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## Employee Handbook

**July 2022**

*The City of Fort Dodge is a national leader in Character Counts! endeavoring at all times to promote and model the principles of trustworthiness, respect, responsibility, fairness, caring, and citizenship. We expect all employees to act in a respectful manner consistent with Character Counts! principles.*

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## WELCOME

### *A message from your City Manager:*

The City of Fort Dodge is a top-ranked municipal government in Iowa that consistently delivers user-friendly, high-quality services:

- Within budget constraints,
- To pleasantly surprised citizens,
- By a team of proud employees working in a great environment.

We are glad to have you as part of our team. The City needs your help in making each working day enjoyable and rewarding. Your first responsibility is to carry out your role promptly, correctly and pleasantly to the benefit of the Citizens of Fort Dodge. Secondly, we want you to be part of a healthy workplace culture. We are a proud team, and our employees are committed to maintaining a good team attitude. You have an important role in our organization, and we are counting on the potential we saw in the hiring process to produce positive results for the Citizens of Fort Dodge.

Regardless of the position in an organizational chart we expect all employees to demonstrate leadership in solving problems and making improvements. We believe in appropriate direct access to management and empower everyone to openly share ideas and opinions. We expect management to listen and act on suggestions. The City invests in learning, training, mentoring, professional development and career planning for its employees.

This handbook details our first-class family friendly benefits and policies. Please read and do not hesitate to ask me or HR any questions.

Thank you.

Yours truly,

David Fierke

**CITY OF FORT DODGE MISSION:** Guided by the “Six Pillars of Character” we will create a global community that is a catalyst to stimulate economic development and adds value to the quality of life for our citizens, partners, and investors.

Therefore, City of Fort Dodge employees are expected to exemplify the "Six Pillars of Character" defined below.

**PILLARS OF CHARACTER**

- 1) **TRUSTWORTHINESS:** A person of character is trustworthy, lives with integrity, is honest, reliable and loyal.
- 2) **RESPECT:** A person of character values all persons, lives by the Golden Rule, respects the dignity, privacy and freedom of others, is courteous and polite to all and is tolerant and accepting of differences.
- 3) **RESPONSIBILITY:** A person of character meets the demands of duty, is accountable, pursues excellence and exercises self-control.
- 4) **FAIRNESS:** A person of character is fair and just, is impartial, listens and is open to differing viewpoints.
- 5) **CARING:** A person of character is caring, compassionate, kind, loving, considerate and charitable.
- 6) **CITIZENSHIP:** A person of character is a good citizen, does his or her share, helps the community, plays by the rules, and respects authority and law.

## INTRODUCTION

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This handbook is designed to inform employees with the City of Fort Dodge of working conditions, employee benefits, and the policies affecting their employment. All employees should read, understand, and comply with all provisions of the handbook. This employee handbook contains the official City-wide policies adopted by the City of Fort Dodge. The terms “handbook” and “policy” may be used interchangeably throughout this handbook. It describes many employee responsibilities and outlines the programs developed by the City of Fort Dodge to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

No employee handbook can anticipate every circumstance or question about organizational policies. As the City of Fort Dodge continues to grow, the need may arise, and the City of Fort Dodge reserves the right as it deems appropriate, to revise, supplement, or rescind any policies or portions of the handbook. Employees will be notified of such changes to the handbook as they occur. Whenever the policies, terms, conditions or language of this handbook are in conflict with those of a collective bargaining agreement or any other employment contract, the policies, terms, conditions, and language of the collective bargaining agreement or employment contract supersede those of this handbook unless governed by Civil Service rules.

The City of Fort Dodge is and will remain an “at will” employer. This means that employees can resign at any time, and likewise, the City can choose to terminate employment for any reason, other than where specifically prohibited by law. Nothing in this handbook alters the at-will nature of employment.

### Organizational Expectations

City of Fort Dodge employees are professionals with professional qualities, behaviors, and skills. City of Fort Dodge employees desire the authority to exercise independent judgment and accept responsibility and accountability for actions and outcomes.

All City of Fort Dodge employees are expected to:

- Strive for excellence.
- Obey the law; follow all rules, and City policies.
- Consider the public as consumers and provide a customer-oriented service.
- Work competently to make all City departments operate effectively.
- Keep informed.
- Protect each other’s welfare.
- Protect and care for City equipment and property.
- Maintain proficiency in job-related knowledge and skills.
- Be organized; manage time wisely.
- Help each other succeed, utilizing experience and knowledge in a positive way.
- Treat co-workers equitably and consistently.
- Assist in problem-solving.
- Be pro-active.
- Communicate honestly and completely.
- Carry out decisions in a positive manner.
- Reflect the organizational expectations; be positive role models.



All City of Fort Dodge department supervisors are further expected to:

- Be mentors and trainers, recognize good performance, and assist upwardly mobile employees.
- Be personal advocates for decisions.
- Provide information; address rumors with facts; be active listeners.
- Be positive, effective leaders; lead by example.
- Empower employees, assist when needed, take charge when appropriate, and be managers.
- Be participants; when possible, strive for consensus.
- Create a safe, professional, and courteous environment.

All City of Fort Dodge department directors are further expected to:

- Be involved in the community – promote the City.
- Relate effectively with other departments and other organizations.
- Create alliances and partnerships in the public and private sectors.
- Seek creative alternatives to the way business is done.
- Develop self, while assisting in the development of subordinates.
- Ensure that the health and safety of their employees are considered and valued at all times.

#### Decision Making Model

City of Fort Dodge Employees use five questions to guide their decision making process:

- Is the decision consistent with the adopted vision for the City of Fort Dodge?
- Is the decision ethical?
- Is the decision legal?
- Is this the right thing to do?
- Does the decision promote a positive image of the City?

## EMPLOYEE ACKNOWLEDGMENT FORM

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The employee handbook describes important information about the City of Fort Dodge. I understand the handbook cannot answer every question and that I should consult the Director of Human Resources regarding any questions not specifically answered in the handbook. I have entered into my employment relationship with the City of Fort Dodge voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or the City of Fort Dodge can terminate the relationship at will, with or without cause, at any time, so long as there is no violation of applicable federal or state law.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur, except to the City of Fort Dodge's policy of employment-at-will, which cannot be modified. All such changes will be communicated through official notices via e-mail or memo and I understand that revised information may supersede, modify, or eliminate existing policies.

Only the City Manager and City Council have the ability to adopt any revisions to the policies in this handbook.

Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

EMPLOYEE SIGNATURE \_\_\_\_\_

EMPLOYEE NAME (TYPED OR PRINTED) \_\_\_\_\_

DATE \_\_\_\_\_

## **SECTION 1: POLICY ADMINISTRATION**

### **1-1. RESERVATION OF MANAGEMENT RIGHTS**

The City reserves the right to unilaterally update, modify or discontinue the policies and benefits described herein without advance notice and to implement all policies as it sees fit. Some subjects, such as benefit plan information, are covered in detail in official policy documents and you should refer to those documents for specific information since the terms of the written insurance policies are controlling and this handbook only briefly summarizes those benefits.

#### **1-1.A. City Manager**

The City Manager is authorized and directed to administer the provisions described in this handbook including the right to establish such administrative procedures as may be necessary to further explain and implement the provisions contained herein or to delegate these duties as he/she may desire to staff personnel of his/her choosing.

The City Manager retains the right to review and alter any action by a department director to hire, promote, transfer, assign, demote, discipline, lay off, suspend, terminate, or remove any subordinate officer or employee. Recognition of these rights and prerogatives of the City Manager is a term and condition of employment and of continued employment.

#### **1-1.B. City Boards & Commissions**

The Fort Dodge Municipal Code specifies the powers and duties of each City board and commission. The Regional Airport Commission, Blanden Memorial Board of Trustees and the Public Library Board of Trustees have all been granted special statutory powers. Specifically, the Regional Airport Commission operates under Chapter 330 of the Iowa Code and Municipal Code 2.84. The Blanden Memorial Board of Trustees operates under Municipal Code 2.60 and the Public Library Board operates under Municipal Code 2.64. These governing bodies of the City have authority to set policy and preside over operations within their designated area. Members of City boards and commissions are appointed by the Mayor with approval of the City Council.

The Human Resources Director shall review with the abovementioned governing bodies and their directors the benefits, policies and procedures outlined in this handbook. It will be the responsibility of the governing bodies to ensure that any benefits, policies or procedures not contained herein that are adopted by the governing bodies are in compliance with federal and state law. Any policy change or addition by the governing bodies shall be forwarded in writing to the Human Resources Department. In the absence of the establishment of alternative and/or equivalent personnel policies for their employees, this Handbook shall apply to employees of the Regional Airport, Blanden Museum and Public Library.

#### **1-1.C. Department Directors**

Department directors are responsible for effective personnel management within their department. In the performance of that duty, they may:

- Develop work rules, regulations, and personnel policies uniquely applicable to their department, which are consistent with this employee handbook.
- Make certain that department personnel policy is reviewed by the Director of Human Resources prior to implementation to ensure compatibility with City policy, the employee handbook, and state, federal and local laws, regulations, and ordinances.
- Provide a copy of the department policy to each employee in the department on their first day of work.
- Communicate to all employees any changes to the policy before they are implemented.

- Use disciplinary action up to and including termination for failure to follow department personnel policy.
- Approve all personnel actions in their department (the City Manager will approve actions related to department directors).
- Delegate authority to supervisors to administer this policy and any department work rules and regulations.
- Communicate performance objectives to supervisors and ensure that these objectives are communicated to individual employees.
- Establish objectives and programs to improve personnel management within the department and to create a safe, professional, and courteous environment.
- Provide opportunities for employees to be involved in helping plan and evaluate their work and to suggest ways to improve departmental performance and safety objectives.
- Approving allowances and reimbursement of employee expenses.

### **1-1.D. Supervisors**

Supervisors are responsible to department directors for effective administration of this policy and any rules or programs developed as a part of it.

Supervisors are to provide a link between department directors and employees and are expected to know, comply with, and communicate the City's goals and policies to the employees they supervise. They also are expected to communicate to department directors the attitudes, behaviors, suggestions, and complaints of their employees.

Supervisors are expected to provide leadership and supervision for all employees consistent with the guidelines described below. These guidelines should not be considered as creating a contract or promise, express or implied, to employees. While supervisors are expected to treat similarly situated employees consistently, each situation must be addressed individually, and employees will not always be treated in an identical manner.

In addition to understanding the technical skills needed in their work units, supervisors should be able to lead and motivate their employees to do their best work. Accordingly, supervisors are encouraged to successfully complete training and transfer knowledge.

Supervisors are responsible for ensuring City goals for employee conduct and performance are achieved and that policies and procedures are implemented.

Their supervisory duties include, but are not limited to:

- Striving to improve communication and the sense of teamwork between themselves and their employees.
- Motivating and leading their employees toward achievement of stated department and City objectives.
- Reviewing and evaluating the performance of employees under their supervision.
- Reviewing and evaluating the work of their area and making changes or recommendations which will make the department safer and more effective.
- Recommending disciplinary actions, promotions, demotions, transfers, and dismissals.
- Counseling and disciplining employees as necessary and responding to their grievances.
- Treating employees fairly and consistently, with respect and understanding in consideration of their individual circumstances.

- Giving recognition for good performance and providing guidance when improvement is needed.
- Explaining in advance when and why changes are necessary.
- Recommending employees with growth potential for other opportunities, even if it means losing them to other departments.
- Explaining the reasons for decisions to employees.
- Setting work goals and standards for employees to increase engagement.
- Setting good examples by holding themselves to the standards of conduct and performance that they demand of their employees.
- Recommending hiring of personnel and overseeing special job training.
- Keeping employees informed about their work assignments, work progress, and opportunities for advancement.
- Scheduling vacations, meals, and rest breaks.
- Controlling absenteeism and tardiness and approving requests for time off.
- Verifying employee time records and scheduling overtime when necessary.
- Complying with applicable federal and state laws and regulations, including those concerning nondiscrimination, sexual harassment, and employee safety.
- Maintaining neat and orderly work areas.
- Encouraging creative problem solving and suggestions for process improvements; evaluating and overseeing any changes implemented.
- Ensuring that employees comply with all rules and regulations.

#### **1-1.E. Director of Human Resources**

The Director of Human Resources is responsible for administering the City's personnel programs and policies. Duties include, but are not limited to:

- Developing and interpreting City personnel policies and assisting and advising department directors in the application of these policies, as well as individual department policies.
- Keeping up-to-date on current laws regarding employment practices and adjusting, revising, and implementing new policies and practices as warranted.
- Administering a program for recruiting, interviewing, investigating, and screening potential employees and referrals of qualified applicants to department directors.
- Ensuring recruitment and screening procedures (e.g., advertisements, applications, interviews, tests, reference checks, and job requirements) are related to job performance and conform to the City's hiring objectives.
- Monitoring procedures for establishing new employee records and all subsequent personnel actions to ensure established procedures are followed, guidelines are adhered to, time limits are observed, and required documents are processed.
- Directing other areas of personnel administration including, but not limited to:
  - Compensation administration.
  - Personnel action records.

- Employee training and development.
- Fringe and insured benefits and wellness programs.
- Performance management program.
- Dispute resolution and appeals procedures.
- Employee recognition and service awards.
- A comprehensive safety program.
- Risk Management.
- Worker's compensation program.
- Auxiliary programs, such as United Way, etc.
- Maintaining a personnel audit and statistics on personnel transactions to observe trends, identify problem areas, and facilitate personnel and succession planning.

## **1-2. PERSONNEL RECORDS**

### **1-2.A. Responsibilities**

The Human Resources Department is responsible for maintaining official personnel records on all City employees as they relate to performance evaluations, disciplinary actions, and all other personnel actions, fringe benefits, and group insurance coverage.

### **1-2.B. Official Personnel Records**

Each employee will have an official personnel file maintained in the Human Resources Department from information completed at time of employment and records provided by department directors. At a minimum, this file will contain information relating to employment applications, pay history, promotions, transfers, and other actions that affect the status of the employee.

### **1-2.C. Personal Information**

Each employee will be responsible for assuring the personal information in his/her personnel file is correct. Employees should promptly notify the Human Resources Department of any change in personal data, such as change of name, address, telephone number, family status (marriage, divorce, birth, death), or beneficiary (for insurance purposes).

It is important that the Human Resources Department be notified of such changes immediately. Employees' benefits or their dependents' benefits may be affected or lost if notification of these changes is not made within 30 days of the change.

### **1-2.D. Medical Information**

Any and all medical records for each employee shall be kept in a separate file/folder, which shall be secured in accordance with the state and federal guidelines and regulations. HIPAA training will be provided to appropriate staff.

### **1-2.E. Personnel and Medical File Access**

Each employee will have the right to review his/her official personnel and/or medical file at a reasonable time. A member of the Human Resources Department staff must be present when an employee reviews his/her personnel and/or medical file.

### **1-2.F. Access to Confidential Information**

The right to review confidential personnel and medical information shall be strictly limited to those individuals whose job duties require access to personnel and/or medical files and have received HIPAA training, if appropriate.

This procedure covers the City rules regarding responses to requests from external sources for access to and information from personnel records of a current or former employee or an applicant for employment. The Human Resources Department will release personnel information only:

- to the employee after a request has been made in writing;
- to individual(s) who have been authorized in writing to view the file by the employee (i.e. union or legal representation);
- at the written request of the former employee;
- by court order, subpoena, or other legal mandate;
- for justified law enforcement and public safety reasons;
- and as determined by the sole discretion of the City, subject to all applicable federal, state or local laws, or administrative regulations.

Departments shall refer all requests from external sources for personnel information concerning applicants, employees, and past employees to the Human Resources Department. Access to personnel files by persons other than authorized City administrative staff may be subject to delay for up to ten days in order for the Human Resources Department to determine whether such information should be released as provided in the Code of Iowa. The employee whose file is involved will be notified of any such request. The City will comply with the disclosure requirements of Iowa Code Chapter 22.7(11).

Where applicable, the Human Resources Department shall notify all department directors, managers, or supervisors, who may possess relevant personnel records, of the request and of the immediate need to produce all personnel records responsive to a lawful request. The Human Resources Department shall consult with legal counsel with regard to any issues concerning the propriety of the request or manner of producing the records responsive to the request.

A supervisor may also keep a desk file and/or department file including personnel action forms, copies of performance evaluations, employee performance logs, employee work schedules, attendance records, and other related information. Confidential medical, EEO, reference and background check documentation, and/or benefits information should not be retained in a desk file/department file. However, during an employee's active worker's compensation claim, information related to work restrictions may be maintained at the department level. Once a case is closed, this information should be purged from the supervisor desk file/department file.

Periodically, the Human Resource department may review the information contained in employee personnel files and purge any unnecessary information. Additionally, supervisor desk files/department files will also be subject to review periodically to assure proper recordkeeping practices.

The City of Fort Dodge has adopted the records retention guidelines as recommended by the Iowa League of Cities and as modified.

### **1-3. POLICY UPDATE AND REVISIONS**

This policy will be reviewed at least annually. Other revisions that pertain to personnel issues (e.g., administrative policies, City operating procedures, and other City policies) will be communicated to employees via email or memo within 30 days of the change.

## **SECTION 2: CONDITIONS OF EMPLOYMENT**

### **2-1. NATURE OF EMPLOYMENT**

Employment with the City of Fort Dodge is voluntarily entered into, and the employee is free to resign at will at any time, with or without cause. Similarly, the City of Fort Dodge may terminate the employment relationship at will at any time, with or without notice or cause, so long as there is no violation of applicable federal or state law.

Policies set forth in this handbook do not create a contract, nor are they to be construed as contractual obligations of any kind or as a contract of employment between the City of Fort Dodge and any of its employees. The provisions of the handbook have been developed at the discretion of management and, except for its policy of employment-at-will, may be amended or canceled at any time at the City of Fort Dodge's sole discretion.

Employment with the City is on an at-will basis so that either the City or employees may end the relationship at any time with or without cause. Nothing within the Employee Handbook changes the employment-at-will relationship or creates an express or implied contract or promise. The City retains the right to interpret and amend its policies, practices, rules, and regulations as it sees fit.

These provisions supersede all existing policies and practices and may not be amended or added to without the express written approval of the City Manager.

### **2-2. RECRUITMENT / HIRING / PROMOTION PROCESS**

The Human Resources Department shall be responsible for implementing an efficient process for facilitating the recruitment and hiring of all employees within the City. The City will comply with all applicable provisions of Veterans' Preference statutes.

#### **2-2.A. Job Posting**

Departments seeking to fill a position should contact Human Resources to initiate the recruitment process. The recruitment of civil service positions will follow the Code of Iowa chapter §400.

For non-civil service positions, a job announcement will be emailed and posted on bulletin boards in City departments to inform current employees of the job opening for a period of three (3) days. If the department with the opening does not receive any internal inquiries into the position, the department should check with Human Resources to see if any applications remain on file from previous openings in that classification. If no applications are on file, then external recruitment for the position will need to commence. Job announcements shall be posted for a period of no less than ten (10) working days, excluding holidays and weekends, for interested applicants to apply. Job postings shall include information regarding the duties of the position (job description), rate of pay for the position and a statement that applicants to whom a conditional offer of employment is made, shall be required to participate in a drug screening process and a physical exam. Human Resources will then place advertisements with appropriate outlets. Human Resources has several resources to aid in the recruitment of a position. Depending on the circumstances, the breadth of the recruitment effort can vary significantly.

#### **2-2.B. Civil Service Positions**

Police and Firefighters must be hired through the civil service exam process. This exam is approved by the Fort Dodge Civil Service Commission. Only those applicants who are certified as eligible after testing by a competitive exam process and then meeting those minimum exam qualification standards may have their names certified as eligible by the Civil Service Commission. This shall be done in accordance with Iowa Code §400.



Job vacancies in Civil Service positions, whether entry level, transfer, promotion or demotion, shall be filled from the lists of eligible candidates, certified by the Civil Service Commission, in accordance with Chapter §400 of the Iowa Code. If there is no certified list for the job class, the Civil Service Commission will authorize the creation of a new internal and/or external Civil Service list.

An examination announcement for the creation of a new list will be posted for at least ten (10) working days. Candidates who meet the minimum qualifications shall be required to satisfactorily complete a Civil Service examination for Civil Service positions. Any Non-Civil Service City employee who believes they meet the minimum qualifications of the classification and wishes to be considered for the vacancy, shall submit a written application to Human Resources to participate in Civil Service examinations that are open to the general public.

### **2-2.C. Employment Applications**

The City of Fort Dodge relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data that is discovered may result in the City of Fort Dodge's exclusion of the individual from further consideration for employment, or if the person has been hired, management will review the application and may consider disciplinary action up to and including termination of employment. The City will comply with any related federal, state, or local laws or regulations as required.

All applicants (regular, seasonal/temporary, interns and volunteers) are required to complete the designated application form prior to being interviewed. While all positions may not be subject to a credit check, all conditional offer background checks will be in compliance with the Fair Credit Reporting Act (FCRA).

### **2-2.D. Examinations & Interviews**

Current City employees shall be released from duty with pay to participate in selection examinations and the interview process for City positions. Off-duty employees will not be compensated. The appropriate department director, Human Resources representative, and/or interview team shall provide input to help determine who is the best qualified applicant from those interviewed for a position, including consideration of experience and education, job-related performance tests, if applicable, oral interviews, background check, or any combination thereof, which is appropriate for the position being filled. The measurement criteria shall relate to those matters that will fairly test the capacity and fitness of the applicant to perform the duties of the position. Selection for employment shall be based on education, experience, competency, training, and other qualifications as outlined in the job description, and will conform to the City's Equal Employment Opportunity policy.

### **2-2.E. Minimum Qualifications**

Employees are expected to meet all minimum qualification requirements to be hired as an employee of the City. Once hired, employees are expected to maintain all necessary minimum qualification standards which are a part of their classification requirements.

The maintenance of qualifications is the responsibility of every employee and is an essential function of all City jobs. As a condition of continuing employment, an employee must maintain any licenses or certification credentials specified in the current class specification for the employee's job, or required by federal, state, or City law. An employee shall notify the department head immediately in the event of loss of a required credential. Failure to maintain required credentials to perform the essential functions of the job shall be considered grounds for termination of employment.

Should minimum qualification standards increase after an employee has begun employment, consideration shall be given as to the necessary training required and the timeframe to accomplish any necessary training to enable the employee to meet the new qualification standards. If after a reasonable opportunity to meet the increased standard has been provided and the employee fails to meet the minimum requirements, the employer may reduce the employee to a classification to which that employee meets all minimum requirements or if no such classification exists the employee shall be terminated from employment.

#### **2-2.F. Training and Testing Expense Reimbursement**

Training and certifications required vary according to the position classification. Maintaining minimum qualification requirements is a condition of employment with the City. Necessary training may be coordinated for employees to either obtain or maintain certification(s) required. Department directors may present employees with an Employee Departure Reimbursement Agreement, which specifies the conditions for repayment of training expenses in the event they separate from employment within a certain timeframe.

For testing, the City shall pay the cost of one failed attempt and one passed attempt. The cost of any additional failed attempt(s) shall be the sole responsibility of the employee. Conditions for repayment of testing expenses should the employee separate within a certain timeframe will be specified in the Employee Departure Reimbursement Agreement presented to the employee at the start of training.

#### **2-2.G. Conditional Offer**

Before any oral or written employment offer is presented to an applicant for regular full-time or regular part-time employment, the department director shall consult with the Director of Human Resources. Then the department director may proceed with extending a conditional offer of employment. Any verbal offer should immediately be followed with a written reiteration of the offer to the applicant with a copy to the Human Resources Department. With this written conditional offer of employment, it is extremely important to specify that employment is contingent upon satisfactorily passing the background check, pre-employment drug screen and medical examination.

#### **2-2.H. Background Check**

The City may investigate the background of candidates for employment including candidates for initial hire, rehire, internal transfers, and promotion. The type of information sought in a background investigation should be job related and consistent with business necessity. All employment offers are contingent upon the City performing all necessary background and reference checks.

- 1) The City may hire a third party to conduct a background check or obtain reports from outside agencies.
- 2) Background investigations will be conducted with written consent of the applicant.
- 3) Information obtained in the background check is confidential information and must be maintained in records as such.
- 4) An applicant who refuses to authorize the required background and/or reference check will be considered to have withdrawn his or her application from consideration.
- 5) An applicant who provides false, incomplete, or misleading information on a background questionnaire, application, resume or in an interview will be immediately eliminated from further consideration for employment. If discovery is made after the applicant is hired, disciplinary action up to and including termination will be taken.
- 6) Before making a negative employment decision based on a applicant's criminal conviction

record the City will consider the length of time since a conviction, the nature of the crime; the relationship between the job to be performed and the crime committed; the number of convictions, rehabilitation efforts; and subsequent employment history.

- 7) Background and reference checks may include but are not limited to the following:
  - a) Verification of employment eligibility;
  - b) Past and current employment and education;
  - c) References from past employers;
  - d) Criminal records;
  - e) Driving record;
  - f) Credit history;
  - g) Personal history questionnaires.

### **2-2.I. Required Forms**

All employees upon hire must complete certain employment forms prior to beginning work. This does not mean after they have worked for a period of time and then forms are sent in with the first timesheet. Employees must fill out, even if seasonal or temporary, a W-4 for both state and federal, the federal I-9, EFT payroll deposit and sign the technology use and privacy policy acknowledgment documents. Copies of all materials for completion of the Federal I-9 form must be submitted with the I-9. Permanent full or part-time employees will need to fill out IPER's benefit forms so that appropriate deductions can be made. Permanent full-time employees will also need to fill out health, dental, life, any supplemental insurance and flex spending account forms.

When possible, appropriate documents, forms and policies should be provided to the new employee prior to hire to complete and return so that all information can be properly placed in to payroll, retirement, insurance and human resource systems. If this is not possible to do prior to the date of hire, the new employee should be brought to Human Resources early in the day to receive and complete all necessary paperwork.

All applicants, whether they are a current employee or not, must fill out a City job application or follow the appropriate application process (i.e. bids, resume, cover letter) for each vacant position for which they are applying. After the closing date of the application, the names of the qualified candidates will be forwarded to the hiring authority along with copies of the application document(s) for review by the hiring authority. The hiring authority may then interview those candidates who are determined to be most appropriate for the position. Upon selection of a candidate, the hiring authority will notify Human Resources.

### **2-2.J. Employee Identification Cards**

The City of Fort Dodge is committed to providing a safe work environment for both employees and members of the public. A system of identification is one part of a credible public facility security system. This policy is meant to provide direction and clarification on the issuance and handling of City Employee Identification Cards. The card provides a consistent method of identification of City employees and protection against unauthorized personnel and visitors from entering designated secure work areas.

All employees who work in City Hall or who need access to certain areas of City Hall within the course of their job duties shall possess a City Employee Identification Card during their employment with the City of Fort Dodge. The Identification Card shall be carried during all work hours though it need not

necessarily be visible at all times. All Identification Cards must be obtained through the Human Resources Department.

#### A. Access

New employees shall provide proof of identification upon hire to Human Resources. This initiates the creation of a City Employee Identification Card. The card will include a photo of the employee, the employee's name and the department in which the employee works.

In addition to identification, the card serves as an access key to designated areas within City Hall. It is a proximity card with unique codes and is programmed to provide an employee access to certain, authorized city departments based on business necessity.

#### B. Lost, Stolen, or Damaged Cards

Cost for the initial issuance of an Identification Card will be waived. If a new card is issued due to a change in personal information (e.g., name change due to marriage), the card will be reissued at no cost to the employee. It is the responsibility of the cardholder to report to their supervisor immediately a lost or stolen Identification Card. Stolen, malfunctioning, or accidentally damaged cards will be replaced free of charge. Lost cards or cards deliberately damaged or damaged through negligence will be replaced once without a fee and after that, for a fee of \$10 per card. Employees may not attach any foreign object to the ID card (e.g., stickers) or perforate the card. Doing so will result in the required issuance of a new ID card, at a direct cost to the employee. Employees shall not have more than one Identification Card in their possession at any one time. Found cards must be returned as soon as possible to Human Resources.

#### C. Fraudulent Use of Cards

Fraudulent use of a City Employee Identification Card will result in disciplinary action. Fraudulent use includes using or permitting the use of a card by a person other than the individual to whom it was issued for the benefit of a person not entitled to purpose for which it is used. Employees are prohibited from lending their badge to another person for any reason. Employees are not authorized to use identification cards as a means of securing funds, donations, gratuities, or other items of values, or as means of receiving a discount or altering responsibility for one's actions.

#### E. Storing, Retrieving, Accessing, Retaining, and Disposing of Records in the System

Records collected for creation of the Identification Cards are stored in a computerized system, retrievable by the employee's name. Access to the system is safeguarded by password and is restricted to employees who have a need to access the system in the performance of their duties. Identification Card records of employees are deleted from the system upon termination of employment.

#### F. Return or Deactivation of Cards

Employee Identification Cards are considered City property and must be returned directly to the employee's supervisor or to the Human Resources Department under the following conditions:

1. Employees being placed on disciplinary leave must turn in their card prior to the beginning of their leave.
2. Employees who are separating from employment (i.e. resigning, retiring or involuntary termination) must turn in their card along with all other City property.

#### G. Failure to Comply with the Employee Identification Card Policy

Any laxity in compliance and enforcement subjects the entire system to failure. Non-compliance will be considered a violation of City policy and may result in disciplinary action.

## **2-3. EQUAL EMPLOYMENT OPPORTUNITY**

### **2-3.A. Non-Discrimination**

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at the City of Fort Dodge will be based on merit, qualifications, and abilities. The City of Fort Dodge does not discriminate in employment opportunities or practices on the basis of race, color, religion, gender, national origin, age, veteran status, marital status, disability, sexual orientation, gender identity or any other characteristic protected by law.

#### Equal Opportunity Officer

The City of Fort Dodge has designated the Human Resources/Equal Employment Opportunity Specialist, located within Human Resources, as the Equal Opportunity Officer to coordinate the City of Fort Dodge's efforts in the implementation of its Affirmative Action Program and to advise and assist key staff. Their duties will be the following:

- Conduct departmental reviews as necessary or indicated by reports to determine compliance with the City of Fort Dodge's Affirmative Action Program.
- Report to the Human Rights Commission and the City Manager results obtained with the Affirmative Action Program, problems encountered, resistance or failure to implement the policy of the City of Fort Dodge, and recommend remedies.
- Serve as a resource to the department directors in the development of recruitment programs, selection procedures, training programs, or other personnel functions to implement the City of Fort Dodge's Affirmative Action Program.
- Serve as liaison between the City of Fort Dodge and minority communities.

#### Recruitment Selection

The City of Fort Dodge's Human Resources Department will:

- Recruit personnel in such a manner that clearly demonstrates the City of Fort Dodge's interest in the employment of minorities, veterans, and women.
- Establish communication with educational institutions, organizations, and leaders which encourage referral of qualified minorities, veterans, and women applicants for positions that may become available in the City of Fort Dodge government.
- Identify minority referral sources in Fort Dodge.
- Consider applicants on the basis of those qualified to perform the job. If minorities, veterans, and women applicants have qualifications to perform the job, they shall be given equal consideration for employment as any other applicant.

### **2-3.B. ADA/AA Compliance**

It is the City of Fort Dodge's policy to comply with the Americans with Disabilities Act as amended (ADA/AA) and related state laws. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

#### Reasonable Accommodations

The City of Fort Dodge will make reasonable accommodations for qualified employees with known disabilities, unless doing so would result in an undue hardship on the City. "Undue hardship" is defined as an "action requiring significant difficulty or expense" when considered in light of a number of

factors. These factors include the nature and cost of the accommodation in relation to the size, resources, nature, and structure of the employer's operation. Undue hardship is determined on a case-by-case basis. Employees should notify their immediate supervisors or Human Resources if they wish to request a reasonable accommodation. If a supervisor or manager determines that an employee has a need or desire for a reasonable accommodation, he or she shall notify Human Resources as soon as possible. Human Resources will evaluate the request and, if applicable, engage in an interactive, collaborative process among the employee, supervisor and Human Resources to determine, identify and implement a reasonable accommodation. Employees may make requests for reasonable accommodations on the form available on the City's website, under Human Resources, Forms.

### **2-3.C. Life Threatening Illnesses**

Employees with life-threatening illnesses, such as cancer, heart disease, and AIDS, often wish to continue their normal pursuits, including work, to the extent allowed by their condition. The City of Fort Dodge supports these endeavors, as long as employees are able to meet acceptable performance standards.

As in the case of other disabilities, the City of Fort Dodge will make reasonable accommodations in accordance with all legal requirements to allow qualified employees with life-threatening illnesses to perform the essential functions of their jobs.

#### Confidentiality

In full compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the City of Fort Dodge shall treat protected health information regarding employees obtained in connection with administration of the City's group health plan confidentially. The City of Fort Dodge will take reasonable precautions to protect such information from inappropriate disclosure. Managers and other employees have a responsibility to respect and maintain the confidentiality of employees' medical information. Anyone inappropriately disclosing such information is subject to disciplinary action up to and including termination of employment.

#### Questions

Employees with questions or concerns about life-threatening illnesses are encouraged to contact the Director of Human Resources or the City of Fort Dodge's EAP for information and referral to appropriate services and resources.

### **2-3.D. GINA Compliance**

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities 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, employees are not asked to and should 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.

### **2-3.E. Reporting**

Any employee who witnesses discrimination or believes he/she has been the victim of discrimination must report the discrimination to their department director, department manager, the Human Resources/EEO Specialist or the Director of Human Resources. Employees can raise concerns and make reports without fear of reprisal. Anyone found engaging in any type of unlawful discrimination or

retaliation will be subject to disciplinary action up to and including termination of employment.

Once a supervisor is notified or becomes aware of a situation that could be construed as a discriminatory act within the department, that supervisor can be held liable if no action is taken. The supervisor must contact their department head, the Human Resources/EEO Specialist or Human Resources Director immediately. Do not take any alleged act lightly. If a problem does exist, the City will take immediate steps to resolve the situation.

## **2-4. HIRING OF RELATIVES**

The employment of relatives within an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work (e.g., nepotism), personal conflicts from outside the work environment can be carried into day-to-day working relationships. The following guidelines reduce the possibility or perception of favoritism and avoid placing related staff in difficult positions. The definition of a relative for hiring and placement purposes is any person who has a relation by blood or marriage within the third degree of another employee. Relative is a spouse, parent, child (including adopted), sibling, grandparent, great grandparent, grandchild, great grandchild or corresponding in-law or step-relative. For the purpose of this policy, relative also includes people who live together in a domestic partnership.

### **2-4.A. Guidelines for Regular Positions**

- Related staff may not be assigned to positions where one relative may have the opportunity to check, process, review, approve, audit, or otherwise affect the work of another relative. Relative is defined above.
- Related staff may not be assigned to positions where one relative might influence the salary progress or promotion of another.
- Current employees shall not serve as an immediate supervisor to a relative.
- Current employees will not be promoted into a position where they would directly and consistently supervise a relative within their department.
- Current employees will not be promoted or transferred to a position where their immediate supervisor is a relative or where a personal relationship exists that is likely to interfere with job performance or morale.
- No hiring or personnel changes will occur if such action would cause a violation this policy. If a situation is created through the hiring, promotion, transfer, marriage, or other change, one of the affected employees must be transferred, if possible, in order for the personnel action to take place. If there are no transfer opportunities available, the personnel action will not occur.

