terminable at-will.

I understand I may retain this copy of the Handbook while I am employed by the City or until requested to return it. As changes and additions are made to its content, I understand I will be supplied with copies and will be expected to keep my copy updated and in proper condition.

I understand that if I have any questions, I am to talk with my department head or the City Manager.

\_\_\_\_\_  
EMPLOYEE'S SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
EMPLOYEE'S NAME (Typed or Printed)

A copy of this form will be retained in your personnel records.



## **Acknowledgement of Change**

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I acknowledge that I have received the Handbook changes dated \_\_\_\_\_, 20\_\_\_\_ covering page(s) \_\_\_\_\_ of the Employee Handbook of the City of Oskaloosa.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Employee's Name (Please Print)

Signed: \_\_\_\_\_



## Receipt of Harassment Prevention Policy

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This is to acknowledge that I have received a copy of the City of Oskaloosa Harassment Prevention Policy, [incorporated into this Handbook beginning on page 25](#).

This Policy has been explained to me and I have been encouraged to thoroughly read and to ask any questions that I may have about the Policy. I understand the procedure for reporting a complaint of harassment and I understand that no employee will be subject to any form of retaliation or discipline for making a harassment complaint or assisting in an investigation.

I understand that I am expected to comply with all of the provisions of this Policy.

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Employee's Name (Please Print)

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Date

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Employee's Signature



## **Computer Use and Internet Policy Acknowledgement**

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I acknowledge that I have received a copy of the City's Computer Use and Internet Policy incorporated in this Handbook, beginning on page 33. I agree to read it thoroughly, and agree that if there is any policy or provision in the policy I do not understand, I will seek clarification from the City Manager.

I understand that my use of the City's email system constitutes my consent to all the terms and conditions of that policy.

In particular, I understand that (1) the email system and all information transmitted by, received from, or stored in that system are the property of the City, (2) the system is to be used only for City business and not for personal reasons, and (3) I have no expectation of privacy in connection with the use of the computers, the email system or the Internet or with the transmission, receipt, or storage of information in that system.

I agree not to use a code, access a file, or retrieve stored communications unless authorized. I acknowledge and consent to the City's monitoring my use of the email system and the Internet at any time at its discretion, including printing and reading all emails entering, leaving, or stored in the system.

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Employee's Signature

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Employee's Name (Print)

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Date

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