

CITY OF BLACKFOOT  
PERSONNEL POLICY  
MANUAL

March 2021



# City of Blackfoot

## Mayor's Welcome Message

---

On behalf of the City of Blackfoot, we welcome you and wish you every success.

We believe that each employee contributes directly to the City's growth and success; we hope that you will take pride in being a member of our team.

This manual was developed to describe some of the expectations we have of our employees, and to outline the policies, programs and benefits available to eligible employees. You, as an employee, are responsible to familiarize yourself with the contents of the Employee Policy Manual as soon as possible, for it will address many questions about our City personnel program.

Our goal is that your experience here will be challenging, enjoyable and rewarding. Again, welcome!

Sincerely,

*Marc Carroll*

Marc Carroll  
Mayor

*Christopher Jensen*

Christopher Jensen  
City Council President

*Bart Brown*

Bart Brown  
City Council Member

*Layne Gardner*

Layne Gardner  
City Council Member

*Jan Simpson*

Jan Simpson  
City Council Member

# City of Blackfoot

## Personnel Policy Manual

---

The purpose of this personnel policy manual is intended to: provide you with policies, procedures and guidelines to assist you in maintaining a safe, efficient and cooperative working environment; establish the responsibilities and level of performance expected of all City employees; explain certain benefits provided to City employees.

The policies and benefit offerings outlined in this policy are subject to change at any time, without prior notice to, and consent of, city employees. Changes may be made in the sole discretion of the City Council.

All employees of the City are At-Will and are employed at the discretion of the Mayor and City Council and will have no right to continued employment or employment benefits, except as may be agreed to in writing and expressly approved by the City Council. This personnel policy is not a contract of employment and is not intended to specify the duration of employment or limit the reasons for which an employee may be discharged. All provisions of this Policy will be interpreted in a manner consistent with this paragraph. In the event of any irreconcilable inconsistencies, the terms of this paragraph will prevail. Only a written contract expressly authorized by the City Council can alter the at-will nature of employment by the City, notwithstanding anything said by an Elected Official or supervisor.

## TABLE OF CONTENTS

I.	GENERAL POLICIES .....	7
A.	THE ORGANIZATION IN WHICH YOU WORK.....	7
B.	EQUAL EMPLOYMENT OPPORTUNITY STATEMENT.....	7
C.	VETERAN'S PREFERENCE AND RIGHTS .....	7
D.	NEPOTISM/HIRING OF RELATIVES .....	7
E.	PREFERENCE FOR HIRING FROM WITHIN.....	8
F.	SMOKE FREE WORKPLACE .....	8
G.	VEHICLE USE POLICY .....	8
H.	WORKPLACE INSPECTIONS.....	8
I.	INFORMATION SYSTEMS POLICY .....	9
J.	SOCIAL MEDIA USE POLICY .....	11
K.	SOCIAL MEDIA RECOMMENDATIONS FOR USE .....	15
L.	ON-CALL REQUIREMENT .....	16
II.	EMPLOYMENT START-UP .....	17
A.	EMPLOYMENT FORMS TO BE COMPLETED.....	17
1.	Employment application form .....	17
2.	Insurance forms (if coverage is available to and selected by the employee).....	17
3.	Employment Eligibility Verification Form I-9.....	17
4.	Form W-4 .....	17
5.	Any other benefit forms necessary for employee information.....	17
B.	EMPLOYEE PERSONNEL FILES .....	17
1.	PERSONNEL RECORDS .....	17
2.	ACCESS TO PERSONNEL FILES.....	17
3.	MANAGEMENT OF INFORMATION IN PERSONNEL FILES .....	18
4.	PERSONAL DATA/STATUS CHANGES.....	18
III.	RULES OF EMPLOYEE CONDUCT .....	18
A.	PERSONAL CONDUCT.....	18
B.	RELATIONSHIP POLICY.....	22
C.	CANDIDACY FOR ELECTIVE OFFICE.....	23