### **2-4.B. Guidelines for Seasonal and Temporary Positions**

Seasonal and temporary work may, in certain situations, constitute an important bridge to a regular position with the City. In order to avoid limiting the career potential of the City's seasonal and temporary employees who are related to City employees, the Hiring of Relatives policy will apply to all positions, except as stated herein. The immediate supervisor of a seasonal or temporary employee shall not be related, however, relatives may work and/or oversee operations within the same department.

Seasonal and temporary positions in programs within the Parks & Recreation Department may include:

- Sports Officials
- Lifeguards
- Recreational Instructors
- Concessions Attendants

Additionally, the City of Fort Dodge recognizes its privilege and responsibility to educate the City's youth through training opportunities, internships, co-ops, and other workplace experiences. As such, this policy will not impact seasonal or temporary employees who work in any department and who meet all of the following criteria:

- a) under the age of twenty-six (26),
- b) children and stepchildren of City employees, and
- c) enrolled in school.

## **2-5. EMPLOYEE MEDICAL EXAMINATIONS**

### **2-5.A. Designated Physician**

Under Iowa Code (85.39) the City of Fort Dodge has the right to choose a medical care provider for the evaluation and treatment of work place injuries and illnesses. The City of Fort Dodge has designated Unity Point Occupational Medicine, as its designated medical provider for both non-public safety and public safety departments. Employees with a work-related illness or injury are required to have their initial evaluation at this clinic. If appropriate, and with prior approval from the Iowa Municipal Workers' Compensation Association (IMWCA), the City's designated physician may make referrals to other specialists.

If an employee decides to go to another provider without the referral from the authorized treating clinic, the employee will be responsible for all expenses related to that visit(s). Workers' compensation benefits will be delayed or denied unless the employee is seen by the City's designated physician.

### **2-5.B. Pre-Employment Examinations**

The City of Fort Dodge strives to provide a safe work environment in which each employee has demonstrated his or her ability to perform the physical requirements of the job he or she is hired to perform. To help ensure that employees are able to perform their duties safely, a medical examination, including a drug screen, is required after an offer of employment is made to and accepted by an applicant. It will be performed at the City of Fort Dodge's expense by a health professional of the City's choice. As part of this examination, the employee shall undergo a Physical Capacity Profile® (PCP) Evaluation conducted by the physician or clinic designated by the City at the employer's expense.

If the City determines that a pre-employment exam, drug screen and PCP is appropriate for seasonal or short term temporary positions, such as internships, all applicants for the position who have received a conditional offer of employment shall undergo the same pre-employment examination procedures.

### **2-5.C. Examinations Following Absence**

Any employee who has taken prolonged or frequent leave due to a serious illness or injury may be required to either submit a written release from the attending physician showing he or she is fit for duty or to take a job-related physical examination before returning to work. Public safety employees (i.e. police and fire) and employees who work in a job classification with a physical demand rating of medium (level 3) to very heavy (level 5) who have lost work of 30 consecutive days or more due to on-the-job or off-the-job injuries or other serious medical conditions shall undergo a job related, return-to-work physical prior to being allowed to return to work. This return-to-work physical includes a Physical Capacity Profile® Evaluation. The following procedure shall be followed:

1. The employee shall be examined by one of the City's designated physicians or another physician or health care provider as the City Manager, or his/her designee, may direct. The employee shall have the right to submit to the examining physician or other provider reports, opinions or other information provided by the employee's own physician or health care provider.



2. The report of the examining physician or provider shall be submitted to the Human Resources Director who shall confer with appropriate management staff and make a report to the City Manager concerning the employee's fitness for duty and any recommended action.
3. The results of the examination shall be confidential, with access to medical information limited to the employee and management staff that needs the information to make employment-related decisions.
4. If the opinion of the employee's personal physician differs from that of the City's occupational medicine physician's opinion, the City shall pay for an examination by an unbiased third party (jointly selected) specialist and that physician's decision shall be final.

#### **2-5.D. Employee Safety & Protection of Medical Information**

Any offer of employment or return-to-work is contingent upon satisfactory completion of this examination. A determination shall be made by the City using the results from the evaluation to support whether or not the applicant is capable of performing the essential functions of the offered position or if the employee is capable of returning to work. This evaluation shall be used to ensure that employees are not placed in position where there is a likelihood of injury to themselves or others.

Information on an employee's medical condition or history will be kept separate from other employee information and maintained confidentially within the guidelines of the Patient Privacy Act (HIPAA). Access to this information will be limited to those who have a legitimate need to know, such as a supervisor to assess any physical restrictions and to determine what, if any, accommodations may be necessary for the job to be performed. This policy shall in no way infringe on employees' rights that are protected by the Americans with Disabilities Act as amended and/or other related state and federal regulations.

### **2-6. STANDARDS FOR HANDLING PERSONALLY IDENTIFIABLE INFORMATION (PII): SECURITY, NOTIFICATION AND CONFIDENTIALITY**

#### **2-6.A. Purpose**

City of Fort Dodge recognizes the need to maintain the confidentiality of Personally Identifiable Information (PII) and understands that such information is unique to each individual. The PII covered by this policy may come from various types of individuals performing tasks on behalf of the City and includes employees, applicants, independent contractors, and any customer PII maintained. The scope of this policy is intended to be comprehensive and will include City requirements for the security and protection of such information throughout the City, both for employment purposes and in the course of business operations.

Departments named in this policy have delegated authority for developing and implementing procedural guidance for ensuring that their departmental responsibilities under this policy are communicated and enforced.

#### **2-6.B. Definitions**

Personally identifiable information (PII): Iowa Code Chapter 715C.11(a) defines *personal information* as "an individual's first name or first initial and last name in combination with any one or more of the following data elements that relate to the individual if any of the data elements are not encrypted, redacted, or otherwise altered by any method or technology in such a manner that the name or data elements are unreadable or are encrypted, redacted, or otherwise altered by any method or technology but the keys to unencrypt, unredact or otherwise read the data elements have been obtained through the breach of security:

1. Social security number.
2. Driver's license number or other unique identification number created or collected by a government body.
3. Financial account number, credit card number, or debit card number in combination with any required expiration date, security code, access code, or password that would permit access to an individual's financial account.
4. Unique electronic identifier or routing code, in combination with any required security code, access code, or password that would permit access to an individual's financial account.
5. Unique biometric data, such as a fingerprint, retina or iris image, or other unique physical representation or digital representation of biometric data."

Personally identifiable information (PII) could also include, but is not limited to, home street addresses, emails, mother's maiden name, place of birth, photographic images, or any other information that is linked or linkable to an individual, such as medical, educational, financial, and employment information.

Data Breach: Iowa Code Chapter 715C defines a security breach as any unauthorized acquisition or disclosure of personal information "maintained by a person in any medium, including on paper, that was transferred by the person to that medium from computerized form and that compromises the security, confidentiality, or integrity of the personal information."

This includes the loss of control, unauthorized access, or any similar term referring to situations where persons other than authorized users with an authorized purpose have access or potential access to PII, whether physical or electronic. Personal information includes information that is encrypted, redacted, or somehow altered so that it is unreadable, if the keys to unencrypt, remove redactions, or otherwise read the information, have also been obtained through the breach. In the case of this policy, the term "breach" and "incident" mean the same.

#### **2-6.C. PII Retention**

City of Fort Dodge understands the importance of minimizing the amount of PII data it maintains and retains such PII only as long as necessary. The City of Fort Dodge has adopted the records retention guidelines as recommended by the Iowa League of Cities and as modified.

#### **2-6.D. PII Training**

All City of Fort Dodge employees who have access and/or work with PII in the course of their duties (i.e.; Information Technology, Human Resources, Finance/City Clerk, Utility Billing, Parks & Recreation, Police, Fire, Public Library, Blanden Museum, Fort Dodge Regional Airport staff and/or managers/supervisors) are required to complete training related to PII security, notification and confidentiality measures as follows:

1. Upon hire;
2. Whenever changes are made to the policy or related laws enacted;
3. On an annual basis for refresher training.

Failure to comply with training requirements will result in disciplinary action up to and including termination.

#### **2-6.E. PII Audits**

City of Fort Dodge conducts audits of PII and related records maintained in conjunction with fiscal year closing activities to ensure this policy remains strictly enforced and to ascertain the necessity for the continued retention of PII. Department Directors are responsible for making sure their department's records are audited, retained, and removed or destroyed in accordance with the Iowa League of Cities

Record Retention Manual, as modified. Information Technology personnel may assist with departmental record audits as needed.

#### **2-6.F. Information Data Breach**

A data breach is when PII is, or potentially, viewed or accessed by anyone who is not the individual or someone authorized to have access to this information as part of his/her official duties. Databases or data sets that include PII may be breached inadvertently or through wrongful intrusion. Upon becoming aware of a data breach or incident, the City will notify all affected individuals who PII may have been compromised, and the notice will be accompanied by a description of action being taken to reconcile any damage as a result of the data breach. Notices will be provided as expeditiously as possible.

#### **2-6.G. Data Access**

City of Fort Dodge maintains multiple Information Technology (IT) systems where PII data may reside; thus, user access to such IT systems is the responsibility of the IT department. IT personnel have created internal controls for such systems to establish legitimate access for users of data, and access shall be limited to those approved by IT. Any change in employment status relating to access, permissions necessary for completion of work, or terminations of employment will be communicated from HR to IT immediately for appropriate actions to commence.

#### **2-6.H. Data Transmission & Transportation**

1. City Premises Access to PII: Departments have defined responsibilities for on-site access of data that may include access to PII. IT has the oversight responsibility for all electronic records and data access capabilities. Human Resources has the operational responsibility for designating initial access and termination of access for individual users with their organizations and providing timely notice to IT.
2. Email Communications: The only manner in which PII may be transmitted via email is by attaching a password protected document. PII shall not be included within the content of an email. The receiver of the email must contact the sender either by phone call or with a separate, unrelated email to obtain the password to open the attached document.
3. Vendors: City of Fort Dodge may share data with vendors who have a business need to have PII data. The vendor shall sign a privacy agreement stating the terms of data use prior to the City releasing the data. Where such sharing of data is required, IT personnel will work with department personnel to create and maintain data encryption and protection standards in order to safeguard all PII data that resides in the databases provided to vendors.
4. Portable Storage Devices: City of Fort Dodge reserves the right to restrict PII data it maintains in the workplace. In the course of doing business, PII data may also be downloaded to laptops or other computing storage devices to facilitate City business. To protect such data, the City will also require that any such devices use IT-approved encryption and security protection software while such devices are in use on or off City premises. IT has the responsibility for maintaining data encryption and data protection standards to safeguard PII data that resides on these portable storage devices.
5. Off-Site Access to PII: City of Fort Dodge understands that employees may need to access PII while off site or on business travel, and access to such data shall not be prohibited, subject to the provision that the data to be accessed is minimized to the degree possible to meet business needs and that such data shall reside only on assigned laptops/approved storage devices that have been secured in advance by City IT personnel.

### **2-6.I PII Breach Complaint**

If an applicant, employee, or other individual has reason to believe that his or her PII (please refer to what constitutes PII) data security has been breached or that a City representative(s) are not adhering to the provisions of this policy, an employee should contact the City's HR Director by phone at (515) 576-6869, email [janderson@fortdodgeiowa.org](mailto:janderson@fortdodgeiowa.org), or stop into Human Resources located at City Hall 819 1st Avenue South.

### **2-6.J. Confirmation of Confidentiality**

All City employees must maintain the confidentiality of PII as well as company proprietary data to which they may have access and understand that that such PII is to be restricted to only those with a business need to know. Employees with ongoing access to such data will sign acknowledgement reminders annually attesting to their understanding of this company requirement.

### **2-6.K. Violations of PII Policies & Procedures**

City of Fort Dodge views the protection of PII data to be of the utmost importance. Infractions of this policy or its procedures will result in disciplinary actions under the City's discipline policy and may include suspension or termination in the case of severe or repeat violations. PII violations and disciplinary actions are incorporated in the City's PII onboarding and refresher training to reinforce the company's continuing commitment to ensuring that this data is protected by the highest standards.

## **2-7. PROOF OF EMPLOYABILITY/IMMIGRATION LAW COMPLIANCE**

The City of Fort Dodge is committed to employing only United States citizens and individuals who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

### **2-7.A. I-9 Form**

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with the City of Fort Dodge within the past three years or if their previous I-9 is no longer retained or valid.

Employees must fully complete Section 1 of the I-9 and sign the form on or prior to the first day of employment. The first day of employment is the day the individual starts working, regardless of the hiring date.

Verification of employment eligibility by an authorized representative of the Human Resources Department must be made within seventy-two hours of employment, or the employee is ineligible for continued employment or may be suspended until necessary documents are received within a reasonable amount of time.

Any and all I-9 information for each employee shall be kept in a separate binder which shall be secured in accordance with the state and federal guidelines and regulations.

### **2-7.B. Questions**

Employees with questions or seeking more information on immigration law issues are encouraged to contact the Human Resources. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

## 2-8. RESIDENCY REQUIREMENTS

According to City Council Resolution #22-06-172, approved June 27, 2022, critical/essential public safety employees (i.e., police, fire, and emergency medical services) are required to live within fifteen (15) miles of the corporate limits of Fort Dodge. In addition, employees holding the job titles listed below are considered critical/essential employees and are therefore required to live within fifteen (15) miles of the corporate limits of Fort Dodge:

- Public Works Operations Manager
- Water Utility Operations Manager
- Network Engineer
- Fiber Network Specialist
- GIS Specialist
- Fiber Operations Supervisor
- Outside Plant Service (OPS) Technician
- Commercial Service Technician
- Residential Service Technician
- Public Works Maintenance Worker II (Divisions of Streets, Traffic Safety, Utility Systems Distribution and Sanitation)
- Public Works Maintenance Worker III (Divisions of Streets, Traffic Safety, Utility Systems Distribution and Sanitation)
- Parks & Forestry Superintendent
- Parks & Forestry Operations Supervisor
- Parks and Forestry Maintenance Worker II
- Parks and Forestry Maintenance Worker III
- City Forester
- Forestry Technician I
- Forestry Technician II
- Airport Operations Supervisor
- Airport Operations Specialist
- Vehicle Maintenance Supervisor
- Automotive Mechanic
- City Electrician
- Custodian

Any new critical/essential employee hired on or after January 1st, 2018 must comply with the residency requirements no later than twelve (12) months from their date of hire. Current critical/essential employees are grandfathered in and are not required to relocate in accordance with this policy. However, those who move (change of residence) after January 1st, 2018 must comply with this policy. The term “residence” shall mean the physical place where the employee actually resides along with other members of his or her immediate family and would entitle the employee to become a registered voter at such residence and if owned by the employee to homestead the property for real estate tax purposes. If the edge of a neighboring town intersects with the fifteen (15) mile buffer, the employee will be allowed to live anywhere within that town’s limits. Regardless of where an employee lives,

they are required to regularly report to work on time and respond to call-backs within a reasonable timeframe.

Non-essential employees do not have to be residents of the City of Fort Dodge, although residency within the City limits is certainly encouraged. The City has no restrictions regarding where other non-essential employees maintain their residence. Again, the only requirement is that such employees be able to regularly report to work on time.

## **2-9. MOVING EXPENSES**

Moving expenses are subject to the approval of the City Manager or respective Board or Commission. Approved moving expense payments must be coordinated through the Human Resources Department and Finance/Payroll, because some moving expenses are taxable and must be reported on the employee's W-2. Actual expenses must be submitted to Finance/Payroll to be considered for non-taxable reimbursement.

## **2-10. EMPLOYMENT CATEGORIES**

It is the intent of the City of Fort Dodge to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and the City of Fort Dodge.

### **2-10.A. Non-Exempt and Exempt Categories**

Each employee is designated as either non-exempt or exempt from federal and state wage and hour laws based on his/her job.

- 1) **Non-exempt** employees are entitled to overtime pay under the specific provisions of federal and state laws.
- 2) **Exempt** employees are excluded from specific provisions of federal and state wage and hour laws.

An employee's non-exempt or exempt classification may be changed only upon written notification by the Director of Human Resources.

### **2-10.B. Additional Categories**

In addition to the above categories, each employee will belong to one additional employment category:

- 1) **Regular Full-Time** employees fill budgeted Full Time Equivalent (FTE) positions, are not in a temporary, seasonal or intern status and are regularly scheduled to work the City of Fort Dodge's full-time schedule. Generally, they are eligible for the City of Fort Dodge's benefit package, subject to the terms, conditions, and limitations of each benefit program. Regular full-time employees will be enrolled in IPERS (See Section 8-14, Retirement).
- 2) **Regular Part-Time** employees fill budgeted positions that are less than one (1) FTE, are not assigned to a temporary, seasonal or intern status and are regularly scheduled to work between twenty (20) (.5 FTE) and twenty-nine (29) (.725 FTE) hours per week. Regular part-time employees will receive legally required benefits (*e.g.* social security, workers' compensation). Other paid time off benefits are pro-rated based upon scheduled hours. Regular part-time employees will be enrolled in IPERS (See Section 8-14, Retirement).
- 3) **Seasonal** employees are hired temporarily for one season of the year to perform a seasonal function (*e.g.* outdoor lifeguard, mowing grass). Seasonal employees shall not normally work more than eight (8) pay periods within a calendar year. However, employment beyond eight (8) pay periods shall not in any way imply a change in employment status.

Seasonal employees will receive legally required benefits (*e.g.* social security, workers' compensation), but are ineligible for the City of Fort Dodge's health plan and other benefits.

- 4) Temporary Part-Time employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and do not meet the qualifications of a regular part-time position.
- 5) Contract Workers are hired under a specific agreement, paid through the accounts payable system, and subject to the provisions of such agreement. To ensure IRS guidelines are followed, all contracts covering this type of classification must be reviewed and approved by the Human Resources department before the contract can take effect. Contract Workers are independent contractors and not City of Fort Dodge employees. Active City of Fort Dodge employees shall not concurrently serve as Contract Workers.
- 6) Volunteers perform unpaid service subject to special conditions provided for in applicable department policies. All volunteers are required to complete volunteer applications and maybe subject to background investigations.

## **2-11. PROBATIONARY PERIOD**

Unless otherwise specified in a collective bargaining agreement, the probationary period for regular employees shall be the first six months of employment. This period is intended to give new employees the opportunity to demonstrate the ability to achieve a satisfactory level of performance, as well as determine whether or not the new position meets their expectations. The City of Fort Dodge uses this period to evaluate an employee's capabilities, work habits, and overall performance. Prior to the end of the probationary period the supervisor shall complete a written performance evaluation for the employee. Either the employee or the City of Fort Dodge may end the employment relationship at will at any time during or after the probationary period, with or without cause or advance notice.

### **2-11.A. New and Rehired Employees**

All new and rehired employees work on a probationary basis for the first six months after their date of hire. Any significant absence of five consecutive working days or more may extend an introductory period by the length of the absence. If the City of Fort Dodge determines that the designated probationary period does not allow sufficient time to thoroughly evaluate the employee's performance, the probationary period may be extended. New and rehired employees are not eligible for the appeal procedure for disciplinary actions during their probationary period. All rehires are subject to the City Manager's, or respective Board/Commission, and department director approval.

### **2-11.B. Anniversary / Seniority Date / Benefit Date**

The first day you report to work is your hire date and may be referred to as your anniversary or seniority date. Your seniority date is used to compute various conditions and benefits described in this Employee Handbook. Hire date, seniority date, and benefit date are all reflected in the payroll system and are usually the same date however, these dates may be different from each other due to benefit terms agreed upon hire (*e.g.* vacation time), a break in service, or change in employment status throughout the duration of employment.

### **2-11.C. Promotions or Transfers**

Employees who are promoted or transferred within the City of Fort Dodge must complete an additional probationary period of the same length with each reassignment to a new position. An employee who, in the sole judgment of management, is not successful in the new position can be removed from that position at any time during this period. If removal occurs, the employee may be allowed to return to his

or her former job or to a comparable job for which the employee is qualified, depending on the availability of such positions and the City of Fort Dodge's needs. The right to return to the previous position or to another position is at the sole discretion of management.

#### **2-11.D. Review during Probationary Period**

At least one time during the first thirty (30) days of employment the employee will be provided a performance planning document to help promote success. The employee will have a review at the next mid-year or annual review date. The employee's supervisor will inform the employee of any required changes in performance and encourage the employee to take advantage of these coaching opportunities to seek guidance.

#### **2-11.E. Termination during Probationary Period**

Any new hire in the probationary status who cannot demonstrate satisfactory performance shall be terminated without the right of appeal at any time during the probationary period.

### **2-12. WORK SCHEDULES**

It is the policy of the City to establish the time and duration of the workday as required by workload and production flow, public service needs, efficient management, and any applicable laws. Full-time work schedules for non-exempt full-time employees will typically include forty (40) hours per workweek. Provisions of a current collective bargaining agreement(s) relating to work schedules and schedule changes will be adhered to.

Exempt employees are not required to have a specific work schedule, but a supervisor may establish a work schedule for an exempt employee, particularly if the position requires the employee to be on-site during normal business hours. Exempt employees are expected to work the number of hours necessary to perform the duties and responsibilities of their job.

#### **2-12.A. Schedules for City Employees**

1. The City's standard hours of operation are 8:00 A.M. to 5:00 P.M., Monday through Friday.
2. The City's standard workweek is from 12:00 A.M. Sunday through 11:59 P.M. Saturday. Assigned hours of work may vary by department and position to meet department goals and schedules.
3. Supervisors will advise employees of their individual work schedules. Notification of changes to the regular work schedule will be provided to employees at least one week in advance so proper arrangements can be made at home (i.e. child or elder care).
4. Staffing needs and operational demands may necessitate requirements and/or variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.
5. Employees must adhere to their assigned work schedules or be subject to disciplinary action.

#### **2-12.B. Rest and Meal Periods**

Supervisors authorize rest and meal periods that accommodate their business needs. Each department is responsible for scheduling rest and meal periods for non-exempt employees, considering the workload and nature of the job performed. Rest and meal periods should not be taken at the beginning or end of the workday to change the reporting and/or quitting time, unless authorized in advance by the supervisor.

Full-time employees shall be entitled to a fifteen (15) minute work break in the morning and a fifteen (15) minute work break in the afternoon. Part-time employees shall be provided breaks in accordance with the Fair Labor Standards Act (FLSA).



### **2-12.C. Alternative Schedules and Flexible Working Time**

This type of scheduling commits an employee to working a specified number of hours per workweek, but offers flexibility in regard to the starting and ending times for each day. Department directors may elect to use alternative schedules to accommodate their individual business needs or to allow employees more input in establishing their days and hours of work.

Department directors may dictate the conditions and circumstances in which alternative schedules may be used. The use of alternative schedules does not eliminate the obligation to provide non-exempt employees with overtime compensation for hours worked in excess of forty (40) during a workweek.

Supervisors will inform employees of their work schedules, including days, hours of work, and designated rest and meal periods at the time of hire or transfer. Employees are not authorized to change work schedules without the prior approval of their supervisors.

Departments may establish and document a compressed work schedule that allows a non-exempt employee to work more than eight (8) hours per day over the course of less than five (5) days per workweek on an ongoing basis, as long as business needs are met.

## **2-13. ATTENDANCE, ABSENCES, AND OCCURRENCES**

### **2-13.A. Purpose**

- 1) This policy is to provide a guideline to ensure that all employees are treated fairly and consistently regarding attendance. The City reserves the right to make exceptions to this policy based on the circumstances of an individual case. Any exception due to individual circumstances may be made with the involvement of Human Resources.
- 2) This policy will be referenced and incorporated into performance evaluations for employees who have been counseled or disciplined, or placed on an attendance improvement program.

### **2-13.B. Policy**

- 1) Regular attendance is a condition of employment for all City employees. Reporting to work on time on a daily basis, when scheduled, and working all hours scheduled demonstrates an employee's reliability and dependability. This is essential for the delivery of high quality public services.
- 2) Unsatisfactory attendance caused by unscheduled absences and tardiness disrupt work, affects productivity, and creates morale problems when workloads are shifted to other employees. Every employee is expected to report promptly, on time for all scheduled work, and to be fully prepared to work.
- 3) It is the policy of the City of Fort Dodge to provide eligible permanent full-time and part-time employees paid time off as specified in the Employee Handbook or respective collective bargaining agreements. Sick leave is provided as a financial protection against illness, injury or temporary disability. Employees will accrue sick leave as specified in the Handbook or various collective bargaining agreements. Doctor, dentist, and other appointments required by the primary care physician will be charged to sick leave for the hours away from work. Employees are encouraged to make medical and dental appointments during their days off or after regular work hours when possible.
- 4) Employees must be in attendance at work and training classes in accordance with the rules regarding hours of work and leaves as established in this policy by management.
- 5) The City recognizes that unscheduled absences occur occasionally because of illness or disability. The City will work with employees in such situations. However, the existence of

accrued leave(s) shall not excuse unacceptable attendance practices. The City expects employees to maintain consistent and acceptable attendance and punctuality.

### 2-13.C. Definitions

- 1) **Proper Notification** – Employees are expected to notify their supervisor of any absence or tardy *at least* 30 minutes prior to the start of the employee’s scheduled start time.

Emergencies that would prevent proper notification may be reviewed on a case-by-case basis with the involvement of Human Resources.

- a. A bona-fide reason must be stated. Inappropriate reasons, or reasons which would have allowed the employee to give advance notice, will not be accepted.
  - b. Any false or misleading reason given will be considered ***falsification*** and could be grounds for immediate suspension and/or discharge. Human Resources will be involved with any employee suspension and/or discharge.
  - c. Proper notification is expected to be provided to the supervisor by a phone call. Email or text notification is ***only*** acceptable if the supervisor has communicated this to the employee as an acceptable method of proper notification in advance. Supervisors must communicate with their employees to let them know the preferred method of notification.
  - d. In the absence of the immediate supervisor, the employee shall contact the next higher supervisor in the line of authority.
- 2) **Pre-arranged Absences** – an absence that is pre-arranged and approved twenty-four (24) hours or more in advance by the employee’s supervisor/department head. Departments/Offices may use a pre-arranged absence form for employees requesting time off. An email may also be used to request and respond to time off requests. The email may be saved as proof of date and time of the request.
    - a. Approval of pre-arranged absences is based upon the business needs of the City and/or Department.
    - b. A pre-arranged absence may consist of a full shift/work day or a partial shift/work day.
  - 3) **Unscheduled Absences**—an absence that is not pre-arranged and approved at least twenty-four (24) hours in advance of the absence by the employee’s supervisor/department head. This includes late arrivals and leaving early without pre-arrangement (as defined above).

### 2-13.D. Responsibility

- 1) The supervisor/department head will be responsible for ensuring the accuracy of employee timesheets and maintaining documentation for absence tracking purposes. A review of total absence and tardiness occurrences will take place no less than monthly to address excessive absences and/or patterns of absenteeism within the past twelve (12) months.
- 2) Each employee's attendance record shall be evaluated according to the following criteria:
  - a. **Absenteeism:** the number and/or length of unscheduled absences exceeding five (5) such instances in a calendar year, or a pattern of absenteeism (e.g. a record of two more absences immediately preceding or following week-ends and/or holidays) will necessitate further supervisory review and possible corrective action.
  - b. **Tardiness/punctuality:** a repeated failure (two or more times) to report to work at the designated starting time or repeated failure to resume working following established

breaks or lunch periods will necessitate further supervisory review and possible corrective action.

- 3) Attendance problems will be addressed on an individual basis, thereby avoiding penalizing the majority of employees for the unacceptable actions of a few employees.
- 4) It is the responsibility of the supervisor/department head to communicate with the employee when there are attendance problems, counsel and, when necessary, implement an attendance improvement plan and/or further corrective action.

#### **2-13.E. Guidelines for Corrective Action**

- 1) Employees must give **Proper Notification** (as defined above) to the City regarding any absence or tardy.
- 2) **Excused Absence** – The following reasons for time away from scheduled work will be excused:
  - a. Authorized Leave of Absence as defined in the Employee Handbook or respective collective bargaining agreements (military, medical, personal).
  - b. Release from scheduled work due to emergency (for instance, if the employee is in a serious accident and is hospitalized).
  - c. Release from scheduled work due to lack of work.
  - d. Work related injury-illness supported by a notice from the City's designated Health Care Provider.
  - e. Holiday, Jury Duty, Family Health/Illness, Bereavement, Vacation.
  - f. Disciplinary Suspensions.
  - g. Absence covered by the Family and Medical Leave Act (FMLA) with supportive documentation.
  - h. Pre-arranged absences (as defined above).
  - i. Flexible work schedules to avoid earning comp time (e.g. Upon approval from the supervisor, an employee who has worked over their regular scheduled hours one day may be allowed to leave early on a day later in the week to avoid accumulating comp time for that week.)
  - j. Inclement weather/natural disasters (non-essential employees only).
- 3) Absences that **were not pre-arranged** but could have been will be considered an unscheduled absence (such as a child's school program or sports event scheduled on the school calendar).
- 4) The supervisor/department head shall consider the following when assessing the need for corrective action:
  - a. Frequent, unrelated, unscheduled absences exceeding five (5) such instances per year.
  - b. A pattern of unscheduled absences associated with weekends, holidays or other scheduled days off in an effort to extend time off;
  - c. Absences for straight time pay verses overtime pay;
  - d. The length of time the employee has demonstrated unacceptable absenteeism or tardiness;

- 5) **Counseling & Action** – When an employee’s attendance record reflects multiple unscheduled/unexcused absences within a twelve (12) month period, the supervisor/department head will communicate with the employee and take action as follows:
  - a. Absent, late, or leaving work early twice without proper notification or pre-arranging.....*Counseling / Attendance Notification #1*
  - b. A third absence, late, or leaving work early occurrence without proper notification or pre-arrangement.....*Counseling / Attendance Notification #2 & Attendance Improvement Plan*
  - c. A fourth absence, late, or leaving work early occurrence without proper notification or pre-arrangement.....*Final Attendance Notification & Last Chance Agreement*
  - d. A fifth absence, late, or leaving work early occurrence without proper notification or pre-arrangement.....*Termination*
- 6) **Probationary or Part-Time** – Attendance for Employees who are part-time or are in their probationary period will be governed under a two (2) step policy.
  - a. Absent, late, or leaving work early twice without proper notification or pre-arrangement.....*Counseling/Attendance Notification #1*
  - b. A third absence, late, or leaving work early occurrence without proper notification or pre-arrangement.....*Termination*
- 7) **Falsification of Reason for Absence** – Any falsification, verbal or written, will be considered **Gross Misconduct** and the employee will be discharged.
- 8) Employees who request the use of sick leave who are found to be in self-employment or in the employment of another employer during time claimed as sick shall have their request for sick leave denied and may be subject to discipline up to and including termination.

**2-14. TELECOMMUTING**

**2-14.A. Purpose**

- 1) This policy provides guidelines for telecommuting employment arrangements for both regular full and part-time employees.
- 2) Telecommuting allows eligible employees to work at home, or at another approved off site location, for all or part of their work week.

**2-14.B. Policy**

- 1) Telecommuting (whether temporary, intermittent, or regularly) will only be approved when it is in the best interest of the City of Fort Dodge.
- 2) The City considers telecommuting to be a viable, flexible work option when **both** the employee and the assigned job duties are suited to such an arrangement, as determined by the department head.
- 3) Not all employees are eligible to telework because the essential job functions of their position cannot be completed from home.
- 4) Telecommuting is generally inappropriate under the following conditions:
  - a. When the job requires the employee's physical presence at the worksite.
  - b. The arrangement would hinder service delivery and/or business operations.
  - c. The employee's current assignment requires *any* of the following:
    - i. Frequent supervision.

- ii. The employee does not consistently achieve high performance ratings or productivity levels.
  - iii. The employee has demonstrated performance and/or attendance concerns.
- 5) Telecommuting can be informal, such as working from home for a short-term project or during business travel, or a more formalized, set schedule of working away from the office.
  - 6) Approval of a telecommuting request is at the sole discretion of the department head and is based on operational and/or business needs.
  - 7) A telecommuting arrangement can be discontinued at any time at the discretion of the department head.
  - 8) Telecommuting is not an entitlement, it is not a Citywide benefit, and it in no way changes the terms and conditions of employment with the City.

#### 2-14.C. Definitions

- 1) **Office workplace** - Refers to the official work site of the department, which is the usual and customary location of the department's offices or an alternate location as set forth in the terms and conditions of this agreement.
- 2) **Eligible employee** - Generally, individuals requesting formal telecommuting arrangements must be employed with the City for a minimum of 12 months of continuous, regular employment and must have a satisfactory performance record (including attendance). *Exceptions to the 12 months of continuous service may be made on a case-by-case basis or in the event of an emergency (i.e., pandemic or natural disaster).*
- 3) **Telework** – For this policy the term telework and telecommute may be used interchangeably.

#### 2-14.D. Procedures

- 1) Either an employee or a supervisor can suggest telecommuting as a possible work arrangement.
- 2) Before entering into any telecommuting agreement, the employee and their appropriate department head, or his/her designee, with the assistance of the Human Resources Department, will evaluate the suitability of such an arrangement, reviewing the following areas:
  - a. Employee suitability. The employee and supervisor will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful telecommuters.
  - b. Job responsibilities. The employee and supervisor will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement.
  - c. Equipment needs. The employee and supervisor will consult with IT personnel to review the physical workspace and equipment needs (including hardware, software, modems, phone and data lines and other office equipment) to ensure equipment needs are adequately met.
  - d. Key performance deliverables and how they will be measured, which should ordinarily reflect the maintenance of a standard workload.
  - e. Tax and other legal implications. The employee must determine any tax or legal implications under IRS, state and local government laws, and/or restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.
- 3) If the employee and department head agree, and Human Resources concurs, a telecommuting agreement will be prepared and signed by all parties. The department head is responsible for ensuring all pertinent details of the telework arrangement are contained in the written agreement signed by both parties.
  - a. The employee and department head will agree on the number of days of telecommuting allowed whether weekly, monthly or sporadically, the work schedule the employee will customarily maintain, and the manner and frequency of

communication.

- b. Generally, telecommuting employees should be available via phone and electronic email during their normal work hours (typically 8:00 a.m. to 5:00 p.m.).
  - c. Any employee approved for telecommuting is subject to being recalled and thus should be prepared to report to their normal physical work location upon request of their direct supervisor or department head.
  - d. The employee's salary and participation in employee pension, benefits, and City-sponsored insurance plans shall remain unchanged so long as their employment status remains unchanged (i.e., full-time, part-time).
  - e. The employee must be accessible by phone, email, or other mode of communication (i.e., instant messaging) within a reasonable time period during the agreed upon work schedule. The employee and department head will also agree upon deliverables and expectations, as described in section 2-14.E.
  - f. The employee will ordinarily be expected to attend on-site events for the department, as may be necessary to participate in meetings, training sessions and similar events.
  - g. Telecommuting employees are expected to adhere to the same policies and procedures as other employees. The employee will be expected to report an illness to use sick time, or other available leave funds if unable to work. Vacation and other leave should be requested in accordance with department policies. Managers must clearly articulate the rules for use of leave and the leave approval process.
  - h. Telecommuting employees who experience an emergency (e.g., power outage) which interferes with their ability to perform work must contact their manager. Employees may be directed to report to the official work site or another approved work site to complete their workday.
  - i. Other than those duties and obligations expressly imposed on the employee under the signed agreement, the duties, obligations, responsibilities and conditions of the employee's employment with the City, to include following established policies and procedures, remain unchanged as a result of entering into the agreement. Violation of such may render the employee ineligible to continue the telecommute arrangement and/or disciplinary action, up to and including termination of employment.
- 4) Any telecommuting arrangement made will be on a trial basis for the first three (3) months and may be discontinued at will and at any time at the request of either the telecommuter or the City. Every effort will be made to provide at least five (5) working days' notice of such change to accommodate personal circumstances, child/elder care and other issues that may arise from the termination of a telecommuting arrangement.
- a. There may be instances, however, when very little notice is possible due to such events as pandemic circumstances and/or business emergencies related to the conditions of the physical facilities such building damage, natural disaster/storm events, etc. In such cases, the department head will provide written notification of the reasoning and necessity to return to the work site within a specified number of days.

#### **2-14.E. Responsibilities and Evaluation**

##### **1) Equipment**

- a. Equipment supplied by the City for telecommuting purposes will be maintained by the City. Equipment supplied by the employee, if deemed appropriate, will be maintained by the employee. The City accepts no responsibility for damage or repairs to employee-owned equipment. The City reserves the right to make determinations regarding appropriate equipment needed, subject to change at any time, and will communicate with the employee to facilitate the set-up or exchange.

- b. Equipment supplied by the City is to be used for business purposes only. The telecommuter must sign an inventory of all City owned property received via the telecommuting agreement and agree to take appropriate action to protect the items from damage or theft. Typical wear is to be expected; however, if City owned equipment is damaged/destroyed due to misuse or negligence in caring for the equipment, the City will request reimbursement from the employee.
  - c. In the event of equipment failure or malfunction, the employee must immediately notify the department and cooperate to effect immediate repair or replacement of such equipment. The employee is responsible for returning inoperable equipment to the department for repair. In the event of delay in repair or replacement, or any other circumstance where it's impossible for the employee to work off site, the telecommuting arrangement may be temporarily suspended.
  - d. The employee will not modify or alter any equipment nor relocate it without prior approval by the City. The employee will ensure that all City-owned equipment is used only by City-authorized personnel. Periodic inspections of the telework site may be made at reasonable times to ascertain the condition of City-owned equipment. The employee agrees that all department-owned data, software, equipment, and supplies must be properly protected and secured.
  - e. City-owned data, software, equipment and supplies must not be copied in violation of law or City's licensing agreements with its vendors. The employee will comply with all applicable policies and instructions regarding conflicts of interest and confidentiality.
  - f. As directed by management or upon termination of employment all City property will be returned to the worksite unless other arrangements have been made.
- 2) Business related expenses.
- a. The City will provide office supplies to the employee as deemed necessary (pens, paper, etc.).
  - b. The City will also reimburse the employee for all other business-related expenses such as personal phone usage, shipping costs, etc. that are reasonably incurred in accordance with job responsibilities.
- 3) Workspace in the home.
- a. Telecommuters are normally expected to work from their homes, not from other locations outside their own residences, utilizing semi-private dedicated space where possible.
  - b. The City will not be responsible for moving the employee's personal furniture or household belongings.
  - c. The City will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture or lighting, nor for repairs or modifications to create the telework site.
  - d. The telework site should be free from distractions and disturbances from children, pets, family members and others during work hours.
  - e. The employee will be responsible for securing and maintaining reliable internet service with sufficient capacity to support the employee's required job duties with minimal disruption.
  - f. Consistent with the City's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of proprietary information accessible from their home office. Steps include the signing out of computers/laptops when not in direct use, use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment. Particular care should be taken that no other household members or visitors

to the employee's household are allowed to use or access city-owned computers, laptops, keyboards, or monitors, etc.

- g. Telecommuting is not to be used as a long-term substitute for child/elder care. If an employee enters into a telecommuting arrangement, there must not be any children under age 12 or adults in need of care present unless there is an adult caregiver, other than the employee, in the home to provide care during work hours.
    - i. In pandemic circumstances, exceptions may be made for employees with caregiving responsibilities. Although an individual employee's schedule may be modified to accommodate child/elder care needs, the focus of the arrangement must remain on job performance and meeting business demands. Prospective telecommuters are encouraged to discuss expectations of telecommuting with family members prior to entering a trial period.
  - h. If the employee changes from one telework site to another, the cost of terminating service at the former location and establishing service at the new location will be the responsibility of the employee, unless a determination is made that it would be in the City's best interest to pay such costs.
- 4) Safety
- a. Employees are expected to maintain their home workspace in a safe manner. Furniture, lighting, electrical and household safety equipment incidental to the use of the City-owned equipment, software and supplies shall be appropriate for their intended use and shall be used and maintained in a safe condition, free from defects and safety hazards.
  - b. Injuries sustained by the employee in a home office location and in conjunction with their regular work duties may be covered by the City's workers' compensation policy. The employee's and the City's liability and respective obligations shall be governed by Iowa law.
  - c. Telecommuting employees are responsible for following the City's work-related injury reporting policy and must immediately notify their supervisor or Human Resources of any injury as well as calling the Company Nurse Injury line at 888-770-0928.
  - d. The employee is liable for any injuries sustained by visitors to his or her home worksite and in no circumstances should employees arrange to meet with third party vendors, City business partners, etc. in their homes. Those types of face-to-face meetings, when necessary, are to be scheduled in a City building.
- 5) Inspections
- a. The telework site is subject to inspection and approval by the department head or supervisor for the purpose of determining that the site is safe and free from hazard, and to maintain, repair, inspect or retrieve City-owned equipment, software, data and/or supplies.
  - b. Unless otherwise agreed, a minimum of twenty-four (24) hours advance notice must be given before management may inspect the employee's telework site.
  - c. Such inspections shall be conducted during the employee's normal working hours. If the employee refuses a telework site inspection, the manager may immediately terminate the employee's telework agreement and the employee must surrender all City-owned equipment and supplies and return to the official work site.
  - d. In the event legal action is necessary to regain possession of City-owned equipment, software, data and/or supplies, the employee agrees to pay all costs of such action, including attorney's fees, should the department prevail.



6) Trial Period.

- a. During the trial period there will be regular interaction by phone, e-mail, and virtual meetings (Teams, etc.) between the employee and the supervisor, and weekly face-to-face meetings (either in person or via Teams, etc.) to discuss work progress and problems.
- b. At the end of the trial period, the employee and supervisor will each complete an informal evaluation of the arrangement and make recommendations for continuance or modifications.
- c. Evaluation of telecommuter performance beyond the trial period will be consistent with that received by employees working at the office in both content and frequency.
- d. The employee is responsible for maintaining availability, appropriate levels of production, and quality of work while teleworking.
- e. Inadequate availability, work production and/or work quality may be cause for modification or termination of the employee's participation in teleworking. In such instance, the employee may, without right of appeal, be required to return to work at the official work site.

**2-14.F. Compensation**

- 1) FLSA Regulations: In general, non-exempt employees are not permitted to telecommute due to the nature of the work. In those rare circumstances where it is necessary for a non-exempt employee to telecommute due to a business need or other special situation, the following guidelines apply:
  - a. Telecommuting employees will be required to accurately record all hours worked using the City's time-keeping system, per City policy, as well as any hours not worked due to taking vacation, personal, sick, or compensatory time away. This is especially important for those employees who are not exempt from the overtime requirements of the Fair Labor Standards Act.
  - b. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the telecommuter's supervisor or department head. Failure to comply with this requirement may result in the immediate termination of the telecommuting agreement.

**2-15. OUTSIDE EMPLOYMENT**

Employees may hold outside jobs as long as they meet the performance standards of their job with the City of Fort Dodge. Departments may require that an employee seeking outside employment complete a special "Secondary Employment Request" form or "Employee Request for Off-Duty Employment" form (e.g. Police Department) for each employer or employment as defined herein and submit it to his/her department director for approval. All employees will be judged by the same performance standards. All employees will be subject to the City of Fort Dodge's scheduling demands, regardless of any existing outside work requirements.

If the City of Fort Dodge determines that an employee's outside work interferes with performance or the ability to meet the requirements of the City of Fort Dodge as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain employed with the City. Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals outside the City of Fort Dodge for materials produced or services rendered while performing their jobs. Employees may not accept outside employment if such employment will raise any ethical concerns or would require or induce the employee to disclose confidential information.

**2-16. SMOKING AND TOBACCO USE AT WORK**

In keeping with the City of Fort Dodge's intent to provide a safe and healthful work environment,

smoking and tobacco use are prohibited throughout most areas of the workplace.

Iowa Code Chapter 142D, "Smoke-free Air Act" became effective on July 1, 2008 for the State of Iowa and its political sub-divisions, including the City of Fort Dodge, Iowa.

The State law was created to "...regulate smoking in public places, places of employment, and outdoor areas in order to protect the public health and the health of employees".

- "Public building" means an "enclosed area owned, leased, or operated by or under the control of the state government or its political subdivisions."
- "Public place" means "an enclosed area to which the public is invited or in which the public is permitted"; and an "enclosed area" means "all space between a floor and ceiling that is contained on all sides by solid walls or windows, exclusive of doorways, which extended from the floor to the ceiling."
- "Entrance" means "any doorway to an enclosed area used by the public or employees for ingress to any public place or place of employment, but does not include any doorway designated for use as an exit in an emergency only."

The purpose of the State law is "to reduce the level of exposure by the general public and employees to environmental tobacco smoke in order to improve the public health of Iowans."

"Smoking" means "inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe or vaping."

#### **2-16.A. Indoor Areas**

Smoking inside is not allowed in an enclosed public place, in vehicles, or in motorized equipment owned or operated by the City of Fort Dodge.

The following provisions will govern the signage posting requirements of the law:

- "No Smoking" signs will be posted at each entrance to the public place and place of employment that may be utilized by the public or the employee to enter or exit an enclosed facility.
- "No Smoking" signs will be posted in vehicles and in motorized equipment used to transport the public or the employee, such sign will be visible from the exterior, and smoking is prohibited regardless of where the vehicle or motorized equipment is located. The City of Fort Dodge *excludes* unmarked Police vehicles from the requirement to post "No Smoking" sign.
- "No Smoking" signs will be posted in rented enclosed park shelters and in park restrooms.
- Smoking will continue to be a prohibited activity in all City of Fort Dodge automotive garages or bays used either for equipment maintenance or storage; and will continue to be prohibited in all hazardous storage areas, or where flammable or toxic materials or fumes are present.
- "No Smoking" signs will meet the specifications of the State 641 Iowa Administrative Code, Chapter 153. Specifically, the signs for buildings shall be at least 24 square inches, and for vehicles at least 9 square inches in size; legible font type, contain the words "No Smoking" or the international "no smoking" symbol, the telephone number for reporting complaints, 1-888-944-2247, and the department of health website, [www.IowaSmokefreeAir.gov](http://www.IowaSmokefreeAir.gov).

#### **2-16.B. Outdoor Areas**

Smoking is not allowed on the grounds of any public building. The grounds of any public building means an outdoor area of a public building that is used in connection with the building, including but not limited to, a sidewalk or driveway immediately adjacent to the building, but not including a

sidewalk in the public right-of-way; a sitting or standing area immediately adjacent to the building; a patio; a deck; a curtilage or courtyard; a swimming or wading pool; or a beach, or any other outdoor area as designated by the person having custody or control of the public building.

“No Smoking” signs will be posted at the entrance which also includes the commonly understood points of entry to an outdoor area, subject to the prohibitions of this chapter, such as a driveway, sidewalk, pathway, access road, gate, or dedicated point of entry, but not including a street, road, highway, or sidewalk in the public right-of-way.

The City of Fort Dodge *excludes* the parking lots from the designated grounds of any public building, and smoking is allowed in the City of Fort Dodge parking lots, as long as these outdoor areas are not immediately adjacent to the commonly understood points of entry and exit. Smoking is allowed in privately owned vehicles in the City of Fort Dodge parking lots.

The City of Fort Dodge *excludes* the hiking trails from the designated grounds of any public building and smoking is allowed on bike or walking trails, and on a sidewalk in the public right-of-way, as long as these outdoor areas are not adjacent to an enclosed City of Fort Dodge building or commonly understood points of entry and exit, and do not conflict with seating areas.

“No Smoking” signs will be posted in the seating areas of outdoor sports arenas, stadiums, amphitheaters and other entertainment venues. This means the area to be used primarily to witness entertainment events and shall include, but not be limited to, all chairs, seats, and bleachers whether permanent or temporary, standing room only; general admission or festival style seating areas; and any other areas where individuals congregate to witness entertainment events. Signs will not be posted in building facilities that are not enclosed. This means all space between a floor and ceiling which is not contained on all sides by solid walls or windows, exclusive of doorways, which extend from the floor to the ceiling.

The City of Fort Dodge *excludes* the open (not enclosed) shelters in the park system from the designated grounds of any public building, and smoking is allowed in these shelters subject to the following limitations.

- Smoking will continue to be a prohibited activity in outdoor areas when flammable or toxic materials or fumes are present.
- Tobacco products are prohibited in or around any other areas where youth 17 (seventeen) years old and younger are participating in “organized recreational activities”—means those activities that are scheduled by or through the Parks and Recreation Department or are scheduled by a private organization or association that leases park property from the City. This definition would include both scheduled and non-scheduled athletic practices of any organization or association that is authorized to use the City’s park facilities.
- As the employer, owner, operator, manager, or person having custody or control of a place where smoking is prohibited, the City shall not permit smoking in a public place, place of employment, outdoor area where smoking is prohibited, or an area declared nonsmoking.

The City of Fort Dodge shall not retaliate against any employee, applicant for employment, or customer that exercises any rights under, registers a complaint regarding, or attempts to prosecute a violation of Iowa Code Chapter 142D.

The Iowa Department of Public Health has designated the law enforcement authorities of the City of Fort Dodge as a political subdivision of the state to assist with the enforcement of Iowa Code Chapter 142D in

the City of Fort Dodge. A police officer may issue a citation in lieu of arrest pursuant to Iowa Code chapter 805 against a person who smokes in an area where smoking is prohibited pursuant to Iowa Code Chapter 142D.

Employees who are interested in a smoking cessation program, may access programs through the Employee Assistance Program (EAP).

### **2-16.C. Smokeless Tobacco**

The use of smokeless tobacco is discouraged and may be prohibited based on job requirements. Department directors shall be responsible for adapting this policy as needed. Supervisors have responsibility for policy implementation within their work area. Violation of this policy may result in disciplinary action up to and including termination.

### **2-17. PARKING PERMITS**

The City will provide employees who work at City Hall and the Law Enforcement Center parking permits for parking in "A" lots.

### **2-18. CODE OF ETHICS**

The purpose of the Code of Ethics is to establish norms of behavior to give officials and employees of the City a general guide for confronting ethical issues in their day-to-day business activities. The City expects that every employee will act in compliance with all laws and with the highest ethical standards. The City believes that there should never be a conflict between good business practices and proper ethical conduct, although the issues involved may sometimes make it difficult to choose the best course of action.

City managers and supervisors are responsible for assuring their employees' understanding of, and compliance with, the Code of Ethics. They should actively encourage employees to learn and use the Code of Ethics. The goal is to instill the Code firmly in employees' minds so it becomes second nature to them. Employees should act in the City's best interests. Those best interests lie in obeying the law and upholding the highest ethical standards. Employees should avoid any activity that may compromise these interests. Employees should not be subjected to influences, outside interests, or relationships that might jeopardize the City's integrity.

The City strongly believes that its employees represent one of its most valuable resources. We intend to provide employees with the opportunity to achieve their individual goals through their efforts to help the City uphold its ethical standards and accomplish its goals.

The City's Code of Ethics holds that officials and employees of the City shall:

1. Be dedicated to the ideals of honor and integrity in all public and personal relationships.
2. Conduct themselves so as to maintain public confidence in the performance of their job duties.
3. Make it their duty to improve operations and productivity and use time wisely so that all citizens know that full value is being received for each tax dollar spent.
4. Exercise great care in following applicable laws, proper procedures, and correct record-keeping in the handling of money, property, evidence, timekeeping records, and other transactions which occur during the course of duties.
5. Seek no favors, nor use the prestige of office for private gain, nor use confidential information or government equipment or supplies to secure a profit or enhance wealth. Confidential information is considered City property and may be used or disclosed only with proper authorization and in the exercise of official City business.

6. Ensure that expenditures made by the City are in the interest of the City, for the betterment of the City, and only for appropriate City business. The City expects its employees to submit accurate, honest expense accounts. "Padded" expense accounts are considered an inappropriate use of City funds. Employees who disobey this rule may be liable for federal penalties, and the City may be held liable for unpaid withholding taxes on the undeclared income.
7. Avoid conflicts of interest by refraining from participating in decisions or being involved in transactions in which they or their family has an interest and make full disclosure of association when involvement cannot be avoided.
8. Address constituents' concerns and needs, striving to provide the highest level of service with equity, neither granting special favor nor discriminating against any citizen.
9. Work in full cooperation with other officials and employees, unless prohibited by law or recognized confidentiality of material, to perform the operations of government, but not to exceed their authority or encroach on another's professional responsibilities.
10. Refrain from assisting and representing the private interests of another before any commission, board, council, or agency of the City when they have any official involvement with respect to the determination of the private interest.
11. It is the City's policy not to contribute to any political campaign or to solicit or encourage contributions for political purposes, even in cases where to do so would be legal. The City does, however, encourage employees to exercise their rights as individuals to register to vote, and it respects the rights of employees to participate in political activities, providing they do not use any City resources, including time or premises, to do so.
12. In accordance with the Code of Iowa, City employees shall not, directly or indirectly, solicit, accept, or receive any gift that is in any way related to their employment with the City. See Iowa Code Chapter 68B. Avoid the appearance of improper influence; refrain from ever receiving, soliciting, or accepting gifts, gratuities, entertainment, favors, or anything of value for themselves, their family, or others which are intended or have the appearance or effect of influencing the performance of their duties; and never lobby or attempt to influence others in performance of their duties by any means which are not part of their authorized duties. Likewise, under no circumstances will an employee offer or give anything to a customer to influence a favorable customer action.
  - a. City employees may be offered honorariums as a result of speaking engagements or conducting seminars. A reasonable fee for time actually spent in preparation or participation may be accepted as long as the City is not also compensating the employee for the time, then the honorarium will be rejected.
  - b. Any gift not authorized by this subsection may be returned to the donor, transmitted to the Finance Director/City Clerk, or turned over to the City to be used by the City or to be sold with the proceeds of such sale deposited into the general fund of the City. The Finance Director/City Clerk for the City shall be notified within seven days of the receipt of any monetary property not authorized by this subsection.

## **2-19. DRUG FREE WORKPLACE**

Under the Drug Free Workplace Act, the City of Fort Dodge has an obligation to its employees, customers, and the public to take reasonable steps to ensure public safety and a safe workplace. The City of Fort Dodge is dedicated to providing a drug-free, smoke-free, healthy and safe

workplace. Employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

While on the City of Fort Dodge premises and while conducting business-related activities off the City of Fort Dodge premises, no employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. The legal use of drugs prescribed by a physician licensed to practice medicine is permitted on-the-job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace. The employee is expected to ask their physician of any restrictions and/or limitations a prescription may cause which would affect the employee's ability to safely perform their work duties and responsibilities. It is the employee's responsibility to promptly notify his/her supervisor if any prescription medication negatively impacts the ability to safely perform job duties.

### **2-19.A. Alcohol and Drug Policy**

The City of Fort Dodge is committed to programs that promote a safe and healthy work environment. Employee health and well-being, as well as public confidence, are of utmost importance. Consistent with the spirit and intent of this commitment, the City has developed this policy, which prohibits the unlawful manufacture, distribution, dispensing, possession, or use of alcohol or drugs by all employees while on duty, on call or responding to duty.

Employee abuse of alcohol and drugs, both on and off the job, endangers the safety of the employee, coworkers, and the general public, increases the potential for accidents, absenteeism, substandard performance, poor employee morale, and damage to the City of Fort Dodge's property and reputation. Our goal, therefore, and the purpose of this policy, is to establish and maintain a safe workplace and a healthy and efficient workforce free from the effects of alcohol and drug abuse.

### **2-19.B. Employee Assistance Program**

The City of Fort Dodge encourages any employee with a drug or alcohol problem to contact his/her supervisor or the Human Resources Department for assistance. The City of Fort Dodge is eager to help employees and will, at the employee's request, refer him/her to an appropriate agency or clinic for professional assistance. The City of Fort Dodge maintains an Employee Assistance Program (EAP), which may be confidentially used by employees who need assistance in overcoming alcohol and/or drug problems. Employees may also use their group health insurance program to assist with the cost of attending a drug and/or alcohol rehabilitation program.

Employees will not be subject to discipline for voluntarily acknowledging their drug/alcohol problems. However, this will not excuse violations of the Alcohol and Drug Policy for which the employee is subject to discipline. Employees who voluntarily enter a drug/alcohol rehabilitation program will be placed on leave and will be reinstated to their regular position when they are able to handle all of their essential job functions. If the City requires an employee to successfully participate in an approved alcohol or drug abuse assistance or rehabilitation program and the employee fails to do so, the City will take appropriate disciplinary action against the employee, up to and including termination.

### **2-19.C. Testing for Alcohol and/or Drugs** (as amended 6/24/2019 by Resolution 19-06-166)

Applicants for employment and employees of the City of Fort Dodge will be subject to alcohol and/or drug testing under the following circumstances:

Employment: All prospective regular employees must pass a drug screening test as part of their pre-employment physical examination.

Change of Position: Any employee who is assuming a position of police officer or firefighter with the

City of Fort Dodge will be required to pass a drug-screening test prior to movement into that position.

Reasonable Suspicion: Any employee whose actions or performance lead to a reasonable suspicion by the supervisor or management that he/she may be under the influence of alcohol and/or drugs will be tested for such substances. Reasonable suspicion means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence of drugs and/or alcohol. Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:

- a. A pattern of abnormal or erratic behavior.
- b. Information provided by a reliable and credible source.
- c. Direct observation of drug or alcohol use.
- d. Presence of physical symptoms and indications, such as, but not limited to: glassy or bloodshot eyes, alcohol on breath, marijuana odor on clothes, slurred speech, difficulty concentrating, poor coordination, repeated errors on tasks that did not previously occur.
- e. Excessive use of sick leave, which is not due to a known illness or injury.
- f. A pattern of absenteeism such as before or after holidays, vacation, or other paid time off.
- g. A pattern of tardiness when reporting to work, leaving early from the workplace, continued or excessive absences from the workplace, continued failure to return in a timely manner from lunch or other scheduled breaks.
- h. A work-related accident when the employee shows any of the signs of intoxication or being under the influence as identified above (Iowa Code 85.16).

Random: Any employee who is required by state or federal law to submit to random drug and alcohol screenings shall do so upon the directive of the employer and shall be subject to all of the regulatory standards of those required state or federal random screenings.

Post Treatment or Rehabilitation: Any employee who has been sent to and completed a treatment or rehabilitation program for the use of drugs will be subject to random testing for a period of up to one year following the successful completion of the program. The testing dates will be arranged by the Human Resources Department after consulting with the employee's director, manager, or supervisor.

Accident: All accidents shall be reported immediately to the employee's supervisor or department head. Any driver of a city owned vehicle, piece of machinery or an individual who receives a vehicle allowance shall be required to undergo drug and alcohol testing if they are involved in a qualifying accident during the course of their duties that:

1. results in injury to a person,
2. involves a fatality and /or
3. an estimated combined property damage total of \$1,500 or more.

Post-accident testing will be done as soon as practical following an occurrence and after medical attention has been provided. If eight (8) hours has elapsed, no alcohol testing will occur. If thirty-two (32) hours has elapsed, no drug testing will occur. An employee involved in an accident must not use alcohol until they have an alcohol test or eight hours have elapsed, whichever comes first. Critical/essential employees who are involved in a qualifying accident outside of UnityPoint Occupational Health business hours may, at their supervisor's discretion, have an alcohol breath test performed by a responding police officer prior to continuing with their assigned duties. These critical/essential employees must then present to UnityPoint Occupational Health or UnityPoint TRMC Emergency Department for a drug test as soon as reasonably possible, not to exceed 32 hours from the time of the incident.

This policy does not prohibit an employee from leaving the scene of an accident to obtain necessary

emergency medical care. However, any employee who fails to remain available for drug and alcohol testing, including notifying a supervisor of their location, or who otherwise leaves the scene of the accident without appropriate authorization prior to drug and alcohol testing, will be considered to have refused testing.

If the City is unable to perform post-accident testing, such as if the employee is unconscious or detained by a law enforcement agency, the City may use test results administered by Federal, State or local law enforcement officials that have independent authority for the testing. The test results will be considered to meet requirements provided such tests conform to the applicable Federal, State or local testing requirements and the test results are released to Human Resources.

#### **2-19.D. Substances for Which Testing May be Done**

When alcohol and/or drug testing is required under the provisions of this policy, a test will be given to detect the presence of the following classes of substances and their metabolites:

- 1) Alcohol (ethyl).
- 2) Amphetamines (e.g. speed).
- 3) Cocaine.
- 4) Opiates (e.g., codeine, heroin, morphine, hydromorphone, hydrocodone).
- 5) Phencyclidine (PCP).
- 6) Cannabinoids (e.g., THC, marijuana).

#### **2-19.E. Consent**

Before a drug or alcohol test is administered, employees and job applicants must sign a consent form authorizing the test and permitting release of test results to those City of Fort Dodge officials with a need to know (all minors must have a release signed by a parent or guardian). Applicants who refuse to submit to a drug test or whose drug test is positive will not be considered for employment for one year. Employees who refuse to submit to a drug and/or alcohol test will be terminated.

#### **2-19.F. Collection Procedures**

Drug testing will be done using a urine sample, and a breathalyzer will normally be used to test for alcohol. All samples will be taken at and tested in facilities approved by the Human Resources Department. Every reasonable effort will be made to protect the privacy rights of individuals while minimizing the potential for tampering.

A chain of custody procedure will be used to assure the security of the urine samples through the collection and testing process. During normal working hours Monday through Friday, urine samples will be collected at a site approved by the Human Resources Department. After hours and on weekends, samples will be collected at the emergency room of Trinity Regional Medical Center in Fort Dodge.

Applicants who are determined to be non-positive, but not negative as a result of the initial screening process, shall consent to further analysis of the urine sample by an independent testing laboratory so certified to conduct such tests for prohibited drugs and alcohol. A non-positive, but not negative result includes samples provided with no temperature or any other abnormality which would warrant additional analysis. Direct observation may be required, per protocol. Applicants who do not consent to such an analysis shall be deemed to have a positive test result and any conditional offer of employment shall be withdrawn.



Applicants who do consent to further analysis shall be considered to have successfully passed such screening if the analysis demonstrates a negative result. If the analysis demonstrates a positive result to any of the screening areas, the applicant shall be contacted and provided an opportunity to demonstrate that such a positive result was due to a legitimate prescription prescribed to the applicant by a licensed physician and can be conclusively demonstrated that the positive result was conditioned by the prescription. If the applicant is unable to demonstrate to the employer that the positive result was conditioned due to a prescribed medication, the applicant shall be deemed to have failed the screening and any offer of employment shall be withdrawn. The applicant shall be prohibited from obtaining employment with the City for a minimum period of one year from the date of the screening result.

#### Alcohol Testing

When an employee's immediate supervisor and department director have reasonable suspicion that an employee is under the influence of alcohol, they must document the employee's behavior that led to the reasonable suspicion and then transport the employee to an approved medical facility. The medical provider will request that the employee complete a consent form and a breathalyzer test. The test results will be provided to the City's Director of Human Resources for inclusion in the employee's medical file.

#### Drug Testing

When an employee's immediate supervisor and department director (or at least two persons in a supervisory role) have reasonable suspicion that an employee is under the influence of illegal drugs, they must document the employee's behavior that led to the reasonable suspicion and then transport the employee to an approved medical facility. The medical provider will request that the employee complete a consent form and give a urine sample for drug testing. Once a urine sample has been collected, an approved laboratory will conduct the initial drug screening test using enzyme-multiplied immunoassay technology (EMIT). The test results will be provided to the Director of Human Resources for inclusion in the employee's medical file. If the initial screening is positive, a confirmatory test will be conducted using gas chromatography/mass spectrometry (GC/MS) techniques. All confirmed positive test results will be sent to the approved medical review officer (MRO) for further examination, interpretation, and explanation.

If it is determined that there is a legitimate medical explanation for the positive test result and that the result is consistent with the lawful use of a drug, then the test result shall be reported to the Director of Human Resources as negative. If it is determined that the test result is not consistent with the lawful use of a drug, then the test result shall be reported to the Director of Human Resources as positive.

Employees who have a positive drug test result may, at their own expense, have the same sample tested at a laboratory of their choice providing it is NIDA certified.

#### **2-19.G. Policy for Commercial Drivers**

Employees who use a commercial motor vehicle and who are required to have a Commercial Driver License (CDL) are subject to testing under the following circumstances:

- Prior to employment
- Reasonable Cause
- Unannounced random basis
- After an accident occurs
- Prior to returning to duty after failing a drug or alcohol test
- On a follow-up basis after failing a drug or alcohol test

Upon notification that an employee has been selected for random testing, Human Resources will notify the employee's supervisor and the collection site. The employee will be instructed to go to the collection site and must be prepared to provide his or her CDL driver's license.

The City of Fort Dodge recognizes that the use or abuse of alcohol or controlled substance by drivers of commercial vehicles presents a serious threat to safety and health of the drivers, other City employees, and the general public. It is the policy of the City that all drivers are free of drugs and alcohol while on duty and as otherwise required by the Omnibus Transportation Employee Testing Act (OTETA) of 1991.

In order to comply with this law, the City of Fort Dodge has established a drug and alcohol testing program designed to discourage drug and alcohol abuse and prevent traffic accidents and injuries to City of Fort Dodge employees and the public.

This policy pertains to employees holding a CDL and whose duties include the performance of safety-sensitive functions in connection with the operation of a commercial vehicle. Safety-sensitive functions include the following:

- Waiting to be dispatched or remaining in readiness to operate a vehicle. For employees who are required to have a CDL, this generally means all hours of work.
- Operating a commercial vehicle.
- Performing maintenance or loading or unloading commercial vehicle.

Covered employees will **not** engage in the following conduct:

- Be on standby, report for duty, or remain on duty, requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater.
- Be on duty or operate a commercial motor vehicle while possessing alcohol.
- Use alcohol while performing safety-sensitive functions.
- Perform safety-sensitive functions within four hours after using alcohol.
- Use alcohol for eight hours following an accident or until undergoing a post-accident test.
- Refuse to submit an alcohol or drug test.
- Be on standby or duty, report for duty, remain on duty, or perform safety sensitive functions if tested positive for drugs.

All covered employees may use prescription drugs only if the doctor has advised the employee that the drug will not adversely affect the driver's ability to safely operate a vehicle. Employees using prescription drugs must carry such drugs in their original containers, which must be labeled with the name of the doctor and the drug prescribed.

## **2-19.H. Responsibilities**

In implementing this policy, the following lists are of basic responsibilities for each of the parties involved.

### Employee Responsibilities

1. Come to work free from the influences of alcohol and drugs and not within four hours of drinking alcohol.
2. Notify supervisor when taking a prescription or nonprescription drug which may hamper job performance.

3. Notify supervisor when there is evidence or reasonable suspicion of drug and/or alcohol use by another employee.
4. Sign an alcohol/drug consent form when requested to do so by supervisor or member of management.
5. Report for and submit to a drug and/or alcohol test when asked to do so by supervisor and/or management.
6. Notify his or her supervisor or Human Resources, in writing, no later than five (5) days, if he or she is convicted of violating a criminal drug statute. For the purposes of this policy, a conviction includes a plea of nolo contendere, a plea in abatement, diversion agreement, and any other agreement wherein the employee admits to the elements of the crime in agreement that the charges will be dismissed should the employee meet conditions established by the prosecuting attorney. Any employee who is convicted of violating a criminal drug statute must satisfactorily complete the Employee Assistance Program described in Section 2.18.B, to the extent consistent with the remedies for law enforcement employees set forth in Section 2.18.F.
7. Ensure they do not smell like alcohol or an alcoholic beverage. (Does not apply if the odor is related to a medical condition.)

#### Supervisor and Department Director Responsibilities

1. Encourage employees to voluntarily seek help through the EAP prior to the occurrence of a job-related incident.
2. If an employee appears to be unfit for work due to the possible use of drugs and/or alcohol, immediately relieve that employee from duty.
3. Request the presence of the department director or other supervisor designee to confirm the observable behavior where possible.
4. Record the observable behavior which led to a reasonable suspicion that this employee maybe under the influence of alcohol and/or drugs.
5. With the department director's or designee's approval, request the employee to sign a drug/alcohol testing consent form. If the employee refuses to sign, explain that such action is grounds for termination.
6. If alcohol testing is needed, contact Human Resources for assistance. If drug testing is needed, transport the employee with the signed consent form to the approved testing facility.
7. Provide for random testing of employees who have been sent to and completed a drug rehabilitation program or who qualify as described above.
8. Report any employee criminal drug statute convictions for violations occurring in the workplace to the Director of Human Resources, or designee.
9. Ensure that proper confidentiality is exercised.

#### Human Resources Department Responsibilities

1. Schedule prospective employees for drug testing in conjunction with pre-employment physical examinations.
2. Notify hiring supervisors of any prospective employees who have failed to pass the drug test.
3. Provide training for supervisory or management personnel in identifying and handling employees who may be under the influence of alcohol and/or drugs while on the job.

4. Ensure that proper confidentiality is exercised.
5. Schedule all random drug tests required under this policy.

### **2-19.I. Consequences**

Employees and applicants for employment who are found in violation of this policy will be subject to the following:

1. Applicants for Employment: Applicants for employment who have a positive drug test or who have tampered or interfered in any way with the collection and/or testing process will cease to be eligible for employment with the City of Fort Dodge for a period of at least one year.
2. Alcohol: All on-duty employees found to have a blood-alcohol concentration of 0.02 or more (or its equivalent as determined by a diagnostic test such as a breathalyzer) while on City of Fort Dodge property or while conducting City of Fort Dodge business shall be removed from safety sensitive work, referred to the EAP and required to complete an approved rehabilitation program. Employees who are required to hold a Commercial Driver License (CDL) who have had a blood-alcohol concentration of .04 or more while on-duty shall not operate City vehicles until cleared by a DOT approved Substance Abuse Professional (SAP). Upon completion of an approved rehabilitation program, employees shall be placed on probation for 12 months, and shall be subject to random testing while on probation. If the employee violates any rules set forth in this policy during the probationary period, he/she shall be terminated. Failure to successfully complete the rehabilitation program will be grounds for termination.
3. Drugs: All employees, except sworn police officers, who test positive for the presence of illegal drugs, shall be referred to the EAP and required to complete an approved rehabilitation program. In addition, they shall be placed on probation for 12 months. If the employee violates any rules set forth in this policy during the probationary period, he/she shall be terminated. Employees who have successfully completed a rehabilitation program will be required to submit to random drug testing for a period of one year. Random drug tests will be scheduled by the Human Resources Department after consulting with the employee's department director, manager, or supervisor. After rehabilitation, an employee who again tests positive for the presence of drugs and/or alcohol will be terminated from employment.
  - a. Any law enforcement employee who tests positive for the presence of illegal drugs, because of their oath of office and/or duty to uphold the law, will be reviewed on a case-by-case basis by the Chief of Police and Human Resources Director.
  - b. Employees who are found using, possessing, buying, or selling drugs while on the job will be terminated.
4. Employees who tamper with a sample or attempt to deceive the City of Fort Dodge during the testing process will be terminated.
5. Employees who refuse to sign the consent form and submit to a drug and/or alcohol test when requested to do so will be terminated.

### **2-19.J. Drug Paraphernalia**

Employees are prohibited from bringing drug paraphernalia onto City of Fort Dodge property at any time. An employee who possesses or distributes such paraphernalia while on City of Fort Dodge property shall be subject to disciplinary action up to and including termination. In addition, the police will be called, and any person found carrying illegal drug paraphernalia may be arrested.