IV.	EMPLOYEE CLASSIFICATION, COMPENSATION, AND BENEFITS .....	23
A.	CLASSIFYING EMPLOYEES FOR POLICY PURPOSES .....	24
1.	EMPLOYMENT STATUS .....	24
2.	EMPLOYEE CLASSIFICATION FOR BENEFITS PURPOSES .....	24
B.	COMPENSATION POLICIES .....	24
1.	ESTABLISHMENT OF EMPLOYEE COMPENSATION.....	24
2.	COMPLIANCE WITH STATE AND FEDERAL PAY ACTS .....	25
3.	RIGHT TO CHANGE COMPENSATION AND BENEFITS.....	25
4.	OVERTIME/COMPENSATORY TIME POLICY .....	25
5.	REPORTING AND VERIFYING TIME RECORDS .....	26
6.	WORK PERIODS .....	26
7.	PAYROLL PROCEDURES AND PAYDAYS.....	26
8.	COMPENSATION WHILE SERVING ON JURY DURY OR AS A WITNESS IN A COURT PROCEEDING.....	26
9.	MILITARY LEAVE .....	26
10.	PAYROLL DEDUCTIONS .....	27
11.	TRAVEL EXPENSE REIMBURSEMENT.....	27
12.	ON-THE-JOB-INJURIES .....	27
13.	EMERGENCY CLOSINGS.....	27
C.	EMPLOYEE BENEFITS.....	27
1.	PERSONAL TIME OFF .....	27
2.	PERSONAL TIME OFF SHARING .....	29
3.	HOLIDAYS.....	29
4.	BEREAVEMENT LEAVE.....	30
5.	LEAVES OF ABSENCE .....	30
6.	FAMILY MEDICAL LEAVE ACT (FMLA) .....	30
7.	BENEFITS FOR TEMPORARY EMPLOYEES .....	32
8.	INSURANCE COVERAGE AVAILABLE TO EMPLOYEES .....	32
9.	RETIREMENT PROGRAM OFFERING .....	32
10.	RETIREMENT BENEFITS.....	33

11. TRANSFER OF BENEFITS WITH EMPLOYEE TRANSFER .....	33
12. MISCELLANEOUS BENEFITS.....	33
V. EMPLOYEE PERFORMANCE AND DISCIPLINE .....	34
A. PURPOSE OF DISCIPLINE/PERFORMANCE POLICY .....	34
B. DISCIPLINARY/PERFORMANCE SYSTEM FRAMEWORK .....	34
C. DISCIPLINARY ACTIONS AVAILABLE.....	34
D. OPPORTUNITY TO BE HEARD—ASSERTIONS OF UNLAWFUL DISCRIMINATION AND RETALIATION AND “NAME-CLEARING HEARING” .....	35
VI. DISCRIMINATION, HARASSMENT & RETALIATION POLICY .....	36
A. PURPOSE.....	36
B. POLICY .....	36
C. RESPONSIBILITIES .....	37
1. THE CITY.....	37
2. SUPERVISORS .....	37
3. EMPLOYEES .....	37
D. DEFINITIONS.....	38
1. VERBAL HARASSMENT .....	38
2. PHYSICAL HARASSMENT .....	38
3. VISUAL HARASSMENT.....	38
4. SEXUAL HARASSMENT .....	38
VII. COMPLAINT PROCEDURE.....	39
A. DISCIPLINARY ACTION.....	40
B. RETALIATION.....	40
C. CONFIDENTIALITY .....	41
D. FALSE COMPLAINTS .....	41
VIII. SEPARATION FROM EMPLOYMENT .....	41
A. REDUCTIONS IN FORCE (RIF).....	41
B. COBRA BENEFITS.....	41
C. EXIT INTERVIEW .....	41
D. RETURN OF PROPERTY .....	42
E. RESIGNATION POLICY .....	42

APPENDIX A VEHICLE USE POLICY

APPENDIX B CITY OF BLACKFOOT VEHICLE ASSIGNMENT AGREEMENT

APPENDIX C CITY OF BLACKFOOT PERSONNEL MANUAL ACKNOWLEDGEMENT

## I. GENERAL POLICIES

### A. THE ORGANIZATION IN WHICH YOU WORK

The City is a political subdivision of the state of Idaho, though it is not a part of state government. The City Council serves as the governing body of the City, carrying out local legislative duties and fulfilling other obligations as provided by law. The City Council is the general policymaker for the City, and has primary authority to establish terms and conditions of employment with the City. The Mayor may appoint personnel to help carry out administrative responsibilities. As with all elected public officials, the Mayor and City Council are ultimately responsible to the voters of the City.