### **2-19.K. Over-the-Counter or Prescribed Medication**

Employees who take over-the-counter or prescribed medication are responsible for being aware of any

effect the medication may have on the performance of their duties and must promptly report to their supervisors the use of any medication that may impair their ability to do their jobs. The supervisor, upon learning of a medication that may impair an employee, will immediately contact the Human Resources Department to discuss the situation. An employee who fails to do so shall be subject to disciplinary action up to and including termination. Moreover, employees who take over-the-counter or prescribed medication contrary to instructions may be subject to disciplinary action up to and including termination. This includes taking medication prescribed for someone other than the employee regardless of the relationship between that person and the employee.

#### **2-19.L. Progressive Discipline Not Applicable**

The disciplinary steps set forth in the Employee Handbook providing for progressive discipline (e.g., verbal warning, written warning, suspension, termination) do not apply to violations of the Drug and Alcohol Policy. The discipline to be imposed for violations of the Drug and Alcohol Policy shall be governed solely by the provisions set forth herein.

#### **2-19.M. Right of Appeal**

Employees who have been disciplined as a result of a purported violation of this policy and who feel there is just cause for appealing the disciplinary action taken may use the City of Fort Dodge's established appeal procedure.

#### **2-19.N. Confidentiality**

All information from an applicant's or employee's drug/alcohol test is confidential, and only those persons who need to know for disciplinary or personnel purposes are to be informed of test results. Laboratory reports for positive test results shall not appear in an employee's general personnel folder. Information of this nature will be contained in a separate, confidential, physical record file that will be securely kept under the control of the Human Resources Department. The reports or test results may be disclosed to City of Fort Dodge management on a strictly need-to-know basis and to the tested employee. Disclosures without employee consent may also occur when:

1. The information is compelled by law or by judicial order or administrative process.
2. The information has been placed at issue in a formal dispute between the employer and employee.

#### **2-19.O. Notification and Training**

All employees will receive a copy of this policy. Human Resources will establish a drug-free awareness program to make employees aware of:

- (a) the dangers of drug abuse in the workplace;
- (b) the policy of maintaining a drug-free workplace;
- (c) any available drug counseling, rehabilitation, and the employee assistance program; and
- (d) the penalties that may be imposed upon employees for drug and alcohol abuse violations.

Training on identifying alcohol and drug use among employees will be provided to supervisory personnel on an annual basis. Such training will be directed toward helping supervisors recognize the conduct and behavior that gives rise to a reasonable suspicion of alcohol and drug use.

#### **2-19.P. Responsibility for Enforcement**

The City Manager will have overall responsibility for the enforcement of this policy. Department directors and supervisors shall ensure compliance within their areas of supervision. All employees shall

bear responsibility for ensuring that the intent of this policy is strictly adhered to.

### **2-19.Q. Adherence to Federal Regulations**

This policy is consistent with the Drug Free Workplace Act of 1988, which requires employees to notify the City of Fort Dodge of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such a conviction.

### **2-19.R. Violations**

Violations of either of these policies may lead to disciplinary action up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.

### **2-19.S. Employee Questions**

Employees with questions or concerns about substance dependency or abuse are encouraged to use the resources of the EAP provided by the City. Chemical dependency is an illness that can cause major health problems. Employees may discuss these matters with their supervisor or the Human Resources Director to receive assistance or referrals to appropriate resources in the community.

## **2-20. CODE OF CONDUCT**

The City of Fort Dodge has established a Code of Conduct for all City employees. Public trust is our foundation, and the following statements are to be considered carefully and followed. All City policies, rules, regulations, and standards of conduct are also applicable to the employee's Web interactions. Employees are expected to follow the same standards of conduct and behavior online as they are expected to follow in person. Employee misconduct (online as well as offline) may subject employees to discipline up to and including termination. The following list is intended to provide examples of conduct and misconduct and is not exhaustive.

1. Employees shall give fair and equal treatment to all citizens and fellow employees.
2. Employees shall not grant special considerations, treatment, or advantage to any citizen or fellow employee beyond what is available to all citizens or fellow employees.
3. Employees shall not engage in any business/transaction or have financial/other personal interest, direct or indirect, which is incompatible with the proper discharge of their duties or would tend to impair their independence of judgment or action in the performance of their official duties.
4. Employees shall avoid the appearance of improper influence; refrain from ever receiving, soliciting, or accepting gifts, gratuities, favors, or anything of value for themselves, their families, or others which are intended to or have the appearance or effect of influencing the performance of their duties; and never lobby or attempt to influence others in performance of their duties by any means which are not part of their authorized duties.
5. Employees who have a financial or other private interest in any proposed City ordinance, contract, or development shall disclose the nature and the extent of such interest.
6. Employees must not disclose or use information gained through City employment to advance financial or other private interests for themselves or others. Employees must not disclose information obtained through City employment which is not a public record.
7. Employees shall not engage in or accept private employment or render services for private interest when such employment or service is incompatible with proper discharge of their duties.
8. Employees shall not sell or barter anything to the City or to a contractor doing work with the City or purchase anything from the City other than those things which the City

offers generally to the public and then only on the same terms that are offered to the public.

9. Employees shall not continue in their current position after becoming candidates for any City office.
10. Employees shall not solicit any monetary contribution to the campaign funds of any candidate for City office, nor participate in the campaign of any candidate for City office during work hours.
11. Employees shall not request or permit the use of City owned property or equipment for any purpose except to conduct City business, and no employee shall directly or indirectly attempt to obtain any service or benefit from City personnel for personal gain during work hours.
12. Employees shall not use/promise to use directly or indirectly any official authority or influence to secure/attempt to secure for any person employment or advantage in the hiring process with the City or an increase in pay or any other advantage of employment.
13. Employees shall not deceive or obstruct any person's right to examination, eligibility, certification, or employment to City service or furnish to anyone any special or confidential information for the purpose of affecting the rights or prospects of any person with respect to employment, promotion, or retention with the City.
14. Employees shall not have personal social media sites that indicate noncompliance with City policies and/or standards.

All employees are expected to follow all state statutes, laws, ordinances, and regulations. The commission of any felony and all misdemeanors involving dishonesty, false statement, or violence will be grounds for disciplinary action up to and including termination.

## **2-21. WHISTLEBLOWER PROTECTION**

The purpose of this policy is to protect those employees and officials who make good-faith reports to appropriate governmental bodies and to ensure that there will be no retaliation for having made such reports.

It is the policy of the City that all employees and officials are encouraged to disclose, to the extent not expressly prohibited by law, improper governmental actions of any City. Every employee and official has the right to report to the appropriate person, information concerning an alleged improper government action which includes but is not limited to a violation of law or policy, mismanagement, a gross abuse of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

### **1) Reporting procedures for improper governmental action**

- a. An employee or official who becomes aware of improper governmental actions shall raise the issue first with his/her supervisor. If the action involves an elected official, then the report shall be made to the City attorney. The employee or official shall submit a written report to the supervisor or to some person designated by the supervisor, stating in detail the basis for his/her belief that an improper governmental action has occurred. Where the employee or official reasonably believes the improper governmental action involves his/her supervisor or for some other reason does not feel comfortable making a report to his/her supervisor, then the employee or official shall submit the written report to the City Manager. A timely, impartial investigation shall take place. If a meeting is requested as a part of the investigation, then the reporting employee or official may be accompanied by another person of his/her choice to such meeting.
- b. Employees and officials involved in any investigation shall keep the identity of the reporting employee or official confidential to the extent possible under law, unless the employee or official authorizes the disclosure of his/her identity in writing.

- c. In case of an emergency where the employee or official believes that damage to persons or property may result if action is not taken immediately, the employee or official may report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action and shall also report the action to the City Manager.
- d. In the absence of an emergency, employees or officials reporting improper governmental action who fail to make a good-faith effort to follow the procedures set forth in this policy shall not receive the protection provided by this policy or state law. Employees or officials who make false reports may be subject to disciplinary procedures.
- e. After an investigation has been completed, the reporting employee or official shall be provided a summary of the result of the investigation. However, personnel actions taken as a result of the investigation shall be kept confidential. There shall be no time limit on reporting improper governmental action.

**2) Protection against retaliatory actions**

- a. The City is prohibited from taking retaliatory action against an employee or official because he/she has, in good faith, and in accordance with this policy, reported an improper governmental action.
- b. An employee or official who believes he/she has been retaliated against for reporting an improper governmental action shall first raise the issue with his/her supervisor. If the action involves the supervisor or an elected official, then the report shall be made to the City Manager. The employee or official shall submit a written report to the supervisor or to some person designated by the supervisor, stating in detail the basis for his/her belief that he/she has been retaliated against for reporting an improper governmental action.
- c. The following steps shall be followed if an employee or official feels he/she has been retaliated against for reporting improper governmental action:
  - i. The employee or official must provide written notice to the appropriate person as designated above, within thirty (30) days of the alleged retaliatory action. The written notice shall specify the alleged retaliatory action and the relief requested.
  - ii. The responsible person, as designated above, will respond to the allegation within thirty (30) calendar days.
  - iii. The employee or official, after receiving the City's response or after the City's 30-day response period has expired, the employee or official may, within fifteen (15) calendar days, request a hearing.
  - iv. If a hearing is requested, the City shall apply for a hearing before an administrative law judge licensed in the State of Iowa. Such request for a hearing shall be made within five (5) working days.
- d. Officials, managers and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility. Violations of this policy and the procedures specified therein may result in disciplinary action, up to and including termination.
- e. The City Manager is responsible for keeping an accurate log of all submissions made under this policy. This information shall be reviewed annually with the City Council. This information shall also be disclosed during external audits.
- f. In addition to the abovementioned procedures, employees and officials may contact the State Ombudsman with reports of improper governmental action. Pursuant to the Iowa Ombudsman Act, Iowa Code Chapter 2C, the State Ombudsman's Office has authority to investigate complaints about improper action or inaction taken by governmental entities.



The State Ombudsman's Office is a non-partisan agency and may be reached at 1-888-426-6283.

## **2-22. NOTIFICATION OF GOVERNMENT 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 the 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 Director of Human Resources. Notification to their department director or the Human Resources Director must occur as soon as reasonably possible, no later than the next business day.

Employees whose duties require possession of a Commercial Driver's License 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 Human Resources Director of any child abuse complaints filed against them. Employees must notify the Human Resources Director regarding the findings in any complaint against them alleging child abuse. The Human Resources Director must be notified of any complaints and findings as soon as reasonably possible, no later than the next business day.

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 termination.

## **2-23. DRIVERS LICENSE REVIEW**

Employees whose positions require that they operate a City vehicle or motorized equipment shall be required to produce a copy of a valid driver license and such license shall be checked for its validity with the appropriate governmental agency. An annual review shall be conducted to ascertain the current valid status of the license for the appropriate level of designated operator status as required by the employee's employment classification.

Employees who fail to maintain the appropriate level of operator status for their employment classification shall be disciplined up to and including termination of employment. Employees who lose their status must report the loss of the driving privileges to the employer immediately (no later than the next business day). Employees who fail to report such loss of driving privileges and continue to operate vehicles shall be disciplined up to and including termination of employment.

## **2-24. RELATIONSHIPS IN THE WORKPLACE**

Dating and physical relationships between employees can have a serious adverse impact on employee relations and workforce morale and increase legal liability for the City. It is nearly impossible to eliminate the emotional reactions that come during dating and/or during a break-up from the professional requirements of an employee's position when the dating parties work in the same department. Directors, managers, and supervisors should appropriately manage personal relationships and activities, including, but not limited to, social media posts that could compromise the employee/manager relationship, or suggest favoritism.

If an employee begins a dating and/or physical relationship, or becomes a relative, partner or member of the same household with an employee who is in a supervisory position to the employee, that

employee is required to inform his/her supervisor and the Human Resources Director of the relationship.

The City of Fort Dodge reserves the right to apply this policy to situations where there is a conflict or the potential for conflict because of the relationship between employees, even if there no direct-reporting relationship or authority involved.

## **2-25. UNLAWFUL HARASSMENT**

### **2-25.A. Harassment**

It is the policy of the City to maintain a working environment that is free from all forms of harassment. It is against the policy of the City, and illegal under state and federal law, for any employee to harass another employee.

In general, sexual, ethnic, or racial slurs and other verbal or physical conduct relating to a person's race, color, national origin, gender, age, religion, disability, pregnancy status, sexual orientation, gender identity or other status protected by law constitute harassment when the conduct unreasonably interferes with the affected individual's work performance or creates an intimidating, hostile, or offensive work environment for the affected individual.

All employees are required to complete training to understand and prevent illegal forms of harassment.

### **2-25.B. Bullying**

It is further the policy of the City to maintain a working environment that is free from all forms of bullying. Bullying is defined as repeated inappropriate behavior, either direct or indirect, involving the mistreatment of one or more persons by one or more perpetrators that take one or more of the following forms: verbal abuse, threatening, humiliating or offensive behavior/actions, work interference – sabotage – which prevents work from being completed and causes the individual to have a reasonable fear of harm.

Bullying may be intentional or unintentional. Where an allegation of bullying is made, the intention of the alleged bully is relevant and will be given consideration when handing out discipline. As in sexual harassment, the effect of the behavior upon the individual is most important. The City considers the following types of behavior as some examples of bullying:

- **Verbal bullying:** Slandering, ridiculing or maligning a person or his/her family; persistent name calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.
- **Physical bullying:** Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault; damage to a person's work area or property.
- **Gesture bullying:** Non-verbal threatening gestures or glances that convey threatening messages.
- **Exclusion:** Socially or physically excluding or disregarding a person in work-related activities.

This behavior is not tolerated and could be subject for disciplinary action up to and including termination of employment.

### **2-25.C. Sexual Harassment**

Sexual harassment is a form of gender discrimination under Title VII of the Civil Rights Act and the Iowa Civil Rights Act and means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to that conduct is made either explicitly or implicitly a term or condition of employment.

2. Submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual.
3. The conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of sexual harassment include, but are not limited to, the following when such acts or behavior come within one of the above definitions:

1. Either explicitly or implicitly conditioning any term of employment (e.g., continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors.
2. Touching or grabbing a sexual part of an employee's body.
3. Touching or grabbing any part of an employee's body after that person has indicated, or it is known, that such physical contact is unwelcome.
4. Continuing to ask an employee to socialize on or off duty when that person has indicated that she or he is not interested.
5. Displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters if the behavior is unwelcome.
6. Continuing to write sexually suggestive notes or letters if the person does not welcome such behavior.
7. Referring to or calling a person a sexualized name if the person does not welcome such behavior.
8. Regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if the person does not welcome such behavior.
9. Retaliation of any kind for having filed or supported a complaint of sexual harassment (such as, but not limited to, ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering the person's duties or work environment, etc.).
10. Derogatory or provoking remarks about or relating to an employee's gender or sexual orientation.
11. Harassing acts or behavior directed against a person on the basis of an employee's gender or sexual orientation.
12. Off-duty conduct that falls within the above definition and affects the work environment.

Sexual harassment can also consist of intimidating, abusive, or hostile behavior of a nonsexual nature toward an employee on the basis of gender. Verbal abuse and hostility not sexual in character but directed solely at females because they are female or males because they are male are likewise violations of this policy on the same level as harassment of a sexual nature.

Sexual harassment can also take the form of offensive conduct by non-employees, such as vendors, outside contractors, and citizens, against employees in the workplace.

#### **2-25.D. Reporting**

All acts of harassment in the workplace, whether specifically included in the above lists or not, are strictly prohibited by the City of Fort Dodge. Employees who in good faith feel they have been harassed should immediately report the incident to any of the following: 1) employee's immediate supervisor, 2) the

employee's department director, 3) the Human Resources/EEO Specialist or 4) Director of Human Resources.

### **2-25.E. Investigation, Retaliation and Resolution**

Any supervisor or manager who becomes aware of possible sexual or other unlawful harassment must promptly advise the Director of Human Resources or designee who will handle the matter in a timely and confidential manner.

The City prohibits any form of retaliation against any employee or applicant for employment who has reported sexual harassment or any other harassment, or any employee who provides information regarding sexual harassment or any other harassment. Any employee or applicant who feels that retaliatory action has been taken should also immediately report that action to any of the following: 1) the employee's supervisor, 2) the employee's department director, 3) the Human Resources/EEO Specialist or 4) Director of Human Resources.

All complaints will be treated confidentially to the extent practicable for an effective resolution. No individual will suffer adverse employment consequences as a result of making a good faith complaint or taking part in the investigation of a complaint. An individual who knowingly alleges a false claim against another may be subject to the full range of disciplinary action up to and including termination.

Any employee determined by impartial investigation to have harassed another employee or applicant for employment will be subject to appropriate disciplinary procedures up to and including termination.

A non-employee who subjects an employee to sexual or other harassment in the workplace will be informed of the harassment policy by the employee's supervisor or manager upon being advised of such harassment; other action may be taken as appropriate.

Each department director, manager, and supervisor is responsible for implementing this policy within his or her area of responsibility.

### **2-26. WORKPLACE VIOLENCE**

**2-26.A.** The City of Fort Dodge has adopted a Zero Tolerance Policy for workplace violence. Consistent with this policy, verbal abuse, acts or threats of physical violence including intimidation, harassment, and/or coercion which involve or affect the City or which occur on City property will not be tolerated.

The City is committed to:

- Providing services to the public in a professional and caring manner.
- Providing a safe environment for employees and the public.
- Reducing employee vulnerability to workplace violence.
- Responding quickly to employees when workplace violence occurs.
- Supporting employees who experience violence both at the time of and subsequent to the incident.

City employees are expected to be able to serve angry, upset, or otherwise disgruntled customers and the general public with patience, courtesy, and respect; however, no employee is required to tolerate physical or verbal abuse and/or threats to his/her own safety. Further, it is a goal of the City to maintain a work environment that provides for respectful conflict resolution.

For the purposes of this policy, the following definitions shall apply:

**Violence** - The use of harassment, intimidation, physical force, or the abuse of power or authority when the intent is to control by causing pain, fear, or harm. The City acknowledges that employees

may be exposed to violence by the very nature of their jobs in service to the public (i.e., Police Department, Fire Department). Further, the City acknowledges that all human relationships include the potential for conflict, which may result in violence (e.g., actions of employees, citizens, other internal or external customers, vendors, or any other person). The City recognizes that violence at work, family violence, or any other type of violence may impact an employee's work performance.

**Dangerous Weapon** - As defined by Iowa Code Section 702.7: a dangerous weapon is any instrument or device designed primarily for use in inflicting death or injury upon a human being or animal, and which is capable of inflicting death upon a human being when used in the manner for which it was designed, except a bow and arrow when possessed and used for hunting or any other lawful purpose. Additionally, any instrument or device of any sort whatsoever which is actually used in such a manner as to indicate that the defendant intends to inflict death or serious injury upon the other, and which, when so used, is capable of inflicting death upon a human being, is a dangerous weapon. Dangerous weapons include but are not limited to any offensive weapon, pistol, revolver, or other firearm, dagger, razor, stiletto, switchblade knife, knife having a blade exceeding five inches in length, or any portable device or weapon directing an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person (such as a Taser).

Furthermore, for the purposes of this policy, dangerous weapons include, but are not limited to: explosive chemicals, compounds, and mixtures, and devices or pressurized vessels that have been altered or arranged to explode; incendiary devices (used to start fires or destroy with fire); cutting and stabbing devices, except folding knives having a blade that is three inches or less in length; bludgeons and other blunt instruments or tools, including use of a vehicle to strike; poison, toxic, acidic, or caustic chemicals, compounds, and mixtures; animals that have been taught to attack on command; and in the case of individuals who have been trained in martial arts, boxing, ultimate fighting, or other fighting or defensive regimens, punching, striking, throwing, kicking, pain or submission or choke or any similar holds,

**Threat of Violence** - Any visual, verbal, or physical act, that warns of or expresses an ability or intent to harm or kill; is intended to intimidate or create fear; or has the purpose of unreasonably interfering with an individual's reasonable expectation of a peaceful, non-hostile or inoffensive work environment, whether made in person, by telephone, mail, written or electronic communications, or other means.

No City employee shall threaten to or commit an act of violence against another person, whether the person is another City employee or a member of the public, in the workplace or while performing or being paid to perform job duties off-site.

Acts or threats of violence include conduct that is sufficiently severe, offensive, or intimidating to alter the employment conditions at the City or to create a hostile, abusive, or intimidating work environment for one or more City employees. Examples of workplace violence include, but are not limited to:

- All threats or acts of violence occurring on City premises, regardless of the relationship between the City and the parties involved in the incident.
- All threats or acts of violence occurring off the City premises involving someone who is acting in the capacity of a representative of the City.
- All threats or acts of violence occurring off the City premises involving an employee of the City if the threats or acts affect the legitimate interest of the City.
- Any acts or threats resulting in the conviction of an employee or agent of the City, or of an individual performing services for the City on a contract or temporary basis, under any criminal

code provision relating to violence or threats of violence that adversely affect the legitimate interests of the City.

Examples of prohibited conduct include but are not limited to the following:

- Threatening violence towards an individual or his/her family, friends, associates, or property;
- Hitting or shoving an individual;
- Open display or brandishing of a Dangerous Weapon;
- Possession of a dangerous weapon within a City of Fort Dodge building or in a City of Fort Dodge vehicle, unless specifically authorized by the Police Chief and City Manager;
- The intentional destruction or threat of destruction of property;
- Committing acts of harassment, such as threatening phone calls;
- Communicating contempt or hatred on the basis of age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability;
- Stalking or conducting harassing surveillance;
- Any other act or statement that a reasonable person would perceive as constituting a threat or act of violence.

### **2-26.B. Special Exclusions**

This policy *does not* apply to:

- Conduct by Police and Fire Department personnel while performing any and all duties within the scope of their employment, or Dangerous Weapons carried or possessed by such personnel or any other law enforcement officer in conjunction with their employment and duties. The respective Chiefs may set additional policies for their Department, as a whole or for any given individual, that are either more restrictive or more lenient than this global policy, as deemed necessary by the Chief to ensure that they are appropriately equipped to perform all tasks and duties of their employment, and for personal protection and off-duty obligations that may relate to their profession, as in the case of law enforcement officers.
- Personally owned folding knives having a blade that is not more than 3” in length.
- Knives, scissors, items, devices, things, instruments, materials, or substances that are used as tools to accomplish work assignments, but subject to review and approval by the Department Director in the case of any dispute or question pertaining to their necessity or how they are being used.

### **Personal Firearms**

An employee may keep legally-possessed archery equipment and firearms that are owned by the employee, or a member of the employee’s immediate household, in the employee’s personal vehicle while it is parked on City of Fort Dodge property. Any such archery equipment and firearms shall at all times be and remain secured within the vehicle in accordance with State law. However, if anyone violates or abuses this privilege, the Police Chief or City Manager can revoke or limit the violator’s ability to exercise this exception.

### **Permit to carry**

Possession of a valid permit to carry a weapon shall not be construed to exempt an employee from this policy. However, an employee’s supervisor, with the express concurrence by the Police Chief and the City Manager on an individual-by-individual basis, may grant an exception for an employee holding such permit, if the exception is deemed reasonable and appropriate for protection and defense of person, or other City employees or officials.

### **2-26.C. Potential Violence Reporting Procedures**

The City assumes the initiative for maintaining a safe workplace. Every employee and every person on City property or involved in City activities is encouraged to report incidents, threats, or acts of physical violence. The report should be made to an immediate supervisor, any other supervisor, or the Human Resources Director.

Each department director is charged with the coordination, development, and maintenance of appropriate procedures for addressing workplace violence and/or bullying relevant to the functions of that department. These include the procedures for prevention, securing work areas, incident reporting, and incident response. Each department director or designee will coordinate employee completion of training on workplace violence prevention, bullying prevention, and reporting and response procedures pertinent to his/her department and/or job function. Each employee is responsible for adhering to these procedures. General procedures pertinent to all employees are addressed during new employee orientation.

Employee Relationships: There may be situations where relationships between two or more employees break down and become strained or negative. Any person involved in a situation in which this policy has been violated, or is reasonably expected to be violated, or who observes any such situation between other employees while not necessarily being personally involved, should immediately discuss it with their supervisor or department director, as appropriate to the circumstances.

Dealing with the Public: The City of Fort Dodge does not intend for employees to be subjected to violence, threats of violence, physical abuse, verbal abuse, or harassment from or by any member of the public. If an employee is a recipient of any such action, or experiences such action being directed at another individual who may or may not be a City employee, the employee shall immediately discuss the situation with his or her supervisor or department director. If there have been threats of violence or there is a reasonable expectation of violence, the situation should be reported to the Police Department.

Reporting Procedures: An employee should immediately make a report to their supervisor or Human Resources if they think there is an alleged violation of this policy.

Emergency Situation: If an act of violence has been committed or appears imminent, Police assistance or intervention should be sought immediately, and the employee should seek a safe location. Employees should take all possible actions to avoid or withdraw from violent or potentially violent situations, and employees are strongly advised not to attempt to intercede on another's behalf, or to interject themselves into a violent or potentially violent situation.

Escalating Incident: An employee may seek the assistance of his or her supervisor to attempt to stabilize a situation and de-escalate the potential for violence.

Non-Emergency Incident: An employee who is aware of a violation or a potential violation of this policy, or any behavior which that is threatening or may escalate into a threat or act of violence, should notify his or her supervisor or department director, and/or seek immediate Police assistance or intervention. If there is any doubt, the Police should be contacted so they can assess and deal with the situation.

### **2-26.D. Employee Responsibilities**

Employees must take responsibility for their own safety, must not take unnecessary risks, and:

- Recognize there is always potential for violence.
- Attend safety training.

- Be prepared with a safety plan.
- Identify violent/potentially violent individuals.
- Notify supervisor if he/she becomes a target of a threat of physical harm.

In a situation with an unknown individual, assume that the person could be dangerous until either experience with the individual or assessment proves otherwise. Supervisors and managers should evaluate any concern/complaint with an assessment of potential violence and the actions which may help to avoid violence.

Employees shall not negligently, recklessly, knowingly, or unreasonably commit acts or behave in such a manner that has the potential for endangering or injuring themselves, property, or another person. As such, employees who choose, in their own individual capacity, to carry a concealed weapon must take all reasonable safety measures with respect to such weapon. Failure to take reasonable safety measures, or any other violation of this section, may result in discipline up to and including termination.

Additionally, such actions may result in denial of the member's workers compensation entitlements and/or loss of protection through the City's liability insurance program.

#### **2-26.E. Employee Field Safety (Out of Office)**

- Leave the field site if any imminent danger is felt in a potentially dangerous situation. Leave immediately if asked to leave. The exception to this would be for emergency service personnel (e.g., search warrant).
- Be aware of an area's emergency resources when on a field visit. Utilize available communication devices (radios and/or wireless communication devices) for notification to the department of changes, delays, etc.
- Make supervisor aware of any concerns for safety in the field prior to any contact/visit. Departments are encouraged to develop procedural parameters with area law enforcement as needed.
- Look over the area at the beginning of the visit to identify potential weapons that might be used.
- Pay special attention to situations that may evoke anger or may cause enough stress to agitate even an ordinarily cooperative individual, such as issuing a fine.
- Choose an appropriate place to sit (e.g., near an exit). Except in law enforcement situations, the individual would also have access to an exit. Leave a way out and stand out of reach.
- Notify department director when making a field visit, noting the anticipated return time. If a change in plan occurs, notify department director as soon as possible, and check in with department promptly upon return.

#### **2-26.F. Employee Office Safety**

- Front-line service employees should be aware of their surroundings.
- Front-line service employees should be made aware of potentially violent individuals who may come to the office location.
- Consideration should be given to the layout of an office.
- If an employee is concerned for his/her safety in the office, inform supervisor and/or other staff as necessary.
- Meet as a team, if necessary.
- Before meeting with a known violent individual, discuss the violence prevention plan with supervisor. Consider the person's past history.



- In a potentially dangerous situation in the office, consider temporarily terminating the meeting and leaving the room. Seek the assistance of other staff or law enforcement.

### **2-26.G. Department Director/Supervisor Responsibilities**

Advise new employees of safety issues specific to their job. Emphasize the Workplace Violence Policy and Procedures and any department specific procedures with employees at their initial orientation with the supervisor.

- Applicants should be informed of any safety issues pertaining to the relevant position.
- Regularly assess employees' workload to determine whether there are factors that may increase the risk of workplace violence.
- Employees are directed to route individual concerns and/or complaints regarding the service of the department to the supervisor. Supervisors and managers should evaluate any concern/complaint with an assessment of potential violence and the actions which may help to avoid violence.
- Review the Workplace Violence Policy and Procedures and any department specific procedures at least annually with employees.
- Provide the time and support necessary to ensure employee attendance at safety training.
- Assure employees that the City will not tolerate any form of assaults or threats toward other employees and staff.

### **2-26.H. Investigations**

Any reported or alleged violation of this policy will be investigated by a supervisor, department director, police, or others designated by the City Manager. The alleged violator and the employee who reports the offense must cooperate fully with the investigation. Refusal to cooperate will be considered a violation of this policy and may be subject to disciplinary action.

Acts or threats of violence against an employee by a member of the public shall be reported to the employee's supervisor, and to the Police Department utilizing standard Police reporting forms.

All reported incidents will be investigated by the employee's supervisor and/or department director; and/or by the police according to the situation.

The City reserves the right to request assistance from law enforcement to search an employee, employee's vehicle, workplace, or personal affects in accordance with State law as part of an investigation of a possible violation. Searches may be conducted without prior notice and without the employee being present.

### **2-26.I. 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.

## **2-26.J. Training**

The City shall offer in-service personal safety training to all employees.

## **2-26.K. Action Following an Incident**

### Report

With the exception of emergency services personnel, all threats of physical injury should be reported in writing using the Incident Report form available on the City's website, under the Human Resources Department tab, Employee Portal, and Forms link. If an employee is physically injured, worker's compensation injury reporting procedures should be followed as well. A report should also be made when there is perceived potential for violence but the violence did not occur (e.g., a sufficient number of warning signs, actions, or level of emotion suggesting violence).

The following actions shall be taken:

### Employee Responsibilities

- Access 911 with emergency needs! Get immediate medical help for a serious life-threatening physical injury.
- If threatened or assaulted, report it to law enforcement.
- Notify supervisor. If supervisor is not available, follow the departmental chain of command to report the incident.
- Discuss the incident with supervisor, and fill out an Incident Report form.
- Submit Incident Report form to supervisor for completion and routing.
- Develop a plan with supervisor to reduce or eliminate a future occurrence of violence.
- Continue to get the medical help and/or the support needed to completely recover from the incident. Recognize that this may take time. The City has an EAP resource available for critical incident counseling.
- If the supervisor is the violent individual, use the existing City of Fort Dodge appeal/dispute resolution procedures for notification upward starting with the next level in the chain of command/supervision.

### Supervisor Responsibilities

- Assist the assaulted victim in obtaining necessary medical treatment.
- Be sure law enforcement is/was notified.
- Administer to the needs of and obtain name and contact numbers of bystanders and witnesses as available.
- Assist the employee with filling out necessary report forms relating to the incident.
- Encourage injured workers to seek support, and refer the employee to the EAP as appropriate.
- If necessary, assess potential options for temporary modifications to employee workload while the injured worker recovers from the incident. Supervisors should consider short-term reassignment when the supervisor and employee determine that an antagonistic relationship exists between the employee and an individual.

- Review, plan, and make changes for reduction of future incidents.
- As a last resort, consider in consultation with the employee the feasibility of suspending, denying, or altering services to the violent individual.
- Consult the Human Resources Department or the City Attorney for further assistance.
- When necessary, write a letter to the violent individual to warn him/her of the consequences for inappropriate behavior. The Human Resources Department and the City Attorney should review this letter before it is forwarded to the City Manager for final action.

#### Department Director Responsibilities

- Review and maintain appropriate departmental procedures.
- When responding to any citizen concern/complaint, assess the potential for violence and actions that may be taken to avoid violence.
- Ensure that supervisors give priority attention to violent incidents and that they provide empathetic, responsive, and individualized support to the affected employees.
- Assess the incident that has occurred and the potential for future violence. Determine actions that may be taken to avoid repeated and/or escalated incidents in the future.

#### Human Resources Department Responsibilities

- The Director of Human Resources or designee shall coordinate the Workplace Violence Program.
- Monitor systems, events, or changes that might trigger violence.
- Serve as a contact point for employees who wish to report threats or acts of violence.
- Support supervisor/manager training to increase awareness of situations and employees at risk for violence.
- Advise department directors/supervisors as needed during any investigative or disciplinary process.

#### **2-26.L. Enforcement**

An employee may be arrested and prosecuted if a criminal offense has been committed. Any employee who is found to have violated this policy shall be subject to disciplinary action, which may include termination of employment. Any employee found to have maliciously filed a complaint alleging a violation of this policy shall be subject to disciplinary action, which may include termination of employment.

When violence is threatened or inflicted by a non-employee, the appropriate authority will be notified, and legal action will be taken as necessary. This policy does not preclude other legal options available to the City, including criminal charges.

The City's prohibition against threats and acts of violence applies to all persons involved in the City's operation, including, but not limited to City personnel, contract and temporary workers, and anyone else on City property, by an individual acting as a representative of the City while off City property, or by an individual acting off of City property when his/her actions affect the City's interests.

Violation of this prohibition will lead to disciplinary action, up to and including termination, and/or legal action as appropriate. The City retains the authority to act appropriately in performance evaluation and disciplinary procedures. No provision of this policy shall alter the at-will nature of the employment relationship with the City.

An employee with a protection order against another individual (including another employee), who is concerned for their own safety, is encouraged to share this information with their department director or the Human Resources Director so a safety plan can be developed. Depending on the circumstances, assistance may be sought from the Police Department and/or other local law enforcement, as well as the Employee Assistance Program (EAP), in developing the safety plan for the employee.

This policy prohibits retaliation against an employee who brings a complaint of violent, threatening, or intimidating behavior. The employee will not be adversely affected in terms and condition of employment or discriminated against or terminated because of the complaint. The intention of this policy is not to conflict with any other City policy. Nothing in this policy alters any other reporting obligation in City policies or in state, federal, or other applicable laws.

#### **2-26.M. Application**

This policy/procedure is for City of Fort Dodge administrative use and does not apply when in conflict with official law enforcement duties and criminal or civil proceedings. The City of Fort Dodge policy shall not be construed as creating a higher legal standard of safety or care in an evidentiary sense with respect to third party claims and civil litigation. Violations of this policy/procedure will only form the basis for City of Fort Dodge administrative sanctions.

#### **2-27. CONFLICTS OF INTEREST**

Elected officials, commission members, board members, committee members, employees and professional consultants shall not use their official position, or the knowledge gained therein, in such a manner that a conflict would develop between the City of Fort Dodge's interest and their personal affairs. These individuals shall avoid any conflicts between their personal and outside interests and the interests of the City of Fort Dodge and shall avoid any conduct which might adversely affect or appear to affect the exercise of their official judgment.

Elected officials, commission members, board members, committee members, employees and professional consultants have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. These individuals shall not have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with their City duties and responsibilities or engage in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through their service for the City or through City employment. In addition, these individuals shall not give a competitive advantage to any member of the public, including former employees or elected officials of the City.

#### **2-28. ACCEPTANCE OF GIFTS**

In accordance with the Code of Iowa, City employees shall not, directly or indirectly, solicit, accept, or receive any gift that is in any way related to their employment with the City. See Iowa Code Chapter 68B.

Employees shall not place themselves in a position where their private interests may conflict or appear to conflict with their official duties or where their objectivity or judgment may be impaired.

Employees shall not accept from any person, business, or organization any gift (including such items as money, tangible or intangible personal property, food, beverage, loan, promise, service, or entertainment) for the benefit of the employee or department, if it may be reasonably inferred that the giver seeks to influence action of an official nature, seeks to affect the performance or non-performance of an official duty, or has an interest which may be substantially affected by the performance or non-performance of an official duty.

An employee who has a question regarding the appropriateness of accepting a gratuity should ask his/her

department director or the Human Resources Director.

## **2-29. SOLICITATION OF SALES AND DONATIONS**

In conformance with City Council Resolution #83-12-162, employees shall be prohibited from the sale of goods, services or tickets to the public for the solicitation of donations for fund raising or personal gain while in the employment of the City during their hours of duty or employment. Employees shall not wear their official uniform in the solicitation of funds at any time.

## **2-30. CARE AND USE OF CITY PROPERTY**

All City-owned or leased facilities, buildings, equipment, motor vehicles, tools, supplies, materials, keys, ID cards, uniforms, personal protective equipment (PPE) and other items are for the express purpose of carrying out City services. No employees or agent of the City will use any City-owned facility, building, equipment, motor vehicle, tool, supply, material, or other item of value for their personal benefit or for the personal benefit of any other individual unless such action is required in the performance of official duties.

The care of City buildings and property is important. The City provides equipment, tools, materials, written information, etc. to employees to help them perform City services effectively. Each employee is responsible for protecting and controlling any property provided to them for the fulfillment of their assigned work. All City property must be returned to a secure location upon completion of a job.

Likewise, each employee is expected to maintain his or her work area, break areas and personal effects in such a manner as to provide a safe, healthy and productive work environment for all. If an employee notices something that needs repair, he/she should bring it to the attention of their supervisor.

City property may not be used for personal use. Property of the City may not be removed from the facilities without the explicit permission of a supervisor. Damaged property will be treated as a performance issue and could result in disciplinary action up to and including termination. Property damage may also result in criminal action depending on the severity of the damage.

In accordance with Iowa Code 91A.5, if an employee does not return City property that has been assigned to them, and this assignment has been acknowledged by the employee in writing, measures shall be taken to recoup the costs from wages. The City may also take legal action to recover City property.

Employees are responsible for the care and return of City property during, as well as at the termination of, employment.

## **2-31. ACCEPTABLE USE OF TECHNOLOGY**

The City of Fort Dodge recognizes the importance of modern technology and access to information in providing citizens the best and most efficient services. Therefore, the City provides various Technology Resources to authorized employees to assist them in performing their job duties for the City. Each employee has a responsibility to use the City's Technology Resources in a manner that increases productivity, enhances City's public image, and is respectful of other employees. Failure to follow the City's policies regarding its Technology Resources may lead to disciplinary measures, up to and including termination of employment.

### **2-31.A. Technology Resources Definition**

Technology Resources consist of all electronic devices, software, and means of electronic communication, including, but not limited to, the following, whether provided or supported by the City: personal computers and workstations; laptop computers; mini and mainframe computers; tablets; computer hardware such as disk drives; peripheral equipment such as printers, modems, fax machines, and copiers; computer software applications and associated files and data, including software that grants

access to external services, such as the Internet; electronic mail; telephones; cellular phones; pagers; and voicemail systems.

### **2-31.B. Authorization to Access**

Access to the City's Technology Resources is within the sole discretion of the City. Generally, employees are given access to the City's various technologies based on their job functions. Only employees whose job performance will benefit from the use of the City's Technology Resources will be given access to the necessary technology.

### **2-31.C. Use of Technology**

The City's Technology Resources are to be used by employees only for the purpose of conducting City business. Employees may, however, use the City's Technology Resources for the following incidental personal uses so long as such use does not interfere with the employee's duties, is not done for monetary gain, does not conflict with the City's business, and does not violate any City policy:

- To send and receive necessary and occasional personal communications;
- To prepare and store incidental personal data (such as personal calendars, personal address lists, and similar incidental personal data) in a reasonable manner;
- To use the telephone system for brief and necessary personal calls; and
- To access the Internet for brief personal searches and inquiries during meal times or other breaks, or outside of work hours, provided that employees adhere to all other usage policies.

The City acknowledges that employees may, at other times, engage in incidental personal use of the Internet, as long as such use does not interfere with the performance of job duties. The City assumes no liability for loss, damage, destruction, alteration, disclosure, or misuse of any personal data or communications transmitted over or stored on the City's Technology Resources. The City accepts no responsibility or liability for the loss or non-delivery of any personal electronic mail or voicemail communications or any personal data stored on any City property. The City strongly discourages employees from storing any personal data on any of the City's Technology Resources.

### Improper Use of Technology

#### 1) Prohibition Against Harassing, Discriminatory and Defamatory Use

The City is aware that employees use electronic mail for correspondence that is less formal than written memoranda. Employees must take care, however, not to let informality degenerate into improper use. As set forth more fully in the City's "Non-Discrimination Statement" and "Harassment" policy, the City does not tolerate discrimination or harassment based on gender, pregnancy, childbirth (or related medical conditions), race, color, religion, national origin, ancestry, age, physical disability, mental disability, medical condition, marital status, sexual orientation, gender identity, family care or medical leave status, veteran status, or any other status protected by state and federal laws. Under no circumstances may employees use the City's Technology Resources to transmit, receive, or store any information that is discriminatory, harassing, or defamatory in any way (e.g., sexually-explicit or racial messages, jokes, cartoons).

#### 2) Prohibition Against Violating Copyright Laws

Employees must not use the City's Technology Resources to copy, retrieve, forward or send copyrighted materials unless the employee has the author's permission or is accessing a single copy only for the employee's reference.

#### 3) Other Prohibited Uses

Employees may not use any of the City's Technology Resources for any illegal purpose, violation of any City policy, in a manner contrary to the best interests of the City, in any way that discloses confidential information of the City or third parties, or for personal or monetary gain.

### **2-31.D. City Access to Technology Resources**

All messages sent and received, including personal messages, and all data and information stored on the City's electronic-mail system, voicemail system or other computer systems/ resources are the City's property regardless of the content. As such, the City reserves the right to access all of its Technology Resources including its computers, voicemail and electronic-mail systems, at any time, in its sole discretion.

### **2-31.E. Lack of Privacy**

Although the City does not wish to examine personal information of its employees, on occasion the City may need to access any and all information in its Technology Resources, including computer files, electronic-mail messages, and voicemail messages. Employees should understand, therefore, that they have no right of privacy with respect to any information or messages – including personal information or messages – created, received or maintained on the City's Technology Resources. The City may, at its discretion, inspect all files or messages on its Technology Resources at any time for any reason. The City may also monitor its Technology Resources at any time to determine compliance with its policies, for purposes of legal proceedings, to investigate misconduct, to locate information, or for any other business purpose.

- Passwords

Some of the City's Technology Resources can be accessed only by entering a password. Passwords are intended to prevent unauthorized access to information. Passwords do not confer any right of privacy upon any employee of the City. Thus, even though employees may maintain passwords for accessing Technology Resources, employees must not expect that any information maintained on Technology Resources, including electronic-mail and voicemail messages, is private. Employees are expected to maintain their passwords as confidential. Employees must not share passwords and must not access coworkers' systems without express authorization.

- Data Collection

The best way to guarantee the privacy of personal information is not to store or transmit it on the City's Technology Resources. To ensure that employees understand the extent to which information is collected and stored, below are examples of information currently maintained by the City. The City may, however, in its sole discretion, and at any time, alter the amount and type of information that it retains.

- Telephone Use and Voicemail

Records are kept of all calls made from and to a given telephone extension. Although voicemail is password protected, an authorized administrator can reset the password and listen to voicemail messages.

- Electronic Mail

Electronic mail is backed-up and archived. Although electronic mail is password protected, an authorized administrator can reset the password and read electronic mail.

- Document Use

Each document stored on City computers has a history, which shows which users have accessed the document for any purpose.

- Internet Use

Internet sites visited, the number of times visited, and the total time connected to each site is recorded and periodically monitored.

- Deleted Information

Deleting or erasing information, documents, or messages maintained on the City's Technology

Resources is, in most cases, ineffective. All employees should understand that any information kept on the City's Technology Resources may be electronically recalled or recreated regardless of whether it may have been "deleted" or "erased" by an employee. Because the City periodically backs-up all files and messages, and because of the way in which computers re-use file storage space, files and messages may exist that are thought to have been deleted or erased. Therefore, employees who delete or erase information or messages should not assume that such information or messages are confidential.

## **2-31.F. Internet and Electronic Mail**

The City provides employees with access to the Internet and electronic mail to assist them in conducting the City's business. The City expects that when employees use the Internet or electronic mail during work hours, while on the City's premises, or remotely through the use of the City's computer equipment, they will do so in a responsible manner and for work-related purposes only. The City expects employees to exercise discretion and good judgment when accessing the Internet or when sending or receiving electronic mail and attachments thereto.

### Improper Use of Internet and Electronic Mail

Improper use of the Internet and electronic mail includes, but is not limited to, the following:

- Use which is illegal, which is contrary to the City's best interests, or which violates or conflicts with the City's policies, including, but not limited to, the City's policies against discrimination or harassment.
- Use, which discloses or leads to the disclosure of confidential or proprietary information about the City.
- Use of electronic mail, chat rooms or other Internet devices that is defamatory or offensive in any way, including, but not limited to, racially or sexually charged messages, jokes or cartoons.
- Use of Internet sites, which may damage or interfere with the City's computer network, including use that generates the delivery of "junk" electronic mail.
- Use that violates copyright laws.
- Personal use, and/or use that interferes with employees' normal work or with business use of the system.

Improper use of the Internet or electronic mail may lead to discipline, including, but not limited to, discharge from employment. Employees have no right of privacy, nor any expectation of privacy, with respect to any aspect of their use of the Internet or electronic mail while on the City's premises, or when accessing the Internet or using electronic mail remotely. The City reserves the right to, at any time, without limitation, monitor your use of the Internet, including monitoring Internet sites visited, the number of times those sites are visited, and the time connected to each site. All items uploaded to or downloaded from any location on the Internet, and all electronic mail and attachments thereto, must be scanned for viruses. Materials downloaded from the Internet must be placed on discs and not on your computer hard drive, or the City's network. Employees must use anti-virus software to scan any material from obtained via the Internet. Files or documents sent outside of the City via the Internet and/or electronic mail must be properly encrypted. For any questions about encryption, or other protective measures you may employ in using the Internet or electronic mail, please contact the Human Resources Department or the Information Technology Operations Manager.

### Confidentiality

Some of the information to which the City has access is confidential. Employees should avoid sending confidential information over the Internet, except when absolutely necessary. Employees also should verify electronic mail addresses before transmitting any messages.



### Monitoring and Restricting Access to Objectionable Internet Content

City of Fort Dodge reserves the right to monitor employee use of its information resources in accord with the Electronic Communications Privacy Act. Under this law, the City has the absolute right to review, audit, monitor and disclose the content of all e-mail messages (and any documents, files or materials attached to them) that employees send or receive through the organization's system. Employees should be aware that access to content includes deleted items not fully eliminated from the system, as well as to existing hard copies of the same. Personal passwords can be overridden and should not be disclosed to others. Use of e-mail and organization Internet connection grants consent to review by management. The City's e-mail and Internet connection is to be used only by authorized persons, i.e. employees and others such as contractors or consultants specifically granted such permission. The City reserves the right to limit such access to Web sites and/or monitor employee access to Web sites by any means available to it, including revoking access altogether. This capability is necessary because the City, as well as its employees, is legally responsible for employee conduct utilizing corporate assets and facilities. In addition, the Electronic Discovery Act provides that all material transmitted electronically can be used in any employment litigation. This means that all electronic communication must be maintained by the organization.

While not everyone may have access to the Internet or e-mail as a requirement of his or her immediate job, over time, access will be expanded within the organization. Therefore, every employee is expected to comply with this policy. Employees who violate this policy may be subject to disciplinary action up to and including termination of employment, at the discretion of City management.

#### **2-31.G. Software Use**

##### 1) License Restrictions

All software in use on the City's Technology Resources is officially licensed software. No software is to be installed or used that has not been duly paid for and licensed appropriately for the use to which it is being put. No employee may load any software on the City's computers, by any means of transmission, unless authorized in writing in advance by the Information Technology Operations Manager.

Authorization for loading software onto the City's computers should not be given until the software to be loaded has been thoroughly scanned for viruses.

##### 2) Confidential Information

The City is very sensitive to the issue of protecting confidential and proprietary information of both the City and third parties ("Confidential Information"). Therefore, employees are expected to use good judgment and to adhere to the highest ethical standards when using or transmitting Confidential Information via the City's Technology Resources. Confidential Information should not be accessed through the City's Technology Resources in the presence of unauthorized individuals. Similarly, Confidential Information should not be left visible or unattended.

#### **2-32. SOCIAL MEDIA**

At the City of Fort Dodge, we understand that 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.

This policy applies to all employees of the City of Fort Dodge. Managers and supervisors should use the guidelines below to administer this policy.

### **2-32.A. 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 weblog or blog, journal or diary, personal website, social networking or affinity website, web bulletin board or a chatroom, whether or not associated or affiliated with City of Fort Dodge, as well as any other form of electronic communication.

The same principles and guidelines found in City of Fort Dodge policies and three basic beliefs apply to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees or otherwise adversely affects customers, contractors or people who work on behalf of the City of Fort Dodge with legitimate business interests may result in disciplinary action up to and including termination.

### **2-32.B. Know and Follow the Rules**

Carefully read these guidelines, the City of Fort Dodge Code of Ethics, Code of Conduct, Acceptable Use of Technology, the Unlawful Harassment and Workplace Violence policies 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.

### **2-32.C. Be Respectful**

Always be fair and courteous to fellow employees, customers, contractors or people who work on behalf of the City of Fort Dodge. Also, keep in mind that you are more likely to resolve work related complaints by speaking directly with your co-workers or by utilizing our Open Door Policy 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 others such as fellow employees and customers, 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 City policy.

### **2-32.D. Be Honest and Accurate**

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. 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 the City of Fort Dodge, fellow employees, customers, contractors or people working on behalf of the City of Fort Dodge.

*Post only appropriate and respectful content.*

- Maintain the confidentiality of City of Fort Dodge private or confidential information. Do not post internal business-related confidential communications.
- Respect financial disclosure laws.
- Do not create a link from your blog, website or other social networking site to a City of Fort Dodge website without identifying yourself as a City of Fort Dodge employee.
- Express only your personal opinions. Never represent yourself as a spokesperson for the City of Fort Dodge. If City of Fort Dodge 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 of Fort Dodge, fellow employees, Council members, customers, contractors or people working on behalf of the City of Fort Dodge. If you do publish a blog or post online related to the work you do or subjects associated with City of Fort Dodge, make it clear that you are not speaking on behalf of the City of Fort Dodge. 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 City of Fort Dodge."

#### **2-32.E. 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 manager or consistent with the Acceptable Use of Technology Policy. Do not use City of Fort Dodge addresses to register on social networks, blogs or other online tools utilized for personal use.

#### **2-32.F. Retaliation is Prohibited**

The City of Fort Dodge prohibits taking 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.

#### **2-32.G. Media Contacts**

All media inquiries should be directed to the City Manager's Office. For department specific topics, all department heads or their designees are authorized. If you have questions or need further guidance, please contact the Human Resources Department.

#### **2-33. TELEPHONE / RADIO**

The city maintains its telephone equipment for business purposes. It is recognized that some personal telephone calls are necessary. Employees are allowed to make a reasonable number of personal calls. However, they should be as brief as possible to avoid interfering with employees' normal work or with business use of the telephones.

Cellular telephones issued by the City are restricted to employees whose responsibilities require their use. They are to be used primarily for business purposes. Employees who are issued cellular telephones will sign a statement signifying acceptance of and compliance with this policy. The issuance of a cellular phone shall follow all applicable IRS rules for taxable purposes. The use of the cellular phone is prohibited while driving or operating vehicles or equipment for safety reasons. Employees are required to stop in a safe location before making or taking any calls.

The City Manager shall be responsible for determining which employees are to be issued a cellular telephone by the city. Employees who wish to use cellular telephones above the phone normally provided with the plan shall pay the difference in cost of any phone upgrade. Employees desiring additional plan functionality providing more than the basic calling plan functions shall contribute \$20.00 toward the cost of these extra services unless the City Manager determines that the extra services are necessary for business use. Employees who choose to utilize their own phone and calling plan for business use shall make that phone available for use in the same manner as if the employer had provided the phone with the employer compensating the employee at the rate of \$45.00 per month.

The use of personal cellular telephones for personal communications should be limited to the extent possible to break times and before and after work. Use of personal cellular telephones for business is strictly voluntary.

If a supervisor believes an employee is abusing his/her telephone privilege, the matter will be handled under the employer's progressive discipline system.

Use of a radio system provided by the city is for the ability to quickly and efficiently communicate between employees for the conducting of work. All language and conduct while using the radio system must be professional in nature and for business purposes only.

## **2-34. CITY VEHICLE**

The City of Fort Dodge is dedicated to protecting all employee drivers, their passengers, and the general public from injury arising out of the use of motor vehicles for City business.

### Approved Drivers

Employees holding jobs requiring regular driving for business as an essential function must, as a condition of employment, be able to meet the driver approval standards of this policy at all times. New hire and annual MVR reports will be completed by the Human Resources Department for all employees that are required to drive for their employment with the City. For all other jobs, driving is considered only an incidental function of the position.

Employees who are approved to drive on City time are authorized to operate a City vehicle only under the following conditions:

1. The employee maintains a valid driver's license.
2. The employee operates the vehicle in a safe, defensive manner, obeying all traffic laws.
3. The employee and his or her passengers wear their seat belts, except as exempted in Iowa Code 321.445 (i.e., front seat occupants of an authorized emergency vehicle).
4. Employees must report any accident, theft or malicious damage which occurs while driving on City time, to their department director and the Human Resources Director, regardless of the extent of the damage or lack of injuries. Employees are expected to cooperate fully with authorities in the event of an accident.
5. The employee assumes the full responsibility for any traffic violations and fines arising out of the use of the vehicle.
6. The employee will maintain adequate insurance coverage as required by law.
7. Employees are not permitted, under any circumstances, to operate a personal or City vehicle for City business when any physical or mental impairment causes the employee to be unable to drive safely. Additionally, employees shall not operate any personal or City vehicle while on City business while using or consuming or while they are under the influence of alcohol, illegal drugs, or prescription medications that may affect their ability to drive. These prohibitions include circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of impairment, illness, medication or intoxication.
8. Driving record (MVR) free of any convictions within the past two (2) years for:
  - a. Alcohol (above the legal limit) and/or drug related driving offenses
  - b. Refusal to submit to a Blood Alcohol Content (BAC) test
  - c. Reckless Driving
  - d. Leaving a scene of an accident
  - e. Manslaughter or homicide involving use of a motor vehicle

Any incidences which are in conflict with this policy must be reported to the Department Director and the Human Resources Director.

### City Vehicle Use

All vehicles and equipment owned by the City are for official use only and cannot be used for personal business. All City vehicles shall be parked at the place of employment at the end of the workday, unless otherwise authorized by the department director or City Manager.

Under no condition should City employees utilize City vehicles while on personal time. The exception would be for lunch or rest breaks only if at a public eating establishment, if that establishment is closer to where the employee suspends his or her work in the field, rather than returning to the primary place of employment for a break.

Employees who operate City vehicles are expected to adhere to the following guidelines:

- No family members are to be transported in City vehicles at any time unless it is related to the duties of the employee or otherwise approved by the City Manager.
- No other passengers are to be allowed in City vehicles except when such individual is involved with City business, the transported passenger is related to the duties of the employee, or the passenger is participating in a City Manager approved ride-along program.
- Vehicles are to be driven only when necessary.
- Vehicles should be cleaned inside and out on a regular basis.
- The vehicles must have City of Fort Dodge stickers and vehicle numbers on them at all times with the exception of vehicles that, by their use, would exclude the use of such stickers or markings.

Police officers and firefighters shall abide by their departmental policies on emergency vehicle usage.

### **2-35. DISTRACTED DRIVING**

City of Fort Dodge recognizes that distracted driving is a serious safety risk, not only to the driver, but also to other occupants in the vehicle, other vehicles on the road and pedestrians. Distracted driving can impair safe driving and contribute to vehicle accidents. In order to reduce the risks associated with distracted driving, City of Fort Dodge prohibits certain conduct outlined in this policy while driving City owned vehicles/equipment or while driving a personal vehicle while on City business.

#### Scope

This policy applies to all employees operating City owned vehicles/equipment or while driving personal vehicles for City business. To observe safe vehicle operations, whenever practical and safely possible, employees driving City vehicles should pull over to a safe off-of-the-roadway location to initiate or to continue any non-emergency call.

Public safety personnel of the Police and Fire Departments are exempt from this policy. This policy is not intended to curtail the use of electronic devices installed in City vehicles and/or equipment for use by public safety employees to conduct City business when required.

#### Prohibitions

The safety and well-being of our employees is of critical importance to our organization. Activities which would require drivers to take both hands off of the wheel at the same time or their mind entirely off driving responsibilities are prohibited. The following activities are considered distractions that are prohibited by a driver while the vehicle or equipment is in motion. This list is not intended to be all inclusive, but to be used as a guideline as to what would be inappropriate.

- Texting or e-mailing with a cell phone, PDA or any other electronic device. (Texting while driving in Iowa is illegal per state law.)
- Operating laptops, televisions, tablets, portable media devices or GPS devices

- Use of radio or stereo headphones/earbuds
- Use of electronic games
- Use of a device in violation of any applicable local ordinance, state or federal statute
- Putting on make-up and/or reading any type of document, printed or electronic

Employees are expected to follow all driving laws, safety rules and avoid confrontational or offensive behavior while driving. To safely use your cell phone or similar device stop your vehicle in a safe location or utilize a “hands free technology.” Extended cell phone conversations need to be held with the vehicle parked in a safe and legal parking area.

Enforcement

Violation of this policy may subject an employee to disciplinary action. Furthermore, if it is determined that cell phone or similar device usage was a factor in an at-fault accident while operating a City vehicle, the employee will be subject to discipline up to and including termination.

**2-36. CASH HANDLING**

Employees who are responsible for handling cash are required to follow the cash handling procedures listed in Financial Policies Resolution 10-10-203 approved by the City Council on October 11, 2010. The policy requires physical safekeeping of checks and cash, processes for cash receipting and timely bank deposits, restricted access, monitoring, and proper record retention. Departmental policies and standard operating procedures may be created according to the department’s operations and shall be consistent with this policy.

**2-37. SUPPLEMENTAL DEPARTMENT RULES**

Each department director may supplement these policies with policies which are uniquely particular or applicable only to his/her department. Department directors are prohibited from issuing any policy that conflicts with the rules declared in this handbook. Department directors should forward a copy of any proposed policies to the Director of Human Resources for review and approval. Violations of these supplemental policies will result in disciplinary action up to and including termination.

**2-38. EMPLOYMENT VERIFICATION**

**2-38.A. Human Resources Department Responsibilities**

All requests for employment verification and references concerning past or present employees shall be handled by the Human Resources Department.

The Human Resources Department will answer all verbal requests for the following information:

- Employment date.
- Termination date.
- Position held.
- Confirmation of salary as quoted by employee.

Any requests for additional information must be in writing and addressed to the Human Resources Department. An Authorization to Release Information form or letter with the employee signature may be required before additional information can be released.

**2-38.B. Employee and Supervisor Responsibilities**

Employees and supervisors may provide personal letters of appreciation and commendation. However, such letters shall not be written or typed on City stationery, as views contained in such letters may not represent the City’s official position.

## 2-39. EMPLOYMENT SEPARATION

### 2-39.A. Separation Procedures

Separation of employment is an inevitable part of personnel activity within any organization, and many of the reasons for separation are routine. Below are examples of some of the most common circumstances under which employment is terminated:

- 1) Resignation: Voluntary employment separation initiated by an employee. Resigning employees shall provide a minimum of two weeks' notice, in writing, to facilitate a smooth transition. If less than two weeks' notice is provided, the City may deem the individual to be ineligible for rehire depending on the circumstances regarding the notice given.
  - a. Employees who resign in accordance with the abovementioned rule shall receive payment for accrued time per Section 2-38.C.(1) Right to Terminate. The last day of employment shall not be City observed holiday.
- 2) Health Disqualification: The City may require a medical examination by a City physician whenever it is deemed necessary for the safe or efficient operation of the City. Such examination is to be treated as confidential and kept in a separate medical file. If this exam indicates that the employee can no longer safely and efficiently perform the required duties, the employee may be terminated for health reasons. Disqualification for health reasons will only occur when it has been determined that the City cannot reasonably accommodate the employee's health problem.
- 3) Layoff: Involuntary employment separation initiated by the organization for non-disciplinary reasons. In general, when the number of employees in a class is diminished, employees shall be laid off in the reverse order of seniority in the class or classes affected, unless otherwise specified in collective bargaining agreement. Seniority shall be computed as of the date the employee began employment with the City and such employment has been continuous, without a break in service. If an employee has previously served in a lower class, and currently holds the qualifications to serve in that class, the employee may replace ("bump") the least senior employee in that class.

The layoff procedures for employees holding Civil Service rights shall be in accordance with the principles established by Chapter 400 of the Iowa Code.

Accrued vacation leave will be paid upon layoff. An employee who accepts permanent part-time employment in lieu of layoff may receive payment for all accrued vacation, or may elect to retain any or all accrued vacation up to the maximum allowable for the status of the new position, and receive payment for any remaining balance. Accrued sick leave will be frozen for a period of one year from the date of layoff. If the employee is not rehired by the City into a full-time or permanent part-time position within one year, the accrued sick leave is forfeited.

- 4) Termination: Involuntary employment separation initiated by the organization. The City retains the right to terminate an employee for any reason and at any time, except as otherwise provided by law or by the terms of a collective bargaining agreement (e.g., probationary period). Termination during the employee's probationary period shall be without right to appeal and the case of Civil Service employees, as provided by Chapter 400 of the Code of Iowa. Temporary employees, including seasonal, may be terminated by the department director for any lawful reason without right to appeal.
- 5) Retirement: Voluntary employment separation initiated by an employee meeting age, length of service, and any other criteria for retirement from the City. Employees are expected to give as much notice as possible to the department director or Human Resources Director of their intent to retire. Such notice shall be in writing. The last day of employment shall not be a City observed holiday. Application for retirement benefits should be made directly to IPERS or MFPRSI. Per Iowa Code 400, the maximum age for Police and Fire sworn personnel is age sixty-five, therefore they must retire prior to turning sixty-six years of age.

### **2-39.B. Exit Interviews**

The City of Fort Dodge may schedule exit interviews at the time of employment separation. The exit interview will afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to the City of Fort Dodge, or return of the City of Fort Dodge-owned property. Suggestions, complaints, and questions can also be voiced.

### **2-39.C. Right to Terminate**

Since employment with the City of Fort Dodge is based on mutual consent, both the employee and the City of Fort Dodge have the right to terminate employment at will at any time, with or without cause. Employee benefits will be affected by employment separation in the following manner:

1. All accrued, vested benefits that are due and payable at separation will be paid to non-probationary employees who provided at least two weeks' notice of their separation, unless otherwise specified in a collective bargaining agreement.
2. If part-time employment is accepted in lieu of layoff, the employee may receive payment of all accrued vacation or may elect to retain any or all accrued vacation up to the maximum allowable for the status of the new position and receive payment for any remaining balance.
3. In the case of a layoff, sick leave will be frozen a period of one year. If the employee is not rehired by the City to a full-time or regular part-time position within one year, the accrued sick leave is forfeited.
4. Some benefits may be continued at the employee's expense, if the employee so chooses.
5. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

### **2-39.D. Job Abandonment**

Absent extraordinary circumstances, any employee who misses three (3) consecutive work days or shifts without notifying his/her immediate supervisor will be considered to have voluntarily resigned his/her position (i.e., job abandonment).

## **2-40. REEMPLOYMENT RIGHTS AND BENEFITS**

Former employees may be reemployed based on the following guidelines:

- Former employees with a satisfactory work record and favorable references may be considered for reemployment in accordance with the policy for recruitment, interviews, and selection.
- Qualifying examinations (physical, drug screen, background investigation) may be required where applicable.
- Retirees may only be rehired to temporary, non-benefitted positions, unless otherwise approved by the City Manager or designee.
- Compliance with Hiring of Relatives policy.

Any accrued rights, privileges, or benefits are canceled when an employee terminates service with the City. Any benefits reinstated to a reemployed employee, including, but not limited to, participation in retirement plans and group insurance plans, will be subject to the rules of the plan documents and applicable federal and state reemployment laws and regulations. In most cases, prior service will not be bridged if the employee has been gone more than 30 days.

An applicant or employee who is terminated for violating a policy or who resigned in lieu of termination from employment due to a policy violation will be ineligible for rehire.



## **SECTION 3: PAY AND PERSONNEL ACTIONS**

### **3-1. PURPOSE**

Excellence in public service first requires exceptional staff, which means the City has to be able to attract, motivate, and retain exceptional people. To remain competitive in attracting and retaining exceptional employees, the City has adopted a compensation policy that values employee performance and keeps pace with market based pay systems. Through the compensation system, the City aims to attract, motivate, and retain the most highly qualified individuals available by:

- Providing compensation rates that are comparable to the labor markets.
- Establishing pay ranges to compensate similar work with similar pay.
- Encouraging retention and growth of employees.
- Enhancing, recognizing, and rewarding performance and productivity.
- Rewarding employees based on performance, contribution to the accomplishment of the City's strategic objectives, and demonstration of the City's vision, values, and mission.

### **3-2. PROGRAM ADMINISTRATION AND STRUCTURE**

The Director of Human Resources, in conjunction with the City of Fort Dodge's management team, is charged with the responsibility to recommend updates, modifications, and amendments to the City Ordinance and salary administration program on a periodic basis to ensure that they provide fair and competitive salaries to employees in conformity with reasonable and accepted practices.

The City's compensation plan structure establishes the parameters to determine a market's competitive pay range for a position based on its classification and corresponding pay grade. The City will evaluate the salary market for all positions in a consistent and fair manner and place them in appropriate pay structures that are fully competitive for similar organizations, the local community, and nationally, if appropriate.

The Human Resources Department will annually conduct a market analysis of the compensation plan to ensure that the pay ranges are market competitive. Recommendations to change or increase pay ranges are made by the Human Resources Department, as necessary, and as part of the annual budget process.

#### **3-2.A. Pay Rates for Seasonal/Temporary Employees**

The City of Fort Dodge is committed to competitive compensation for seasonal/temporary employees. The City's policy is to allow no more than one pay increase per season/year per job title, not to exceed the cost of living increase established for that same year.

### **3-3. ESTABLISHING PAY RATES**

The City of Fort Dodge strives to establish market competitive pay rates based on candidate qualifications which are consistent with the pay range. The Human Resources Department should be consulted to review department recommended pay adjustments for internal employees, as well as recommended levels for new hires.

#### **3-3.A. The Advertised Pay Rate or Range**

The advertised pay rate can fall anywhere between the pay range minimum and the midpoint (market) without the approval of the City Manager. The advertised pay rate or pay range may exceed the midpoint (market) with the prior approval of the City Manager. Approval will be based on department needs and/or external market data.

#### **3-3.B. Initial Pay Rates for New Hires**

Unless otherwise specified in a collective bargaining agreement, internal and external candidates may be

offered an initial pay rate anywhere within the advertised range based on qualifications, experience, and applicable skills. Initial pay rates shall be established in a non-discriminatory manner and in compliance with all applicable laws. The following provides some guidance to hiring managers:

- At or near the minimum of the pay range is appropriate for candidates who are new to the career field and/or may be in the process of expanding or refining their skill sets within their positions or career fields.
- At or near the midpoint or market is appropriate for candidates who have accumulated knowledge, skills or education related to their positions or career fields and are fully functional and high performing. Offers that exceed the market, or the budgeted amount for the position, require approval by City Manager, or designee.
- Between the midpoint and maximum is appropriate for significantly experienced candidates who have accomplished a general course or progression of work and professional achievements that represent accumulated commitment to an occupation and are fully functional and consistently high performing, subject to City Manager's Office approval.

### **3-3.C. Promotion**

Promoted employees are similar to newly-hired employees with respect to performance reviews and performance adjustments. Promotions will be based on the employee's qualifications.

Promotional pay rate increases should be discussed and coordinated through the Human Resources Department. The higher rate of pay will be established in accordance with City of Fort Dodge Municipal Code 2.72.060.

### **3-3.D. Demotion & Transfers**

A voluntary or involuntary demotion may be made to a vacant position in a classification with a lower maximum salary. An employee who is voluntarily or involuntarily demoted must possess the minimum qualifications for the lower position. Involuntary demotions are one form of disciplinary action.

A demoted employee's salary shall be a rate within the approved range for the lower classification. Per the City of Fort Dodge Municipal Code 2.72.070 the employee's rate of pay shall be at the step the employee is currently occupying. A demoted employee's pay rate shall be effective with the first day that employee assumes the duties of the lower class. For civil service employees, the rate shall be determined by the personnel director with approval of the Civil Service Commission, consistent with the civil service laws of the state of Iowa.

A transferred employee's salary shall be the employee's current rate of pay, unless the employee's salary is below the approved minimum for the new position. In the event an employee is transferred to a position having a higher salary range than the class from which he or she was transferred, such change shall be deemed a promotion and the rate of pay shall be figured according to Fort Dodge Municipal Code 2.72.060. An involuntary transfer for disciplinary reasons may be subject to a salary reduction.

### **3-3.E. Temporary Assignment to a Higher Grade**

There is from time to time the necessity to assign duties and responsibilities to an employee that are of a higher level of responsibility than associated with the employee's normal classification. For employees covered by a collective bargaining agreement, related language on temporary assignments to a higher grade shall govern. Otherwise, when an employee is assigned a majority of the higher level of duties for a classification in a higher grade for a period of twenty (20) continuous days or more, the employee shall after the 20<sup>th</sup> day receive the higher rate of pay in accordance with the City of Fort Dodge Municipal Code 2.72.060.

- To be eligible for the temporary assignment to a higher grade, the employee must meet the

minimum qualifications to perform the higher level duties.

- Temporary pay rate increases are not provided when given an increased volume of the same or a lower level of work.
- The City does not temporarily reclassify positions.
- Departments may assign lower-level duties to an employee for a temporary period of time. Such assignments will not result in a temporary pay rate decrease.

Employees will be paid the higher rate only for those hours actually worked while performing the duties of the higher level position. Other paid leave hours, holiday and vacation hours shall be paid at the employee's normal classification.

### **3-4. CLASSIFICATION SYSTEM**

It is the City of Fort Dodge's policy to provide a comprehensive classification and compensation system that establishes internally equitable and externally competitive compensation, supports the City's compensation philosophy, and complies with all applicable laws.

The City will comply in good faith with the Wage and Hour provisions of the Fair Labor Standards Act (FLSA).

#### **3-4.A. Position Descriptions**

The Human Resources Department will maintain position description for all City positions. It is the practice of the City of Fort Dodge to provide each employee with a position description, which reflects the duties and requirements of the position that he/she fills. Each description will include the job title, general statement of duties and responsibilities, supervision given or received, description of each general type of function and major responsibilities, and any knowledge, skills, and certification necessary to perform the job. Additional information will be provided on the physical requirements of the job.