Each employee should recognize that although he/she may serve as an employee supervised by the Mayor or department head, he/she remains an employee of the City, and not of the official who supervises his/her work. The terms and conditions set forth in this policy, and in the resolutions and policy statements that support it, cannot be superseded by any other official's pledge, without the express action of the City Council. That is particularly true for terms or conditions that would establish a current or future financial obligation for the City. You may, however, work for an office/department with an operational policy that provides additional direction to employees on expectations and procedures unique to that office/department.

### B. EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

All selection of employees and all employment decisions, including classification, transfer, discipline and discharge, will be made without regard to race, religion, gender, age, sexual orientation, national origin, or non-job-related disability. No job or class of jobs will be closed to any individual except where a mental or physical attribute, gender or age is a bona fide occupational qualification. All objections to hiring or other employment practices will be brought to the attention of the Mayor, department head, immediate supervisor or human resources. Should your objection involve one of the above listed individuals, you may discuss your objection with the City's attorney.

### C. VETERAN'S PREFERENCE AND RIGHTS

The City will accord a preference to U.S. Armed Services veterans, or certain of his/her family members, in accordance with provisions of Idaho Code, Title 65, Chapter 5. In the event of equal qualifications for an available position, a veteran or family member who qualifies for the preference will be employed.

Any qualified veteran who has been restored to his/her position in accordance with Idaho Code § 65-508 will not be discharged from such position without cause for a period of one (1) year after such restoration. During this one-year period, a returning veteran will be entitled to an opportunity to be heard prior to termination. Such returning veteran will also be considered as having been on an unpaid leave of absence during his/her period of military duty. He/she will be restored to his/her position without loss of seniority, status or pay.

### D. NEPOTISM/HIRING OF RELATIVES

No person will be employed by the City when the employment would result in a violation of provisions found in Idaho Code, including but not limited to I.C. § 74-401 et seq., I.C. §18-1359



and their successors. Any such employment made in violation of these sections may be void. The appointment or employment of the following persons is prohibited:

- a. No person related to the Mayor or a City Council member by blood or marriage within the second degree will be appointed to any compensated office, position, employment or duty; and
- b. No public servant, including Elected Officials and employees, will appoint or vote for the appointment of any person related to him/her by blood or marriage within the second degree to any compensated office, position, employment or duty. This means no one related within the second degree to anyone involved in any way in the hiring process can be hired and/or that no one related to an applicant within the second degree can take part in the hiring process.
- c. An employee whose relative is subsequently elected may be eligible to retain his/her position and pay increases as allowed by relevant provisions of Idaho law, including Idaho Code § 18-1359(5).

#### E. PREFERENCE FOR HIRING FROM WITHIN

Qualified City employees may be given preference over outside applicants to fill vacancies in the work force without following the notice and selection procedures normally required for hiring new employees. If the internal preference process is used, it should be completed prior to seeking outside applicants for the position.

#### F. SMOKE FREE WORKPLACE

In keeping with the City's intent to provide a safe and healthful environment, smoking by employees, visitors and customers is prohibited throughout city owned or managed facilities, including city-owned vehicles and equipment. For purposes of this Policy, smoking not only includes the use of traditional cigarettes, cigars or pipes, but also includes the use of electronic cigarettes and vaporizers of any type. In addition, when not in a designated smoking area, all smoking materials and devices must be maintained out of site of customers and other employees.

Employees who choose to smoke will only be allowed to do so in designated areas and during the scheduled rest periods as determined by the Department Head. All materials used for smoking, including cigarette butts, matches and any packaging or other waste, will be extinguished and/or disposed of in appropriate containers. Supervisors will ensure periodic cleanup of the designated smoking area. If the designated smoking area is not properly maintained (for example, if cigarette butts are found on the ground), it can be eliminated at the discretion of management or other decision-making body.

#### G. VEHICLE USE POLICY

Refer to Appendix 'A'

#### H. WORKPLACE INSPECTIONS

The City wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. To this end, the City prohibits the possession, transfer, sale, or use of such materials on its premises, leaseholds or any other space utilized for

employee activity and/or City business. The City requires the cooperation of all employees, contractors and consultants in administering this policy.

Desks, lockers, and other storage devices may be provided for the convenience of employees, but will remain the sole property of the City. Accordingly, they, as well as any articles found within them, may be inspected by any agent or representative of the City at any time, either with or without prior notice.