Position descriptions for each of the positions within the City's classification plan will be reviewed periodically and updated according to changes in job duties and responsibilities. The position descriptions available on the City's website will serve as the official record as maintained by the Human Resources Department.

#### **3-4.B. Reclassification**

Positions shall be considered for reclassification whenever the duties and responsibilities of existing positions have undergone significant change or when the external market for the position substantially changes.

Compensation, present pay range, or the standing of any incumbent employee shall not be a factor in determining the classification of any position. Consideration shall be given to the general duties, specific tasks, responsibilities, required education, and experience qualifications for such position.

If it is determined through a position evaluation process that the duties and responsibilities of a position have changed in such a manner as to warrant a reclassification, then the employee may receive a pay increase (promotion) or decrease (demotion).

If the position is placed in a higher pay grade, then the individual occupying the current position may be promoted to the new position if he/she is qualified for the reclassified position and has performed satisfactorily in his/her previous position. Compensation will be figured according to the promotional guidelines in the City of Fort Dodge Municipal Code.

In cases where the position is reclassified to a lower level with a lower maximum salary, the employee shall be permitted to continue at his or her present rate of pay but shall not be entitled to a salary increase.

This is in accordance with Fort Dodge Municipal Code 2.72.080.

### **3-5. FAIR LABOR STANDARDS ACT (FLSA) STATUS**

Exempt status is determined based on the provisions of the FLSA.

The Human Resources Department evaluates position guides to determine whether positions meet qualifications for exempt status pursuant to the FLSA. Positions may be evaluated or reevaluated anytime at the request of the employee, the department, or the Human Resources Department.

The Human Resources Department must designate positions as exempt or non-exempt prior to posting the position or placing an employee in the position. Exempt or non-exempt status determinations are documented on the position classification description.

### **3-6. OVERTIME, COMPENSATORY (COMP) TIME, CALL-BACK**

The City recognizes the fact that not all of the duties and responsibilities inherent in some positions can be achieved in an eight (8) hour workday or a forty (40) hour work week and that the nature of some positions requires that additional hours be devoted to those duties to ensure that the citizens of this City receive the quality services that they deserve. In recognition of this fact, employees may be allowed to make work schedule adjustments at a mutually agreeable time and in mutually agreeable block time amounts with the approval of the employee's immediate supervisor.

Employees will be paid in accordance with FLSA regulations regarding overtime payments and comp time off. Provisions of a current collective bargaining agreement relating to overtime, compensatory time and call-back will be adhered to.

#### **3-6.A. Overtime**

- Overtime work must be approved in advance by the employee's department director or supervisor.
- Non-exempt employees will be paid one and one-half times their regular rate of pay for each hour worked in excess of 40 hours during the official workweek.
- "Hours worked" is defined as actual hours worked and includes hours for City-observed holidays for non-public safety employees. Hours worked do not include vacation, sick leave, comp time, or any other type of paid leave.
- The official workweek for all City employees begins at 12:00 A.M. on Sunday morning and ends at 11:59:59 P.M. on Saturday night.
- Fifteen minutes is the minimum amount of time used in computing overtime. For the purpose of computing time worked less than one full hour, minutes will be rounded to the nearest quarter hour.
- Employees whose positions are classified as "exempt" will not be compensated for overtime work.
- A department director or supervisor may require an employee to work overtime as an operational necessity.
- Refusal to work overtime directed by supervisor may be cause for disciplinary action.

#### **3-6.B. Comp Time**

- Any time non-exempt personnel have actually worked in excess of 40 hours during the official workweek will be considered comp time, earned at time and one half, which they are allowed to take off at a later date.

- When an employee is promoted into a position that is classified as “exempt,” all accumulated comp time will be paid in full to the employee prior to promotion. This payment will be made at the regular rate the employee was making just prior to the promotion.
- When an employee transfers into a position that is classified as “seasonal/temporary,” all accumulated comp time will be paid in full to the employee prior to the transfer. This payment will be made at the regular rate the employee was making just prior to the transfer.
- The maximum amount of comp time an employee may accrue is 150 hours. Hours above 150 shall be paid as overtime.
- Carryover of comp time from one fiscal year to the next shall not be allowed. Any unused comp time at the end of the fiscal year shall be paid in full to the employee at the rate in effect on June 30<sup>th</sup>.
- Requests to use comp time off must be made in the same manner as requests for vacation or as permitted by their supervisor or department head.
- Department directors shall grant the use of comp time off when said request will not unduly disrupt operations. Department directors must contact the Director of Human Resources before denying an employee’s use of comp time off.
- For non-exempt employees of the Parks, Recreation and Forestry Department, comp time shall be computed from the twelve (12) month period beginning April 1<sup>st</sup> of each year and continuing until March 31<sup>st</sup> of the following year. Carryover of compensatory time shall not be allowed and any unused balance of compensatory time shall be paid in a lump sum total after March 31<sup>st</sup> at the current rate of pay.
- For non-exempt employees of the Airport, comp time shall be computed from the twelve (12) month period beginning November 1<sup>st</sup> of each year and continuing until October 31<sup>st</sup> of the following year. Carryover of compensatory time shall not be allowed and any unused balance of compensatory time shall be paid in a lump sum total after October 31<sup>st</sup> at the current rate of pay.

### **3-6.C. Call-Back Pay**

The City of Fort Dodge recognizes that, on occasion, emergency situations occur after regular working hours that necessitate call-back of departmental employees. All non-exempt employees of the City are subject to handle situations that occur outside the normal work hours (call-back). Non-union employees who are called back to perform work at the request of their supervisor after their normal scheduled working day shall receive a minimum of two hours overtime at time and one half their normal rate of pay or in the case of compensatory time, at time and one half the number of hours worked. If call-back is on a recognized City holiday the rate of pay shall be double time. Employees can request either to be paid as overtime or to receive compensatory time with the approval of their supervisor.

### **3-6.D. Standby / On-call**

Non-exempt employees who are placed on standby or on-call are required to be ready to immediately respond if, and when, needed. Under these circumstances, a minimum of two hours straight time shall be paid for each day of standby or on-call status.

### **3-7. TIME RECORDS**

It is the policy of the City of Fort Dodge to comply with applicable laws (e.g. the Fair Labor Standards Act (FLSA)) that require records to be maintained of the hours worked by our employees. Per the City’s

Record Retention Manual, the City shall preserve for at least five (5) years payroll support records, which include timesheets and leave reports, from the last date of entry.

Each individual department will report all employee payroll information to the Payroll Technician in accordance with guidelines established by the City. The City may periodically conduct audits of time records to ensure compliance.

Non-exempt employees should ensure that actual hours worked and leave time taken are recorded accurately. The supervisor should be notified if there are any errors on the employee's timesheet. Falsification of a time record is a breach of City policy and is grounds for disciplinary action up to and including termination. At the end of each pay period, all employees must verify the accuracy of the hours reflected on their timesheet by signing/initialing the timesheet. Supervisors or department directors must also attest to the accuracy of the employee's timesheet by signing/initialing the timesheet.

Exempt employees are to work the appropriate number of hours to accomplish their jobs. Timesheets are used only to record exceptions to regular pay (sick leave, vacation, holiday, etc.). However, department directors have the discretion to require that the employee keep a record of actual hours worked, as long as pay is not altered.

### **3-8. PAY ADMINISTRATION**

It is the policy of the City to pay employees on a regular basis by direct deposit and in a manner so that the amount, method, and timing of wage payments comply with applicable laws and regulations. Legally required deductions (Medicare, Income Tax, etc.) will be made from an employee's pay prior to voluntary deductions (United Way, Section 125, etc.). Employee wages will not be advanced.

Wages are paid on a bi-weekly basis (every other Friday) and cover a pay period of two full workweeks. If a scheduled payday falls on an observed holiday, employees will be paid on the day preceding the holiday.

#### **3-8.A. Direct Deposit**

In order to facilitate a more efficient payroll process and reduce administrative concerns, the City requires all new hires to deposit their paychecks through the direct deposit process. Employees can have their paycheck directly deposited into almost any financial institution (banks, credit unions, etc.) anywhere in the United States. Deposits are accomplished through an electronic funds transfer to be available in the employee's designated account(s) on the morning of the normal payday. Direct deposit reduces the issues encountered with lost or stolen paychecks, vacation timing, illness or bank posting delays.

#### **3-8.B. I Contribution Changes** (as amended 6/24/2019 by Resolution 19-06-166)

Employees on the high deductible health insurance plan are eligible to contribute to a health savings account (HSA) and may change their contribution election amount on a quarterly basis. The HSA Employee Contribution Election Form can be accessed on the City's website or picked up in Human Resources. Election forms must be received by 5:00 p.m. on the last Monday of the month in March, June and September. Contribution changes will take effect with the next payroll.

#### **3-8.C. Check-off for Credit Union, United Way Contributions, Etc.**

Permanent employees may be allowed to authorize the deductions from their checks by the City Clerk's Department contributions to a financial institution for direct deposit of paychecks, Life, Voluntary Group Term Life and AD&D, Vision, deferred compensation, and contributions to the United Way of Fort Dodge upon the presentation of signed authorization forms for said deductions to the City's Human Resources Department. Effective July 1, 2022, for months with three pay periods, the third (last) pay period shall be exempt from such deductions, except for those plans with coverage on which premiums

are based on a bi-weekly basis. The City shall within ten (10) days after the deduction, as hereto set forth, transmit to the appropriate entities the total of such amount deducted from said employee's paycheck, with an itemized list of the name of the participating employee and the amount of money deducted from said employee's paycheck. At the time of such transmission, the City of Fort Dodge shall be absolved and discharged from any further liability and responsibility. In the event that this procedure is declared illegal or in the event that the form used for the checkoff is declared illegal, then the City shall be under no liability or responsibility to checkoff for these contributions.

### **3-8.D. Wage Garnishments**

The City expects all employees to meet their financial obligations. Wage garnishments against an employee's salary cause extra work, time, and expense for the City. The City encourages employees effectively manage their finances to prevent wage garnishments.

### **3-9. WAGE PAYMENT COMPLAINT**

It is the policy of the City to comply with all applicable laws with respect to payment of wages and benefits to employees including laws such as the federal Fair Labor Standards Act and the Iowa Wage Payment Collection Act. The City will not make pay deductions that violate either the federal or state laws.

Any employee who believes that the City has made an inappropriate deduction or has failed to make proper payment regarding wages or benefits is encouraged to immediately consult with the appropriate supervisor. Alternatively, any employee may file a formal written complaint with the Finance Director. Within fifteen (15) business days of receiving the complaint, the Finance Director will make a determination as to whether the pay deductions were appropriate and provide the employee with a written response that may include reimbursement for any pay deductions that were not appropriately made.

This complaint procedure is available in addition to any other complaint process which also may be available to employees.

If, for some reason, an overpayment of wages occurs, employees will be given the option of paying back the amount overpaid in a lump sum, or, they may elect to pay the overpayment back over a series of payrolls.

## **SECTION 4: PERFORMANCE MANAGEMENT**

### **4-1. GENERAL GUIDELINES**

City of Fort Dodge employees continuously improve public services through regular and consistent performance management. Supervisors and employees are expected to discuss job performance and goals on both a formal and informal basis. In addition to regular on-the-job feedback, the City has established a formal performance planning process, which identifies goals for the upcoming year, and a performance evaluation process to review progress toward such stated goals.

### **4-2. OBJECTIVES**

The objectives of the performance evaluation system are to:

- Provide a fair and objective means for measuring an employee's performance in accordance with set guidelines
- Initiate and maintain a flow of valuable communication between employee and supervisor.
- Identify employee strengths and developmental needs.
- Provide background needed in order to devise goals for improving employee performance.

- Provide information to be used to develop employees for more responsible, higher level positions.
- Identify areas of performance where the employee needs training.
- Provide information to be used as a factor in future personnel actions (i.e. completion of probationary period, potential promotions, transfers, disciplinary action, and termination).

#### **4-3. PERFORMANCE MANAGEMENT PROCESS**

The performance management process for each employee will be conducted by his/her respective supervisor. The supervisor will be responsible for both formal and informal performance-based feedback.

##### **4-3.A. Supervisory Feedback**

Supervisors should provide their employees with regular on-the-job feedback to allow employees to better gauge their job performance throughout the year. In addition to understanding the technical skills needed in their work units, supervisors should be able to lead and motivate their employees to do their best work. A portion of supervisory responsibilities, which specifically addresses employee performance management, includes:

- Give recognition for good performance, and provide guidance when improvement is needed.
- Recommend employees with growth potential for other opportunities within the City.
- Explain the reasons for decisions to employees.
- Set work goals and standards for employees.
- Ensure City goals for employee conduct and performance are achieved, and policies and procedures are implemented.
- Keep employees informed about their work assignments, work progress, and opportunities for advancement.
- Evaluate the performance of employees.
- Recommend salary adjustments, promotions, transfers, demotions, and terminations of employment.
- Identify and suggest performance improvement plans for disciplinary review procedures.

##### **4-3.B. Performance Evaluations**

Performance evaluations serve as the formal performance feedback provided to employees on an annual basis, near the employee's anniversary date. The evaluation is intended to provide feedback on work related duties performed throughout the course of the entire year. Performance evaluations are signed by both the employee and the supervisor. Signed copies should be made available to the employee, the supervisor, and the Human Resources Department.

#### **4-4. PERFORMANCE RECOGNITION**

It is the City of Fort Dodge's policy to recognize and reward outstanding performance that is above and beyond expectations. The City may provide discretionary rewards for exceptional performance related to LEAN process improvements, customer survey results, making a difference thru innovation, safety, character, and customer service. Possible individual rewards include thank-you notes, gift cards, and paid time off.



## **SECTION 5: DISCIPLINARY ACTIONS**

### **5-1. OBJECTIVES**

Discipline is used when an employee:

- Has engaged in misconduct.
- Has failed to meet or adhere to expected and/or established City standards and code of conduct.
- Has violated a City policy, rule, or regulation.

Discipline is meant to be corrective and educational, as well as to provide an opportunity for success.

Effective discipline may be progressive, however the degree of discipline will be based upon the seriousness of the violation. Discipline will address the employee's unacceptable performance and/or behavior - not the employee. After consulting with the Director of Human Resources, the department director has discretion to determine whether progressive discipline is warranted or can be bypassed in severity.

Discipline is meant to educate the employee in order to achieve the City's goals and maintain the integrity and standards of the organization.

### **5-2. REASONS FOR DISCIPLINARY ACTION**

The following circumstances will be a reason for disciplinary action. This list is by way of example and is not intended to be exhaustive. An employee's pay may be affected depending upon the nature of the unsatisfactory performance and/or behavior (i.e. suspension or demotion).

- Any violation of the City's policy regarding use of alcohol and drugs.
- Admission or findings of guilt of a crime when the criminal act either:
  - Affects the employee's ability to perform the duties of his/her position or is related to the duties and responsibilities of the position.
  - Is deemed to be of sufficient quality, quantity, or nature that the department director, after consulting with the Director of Human Resources, deems disciplinary action is warranted.
- A plea of nolo contendere or plea in abatement, diversion, or any other agreement or matter wherein the employee admits guilt but defers criminal adjudication/recognition of the offense and whereupon the matter is dismissed upon the completion of certain conditions, shall be considered a conviction under the terms of this policy.
- Use of abusive or improper treatment, provided the act was not done in self-defense or to protect the safety of others.
- Offensive conduct, language, or harassment towards the public, City officers, or other employees in any manner, including through social media, pursuant to the City of Fort Dodge's Social Media Guidelines
- Bringing inappropriate content of a sexually explicit nature into the workplace, not related to job responsibilities, which includes, but is not limited to: magazines, posters, written communication, electronic files, and displaying, transmitting and/or downloading sexually explicit images on City property from the internet, social media, personal e-mail and/or data storage accounts or any other electronic means.
- Insubordination.

- Failure to properly care for or protect City property.
- Violation of any reasonable and lawful directive given by a supervisor.
- Inappropriate behavior unbecoming the position held, including any act or omission which could tend to disrupt the economical or efficient conduct of City business.
- Violation of any City ordinances, policies, rules, or regulations (including department rules and regulations).
- Any attempt to induce any officer or employee of the City to commit an illegal act, to act in violation of any City ordinance or administrative regulation, or to violate the policies contained in this handbook.
- Solicitation or acceptance from any person of any fee, gift, or other valuable thing that is given in the hope or expectation of receiving a favor or better treatment than is afforded any other person.
- Use or attempted use of political influence or bribery to secure an advantage in an employment decision.
- Absence from duty without leave, contrary to City rules, or failure to report after an authorized leave of absence has expired or after such leave of absence has been disapproved or revoked.
- Excessive absences or inappropriate use of any approved leave.
- Engaging in activities which disrupt or which are intended to hinder or interfere with the efficient work activities of any City function, including a concerted action with others not to report for duty or not to work at usual capabilities in the performance of normal duties.
- Theft of City or another employee's property or misuse of City property.
- Violation of the City's code of conduct or the Iowa Oath of Office.
- Bullying which could take one or more of the following forms: verbal abuse, threatening, humiliating or offensive behavior/actions, work interference – sabotage – which prevents work from being completed.
- Failure to perform assigned duties, neglect of duty, incompetence, inefficiency, or unsatisfactory performance.
- Frequent tardiness.
- Disruptive or uncooperative attitude detrimental to the efficient operation of or best interests of the City.
- Providing false, incomplete, or misleading information during an investigation.

### **5-3. FORMS OF DISCIPLINARY ACTION**

#### **5-3.A. Warning**

A warning is a notice to an employee either verbally or written that there has been a violation of a City policy or unsatisfactory performance.

- Verbal Warning: usually given for minor violations.
- Written Warning: usually given in situations where a verbal warning is not enough or where a verbal warning has not proven corrective. A written warning will be signed by both the employee and the supervisor, and a copy will be forwarded to the Human Resources

Department for inclusion in the employee's personnel file. The employee's signature does not indicate agreement with the charges. The employee may file a letter of response to the warning, which will be attached to the warning in the personnel file. When no improved performance or behavior occurs, the offense persists or reoccurs, or other types of problems occur, further disciplinary action may be taken.

### **5-3.B. Disciplinary Leave (Suspension)**

Time off without pay may be required due to a violation of any City policy or inappropriate behavior in the course of an employee's duties.

A supervisor has the discretion to determine the length and dates of the leave based upon the nature of the violation and any other departmental factors to be considered. Disciplinary leave will not exceed 30 days unless approved by the City Manager or designee.

Notification of a disciplinary leave will be in writing and will include the reason(s) for the disciplinary leave, when the disciplinary leave will take place, and any other terms the employee must meet before returning to work. This notification will be placed in the employee's personnel file and will remain indefinitely, unless language in a collective bargaining agreement specifies otherwise.

An employee may be suspended with or without pay in the event he/she is arrested for any felony or misdemeanor charges involving dishonesty, false statements, or violence and is either imprisoned pending trial or released on bail/bond pending trial. This disciplinary leave may be in effect until a judgment is rendered by the court. Or it may be in effect until an agreement is reached with the prosecuting attorney to divert or otherwise not continue with the trial through adjudication wherein the employee admits to the essential facts of the charge, but the prosecuting attorney agrees not to pursue for a specified period of time. The determination as to the status of an employee's pay will be based upon individual circumstances.

### **5-3.C. Demotion**

A demotion is movement from one job to another job with a lower pay range due to an employee's inability to satisfactorily perform the essential functions of the job or for disciplinary reasons.

- Involuntary Demotion: No demotion shall be made as a disciplinary action unless the employee to be demoted is able to perform all of the essential functions of the position in the lower class. Notification of an involuntary demotion will be in writing and will include the reason(s) for the demotion, when the demotion will take place, and any other terms the employee must meet. This notification will be placed in the employee's personnel file and will not be removed. This notification will be made at least fifteen (15) calendar days before the demotion takes effect.

### **5-3.D. Involuntary Separation (Termination)**

An involuntary separation is initiated by the employee's supervisor and involves the employee being relieved permanently of his/her responsibilities and duties. The employee is required to leave the worksite. The appropriate department director should implement procedures to ensure that he or she has thoroughly reviewed and documented the sequence of the events leading to the separation decision.

### **5-3.E. Administrative Leave of Absence**

An employee may be placed on an administrative leave of absence in situations where the City believes that the employee's absence from work would be in the best interests of the City. Administrative leave is non-disciplinary in nature. Except in extraordinary circumstances, administrative leave shall be paid leave. The Department Head will consult with Human Resources prior to placing the employee on leave.

An employee on administrative leave must provide a telephone number where he/she can be reached (or where a message can be left) and be available to return to work within a reasonable amount of time, unless the administrative leave is for a designated period of time.

Department directors will notify any employee placed on administrative leave of the reason for the leave and whether such leave will be paid or unpaid. Administrative leave exceeding 30 days must be approved by the City Manager or designee.

If an employee has been placed on administrative leave pending the results of an internal investigation, then upon completion of the investigation the department director or the Director of Human Resources will discontinue any administrative leave and direct the employee to return to work or, if warranted, initiate disciplinary action.

#### **5-4. APPEALS AND INVESTIGATIONS**

Eligible employees have the right to appeal unpaid suspension, involuntary demotions, and separations. The proper procedure for an appeal is detailed in Section 6 of this handbook.

## **SECTION 6: APPEALS, DISPUTE RESOLUTION AND INVESTIGATIONS**

### **6-1. PURPOSE**

The purpose of this procedure is to secure resolution of an appeal or a dispute at the lowest administrative level possible.

### **6-2. GENERAL PROVISIONS**

#### **6-2.A. Definitions**

- An appeal is a request for review of a disputed disciplinary action, including termination, involuntary demotion, or disciplinary leave.
- Dispute resolution is a process for reviewing concerns regarding the application of City policies, procedures, rules, regulations, and guidelines.

The dispute resolution procedure shall not be used for disputes regarding the substance of City policies, procedures, rules, regulations, guidelines, compensation issues (except for non-payment of wages or civil rights violations), overtime issues (except for non-payment of overtime), comp time (except for failure to properly credit comp time), exempt status, work assignments, work schedules, position guides, performance evaluations, employee classification, employment categories, written warnings and work plans.

- For the purpose of this section only, “probationary” employees do not include employees who have previously attained regular status and are on probationary status as a result of a position change.
- The term “working day(s)” shall not include any holidays or weekends.

#### **6-2.B. Application and Utilization**

These procedures shall apply to regular full-time and regular part-time employees, except for department directors, probationary employees, temporary employees, and seasonal employees; however, civil rights shall apply to all employees.

No employee shall utilize this procedure to dispute Council policies and ordinances, federal or state statutes (except in the instances of civil rights violations), or matters where the employee has no direct interest.

### **6-2.C. Time Limits**

Time limits specified in this procedure may be changed by mutual agreement of the parties involved in appeals and dispute resolution. If the time limits are changed by mutual agreement, the parties shall immediately inform the Director of Human Resources of the change. In the event of an approved absence of the employee or the appropriate supervisor or administrator, time limits shall be temporarily suspended.

### **6-2.D. Hearings and Witnesses**

Any hearing held pursuant to this procedure shall be conducted at a time and place which will afford a fair and reasonable opportunity for all persons entitled to be present to attend, including witnesses. Directors, managers, and supervisors shall make available for examination and cross-examination to the fullest extent possible any witnesses who are under their control.

### **6-2.E. Confidentiality and Rights**

Details of any proceedings held pursuant to this policy shall be kept as confidential as practicable taking into account all due considerations and the facts of the dispute.

An employee shall not be interfered with, restrained, discriminated against, or subject to any retaliation as the result of the presentation of an appeal or for participating in the dispute resolution process.

An employee who alleges violation of his or her civil rights shall pursue investigation of such allegations through the City's EEO Complaint Procedures. The appeal/dispute resolution processes shall not be used for alleged civil rights violations.

At no time shall an employee take an appeal or dispute subject to this policy directly to the City Council.

Any disciplinary action occurring due to the failure of the employee to adhere to this policy must be approved by the Director of Human Resources before issuance.

### **6-2.F. Interpretation**

Interpretations regarding this policy shall be the responsibility of the Director of Human Resources.

## **6-3. DISPUTE RESOLUTION PROCEDURE**

An employee or group of employees who feel they have not been fairly treated in keeping with the policies of the City should first discuss the problem with their immediate supervisor. If the problem is not settled to the employee's satisfaction, the following procedures should be followed, unless otherwise specified in a collective bargaining agreement:

**Step 1:** The employee shall, within five (5) working days of the date of the event giving rise to the dispute, or of the date of the employee learning of the event, present a written request to the department director which includes the following information (a Dispute Resolution Request form is available on the website):

- 1) Employee's name.
- 2) Department/Division where the employee works.
- 3) Date of Request
- 4) Policy, procedure, rule or guideline alleged to have been violated or misinterpreted.
- 5) Date of alleged violation.
- 6) Brief statement summarizing the facts and nature of the dispute.
- 7) Relief or remedy requested by the employee.

- 8) List of parties with information or knowledge about the dispute.
- 9) Signature of Employee.
- 10) Date signed.

**Mediation:** The department director shall inform the parties that mediation is available to the parties involved in the dispute and refer the parties to the Director of Human Resources.

The Director of Human Resources shall provide mediation information to the parties.

- a. If all parties agree to proceed with mediation, they shall inform the HR Director in writing. An email from both parties stating they are willing to attempt mediation is sufficient written notice.
- b. The HR Director will schedule a date for mediation within five (5) working days from the date the written mediation request is received from both parties.
- c. If mediation is successful, both parties shall sign a resolution stating the terms of agreement.
- d. If the parties elect mediation but it is terminated without reaching a mutual agreement, or if the parties do not elect to proceed with mediation, then the Human Resources Director will notify the department director in writing within one (1) business day.

If mediation is not agreed upon by the parties or mediation is attempted but resolution efforts have failed, then the department director shall reply in writing to the employee. The response shall be within five (5) working days of receipt of the grievance or within five (5) working days of the date of unsuccessful mediation. The department director's response shall inform the employee of the decision. All written responses by the City shall be signed and dated by the appropriate City representative. If the employee believes that the department director is directly responsible for the event giving rise to the grievance, the employee may proceed directly to Step 2.

**Step 2:** In the event that the department director's decision is not satisfactory to the employee, the employee, within five (5) working days, may present the written request to the City Manager, City Manager's designee or Board/Commission, whichever is applicable. The City Manager, City Manager's designee, or Board/Commission shall within five (5) working days of receipt of the request, arrange to meet with the employee, the department director, and witnesses called by either party. The City Manager or Board/Commission shall hold an informal hearing and shall issue a written decision within five (5) working days of the close of the hearing. The decision of the City Manager or Board/Commission shall be final and binding.

In the event the employee holds a Civil Service position, Chapter 400, Code of Iowa, will supersede this procedure. In the event action involves termination of an employee, Chapters 372.15 or 400, Code of Iowa, will supersede this procedure.

**Time Limitations:** The time limitations set forth in this policy are the essence of this policy. The City shall accept no written Dispute Resolution Request unless it is submitted within the time limits set forth in this policy. If the request is not timely submitted at Step 1 and Step 2, it shall be deemed invalid. If the City fails to answer within the time limits set forth in this policy, the request shall automatically proceed to the next step. The decision of the City Manager, City Manager's Designee, or Board/Commission is final and not subject to further appeal.

#### **6-4. REBUTTALS TO WRITTEN WARNINGS**

All written warnings will be final upon issuance and are not subject to employee appeal, unless otherwise allowed under Civil Service laws, per Chapter 400 of the Code of Iowa, or a collective bargaining

agreement. However, if an employee disagrees with a written warning, he or she may write a rebuttal to the content of the warning. The rebuttal will be attached to the warning and placed in the employee's personnel file.

#### **6-5. APPEALS OF OTHER DISCIPLINARY ACTIONS FOR NON-CIVIL SERVICE POSITIONS**

- 1) The employee may file an appeal with the Human Resources Department within five (5) working days of the disciplinary action being issued by the department director.
- 2) The Human Resources Department shall immediately forward the written appeal document to the City Manager.
- 3) The City Manager, or his/her designee, shall schedule a hearing. The hearing should be held no later than ten (10) working days from the date the appeal was filed with the Human Resources Department.
  - a. The hearing procedures are as follows:
    - i. The City Manager or his/her designee shall serve as a hearing officer for the purpose of hearing appeals of any employee termination, involuntary demotion, disciplinary probation, or suspension.
    - ii. The disciplinary action taken by the department shall not be suspended pending the appeal process.
    - iii. "Working days" are defined as all days other than weekends and holidays.
    - iv. A hearing shall commence within ten working days of the date the appeal was filed.
    - v. The hearing may be continued as the hearing officer deems necessary. Once the hearing is concluded, the hearing officer shall have ten (10) working days to issue his/her decision.
    - vi. The employee and the department director shall have a sufficient opportunity to present evidence, witnesses, and testimonies at the hearing.
    - vii. The hearing shall be audio-recorded.
    - viii. The hearing officer shall have the right to conduct his/her own investigation regarding the matter.
    - ix. The hearing officer may request production of records and reports, City employees, or any other information deemed appropriate.
    - x. Witnesses shall keep confidential all information obtained through the hearing process.
    - xi. No legal representation of any party may be present during this hearing process.
    - xii. The hearing officer may establish any other hearing procedures he/she deems appropriate.
    - xiii. The hearing officer shall have the sole authority to determine whether or not evidence is irrelevant and may exclude evidence determined as such.
- 4) After hearing the appeal, the City Manager, or his/her designee, shall prepare a brief written finding of facts and issue a written decision within ten (10) working days.
- 5) Such decision shall be sent to the Director of Human Resources, who will then forward the decision to the employee and the department director.
- 6) The department director may forward the decision to any other appropriate supervisor(s) or manager(s) directly involved with the disciplinary action.

## **SECTION 7: HOLIDAYS, VACATION, AND LEAVES OF ABSENCE**

### **7-1. HOLIDAYS**

The City is committed to providing paid time off to employees to reward them for their hard work and to encourage them to spend time away from the demands of their jobs. The City is concerned with the whole person and encourages time with family and friends on a regular basis. The following sections detail the holiday time off available for employees, unless otherwise specified in a collective bargaining agreement.

#### **7-1.A. List of Holidays**

The City of Fort Dodge will grant regular employees eight and a half (8.5) paid holidays per year at the rate of pay in effect at the time the employee takes the holiday. The recognized holidays are listed below:

- New Year's Day
- Presidents' Day
- Memorial Day
- Independence Day
- Labor Day
- Veterans' Day
- Thanksgiving Day
- Christmas Eve 1/2 Day
- Christmas Day

In addition, two and a half (2.5) personal holidays will be granted to regular employees per year at the rate of pay in effect at the time the employee takes the holiday. Personal holiday time may be taken at the employee's discretion with the approval of the immediate supervisor. Personal Holiday hours not used by the end of the calendar year will not roll over to the following year; those hours will be eliminated.

#### **7-1.B. Definition**

The City of Fort Dodge will grant paid holiday time off to all eligible employees immediately upon assignment to an eligible employment classification.

Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day (up to a maximum of eight hours for full-time employees). Employees will not receive overtime on the holiday pay hours.

A recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday. For departments that operate on a work schedule other than Monday thru Friday, they shall observe the holiday which falls on the first non-scheduled work day on the last scheduled work day prior to the holiday or if the holiday occurs on the last non-scheduled work day, the holiday shall be observed on the first scheduled workday after the holiday.

Personal Holidays shall be taken at the employee's discretion with approval of the immediate supervisor or department director. There will be no yearly accumulation of Personal Holidays.

Individuals who are assigned to shift operations shall select eleven (11) shift days during the year for the purpose of observing holidays. These holidays must be scheduled at least forty-eight (48) hours in advance and approved by the immediate supervisor or department director. If an observed holiday is canceled or diminished the employee may be paid at their regular rate of pay or allowed to reschedule the holiday hours affected on a different date.



### **7-1.C. Holiday Pay Eligibility**

In order to receive pay for an observed holiday, an employee must not have been absent without paid leave for any hour(s) either on the workday preceding or following the holiday.

Regular part-time employees shall receive holiday leave with pay when the holiday falls on a regular scheduled work day equal to the number of hours they normally and regularly work.

### **7-1.D. Paid Absence on a Holiday**

If a recognized holiday falls during an eligible employee's paid absence (e.g., sick leave), holiday pay will be provided instead of the paid time off benefit that would otherwise have been applied.

### **7-1.E. Work During a Holiday**

Unless otherwise specified in a collective bargaining agreement, non-exempt full-time employees who are required to work on a City-observed recognized holiday will be paid double-time for all hours actually worked, in addition to up to eight hours of holiday pay.

When the actual holiday and the City-observed holiday are on a full-time employee's regularly scheduled day off, the employee will be granted a day off in lieu of the holiday to be taken during that calendar year.

### **7-1.F. Veterans Day**

City of Fort Dodge employees who are Veterans shall be provided with time off for the Veteran's Day holiday, November 11th, if the employee would otherwise be required to work on that day. Employees who qualify shall provide the department director with at least one (1) month's prior written notice of the employee's intent to take time off for Veteran's Day and shall also provide a federal certificate of release or discharge from active duty (i.e. DD Form 214), or similar federal document, for the purpose of determining the employee's eligibility for this benefit. The department director shall, at least ten (10) days prior to Veterans Day, notify the employee if the employee shall be provided unpaid time off on Veterans Day. Employees may use their own paid time off, if available, for that day. If the department director determines that time off is unable to be provided for Veterans Day to employees who request such time off, the department director shall deny time off to the minimum number of employees needed by the department to protect public health and safety or to maintain minimum operational capacity, as applicable.

## **7-2. EARNING PERSONAL HOLIDAY TIME FOR VOLUNTEERING**

As an incentive to promote civic engagement personal holiday time may be provided to employees who volunteer for community service. The City of Fort Dodge recognizes the value of work that volunteers perform out of the goodness of their hearts for the betterment of the community. For the purposes of this policy, volunteering involves providing services outside of those normally performed in the course of an employee's regular job. Evidence of time spent volunteering for an acceptable activity shall be submitted in writing (e.g., Volunteer Work Verification form) to a supervisor or directly to Human Resources. Management will verify the volunteer time by contacting the third party prior to crediting any volunteer personal holiday hours. Once the volunteer time has been verified, employees shall be provided matching personal holiday time off, equivalent to the time spent volunteering, to use in the following calendar year. Employees may earn up to a maximum of two (2) workdays per calendar year, no more than sixteen (16) hours for full-time employees. The number of personal holiday hours a part-time regular employee may earn will be based on the number of hours they're normally and regularly scheduled to work on a daily basis, earning no more than two (2) days per year.

When an employee feels obligated to volunteer during regular work hours, the employee shall request time off through his or her supervisor at least two (2) days in advance. If business operations allow, the employee may be allowed time off and must use personal time (i.e., vacation, personal holiday, or comp) for the hours away from work.

Volunteer personal holiday time earned shall be used by the end of the calendar year following the volunteer service, with supervisor approval. For example, an employee who submits proof of that they've volunteered a total of eight (8) hours in the 2022 calendar year will receive an equivalent amount of eight (8) hours of personal holiday time, credited at the beginning of January 2023, to use by December 31<sup>st</sup>, 2023. All unused personal holiday hours at the end of the calendar year will be eliminated.

### **7-3. VACATION**

The City of Fort Dodge values a work/life balance among its employees and believes that the use of vacation time helps employees to refresh themselves and come back to work with increased focus and energy.

Vacation time off with pay is available to eligible, regular employees to provide opportunities for rest, relaxation, and personal pursuits. Employees are encouraged to use their full allotment of vacation paid time off each year. Seasonal and temporary employees do not receive the vacation benefits outlined in this section.

Regular part-time employees will accrue vacation time the same as full-time employees, prorated to the number of normally scheduled hours worked and on paid leave.

The amount of paid vacation time employees receive is based on actual hours paid in the pay period up to 80 hours maximum and increases with the length of their employment, as shown in the following schedule (unless otherwise specified in a collective bargaining agreement):

#### **Vacation Earning Schedule**

<b>During Year</b>	<b>Earned Per Pay Period</b>	<b>Per Year</b>	<b>Maximum Accrual for Full-time EEs</b>
1 <sup>st</sup> thru 3 <sup>rd</sup>	.03846 per hour paid	10 days (2 weeks)	160 hours (20 days)
4 <sup>th</sup> thru 6 <sup>th</sup>	.05769 per hour paid	15 days (3 weeks)	200 hours (25 days)
7 <sup>th</sup> thru 10 <sup>th</sup>	.07692 per hour paid	20 days (4 weeks)	240 hours (30 days)
11 <sup>th</sup> +	.09615 per hour paid	25 days (5 weeks)	280 hours (35 days)

If during recruitment and hiring efforts the hiring authority or department director has consulted with the Human Resources Director regarding the amount of vacation to grant a new hire, and a determination is made to grant the new (non-union) employee years of service credit above the initial hire date, then that employee shall accrue vacation at the higher rate. The years of service credit shall be noted on the initial personnel action form so future accrual rate changes can be implemented accordingly thru payroll.

Before a new employee can use vacation time, a waiting period of 180 calendar days (six months) must be completed, unless there's a planned vacation that the department director is informed of upon hire and that time off has been approved. After that time, employees can request the use of earned vacation time. Employees must follow any departmental rules and schedules concerning the use and availability of vacation time.

To take vacation leave, employees should request approval from their supervisor at least two days, or forty-eight (48) hours, in advance of the intended leave, if at all possible. Requests will be reviewed based on a number of factors, including business needs, staffing requirements, and department rules.

Vacation time off is paid at the employee's regular base pay rate at the time of vacation. The maximum amount of vacation a non-union employee may have at any given time is the amount they are entitled to based years of service, per the above schedule, plus an additional two weeks (for full-time employees this would be 80 hours). In accordance with Section 2-38, upon separation from employment employees who have completed at least six months of employment and have provided two (2) weeks' notice will be paid for all accrued unused vacation time.

Personnel promoted from classifications covered by a collective bargaining agreement shall retain and be allowed to carryover their total accrued vacation balance as of the date of their promotion. For employees working on a shift basis whose scheduled vacations are canceled or diminished due to operational needs, employees may be paid at their regular rate of pay or, with management approval, allowed to reschedule those vacation hours to a different date, unless otherwise specified in a collective bargaining agreement.

Employees should be at work on their last day of employment and not use vacation pay to extend their last day of work. The only exceptions are for retirees and employees resigning in lieu of involuntary termination.

## **7-4. LEAVES OF ABSENCE**

### **7-4.A. Sick Leave (Short Term, Temporary)**

The City of Fort Dodge provides paid sick leave benefits to all eligible employees for periods of temporary absence due to illnesses or injuries. If an injury or illness is long-term, permanent, or may be permanent or long-term, please refer to the FMLA policy, Section 7-4. J., and contact the Human Resources Department to discuss potential disability benefits. Sick leave is not intended to extend the twelve (12) week limit under the FMLA.

Eligible non-union employees will accrue sick leave benefits at the rate of eighteen (18) days per year (credited at .0692 per hour paid per pay period). Employees may use sick leave benefits for an absence due to their own illness or injury. Accumulated sick leave shall not exceed two hundred days (1600 hours). Part-time regular employees who are not temporary or seasonal shall earn sick on a pro-rata basis.

#### **1) Notification Procedures & Use of Sick Leave**

Employees who are unable to report to work due to illness or injury should provide proper notification to their direct supervisor *at least* thirty (30) minutes prior to the scheduled start of their workday, per the 2-13. Attendance, Absences, and Occurrences policy, 2-13.

The direct supervisor also must be contacted on each additional day of absence unless the employee is out on approved FMLA leave.

All directors, managers, and supervisors must notify the Human Resources Department of any illness, condition, or absence exceeding three (3) consecutive days and for all absences due to an intermittent or serious recurring condition for FLMA purposes.

Sick leave benefits will be calculated and paid based on the employee's regular base pay rate at the time of absence.

Sick leave benefits are intended solely to provide income protection in the event of illness or injury and may not be used for any other reason for absence. Unused sick leave benefits will not be paid to employees while they are employed or upon termination of employment unless the employee retires in accordance with Section 8 of this handbook or as specified in a current collective bargaining agreement.

#### **2) Returning to Work After an Illness**

- a. All employees are expected to self-monitor for symptoms prior to coming to work and entering a City building. Employees who are healthy but show symptoms of a cough and/or sneeze *without a fever* are expected to report to work, however the employee should wear a face mask or cloth face covering when working within six (6) feet of others, self-monitor and check their temperature twice a day to make sure they have no fever. The employee must also adhere to proper social distancing practices, staying at least six (6) feet away from others. If the employee develops a fever and/or other flu-like/respiratory symptom(s), including but not limited to those on the list below, they will be required to go home.

- b. In an effort to minimize person-to-person contact, employees must call their supervisor to report any illness. For the purpose of this policy, an illness is defined as an abnormal medical state which includes, but is not limited to, any flu-like/respiratory symptoms (see the list below for examples of symptoms).
  - i. ***If you've been diagnosed with a contagious illness by a medical professional, inform Human Resources or your department head immediately so appropriate actions can be taken for the health and safety of other employees. Personal medical information will be kept confidential and will not be disclosed to others.***
- c. **DO NOT ENTER A CITY OF FORT DODGE FACILITY IF:**
  - i. You are experiencing any of the following flu-like/respiratory symptoms:
    - o Fever of 100 degrees or more Fahrenheit
    - o Chills
    - o Sore throat
    - o Chronic Coughing and/or Sneezing
    - o Shortness of Breath
    - o Fatigue
    - o Muscle or body aches
    - o Headache
    - o New loss of taste or smell
    - o Nausea or vomiting
    - o Diarrhea
    - o Any other flu-like symptom.
  - ii. A medical professional suspects you may have a contagious illness, based on your symptoms, has ordered you to be tested and remain away from others until the results are known.
  - iii. A public health professional or family physician determines you have had a direct high-risk exposure through the contact tracing process, and you must self-isolate for a designated period of time from the last known date of exposure.
- d. **If you have been out for illness, you may not return to work until the following have been met:**
  - i. At least five (5) days have passed since symptoms first appeared, *AND*
  - ii. Fever free for at least twenty-four (24) hours without the use of any fever-reducing or symptom-altering medicines (e.g., cough suppressants or fever reducing medications), *AND*
  - iii. Other symptoms have improved (e.g., cough or shortness of breath have improved), *AND*
  - iv. A mask is worn when around others for an additional five (5) days, *OR*
  - v. **A PHYSICIAN HAS PROVIDED A NOTE WHICH STATES WHEN YOU MAY RETURN AND ANY ADDITIONAL MEASURES REQUIRED.**

### 3) **Workplace Expectations for City Employees**

- a. Employees are expected to take reasonable, precautionary measures for their health and safety as well as others. Employees are encouraged to follow their health care provider's guidance regarding vaccinations and other wellness measures.
- b. Employees are expected to be truthful when asked about vaccination status and may be required to show proof. If an employee is not honest with management/HR, disciplinary action may occur. Employers have a legal right to know this information, per OSHA rules, because it's related to workplace health and safety.

- c. Department heads may establish specific rules based on operations in their department to reduce the spread of germs for employees as well as the public.
- d. Employees are expected to use caution throughout the course of their personal daily activities as well as work duties to reduce the risk of contracting and transmitting contagious diseases, such as COVID-19.
- e. Employees are not expected to share personal medical information with their coworkers. That information should be kept private. Please respect others' privacy.
- f. Cross-training of employees will occur to ensure continued business operations when someone is out ill. Standard work documents (SOPs) will be updated regularly.

#### **7-4.B. Short Term Disability Benefits**

The City shall provide employees working in a department head level classification (i.e., department directors and chiefs) with short term disability insurance at the rate of sixty percent (60%) of the employee's monthly wage as of the start of each fiscal year up to a maximum monthly benefit of \$5000. Upon fifteen (15) consecutive days of absence for illness or injury which is not work related, employees shall be eligible for this benefit. However, all other types of paid leave benefits must be exhausted prior to payment. Benefits shall be paid to a maximum time of six months from the date of original illness or injury.

#### **7-4.C. Health Related Leave for Immediate Family Members**

Unless otherwise specified in a collective bargaining agreement, an employee who is compelled to be absent from work to care for an immediate family member (i.e. spouse, parent, child, sibling, or any legal dependent) due to an illness, injury or other debilitating medical condition the employee may be allowed up to five (5) days off per calendar year without loss of pay. If, during the calendar year, additional time off is needed to care for the immediate family member due to a serious health condition as defined under the FMLA, non-union employees with no available comp time on the books may convert sick leave days on a two (2) sick for one family medical day basis. The maximum sick leave conversion is ten (10) days to five (5) family medical days.

The City shall comply with the provisions of The Family and Medical Leave Act and the City's FMLA policy. Absences of greater than three (3) consecutive days to care for an immediate family member with a serious health condition or continued re-occurring absences shall be considered for FMLA qualified status. *See section 7-4.J.*

#### **7-4.D. Bereavement Leave**

If an employee wishes to take time off due to the death of a family member, then the employee should notify his or her supervisor immediately. Up to five (5) days of paid bereavement leave will be provided to eligible employees for the death of someone in their immediate family. Immediate family shall be defined as the employee's spouse, parent, child, sibling, or any legal dependent residing in the home of the employee. Up to three (3) days will be provided due to the death of the employee's extended family members to include:

- Grandparent
- Grandchild
- Step parent
- Step child
- Mother-in-law and father-in-law
- Brother-in-law and sister-in-law
- Son-in-law and daughter-in-law

Bereavement pay is calculated based on the base pay rate at the time of absence and will not include any special forms of compensation, such as shift differentials. Regular part-time employees will receive bereavement pay on a pro-rated basis. Approval of bereavement leave will occur in the absence of unusual job demands or operating requirements.

When an employee is called upon to act in an official capacity in a funeral (e.g., pallbearer), that employee may be allowed up to four (4) hours of time off without loss of pay upon presentation of the funeral program bulletin.

An employee may, use other available paid leave (i.e. vacation, personal holiday, or comp time) with the supervisor's approval if additional time off as necessary. For employees covered under a collective bargaining agreement, those bereavement related provisions shall be applied.

#### **7-4.E. Jury Duty**

The City of Fort Dodge encourages employees to fulfill their civic responsibilities by serving as a juror, when required, for the Federal Government, the State of Iowa, or a political subdivision thereof. Employees who must be absent from work for the abovementioned duties shall be paid for such time. Jury duty pay shall be recorded for timekeeping purposes (i.e. employee timesheet) and will be calculated based on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence up to a maximum of eight hours per day.

Employees must show the jury duty summons to their supervisor as soon as possible so the supervisor may make arrangements to accommodate the absence. Of course, employees are expected to report for work whenever the court schedule permits.

The City of Fort Dodge will continue to provide health insurance benefits for the full term of the jury duty absence. Vacation, sick leave, and holiday benefits will continue to accrue during jury duty leave.

Compensation received by the employee for jury duty should be reimbursed to the City, with the exception of mileage and other miscellaneous expenses.

#### **7-4.F. Appearance as a Witness**

Employees who receive a subpoena to appear in court as a witness shall be permitted to appear. Employees wishing to be paid shall use accrued paid time off available, such as vacation or compensatory time, for the appearance.

Employees who appear on behalf of the employer as a witness shall receive their normal wages. Police Officers and Firefighters shall be compensated according to the terms of the respective collective bargaining agreements.

In the case of an employee's child who is subpoenaed the employee shall be allowed a reasonable amount of time not to exceed eight (8) hours to appear with their child if their spouse or other guardian is unable to attend the hearing. Employees may use vacation, compensatory time or be in a no pay status for the attendance at the hearing.

A copy of the subpoena must be provided to the employee's supervisor prior to release to appear at the hearing.

#### **7-4.G. Time off to Vote**

The City of Fort Dodge encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If employees are unable to vote in an election during their non-working hours, the City of Fort Dodge will grant up to two hours of paid time off to vote.

Employees should request time off to vote from their supervisor at least two (2) working days prior to the Election Day. Advance notice is required so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule.

#### **7-4.H. Election Workers**

The City of Fort Dodge supports the electoral process and provides unpaid leave to City staff to work polls, subject to department director approval. Request to work polls should be provided at least thirty (30) days in advance to assist with proper shift coverage. Approval to work polls could be denied based on scheduling conflicts or performance issues. Employees may use accrued vacation or personal days to receive pay for time off working the polls.

#### **7-4.I. Military Leave**

This policy applies to all City of Fort Dodge employees qualifying under the provisions of Chapter 29A.28 of the Code of Iowa, other than those employed temporarily for six months or less. Included is any full-time employee who is a member of the National Guard, organized reserves, or any component of the military, naval, air forces, or nurse corps of the State of Iowa or the nation, or who may otherwise be inducted into the military service of the State of Iowa or of the United States.

##### **1) Qualifying Duty**

Eligible employees will be granted up to thirty (30) calendar days of military leave with pay each calendar year for the purpose of participating in qualifying duty or service.

- a. Qualifying duty or service under this policy means the performance of military duty on a voluntary or involuntary basis as a member of the uniformed military services under competent authority, including active duty, active and inactive duty for training, National Guard duty under federal or state orders, a period for which a person is absent from employment for an examination to determine his or her fitness to perform any of these duties, and a period for which a person absent from employment to perform certain funeral honors duty. It also includes Civil Air Patrol missions performed under Iowa Code section 29A.3A, certain service by intermittent disaster response appointees of the National Disaster Medical System (NDMS), and service in the Commissioned Corps of the Public Health Service.

##### **2) Conditions of Leave**

- a. In accordance with Iowa Code section 29A.1(a) an employee whose duty or service is greater than 30 continuous days shall receive a paid leave of absence, beginning with the first day of absence from work, for those days he/she would normally have been scheduled to work during the first 30 calendar days of absence. For employees who work shifts, one day is the equivalent of one shift. In the event the employee has already received one or more days of paid military leave during a calendar year, the 30-day period shall be shortened by that number of days. During a period of duty or service that lasts more than 30 days, where the employee has not already used their 30 days in that calendar year, the employee may opt to exhaust all 30 days of paid leave consecutively *or* after the 30 calendar day period has expired, they may hold the remaining time for use later that same calendar year. For an employee whose duty or service is 30 continuous days or less (such as drills or annual training), a leave of absence under this policy, in accordance with Iowa Code section 29A.28(1)(b), will only be required for those days that the employee would normally have performed services for the City, up to the maximum of 30 days in the calendar year. For example, if an employee is ordered to participate in annual training for 14 consecutive days and if during those days the employee would normally be required to work for 10 days, then 10 days of military leave would be required.

- b. For employees who work on a shift system that enables the employee to perform military duty and to report to work on the same day, military leave shall be granted only for those scheduled work hours not worked, and shall be charged against the employees' annual military leave entitlement on an hour-for-hour basis. This provision shall apply only to weekend drills or other brief assignments.
- c. No more than 30 days of military leave shall be paid in a calendar year and for continuous duty or service exceeding 30 days and which crosses calendar years, only one 30 calendar day period of military leave shall be paid during the period of duty or service. For example, an employee who is activated for military duty in one year, then deactivated, and then activated again in the following calendar year would be eligible for up to another 30 days of paid military leave. The key is that there can be only one payment per activation, and the payment can be earned only once per year.
- d. Military leave that exceeds the 30-day per calendar year allotment may be taken with pay if the employee utilizes accrued vacation, personal days, and/or compensatory time. An employee may not use accrued sick leave while on leave granted under this policy.
- e. The City shall provide any paid leave under this policy to the employee at the employee's regular base rate of pay in effect at the time of leave.
- f. Vacation, sick leave and compensatory time will continue to accrue during periods of paid military leave of absence. During periods of unpaid leave, the employee's vacation and sick leave balances will be frozen and that amount will be available upon the employee's return to active service.
- g. During an unpaid leave of absence, the employee shall not be eligible for holiday pay or to accrue benefits such as vacation, personal days, sick leave, or other fringe benefits.
- h. At the employee's request, and with the approval of the department director and the Human Resources Director, an employee commencing a military leave of more than ninety (90) days may be paid in a lump sum for any or all accrued vacation leave and compensatory time.
- i. Should the employee elect not to return to active service following a military leave of absence, accrued vacation and compensatory time will be paid at the rate of pay in effect at the time the employee was last in paid status.

### **3) Request for Leave Documentation**

Upon receipt of orders for qualifying duty or service, an employee should notify his/her Department Head as soon as possible (unless he/she is unable to do so because of military necessity or it is otherwise impossible or unreasonable).

- a. A schedule of the monthly "weekend drills" shall be presented to the supervisor by the employee as soon as it is released by the military organization.
- b. The employee shall present orders from the military organization directing the employee to report for active duty service for any service other than the published weekend drills. It is the employee's responsibility to provide and submit all necessary information (such as unit's name, commander's name and phone number, or letter verifying leave to his/her supervisor) in order to facilitate the leave processes.
- c. Records of military leave usage shall be maintained by the employee's department and payroll.

### **4) Benefits While on Leave**

- a. During a leave of less than 31 days, an employee is entitled to group health plan coverage under the same conditions as if the employee had continued to work. For unpaid leaves of more than 30 days, an employee may elect to continue his/her health plan coverage under COBRA for up to 24 months after the absence begins. The employee's rights under



COBRA and USERRA are similar but not identical. Any election that the employee makes pursuant to COBRA will also be an election under USERRA, and COBRA and USERRA will both apply with respect to the continuation coverage elected. If COBRA and USERRA give the employee different rights or protections, the law that provides the greater benefit will apply. The administrative policies and procedures in the COBRA Election Notice also apply to USERRA coverage, unless compliance with the procedures is precluded by military necessity or is otherwise impossible or unreasonable under the circumstances.

- b. Paid life and accidental (AD&D) insurance coverage will be continued for up to one month after the employee has been deployed for 30 consecutive calendar days or more of military leave. Life and AD&D insurance will be reinstated upon an employee's return to regular duty.

#### **5) Return from Leave**

- a. An employee returning from leave under this policy must report to work or request reemployment within the time period specified below based upon his/her length of duty or service or the employee shall forfeit his/her right to reemployment.
  - i. An employee who served for less than 31 days or who reported for a fitness to serve examination, must provide notice of intent to return to work at the beginning of the first full regularly scheduled work period that starts at least eight hours after the employee has returned from the location of service.
  - ii. An employee who served for more than 30 days but less than 181 days, must submit an application for reemployment no later than 14 days after completing his/her period of service, or, if this deadline is impossible or unreasonable through no fault of the employee, then on the next calendar day when submission becomes possible.
  - iii. An employee who served for more than 180 days must submit an application for reemployment no later than 90 days after the completion of military duty.
- b. An employee injured while on leave under this policy must submit his/her application for reemployment at the end of the employee's recovery period, which may not exceed two years beyond the deadline stated above for submitting an application for reemployment based upon the employee's length of military service.

#### **6) Required Documentation Upon Return**

An employee whose leave under this policy was for more than 30 days may be required to provide documentation upon his/her return (unless such documentation does not yet exist or is not readily available) showing the following:

- a. the application for reemployment is timely (*i.e.* submitted within the required time period) *and*
- b. the employee received an honorable or general discharge, if the duty was military.

#### **7) Status of Seniority and Benefits Upon Return**

An employee who satisfies the reemployment eligibility criteria established by law and returns to his/her employment with City of Fort Dodge shall accrue seniority, and all rights and benefits determined by seniority, as if he/she had been on the job during the period of leave under this policy. Upon returning from leave, the employee shall be entitled to be placed in a position with all pay increases, promotions and other benefits (e.g. vacation accrual, etc.) that would have been awarded or earned had the employee not been away for duty or service. In the event an employee takes an unpaid leave under this policy during a calendar year, his/her paid leave benefits for the year during which the unpaid leave occurred shall be pro-rated based upon the period of time the employee was in pay status during the year.

#### **7-4. J. Family and Medical Leave (FMLA)**

##### **Eligibility**

In full compliance with the Family and Medical Leave Act 1993 (FMLA), as amended, the City of Fort Dodge provides eligible employees with unpaid, job-protected leave for specified family and medical reason with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. In order to be eligible for FMLA protections, the employee shall have been employed by the City of Fort Dodge for at least 12 months and actually worked at least 1,250 hours during the 12-month period immediately preceding the start of the leave. Eligible employees may take 12 workweeks in a 12-month period, calculated on a “rolling” basis backward from the date of leave for any of the following:

- The birth of a child and to care for the newborn child within one year of birth;
- 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;
- To care for the employee’s spouse, child, or parent who has a serious health condition;
- A serious health condition that makes the employee unable to perform the essential functions of his or her job.

At the conclusion of FMLA leave, subject to some exceptions, an employee generally has a right to return to the same or to an equivalent position.

##### **Military FMLA Leave**

The National Defense Authorization Act for FY 2008 (NDAA), Public Law 110-181, Section 585(a) of the NDAA, amended the FMLA to provide eligible employees working for covered employers two important new leave rights related to military service:

- Eligible employees are entitled to up to 12 weeks of leave because of “any qualifying exigency” arising out of the fact that the spouse, domestic partner, 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 support of a contingency operation. This leave is subject to the same aggregate 12 weeks of FMLA leave per rolling year as the traditional forms of FMLA leave.
- An eligible employee who is the spouse, domestic partner, 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. 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 of all types 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 discipline up to and including termination of employment.

##### **Serious Health Condition Defined**

A “*serious health condition*” means an illness, injury, impairment, or physical or mental condition that involves either:

- 1) Any period of incapacity or treatment connected with inpatient care (*i.e.*, an over-night stay) in a hospital, hospice, or residential medical-care facility, and any period of incapacity or subsequent treatment in connection with such inpatient care; or
- 2) Continuing treatment by a healthcare provider which includes any period of incapacity (*i.e.*, inability to work, attend school, or perform other regular daily activities) due to:
  - a. A health condition lasting more than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also includes: (1) treatment two or more times by or under the supervision of a healthcare provider; or (2) one treatment by a healthcare provider with a continuing regimen or treatment; or
  - b. Pregnancy or prenatal care (a visit to the healthcare provider is not necessary for each absence); or
  - c. A chronic serious health condition that continues over an extended period of time, requires periodic visits to a healthcare provider, and may involve occasional episodes of incapacity (*e.g.*, asthma, diabetes) (a visit to a health-care provider is not necessary for each absence); or
  - d. A permanent or long-term condition for which treatment may not be effective (*e.g.*, Alzheimer's, a severe stroke, terminal cancer). Only supervision by a healthcare provider is required rather than active treatment; or
  - e. Any absence to receive multiple treatments for a restorative surgery or for a condition which would likely result in a period of incapacity of more than three days if not treated (*e.g.*, chemotherapy, dialysis).
- 3) Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, 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.
- 4) 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 or family member's use of the substance, rather than for treatment, does not qualify for family and medical leave.

### **Limitations on FMLA Leave**

Leave to care for a newborn or for a newly placed child must conclude within 12 months after the birth or placement of the child. When an employee and spouse, both parents, are employed by the City of Fort Dodge, they are together entitled to a combined total of 12 workweeks of FMLA leave within the designated 12-month period, if the leave is taken:

- b) For the birth, adoption or foster care placement of a child with the employees; or
- c) For aftercare of the newborn or newly placed child; or
- d) To care for a parent (but not in-law) with a serious health condition.

If one employee is ineligible for FMLA leave, the other spouse/parent (if eligible) would be entitled to a full 12 weeks of leave. Each employee may be entitled to additional FMLA leave for other FMLA qualifying reasons (*i.e.*, the difference between the leave taken individually for any of the above reasons and 12 workweeks, but not more than a total of 12 workweeks per person). For example, if each employee

(parent) took 6 weeks of leave to care for a newborn child, each could later use an additional 6 weeks due to his/her own serious health condition or to care for a child with a serious health condition.

### **Intermittent or Reduced Work Schedule Leave**

Intermittent leave is leave taken in separate blocks of time. A reduced work schedule leave is a leave schedule that reduces an employee's usual number of hours per workweek or hours per workday. Leave because of an employee's own serious health condition, or to care for an employee's spouse, child or parent with a serious health condition, may be taken all at once or, where medically necessary, intermittently or on a reduced work schedule. Leave to care for a newborn or for a newly placed child must be taken all at once and may not be taken intermittently or on a reduced work schedule. Only the amount of leave actually taken while on intermittent or reduced schedule leave will be charged as FMLA leave.

If an employee takes leave intermittently or on a reduced work schedule basis, the employee must, when requested, attempt to schedule the leave so as not to unduly disrupt the City's operations. When an employee takes intermittent or reduced work schedule leave for foreseeable planned medical treatment, the City may temporarily transfer the employee to an alternative position with equivalent pay and benefits for which the employee is qualified and which better accommodates recurring periods of leave.

### **Request for FMLA Leave**

An employee should request FMLA leave by completing the Employer's Request for Family or Medical Leave form and submitting it to the employee's Department Head or designee for transmittal to the Human Resources Department. The completed request form must state the reason for the leave and the expected starting and ending dates of the leave. Failure to provide notice as required herein may result in a delay of the leave.

When leave is foreseeable for childbirth, placement of a child, or planned medical treatment for the employee's or family member's serious health condition, the employee shall provide the City with at least 30 days' advance notice, or such shorter notice as is practicable (*i.e.*, within 1 or 2 business days of learning of the need for the leave). If leave is to begin in less than 30 days, the employee must give notice to his/her Department Head as soon as the necessity for the leave arises.

When the timing of the leave is not foreseeable, the employee must provide the City with notice of the need for leave as soon as practicable (*i.e.*, within 1 or 2 business days of learning of the need for the leave).

### **Required Documentation**

An employee may be required to submit a medical certification form from a healthcare provider within 15 calendar days to support a request for FMLA leave for the employee's or a family member's serious health condition. Medical certification forms are available from the Human Resources Department.

When leave is taken to care for a family member, the City may require the employee to provide documentation or a statement of family relationship (*e.g.*, birth certificate or court document). When leave is taken to care for a military service member, the City may require documentation of necessity and injury/illness of the military service member.

If the City has reason to doubt the employee's initial certification, it may: (1) with the employee's permission, have a designated healthcare provider contact the employee's health-care provider in an effort to clarify or authenticate the initial certification; and/or (2) require the employee to obtain a second opinion by an independent City-designated provider at the City of Fort Dodge's expense. If the initial and second certifications differ, the City may, at its expense, require the employee to obtain a third final and binding certification from a jointly selected healthcare provider.

During FMLA leave, the City may request that the employee provide recertification of a serious health condition as often as every 30 days. In addition, during an FMLA leave, the employee may be required to provide the City with periodic reports regarding the employee's status and intent to return to work. If the employee's anticipated return to work date changes and it becomes necessary for the employee to take more or less leave than originally anticipated, the employee must provide the City with reasonable notice (*i.e.*, within 2 business days) of the employee's changed circumstances and new return to work date. If the employee gives the City notice of their intent not to return to work, the employee will be considered to have voluntarily resigned.

Before the employee returns to work from FMLA leave for his/her own serious health condition, the employee will be required to submit a fitness for duty certification from his/her healthcare provider indicating that the employee is able to return to work and perform the essential functions of his/her job with or without reasonable accommodation.

FMLA leave or return to work may be delayed or denied if the appropriate documentation is not provided in a timely manner. Also, a failure to provide requested documentation of the reason for an absence from work may lead to termination of employment.

### **Disability or Workers' Compensation**

Employee absences due to disability or work-related injuries or illnesses shall run concurrently with FMLA leave, provided that the leave meets FMLA requirements. An employee receiving worker's compensation or disability benefits shall be exempt from the requirement to use accrued paid sick leave as provided below.

### **Use of Paid and Unpaid Leave**

Under the law, the employer may require an employee to substitute accrued paid leave for unpaid FMLA leave. City of Fort Dodge employees are required to use all available accrued paid leave concurrently with FMLA leave to the extent allowed by the FMLA. Any FMLA leave remaining after all applicable accrued leave has been exhausted will be without pay. Employees receiving weekly workers' compensation benefits or benefits pursuant to a temporary disability benefit plan may not supplement these benefits with accrued paid leave unless doing so is agreed on by both the employer and the employee.

### **Designation of Leave**

The City's Human Resources Department will notify the employee that leave has been designated as FMLA leave. The City may provisionally designate the employee's leave as FMLA leave if it has not received medical certification or has not otherwise been able to confirm that the employee's leave qualifies as FMLA leave. If the employee has not notified the City of the reason for the leave, and the employee desires that leave be counted as FMLA leave, the employee must notify the Human Resources Department within 2 business days (Monday through Friday except holidays) of the employee's return to work that the leave was for an FMLA reason. If the employee does not respond to the employer's request for medical certification within the 15 day time period, the employer will provide written notification to the employee of the employer's decision to designate such leave as FMLA leave.

### **Benefits**

During FMLA leave, an employee is entitled to continued group health plan coverage under the same conditions as if the employee had continued to work. To the extent that an employee's FMLA leave is paid, the employee's portion of health insurance premiums will be deducted from the employee's salary. If FMLA leave is unpaid, the employee's portion of health insurance premiums must be paid. If the employee's payment of health insurance premiums is more than 30 days late, the City may discontinue health insurance coverage upon notice to the employee.

The employee's entitlement to benefits other than health insurance during the period of family and medical

leave will be determined in accordance with these policies regarding such benefits when the employee is on other forms of leave. Unused benefits that accrued before the date leave began will be retained, but the employee will accrue no seniority or employee benefits that would have accrued during the period of unpaid family and medical leave.

After 30 continuous days of unpaid leave, an employee's accrual of benefits shall be frozen for the remaining leave period. When the employee returns to work from unpaid leave, his/her benefits will be resumed in the same manner and at the same levels as provided when the leave began, subject to any changes in benefit levels that may have taken place during the period of FMLA leave.

### **Return from FMLA Leave.**

Upon return from FMLA leave, the City will place the employee in the same position the employee held before the leave or in a position with equivalent pay, benefits and other employment terms. The City cannot guarantee that an employee will be returned to his or her original job. The City shall make the determination as to whether a position is an "equivalent position."

Before the employee returns to work from FMLA leave for his/her own serious health condition, the employee will be required to provide his/her Department Head with a fitness for duty certification from his/her healthcare provider indicating that the employee is able to return to work and perform the essential functions of his/her job with or without reasonable accommodation. Furthermore, all public safety employees (i.e., police and fire) and employees working in classifications with a physical demand rating of medium to very heavy (level 3-5) who have lost work of 30 days or more due to on-the-job or off-the-job injuries or other serious medical conditions shall undergo a return-to-work physical, provided by the City's occupational medicine physician, which includes a Physical Capacity Profile® Evaluation, prior to being allowed to return to work.

### **Limitations on Reinstatement**

An employee is entitled to reinstatement only if he/she would have continued to be employed had FMLA leave not been taken. Thus, an employee is not entitled to reinstatement if, because of a layoff, reduction in force or other reason, the employee would not be employed at the time job restoration is sought. Also, there is no right to be reinstated to the same shift if the shift was eliminated, or to receive the same amount of overtime work, if overtime was reduced or eliminated. The City of Fort Dodge reserves the right to deny reinstatement to "key employees" if such denial is necessary to prevent substantial and grievous economic injury to the City's operations. A "key employee" is defined by the FMLA as a salaried, eligible employee among the highest paid ten percent of City employees.

### **Failure to Return to Work Following FMLA Leave**

The failure of an employee to return to work upon the expiration of FMLA leave will be considered a voluntary resignation unless the employee requests and receives an additional non-FMLA leave of absence from his/her Department Head. The City of Fort Dodge may recover health insurance premiums that it paid on behalf of the employee during any unpaid FMLA leave except that the City's share of such premiums may not be recovered if the employee fails to return to work because of the employee's own serious health condition or because of other circumstances beyond the employee's control. In such cases, the City may require the employee to provide medical certification of the serious health condition.

### **Outside Employment**

An employee must not accept other employment or become self-employed while on leave. An employee obtaining other employment while on leave will automatically be considered to have resigned from employment with the City.

### **FMLA Compliance**

This Policy is intended to comply with the Family and Medical Leave Act of 1993, 29 C.F.R. Part 825 and 585(a) of the NDAA. Where questions arise in regard to the provisions of this policy or its application, the actual provisions of the regulations shall be controlling. 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 the employer's Human Resources Director or other designated employer representative authorized by the employer to make FMLA determinations.

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.

**Additional Information**

For further information or clarification regarding employee rights and responsibilities under the Family and Medical Leave Act contact the Human Resources Department and/or see WHD Publication 1420, which is attached to this policy below.

# EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

## LEAVE ENTITLEMENTS



Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within 1 year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

## BENEFITS & PROTECTIONS

## ELIGIBILITY REQUIREMENTS

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;\* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

\*Special "hours of service" requirements apply to airline flight crew employees.

## REQUESTING LEAVE

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

## EMPLOYER RESPONSIBILITIES

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

## ENFORCEMENT

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.



For additional information or to file a complaint:

**1-866-4-USWAGE**

(1-866-487-9243) TTY: 1-877-889-5627

**www.dol.gov/whd**

U.S. Department of Labor | Wage and Hour Division





#### **7-4.K. Leave of Absence without Pay**

If requested in writing, permanent, employees may be granted a personal leave of absence without pay of up to sixty (60) days for good cause upon the approval of the City Manager or his/her designee. This sixty (60) calendar day leave shall not affect the employee's service credit if so approved. Non-FMLA related leaves absence in excess of sixty (60) days must be further approved by the Council upon the recommendation of the City Manager or his/her designee. The employee's seniority status will be adjusted to reflect the period of leave in excess of sixty (60) days, unless the absence is due to an FMLA qualifying event.

Upon expiration of the approved leave without pay, the employee shall be eligible to return to the position vacated or to another position as provided by law. An employee not returning following the agreed upon date of return shall be considered to have resigned.

#### **7-4.L. Pregnancy Leave**

A leave of absence for maternity purposes may be granted to any pregnant employee. Such an employee will be allowed to utilize sick leave for the purpose of taking a leave of absence due to pregnancy, upon presentation of a letter from their physician stating the last day that they should work and the first day that they will be able to return to work after the birth of the baby. If the absence so noted exceeds the amount of sick leave available, an unpaid leave will be granted as covered by the provisions of the Family and Medical Leave Act. Such leave shall run concurrent with the Family and Medical Leave Act as permitted.

#### **7-4.M. Lactation**

The City of Fort Dodge will provide reasonable break time for an employee to express breast milk for her nursing child each time such employee has a need to express the milk. The City will provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.

##### ***Time and Location of Breaks***

The City will provide a reasonable amount of break time to express milk as frequently as needed by the nursing mother. The frequency of breaks needed to express milk as well as the duration of each break will likely vary, and the employee must communicate with her supervisor regarding the timing of the breaks.

A bathroom, even if private, is not a permissible location. The location provided must be functional as a space for expressing breast milk. If the space is not dedicated to the nursing mother's use, it must be available when needed by the employee. A space temporarily created or converted into a space for expressing milk or made available when needed by the nursing mother is sufficient, provided that the space is shielded from view, and free from any intrusion from co-workers and the public.