The City likewise wishes to discourage theft or unauthorized possession of the property of employees, the City, visitors, and customers. To facilitate enforcement of this policy, the City or its representative may inspect not only desks and lockers but also persons entering and/or leaving the premises and any packages or other belongings. Any employee, contractor or consultant who wishes to avoid inspection of any articles or materials should not bring such items onto the City's premises, leaseholds or any other space utilized for employee activity and/or City business.

## I. INFORMATION SYSTEMS POLICY

- a. Our e-mail, computer, Internet and voice mail systems are City of Blackfoot property. Anything you create or load on the systems becomes our property.
- b. The City shall retain all rights, title, and interest in any and all Intellectual Property generated, created, or developed in facilities operated or controlled by the City, supported by funds administered by the City, and/or performed in the course of regular duties by City employees, contractors or consultants. These systems are in place to facilitate your ability to efficiently and productively do your job. To that end, these systems are solely for business purposes, unless exempted by other provisions of this policy.
- c. We reserve the right to intercept, monitor, copy, review and download any communications or files you create or maintain on these systems, at any time, without prior notice to you.
- d. Software. The City of Blackfoot purchases and licenses the use of various computer software programs for business purposes. The City of Blackfoot does not own the copyright to this software or its related documentation. Unless authorized by the software developer, the City of Blackfoot does not have the right to reproduce such software for use on more than one computer. Employees may only use software on local area networks or on multiple machines according to the software license agreement. Illegal duplication of software and its related documentation for personal use is also prohibited.
- e. E-mail and Internet Access. E-mail and Internet access is provided by the City of Blackfoot to enhance communications and provide access to work related information and technology. Consequently, employees should always ensure that the business information contained in Internet E-mail messages and other transmissions is legal,

accurate, appropriate and ethical. The following are examples of prohibited uses of E-mail and Internet systems:

- Sending or posting discriminatory, harassing, or threatening messages or images;
- Using the City of Blackfoot time and resources for personal gain;
- Stealing, using or disclosing someone else's code or password without authorization;
- Unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material;
- Engaging in unauthorized transactions that may incur as cost to the organization or initiate unwanted Internet or e-mail services and transmissions;
- Sending or posting messages or material that could damage the City of Blackfoot's image or reputation.
- Participating in the viewing or exchange of pornography or obscene materials;
- Sending or posting messages that defame or slander other individuals;
- Attempting to break into the computer system of another organization or person;
- Refusing to cooperate with a security investigation.
- Sending or posting chain letters, solicitations, or advertisements not related to business purposes or activities;
- Using the Internet for political causes or activities, religious activities, or any sort of gambling;
- Jeopardizing the security of the organization's electronic communications systems;
- Passing off personal views as representing those of the City of Blackfoot;
- Sending anonymous e-mail messages;
- Unauthorized participation in or use of chat rooms;
- Logging on or using another employee's computer without authorization;
- Engaging in any other illegal activities;

***Regular monitoring of Internet activity will occur.***

- f. Personal Use. As indicated in this policy, computers, Internet access and e-mail are provided primarily for work related activities. However, occasional personal use may be permitted on a limited basis within the guidelines established by this policy provided such use does not result in a cost to the City of Blackfoot or significantly interfere with the City

of Blackfoot business operations, availability of resources for business use or the employee's job performance.

- g. Utilization of personal social media, including but not limited to Facebook, Twitter, Instagram and blogging, must follow the below guidelines:
- City email accounts may not be used to set up personal social media accounts;
  - Do not use the City of Blackfoot official Seal;
  - Do not conduct City business through personal social media;
  - Avoid conducting city business through personal email, whenever possible. The exception is if you do not have a City email account or you are unable to access your City email;
  - Do not state or imply that you are speaking on behalf of the City, unless authorized to do so;
  - Do not send or post messages or materials that could damage the City of Blackfoot's image or reputation;
  - Do not send or post messages or materials that defame, slander or threaten other City of Blackfoot employees;

Your consent to and compliance with these information system policies is a term and condition of your employment. Failure to abide by these rules or to consent to any interception, monitoring, copying, reviewing, and downloading of any communications or files is grounds for discipline, up to and including termination.

## J. SOCIAL MEDIA USE POLICY

The goal of the City's social media account(s) is to provide information of interest to the community about City services, issues, news, programs and activities. Using social media technologies can help government entities engage citizens and make government more open and transparent.

The purpose of this policy is to establish general standards and responsibilities for the acceptable use of social media by City employees. The City's use of social media technology shall conform to this policy.

### a. DEFINITIONS FOR PURPOSES OF THIS POLICY

- (i) **City Social Media Account:** Any user account on a social media site that any City employee establishes, manages or maintains, or causes to be established, managed or maintained, on behalf of the City, regardless of whether or not the City owns the servers, equipment, network or software platform on which such site resides.
- (ii) **Content:** Any information, data, text, music, sound, photographs, graphics, video, messages, hyperlinks to other websites, or other material posted on a City social media site.
- (iii) **Interactive Communication:** A feature on a social media site that permits the exchange of ideas where participants are active and can have a two-way flow of information or conversation. Examples of interactive communications include, but are not limited to, comment boards, discussion threads, tweets and internet forums.
- (iv) **Social Media Site:** A website containing content intended to be disseminated through social interaction and interactive communication, which allows for the creation and exchange of user-generated content. Examples of social media sites

include, but are not limited to, Facebook, Twitter, Instagram, Pinterest, YouTube, LinkedIn, Flickr or blogs.

b. OFFICIAL INTERNET COMMUNICATION

The City's official website at [www.cityofblackfoot.org](http://www.cityofblackfoot.org) will remain the City's official and primary means of internet communication.

Wherever possible, City social media accounts should link back to the City's official website for policies, procedures, forms, documents, online services and other information necessary to conduct business with the City. City social media sites should be used as consistently as possible and in conjunction with other City communication tools.

To comply with the Idaho Open Meetings Law, members of the City Council, City's boards, commissions and committees should not respond or post on any City social media account's interactive communication sections.

c. INTERACTIVE COMMUNICATIONS AND NOTICE TO SITE VISITORS

City social media accounts are public forums under the First Amendment if visitors to the account or site can engage in interactive communication.

Notice to site visitors regarding interactive communication must be posted prominently on the City social media accounts, unless prohibited by the social media site's terms of use. If the social media site limits the space needed to post the entire notice, then a link to the full notice must be provided on the City's social media sites. The notice to site visitors must state that:

- (i) The social media sites are not owned, controlled, or operated by the City or its departments. Visitors to the site must comply with the social media site's terms of use and privacy policies and are subject to the social media site's practices regarding the collection of information from and about visitors.
- (ii) The City does not provide for the posting of photographs or videos by outside individuals or entities on its social media sites, without condition or exception.
- (iii) Any advertisement or hyperlink that may appear on the City's social media sites are not controlled by the City or the City's departments and do not reflect endorsement by the City or any City departments.
- (iv) Comments posted by members of the public on any City social media site are the opinion of the commentator or poster only. Users' comments do not imply

endorsement, or agreement by the City, nor do such comments reflect the opinions or policies of the City.

- (v) All postings by visitors to the site are public record as defined by the Idaho Public Records Law and are subject to public disclosure and retention under the City's record retention policy.
- (vi) Visitors to the site should not have any expectations of privacy or confidentiality with respect to any content they post to the site, and the City does not have any responsibility for maintaining visitors' privacy.
- (vii) The content of communications posted by site users may not be edited or otherwise modified by the City. Removal is the only action that may be taken and only for communications that violate the social media sites' terms of use and privacy policy.

d. STANDARDS FOR THE USE OF CITY SOCIAL MEDIA ACCOUNTS

All uses of social media on behalf of the City, any City department, or in any manner that appears to represent the City or constitute communication by the City on the City's social media accounts, must comply with the following standards:

(i) Departments and Department Directors

- No department may establish, use or terminate a City social media account without the approval of the Mayor or the Mayor's designee.
- Department social media accounts must clearly identify the account as created and managed by the department, identified as a department of the City.
- Department social media accounts must prominently display, on the first page accessible to the account visitors, links to the City's official internet site, the name of the City and the official department logo or City seal, and Social Media Recommendations of Use statement.
- Department Directors, with the approval of the Mayor or Mayor's designee, shall designate one or more department employees to be the authorized social media user(s) for the department. Only an authorized social media user who is employed by the City of Blackfoot may have access to a department's social media account and be permitted to post content on that account.
- Department Directors may establish department specific social media guidelines and policies. Such policies must be consistent with this policy.
- No content may be posted on a department social media account that is not directly related, as determined by the Department Director, to the mission, services or business objectives of the department.