Employees who use break time to express milk will be compensated in the same way that other employees are compensated for break time. In addition, the FLSA's general requirement is that the employee must be completely relieved from duty or else the time must be compensated as work time applies.

#### **7-4.N. Injury Leave**

When an employee of the City of Fort Dodge suffers an injury in the line of duty, a report of such accident shall be made immediately to their supervisor. All employees must call the Company Nurse Line at 1-888-770-0928 to report the injury prior to seeking care, unless it's an emergency. If the employee is unable to call, the supervisor will call the Company Nurse Line to report the injury as soon as reasonably possible.

An employee who fails to report an injury within twenty-four (24) hours, however minor, to the Supervisor, and who fails to take first-aid or medical treatment as determined by competent medical

authority shall not be eligible for job related injury leave as outlined below. An employee's entitlement to worker compensation benefits is governed by Iowa Code Chapter 85 and the notice provisions of that law and Chapter 411 for MFPRSI. *See Section 8-12.A for additional instructions on reporting injuries.*

#### **7-4.O. Worker's Compensation Leave**

Leave of absence with pay shall be granted to employees who become incapacitated as a result of injury or occupational disease incurred through no misconduct of their own while in actual performance of duty as determined by the City and/or the City of Fort Dodge's Workers Compensation Insurance Carrier.

When the City and/or the City's Workers Compensation Insurance Carrier have completed a review of the injury claim and determined that it is an eligible worker's compensation leave case, the City of Fort Dodge shall pay such employee his/her full pay, for regularly scheduled hours, either as a direct payment from salary funds or as worker's compensation insurance benefits (TTD), or both. However, the total amount paid for loss of time from work shall not exceed the full pay the employee would have received for a period of his/her regular rate of pay.

#### **7-4.P. Inclement Weather / Emergencies**

Employees who are unable to arrive to work due to inclement weather conditions affecting roads and travel or who request to leave work early due to inclement weather must notify their supervisor or department head as soon as possible. Employees who are unable to arrive for work or are given permission to leave work may use vacation time, compensatory time or have any un-worked part of the day taken as leave without pay.

In the event that any part of the City's operations are closed or delayed by order of the City Manager, or their designee, due to weather conditions or some other emergency (e.g. toxic material hazard, extended power outage, epidemic, pandemic, etc.) employees of the affected operations who were scheduled to work may be excused from duty. When a decision has been made to stop work or decrease hours of the scheduled work day, employees who come in late, leave early, or are absent because of weather conditions may either make up the lost time during the same workweek or, if that is not possible, charge the time lost against available personal leave, including vacation, personal holiday, and/or compensatory time.

It will be the responsibility of department management to inform or attempt to inform employees of closings, delays, or other interruptions to City services as early as possible. Employees should assume unless they receive notice that certain operations are closed, the City will continue "business as usual" during inclement weather or other emergencies. City services are rarely interrupted during times of inclement weather and other emergencies because services are needed more than ever during those times.

This policy shall not apply to Police Officers, Firefighters or other critical essential personnel.

## **SECTION 8: INSURANCE, RETIREMENT, AND OTHER BENEFITS**

The City of Fort Dodge desires to have a comprehensive benefit program that provides support to employees in the following areas: Health and Welfare, Financial Protection, Work/Life Balance, and Learning and Development. The following is a summary of benefits and does not alter any of the plan documents.

### **8-1. RESPONSIBILITY**

The Director of Human Resources is responsible for the coordination and administration of the City's benefit programs. All questions regarding benefits should be directed to the HR Department. All forms associated with these benefits are available from the HR Department and on the City's website.

## **8-2. ELIGIBILITY**

All regular full-time and regular part-time employees are eligible for all benefits as detailed in this section. The City will offer health, dental and life insurance coverage for all permanent regular employees scheduled to work thirty (30) hours or more per week, or any temporary employee who has worked at least 1,560 hours during the designated twelve (12) month look-back period, per the Affordable Care Act, and their eligible dependents.

## **8-3. HEALTH AND DENTAL INSURANCE**

The City offers comprehensive health and dental insurance to regular full-time and regular part-time employees. If an employee enrolls, coverage begins the first day of the month following 30 days of employment for all employees except police officers and firefighters. Coverage for police officers and firefighters takes effect the first of the month following their date of hire. During any authorized leave of absence with pay, coverage is continued. In the event an employee is on an authorized leave of absence without pay, he/she must make arrangements to pay the health insurance premiums during approved leave, including workers' compensation leave. Unpaid premiums will be tracked in an arrearage account, which will be activated when the employee returns to work.

The monthly cost of each plan for health and dental coverage, as well as the portion each employee and the City will pay, is subject to review and adjustment each year prior to open enrollment for employees. Open enrollment will be held each year. This is an opportunity for employees to switch plans if they desire. Eligible family members may also be enrolled or dropped at this time.

Eligible employees who decline health insurance coverage upon hire may request coverage at a later date due to a qualifying event with no waiting period and no underwriting for themselves or their dependents.

City employees who are married or become married to each other are each eligible for coverage with one employee eligible for family coverage and the second employee eligible for single coverage, including dental. Therefore, both employees may be covered under one family plan (for medical and dental) or each employee may have their own single plan. For an employee who already has family coverage due to their children being on their plan, that employee may add their new spouse (the other employee) to their plan or they may opt to continue with just the children covered under their family plan while the spouse carries their own single plan. Special rules apply for employees choosing coverage under the high deductible health plan (HDHP). Employees who are married to each other who choose family coverage under the high deductible health plan shall be covered under one plan, however each employee shall be permitted to have a health savings account (HSA).

For employees who elect the high deductible health plan (HDHP), the City shall contribute half of the annual deductible amount into the employee's health savings account (HSA). Eligible employees will receive City contributions of equal amounts on the first and second pay of every month based on the coverage level for that month (i.e., single or family). The total amount of the City contribution will not exceed half of the annual deductible amount based upon the employee's level of health insurance coverage elected. Employees are expected to have their HSA set up within 30 days of their hire date. Those who take in excess of 30 days for account set up will forfeit City catch up contributions. Further, employee's personal HSA contributions will not begin until said account number is received. Employees are responsible to ensure that they remain within the allowable limits, per IRS rules, for total contributions to their HSA.

It is the responsibility of each employee to notify the Human Resources Department as soon as possible when there is any change in family status because the change may have an effect on benefits (e.g., in the

event of a divorce the former spouse should be dropped from coverage; COBRA notices will be provided as required by law). Employees shall be held financially responsible for claims on former spouse who wasn't removed in a timely manner. In most cases, notice is required within 30 days of an event or family status change. The City is not responsible for plan change denials when an employee fails to notify the Human Resources Department in a timely manner.

#### **8-4. INSURANCE DEDUCTIBLE REIMBURSEMENT**

Employees covered under the traditional, non-high deductible health plan, may be reimbursed 80% of the deductible portion of their Major Medical Insurance met upon presentation of a copy of an acknowledgement from the carrier that they will honor the claim (i.e., Explanation of Benefits or Member Responsibility Report). Reimbursement shall occur for the most recent plan year only, not prior years, and may be submitted to Human Resources until March 31<sup>st</sup>. The last year to submit for deductible reimbursement under this policy is calendar year 2021, with all requests submitted to Human Resources by March 31<sup>st</sup>, 2022.

#### **8-5. WELLNESS BENEFIT**

Effective January 1, 2020 any employee who submits proof to Human Resources that they've had their annual preventive exam will receive a \$50 wellness incentive payment. Acceptable documentation of the annual physical must be submitted by March 31<sup>st</sup> of the following year to qualify for the benefit. The benefit only applies to physicals that occurred in the prior calendar year. Pre-employment or job-related physicals do not qualify for this wellness benefit.

#### **8-6. CONTINUATION OF COVERAGE**

When an employee terminates employment with the City, insurance coverage for the employee and his/her dependents ends on the last day of the month in which the employment separation date is effective.

##### **8-6.A. Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA)**

Eligible employees and dependents have the opportunity to continue coverage in certain instances where coverage would otherwise terminate. Such continuation coverage is as described in the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) and is, therefore, sometimes referred to as "COBRA Continuation Coverage." This notice is intended as a summary of a covered person's rights and obligations under the provisions of that law.

##### Entitlement and Qualifying Events

A covered employee or covered dependent may elect to continue health coverage if that coverage would otherwise terminate due to a "qualifying event." Qualifying events are: a) a covered employee's termination of employment, for reasons other than gross misconduct or reduction in work hours, b) death of a covered employee, c) divorce or legal separation of the covered employee and his/her spouse, d) a covered dependent child's ceasing to satisfy the plan's definition of dependent child, or e) a covered employee's entitlement to Medicare.

##### COBRA Qualified Beneficiaries

A COBRA qualified beneficiary is an individual who is entitled to COBRA Continuation Coverage. In addition to those individuals covered under the plan immediately preceding a qualifying event, a child born to/adopted by/placed for adoption with a qualified beneficiary, who is a former covered employee and during the employee's period of COBRA Continuation Coverage, is also a COBRA qualified beneficiary.

Sometimes filing a proceeding in bankruptcy under Title 11 of the United States Code can be a qualifying

event. If a proceeding in bankruptcy is filed with respect to the City of Fort Dodge, Iowa resulting in loss of coverage of any retired employee covered under the plan, then the retiree is a qualified beneficiary.

#### Notification of a Qualifying Event

The plan will offer COBRA Continuation Coverage to qualified beneficiaries only after the plan sponsor or its designee has been notified that a qualifying event has occurred. When the qualifying event is the end of employment or reduction of hours of employment, an employee's death, commencement of a proceeding in bankruptcy with respect to the employer, or an employee's enrollment in Medicare (part A, Part B, or both), the employer must notify the plan sponsor or its designee of the qualifying event within 30 days of its occurrence (of course, when the plan sponsor or its designee is the employer, there is no need for the employer to notify itself of these events).

An employee must notify the plan sponsor or its designee (at the address listed below) within 60 days of a divorce or legal separation, a child's ceasing to meet the plan's definition of "dependent," or the Social Security Administration's determination of disability.

In addition, if an employee was a disabled individual who obtained 29 months of COBRA Continuation Coverage, then he/she must notify the plan sponsor or its designee of any determination by the Social Security Administration that he/she is no longer disabled. Notification to the plan sponsor or its designee must be made within 30 days of the date such determination is made.

Notice of the qualifying events described above (describing the qualifying event and the date it occurred) must be sent in writing to:

City of Fort Dodge  
Human Resources Department  
819 1<sup>st</sup> Avenue South  
Fort Dodge, IA 50501

### **8-6.B. Maximum Coverage Continuation Periods**

#### General Rules

Coverage may be continued for up to:

- 18 months, for an employee or dependent whose coverage would cease because of a termination of employment or reduction in workhours.
- 29 months (18 plus 11), for a disabled individual who:
  - Becomes entitled to the 18 months of continued coverage available after an employee's termination of employment or reduction in workhours.
  - Is determined by the Social Security Administration to have been disabled on the date of that termination of employment or reduction in work hours or at any time during the first 60 days of COBRA Continuation Coverage.
  - Notifies the plan of that disability determination within 60 days after receiving it and while are still purchasing first 18 months of COBRA. Please note that an employee is eligible for this additional 11 months of coverage even if he/she is not disabled if he/she is entitled to COBRA Continuation Coverage due to the same qualifying event that entitles a disabled person to the additional 11 months of coverage.
- 36 months, for a divorced or widowed spouse or a child who has ceased to be a dependent under the terms of the plan.

### **8-6.C. Coverage Continuation - Upon Retirement**

Unless otherwise specified in a collective bargaining agreement, the minimum age of retirement for employees is age 55 with ten years of consecutive full-time employment with the City. The City may allow a full-time regular employee or part-time employees scheduled to work at least 30 hours per week and his/her dependents to remain in the Hospitalization and Medical Insurance policy group, as well as Dental, at their own cost until the age of sixty-five (65). Such continuation of coverage will follow the COBRA Guidelines. The employee will be allowed to stay in the group under the following additional stipulations:

- a) The employee must provide payment to the City of Fort Dodge for the total monthly premium no later than the last day of the month for continuous coverage the following month. Multiple checks may be provided at once.
- b) If a dependent drops out of the plan he/she is ineligible to rejoin the group.
- c) If the retiree drops out of the plan he/she is ineligible to rejoin the group.

Resolution Number 3-01-01, dated January 6<sup>th</sup> 2003, and state statute §509A.13 extends COBRA insurance benefits to the surviving spouse (provided the employee has passed away before retirement) to the same terms as the employee or retired employee would have been entitled at the time of death.

### **8-7. LIFE INSURANCE AND DEATH BENEFITS**

The City provides term life insurance and accidental death and dismemberment coverage for all regular full-time and regular part-time employees. This coverage takes effect on the first day of the month following 30 days of employment for all employees except police officers, firefighters and EMS personnel. Coverage for police officers, firefighters and EMS staff takes effect the first of the month following their date of hire. The entire monthly cost of this coverage is paid by the City. Each covered employee will receive a copy of the plan document and an explanation of benefits.

The City also offers supplemental life insurance. Employees may purchase additional insurance for themselves or dependents.

### **8-8. FLEXIBLE BENEFIT SPENDING PLAN (SECTION 125)**

The City has established a Flexible Benefit Spending Plan under Section 125 of the IRS Code, which allows eligible employees set aside pre-tax funds for reimbursement of medical out-of-pocket expenses and for reimbursement of dependent care expenses.

All employees are eligible to participate. All elections are in force through the entire plan year, and changes can be made only if there is a change in family status or other qualifying event.

### **8-9. DEFERRED COMPENSATION BENEFITS**

Employees may be allowed to deduct from their paycheck a contribution amount to be selected by the employee and applied to a deferred compensation plan upon the presentation of a signed form to authorize such transaction. The City of Fort Dodge shall transmit to the carrier selected for hereto set forth plan the total amount deducted from the employee's paycheck and at the time of said transmission the City shall be absolved and discharged from any further liability and responsibility for such. In the event that this procedure is declared illegal, the City shall be under no liability or responsibility to check off for said plan.

### **8-10. EDUCATIONAL ASSISTANCE**

The City of Fort Dodge wishes to improve the abilities and enhance the skills of employees to promote and ensure the most efficient and effective delivery of quality services to its citizens. In recognition of this fact, the City may reimburse or fund the cost of tuition and required book(s) for courses which it

believes will directly result in the improved job performance of its employees upon completion of the course with a grade of C (average) or better. Funding for such purposes should be included in a Department's budget when possible. All such courses and programs must be approved by the Human Resource Director or the City Council for council appointees and must be made in recognition of appropriate budgetary constraints and may be limited for such appointees as the appointing authority so desires. Absolute attendance at such courses, programs and satisfactory completion of the same as noted previously are required for reimbursement or funding purposes and affected employees will be expected to share the knowledge that they have gained with fellow employees at staff meetings or other appropriate meetings.

When an employee with college credit is promoted to a non-union position from a union position under a collective bargaining agreement that granted compensation for relevant college credit, such employee shall receive an initial step adjustment as follows:

- a. An Associate of Arts or Science Degree, one full step;
- b. College issued certificate of program completion, one half of the maximum time in the promoted step needed for advancement to the next step.

When an employee covered by this benefit policy who did not promote from a union position under a collective bargaining agreement that granted compensation for relevant college credit achieves a level of education above that required for the minimum qualifications for the position, that employee shall receive an initial step adjustment of one half of the maximum time in the step needed for advancement to the next step. This benefit may be applied one time only during the employment of the employee.

#### **8-11. EMPLOYEE ASSISTANCE PROGRAM (EAP)**

The EAP provides confidential professional assistance to help employees and their family members to resolve problems that affect their personal lives and/or job performance. Problems commonly handled include marital difficulties, parent-child relationships, alcoholism, drug addiction, stress, etc. The program is confidential and can be used by calling professional counselors directly. Initial services provided by the EAP are paid for 100% by the City. If continuation of services is necessary after the designated free services have been exhausted, the services may be provided at a discounted rate and/or processed through medical insurance, depending on the nature of care and covered benefits included in the employee's medical plan.

#### **8-12. SAFETY EQUIPMENT AND CLOTHING / UNIFORM ALLOWANCES**

All department policies related to clothing (uniform) allowances must be approved by the Finance Director/City Clerk. If an employee receives a clothing allowance, it will be paid as a benefit through the payroll system, is taxable, and therefore will affect the employee's take-home pay.

The City will pay for and provide any and all safety equipment required for use as part of an employee's job duties and responsibilities. The quality, quantity and necessity for safety equipment shall be determined by the Human Resource Director after his consultation with the affected Department Heads. All such safety equipment purchased will be used on the job at all times.

The City may pay for watches and prescription lenses, excluding contact lenses, which are damaged in the line of duty on the job. Repairs will not exceed thirty (\$30) dollars for watches and sixty (\$60) dollars for eye glass frames. Prescription lenses may be paid for in total. The eye examination will not be paid for unless the examination is necessary due to the nature of the accident.

The City may pay for or provide all uniforms which it requires to be worn on the job by various personnel and may provide a cleaning and maintenance allowance for said uniforms in the amount of forty-five (\$45) dollars per quarter or a credit of like amount at a business which is contracted by the City

for the cleaning of uniforms. All such uniforms shall be considered the property of the City except for the dress uniform that shall be presented to said employee at their retirement.

Non-uniformed personnel affected by this article in the Police Department may be reimbursed up to \$550 annually and Fire Department personnel affected by this article may be reimbursed up to \$400 annually for the purchasing of clothing damaged on the job and receipts shall be required for such purchases.

The City Manager shall approve which positions under his/her direction are uniformed or non-uniformed positions.

### **8-13. WORKER'S COMPENSATION**

All employees of the City are covered by worker's compensation with the exception of employees covered under provisions of the Code of Iowa, Chapter 411, for Police and Fire disability. No employee shall be eligible for the duplication of Worker's Compensation and sick leave benefits.

#### **8-13.A. Reporting Injuries and Accidents**

An employee must report a work-related injury or illness to his or her immediate supervisor immediately following the injury, or as soon as the employee has knowledge of the injury or illness. In all cases an injury shall be reported in no less than 24 hours. Your failure to report a job-related injury or illness may result in the appropriate workers' compensation report not being filed in accordance with the law, which may consequently jeopardize your right to benefits in connection with the injury or illness.

**In the event of a potential work-related injury, the Company Nurse Injury Hotline is to be contacted by the employee and/or the employee's supervisor. The toll-free number is 1-888-770-0928. Company Nurse is available 24 hours a day, 7 days a week. The Nurse will gather information over the phone and refer the employee to appropriate medical treatment. From this call a First Report of Injury Report is generated and emailed to Human Resources.**

If the employee is unable to contact Company Nurse, the department head or supervisor shall call Company Nurse to report the incident. The Human Resources Department shall also be notified of the injury/illness. Regardless of how minor the incident is, even if there doesn't appear to be an immediate injury, it should be reported to Company Nurse so there is a record on file to reference if medical care is needed later.

For a life-threatening injury, the department head or supervisor should call the emergency room at Trinity Regional Medical Center, 802 Kenyon Road, in Fort Dodge (515-574-6684) and advise them that an employee is en route. Appropriate transportation shall be provided by qualified emergency personnel. The supervisor shall also contact Company Nurse to advise them of the situation. An employee seen at the emergency room will be referred to Unity Point Occupational Medicine at 2520 9<sup>th</sup> Avenue South for follow-up appointments.

If after contacting Company Nurse, an employee is referred to Unity Point Occupational Medicine for non-emergency treatment, appropriate transportation to Unity Point Occupational Medicine at 2520 9<sup>th</sup> Avenue South shall be provided.

For non-emergencies outside of normal hours, the department head or supervisor will call Company Nurse for referral to the appropriate level of care. If referred to the emergency room at Trinity Regional Medical Center in Fort Dodge the supervisor will call (515-574-6684) and advise them that a City of Fort Dodge employee is en route. The employee's name and description of injury needs to be provided. An employee seen at the emergency room will be referred to Unity Point Occupational Medicine at 2520 9<sup>th</sup> Avenue South for follow-up appointments. Appropriate transportation to the emergency room at 802 Kenyon Road shall be provided.



### **8-13.B. Benefits & Insurance While on Worker's Compensation Leave**

An employee with a job related injury who is eligible for worker's compensation benefits as a result of that injury will be considered continuously employed by the City for purposes of fringe benefits, as indicated in this handbook or in a collective bargaining agreement. Except for Police and Fire employees, Temporary Total Disability (TTD) wage benefits are paid by the City of Fort Dodge Workers Compensation Insurance Carrier. As such, during the time in which the employee is receiving worker's compensation wage benefits, the employee is responsible for their health insurance premium costs that would have otherwise been processed through City payroll. The employee shall make payment to the City of Fort Dodge for such premium(s) on or before the 20<sup>th</sup> day of each month for which he/she desires continued coverage.

### **8-13.C 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 Family and Medical Leave Act leaves in cases where a temporary light (modified or alternate) duty assignment is not available, or where the employee has refused a temporary light duty assignment.

### **8-14. RETURN TO WORK PROGRAM**

It is the policy of the City of Fort Dodge to provide modified or alternate work for a regular full-time or regular part-time employee (not temporary/seasonal) injured on the job who is unable to temporarily or permanently return to his/her regular job classification, if such work is available. Regular modified and alternate work will be provided as available in compliance with the Americans with Disabilities Act (ADA) and Iowa Workers' Compensation Act.

The City of Fort Dodge will make reasonable accommodations to a disability unless the accommodations would impose an undue hardship on the employer. The disabled employee must be able to perform the essential functions of the job with or without reasonable accommodation.

The feasibility of reasonable accommodations shall be determined on a case-by-case basis taking into consideration the employee, the specific physical or mental impairment, the essential functions of the job, the work environment, and the ability to provide accommodations.

Return to Work Program Objectives:

- To return the employee who is injured on the job to work as soon as possible when there is not a significant risk of substantial harm to themselves and others.
- To minimize financial hardship and emotional stress to the employee who has sustained a work-related injury.
- To assist the employee in returning to work at a level as close as practicable to his/her pre-injury earnings and productivity.
- To retain qualified and experienced employees.
- To reduce the cost of disability benefit programs.

### **8-14.A. Temporary Alternate Duty (TAD)**

TAD is defined as modified duties or hours assigned to a worker injured on the job, when the physician indicates the employee can return to work but is not yet physically capable of handling the entire job duties normally assigned, and his/her work-related injury has not reached maximum medical improvement.

The purpose of TAD is to provide temporary work, within medical restrictions, for an employee injured on the job. TAD may be available with medical prognosis indicating that the employee is expected to return to full duty following a course of medical treatment.

If an alternate duty position is available, the employee will be provided with TAD as soon as medically feasible. An alternate duty position may be either within his/her department, if available, or within another department, as coordinated by the City of Fort Dodge TAD designee. TAD should be consistent with the employee's physical/mental abilities.

An employee in TAD capacity will continue to receive the salary and benefits of his/her job classification. A TAD assignment should be reviewed after each medical appointment, normally every 7 to 14 days. TAD will not normally exceed three months (90 calendar days).

TAD may be requested by an employee if they have incurred an off the job injury and have restrictions that would prevent the employee from meeting the regular job duties of his/her classification. The request should be made to the employee's department director or the City Manager's designee. TAD work should be coordinated with the TAD designee and Human Resources Director. Approval by the department director is required for TAD assignments.

#### **8-14.B. Returning to Full-Duty**

Before returning to work full-duty, 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. This evidence shall be in the form of a Physician's Written Opinion by the City's designated physician or other physician approved by the Worker's Compensation carrier. A Physical Capacity Profile® Evaluation may also be required prior to returning to work.

#### **8-15. RETIREMENT AND SEPARATION PAY**

##### **8-15.A. Retirement Pension Systems for City of Fort Dodge Employees**

For specific information regarding retirement benefits available through the two pensions systems listed below, please visit those respective websites or contact a representative directly by phone or email. See below for website and general phone information.

- 1) **Iowa Public Employees Retirement System (IPERS)**  
<https://www.ipers.org/>  
1-800-622-3849 or 515-281-0020
- 2) **Municipal Fire and Police Retirement System of Iowa (MFPRSI)**  
<http://www.mfprsi.org/>  
1-888-524-9200 or 515-524-9200

##### **8-15.B. Retirement Benefit**

All employees are encouraged to provide as much notice as possible of their plans to retire. Retirement is an exciting time that involves careful preparation and consideration. Providing ninety (90) days or more notice will help to ensure sufficient time to contact the appropriate pension office, meet with benefits advisors, and complete the necessary paperwork. It also provides time for recruitment efforts and, in some circumstances, the opportunity for the out-going employee to assist with training of the new hire.

Non-union employees who meet the following criteria shall be eligible for retirement pay of 60% of their unused sick leave, up to a maximum of ninety (90) days. *All* of the following must be met to qualify for this benefit:

1. A minimum of ten (10) consecutive years of service with the City of Fort Dodge; and
2. Have attained the retirement age of 55; and
3. Are retiring in good standing; and
4. Have provided at least fourteen (14) calendar days' notice of retirement.

The amount paid for sick leave shall be placed into an employer sponsored retirement health savings plan

account along with 50% of accrued vacation at the time of retirement. The other 50% of accrued vacation (that is at least \$100 in value or greater), remaining personal holiday hours, and any accumulated comp time shall be paid out to the employee.

In addition, effective July 1, 2018 all non-public safety employees (those covered by the AFSCME collective bargaining agreement) who meet all four criteria listed above shall be eligible for the same retirement benefit as non-union employees.

**8-15.C. Severance Pay**

Full-time employees whose jobs are eliminated and leave City employment either by City Manager or City Council action, which is not the result of an adverse employment action, shall be eligible for two weeks’ pay or two weeks’ notice. In addition, the employee shall receive two days’ pay for each year or partial year of service. Medical insurance (same plan as in effect at the time of termination) shall be provided at no cost to employee for three months following date of termination. In addition, any unused vacation time, comp time and personal holiday time earned would be paid out.

In the event that the employee is of retirement age and his/her job is eliminated or he/she is not reappointed, the employee must choose between the retirement benefit (if eligible) or severance pay. The employee is not eligible for both the severance benefit and the retirement benefit or a combination of both.

**SECTION 9: WORK RELATED TRAVEL**

**9-1. TRAVEL, MEALS, TRANSPORTATION, MILEAGE REQUESTS FOR REIMBURSEMENT AND LODGING**

**9-1.A. Travel**

Employees who are planning to travel to attend meetings or conventions and who will be staying overnight, requesting mileage, meal, or other reimbursement (e.g., baggage fee, taxi, bus, parking, etc.) should obtain approval prior to attendance at any meeting or conference from their immediate supervisor. Receipts are required for reimbursement of any expenses that are deemed necessary and pertinent by management.

Reimbursement forms must be completed and turned in within two weeks of the meeting or conference taking place for approval by the City Manager and payment by the City Clerk’s Office. Failure to complete the appropriate forms in the timelines established may result in a denial of any reimbursement.

**9.1.B. Meals**

The City of Fort Dodge follows the federal meal per diem rates established by the General Services Administration (GSA). A complete list of states and destinations can be found at [www.gsa.gov](http://www.gsa.gov). The “total” column provides overall reimbursement amounts followed by specific meal breakdowns.

**In and Out-of-State Travels**

<b>Rating</b>	<b>Total</b>	<b>Breakfast</b>	<b>Lunch</b>	<b>Dinner</b>	<b>*IE</b>
A	\$55	\$13	\$14	\$23	\$5
B	\$56	\$13	\$15	\$23	\$5
C	\$61	\$14	\$16	\$26	\$5
D	\$66	\$16	\$17	\$28	\$5
E	\$71	\$17	\$18	\$31	\$5
F	\$76	\$18	\$19	\$34	\$5

*\*Incidental Expense (IE) allowance only applies to overnight travel.*

For overnight travel, partial days will be treated as follows:

<b>Departure Date – Entering Travel Status:</b>		<b>Return Date – Coming Off Travel Status:</b>	
Before 8:00 AM	Breakfast, Lunch & Dinner	After 6:00 AM & before 12:00 PM	Breakfast
After 8:00 AM & before 2:00 PM	Lunch & Dinner	After 12:00 PM & before 6:00 PM	Breakfast & Lunch
After 2:00 PM & before 6:00 PM	Dinner	After 6:00 PM	Breakfast, Lunch & Dinner

For single-day trips, the traveler will receive the meal per diem for any meals within the times as outlined below:

Depart before 8:00 AM	Breakfast
Out between 12:00 PM & 2:00 PM	Lunch
Return after 6:00 PM	Dinner

- Use of the per diem for alcoholic beverages is prohibited.
- Per diem for a meal will not be issued if the meal is provided as a part of a meeting or conference registration, etc. being paid by the City.
- The per diem request form must be completed and submitted with a copy of the conference registration, agenda, itinerary or etc. on the appropriate twice monthly purchase order due date prior to travel.
- Employees utilizing City credit cards for meals while traveling are still expected to turn in itemized receipts for all food purchases for accounting purposes.

#### **9-1.C. Ground Transportation** (added 3/25/19 per Resolution 19-03-067)

An employee conducting official City of Fort Dodge business, attending conferences, seminars, or training related to their jobs, out-of-state will be reimbursed for personal ground transportation travel expenses incurred (i.e., to/from an airport, hotel, or other business related location). Transportation costs for rail, taxi, rideshares (e.g., Uber), shuttle, or other public transportation qualify for reimbursement as long as an itemized receipt or email invoice is submitted showing proof of such expense. Tips for said ground transportation services may be charged to the City if the amount is reasonable and within customary limits as determined by the Finance Director or City Manager. Tips may be rounded to the nearest dollar.

Employees utilizing City credit cards while traveling must turn in itemized receipts for all transportation related expenses for accounting purposes.

#### **9-1.D. Mileage**

Department heads or the City Manager should determine if a city owned vehicle is available for use and if the use of that vehicle would be less costly than reimbursement for mileage. Employees are to utilize a city provided vehicle for use in attending meetings, conferences, seminars and other official business. If a vehicle is not available for use, employees shall use their own vehicle. Reimbursement for mileage claims when employees use their personal vehicle for city business will be made at the reimbursement rate of thirty-nine cents (\$0.39) per mile. Employees who elect to use their own vehicle when a city provided

vehicle is available shall receive twenty cents (\$0.20) per mile for city business. No mileage reimbursement shall be provided for personal use. Mileage shall be calculated using the most direct route and shall not include incidental mileage for personal driving.

### **9.1.E. Lodging**

Pursuant to Iowa Administrative Code (IAC) 80.45A, effective January 1, 2022, public funds used for in-state lodging can only be used at facilities that have been certified by the Commissioner of the Iowa Department of Public Safety as having received Human Trafficking Prevention Training. Therefore, all employees must confirm that the lodging provider holds Human Trafficking Prevention Training Certification by checking <https://stophtiowa.org/certified-locations> prior to expending or committing public funds for travel lodging, conferences, meetings, or related city-funded events. If an employee stays at a facility that is not certified in accordance with IAC 80.45A those costs must be paid by the employee.

## **9-2. COMPENSABLE HOURS FOR TRAINING AND TRAVEL**

It is the policy of the City to properly compensate employees for time spent traveling to or participating in job-related training or education required by the City.

This policy applies to all City employees who are not exempt from the overtime standards of the Fair Labor Standards Act (FLSA).

The FLSA mandates that certain times spent by non-exempt employees in traveling and/or attending seminars, conferences, and training qualify as hours worked under the Act. The purpose of this policy is to provide general guidance and procedures for determining which hours are compensable.

### **9-2.A. Time Spent at Training and Conferences**

Time spent at conferences and training is **not** considered to be hours worked for non-exempt employees if all of the following are met:

- 1) Attendance is outside the employee's normal work hours;
- 2) Attendance is voluntary;
- 3) The lecture or training is not directly related to the employee's current job; and,
- 4) The employee does not perform productive work while attending the lecture or participating in the training program.

Time spent at conferences and training will be considered to be hours worked for non-exempt employees when any of the following are met:

- 1) Attendance is part of the employee's normal work hours and the training is directly related to the employee's job; or,
- 2) Attendance is not voluntary; or,
- 3) The employee is performing productive work while attending the lecture or participating in the training program.

When an employee on his/her own initiative attends an independent school, college or independent trade school after work hours or on the employee's regular days off, the time is not hours worked even if the courses are related to the employee's current job.

Police Officers or Firefighters who are in attendance at a police or fire academy or other training facility are not considered to be on duty during those times when they are not in class or a training session if they are free to use such time for personal pursuits. Such free time is not compensable.

### **9-2.B. Time Spent Traveling**

Employees in positions considered non-exempt may be eligible for compensation for the time they spend traveling. The compensation an employee receives depends upon the kind of travel and whether the travel time takes place within normal work hours or outside of normal work hours.

“Normal work hours”, for the purposes of defining work hours for travel time, are defined as 8:00 a.m. to 5:00 p.m. This definition applies to normal work days (Monday through Friday) and to weekends (Saturday and Sunday). Employees not working “normal work hours” (ex: shift work) will convert to this schedule while traveling on City business to insure appropriate and consistent payment.

#### One-Day Trips

When employees are required to travel to another city, all the travel time involved counts as time worked. The only times excluded are meal periods and the time spent traveling between the worker’s home and point of departure (such as the airport). This is to exclude the normal travel time from home to work before the regular work day begins and from work to home after the work day is over.

### **9-2.C. Travel Time, More than One Day, Within Normal Work Hours**

Any portion of authorized travel time that takes place within normal work hours (defined as 8:00 a.m. to 5:00 p.m.) on any day of the week, including Saturday and Sunday, is treated as “work hours”. This includes time spent driving to the point of departure (such as the airport) and travel time until the employee reaches his/her hotel and is free to pursue personal pursuits. Driving from the airport to home at the completion of the travel assignment would also be work time.

### **9-2.D. Travel Time, More than One Day, Outside of Normal Work Hours**

Any portion of authorized travel time (with the exception of driving time) that takes place outside of normal work hours is considered to be “outside travel hours”.

- 1) When a non-exempt employee is required to travel as a passenger in an automobile, plane, or any other mode of transportation outside of normal work hours, he/she will not be compensated for that portion of travel time that takes place outside of normal work hours.
- 2) When an employee travels between two or more time zones, the time zone associated with the point of departure should be used to determine whether the travel falls outside of normal work hours. The fact that an employee changes time zones during travel time shall not be used to inflate or decrease the actual number of hours worked.
- 3) Travel time as the driver of an automobile. All authorized travel time spent driving an automobile (as the driver, not as a passenger) is treated as “hours worked”, regardless of whether the travel takes place within normal work hours or outside of normal work hours. This includes driving a rental car from the airport to the hotel; driving to or from the airport; or, driving from the airport to home at the completion of the trip.
- 4) Travel as a passenger in an automobile is not automatically treated as “work hours”. Travel as a passenger in an automobile is treated the same as all other forms of travel and compensation depends upon whether the travel time takes place within normal work hours or outside of normal work hours.
- 5) If an employee drives a car as a matter of personal preference when an authorized flight or other travel mode is available, and the travel time by car would exceed that of the authorized mode, only the estimated travel time associated with the authorized mode will be eligible for compensation.

**9-2.E. Calculating and Reporting Travel Time**

Employees are responsible for accurately tracking, calculating and reporting travel time on their time records in accordance with this policy.

**9-2.F. Meal Periods**

Meal periods should be taken to the extent possible and when taken should be deducted from any travel time.

**9-2.G. Requests for Alternate Travel Arrangements**

If an employee requests a specific travel itinerary or mode that is different than the one authorized, only the estimated travel time associated with the schedule, route and mode of transportation authorized, should be reported on the time sheet and will be compensable.