(ii) Employees

No City employee may establish any social media account in the name of or on behalf of the City or any City department unless:

- The Mayor, or the Mayor's designee, and the employee's Department Director have all approved the account; and
- The City employee who has administrative privileges on the account has reviewed and understands the information within this Social Media Use Policy; and
- All content to be posted on the account is in accordance with this Social Media Use Policy. This requirement applies regardless of whether the account is established, accessed or used by means of City information systems or by means

of the employee's or others' information systems, and whether the account is established, accessed or used from City or non-City premises.

- (iii) City's social media accounts are to be used for City and department business purposes only. Use of City's social media accounts for communications and postings that are not directly related to City, its mission or department business purposes is prohibited.
- (iv) Employees must report unauthorized uses of City social media accounts to the Department Director and the Mayor or the Mayor's Designee immediately.
- (v) Employees should be aware that their use of City social media accounts may be perceived as representing the City and City government and should tailor their use accordingly.
- (vi) Unacceptable uses: The City considers the following activities and uses of City social media accounts to be unacceptable. Employees are prohibited from engaging in any of these activities on a City social media account. Employees who violate this policy or any other City or department policy may be subject to disciplinary action, up to and including termination of employment, in accordance with the disciplinary policies of City's Personnel Policy Manual and the terms of any applicable collective bargaining agreement. This list of unacceptable uses is not exhaustive. Questions about uses of social media or social media content should be directed to the Office of the Human Resources Director or the City Attorney.
  - Use that does not comply with Federal, State and Local laws and regulations and with City and department policies.
  - Use that violates the copyright, trademark or other intellectual property rights of any person or entity, or otherwise violates their legal ownership interests.
  - Content that includes ethnic slurs, profanity, personal insults; material that is harassing, defamatory, fraudulent or discriminatory; or other content or communications that would not be acceptable in a City workplace under the City's Personnel Policy Manual, including posting of sexually explicit material. Content that violates the terms of contracts governing the use of any social media content, including but not limited to, software and other intellectual property licenses.
  - Content that contains information that is exempt from disclosure under the Idaho Public Records Law.
  - Content or posts that violate the social media site's terms of use or privacy policies.

e. **PERSONAL SOCIAL MEDIA ACCOUNTS**

The lines between public and private, personal and professional can be blurred in online social networks, and whatever you post on your personal account will likely reflect on the City. A personal social media account, while an appropriate place to share personal opinions, is not a place to present an individual opinion as an official City view. Be mindful that despite all privacy controls, whatever you publish can be seen by many different people, including your supervisor, co-workers and customers.

- (i) City employees cannot use personal social media sites for political purposes or to engage in private business activities during business hours with City-issued property.
- (ii) Postings and user profiles on personal social media accounts must not state or imply that the views, conclusions, statements, opinions or other social media content are an official policy, statement, position, communication or opinion of the City, Mayor,

City Council or any director or employee, unless otherwise authorized by the Mayor or Mayor's designee.

- (iii) If a City employee has not received such permission, any user profile, biography or posting on a personal social media account that identifies that person as a City employee must include a qualifying statement such as, "The views I express on this site are my own and do not reflect any official view or position of the City of Blackfoot."

#### K. SOCIAL MEDIA RECOMMENDATIONS FOR USE

The purpose of the City's social media sites is to create a space for open discussion and interaction with the City of Blackfoot. The sites are also methods for the City to communicate matters of public interest concerning the City's programs, activities, news stories and photos. The City welcomes public comment and invites engagement in civil conversation.

The City's official website [www.cityofblackfoot.org](http://www.cityofblackfoot.org) is the City's primary means of internet communication. Wherever possible, City social media accounts should link back to the City's website for forms, documents, online services and other information necessary to conduct business with the City.

City Social Media Accounts are public forums under the First Amendment as visitors to the account or site may engage in interactive communications.

- a. The social media sites are not owned, controlled, or operated by the City or its departments. Visitors to the site must comply with the social media site's terms of use and privacy policies and are subject to the social media site's practices regarding the collection of information from and about visitors.
- b. The City does not provide for the posting of photographs or videos by outside individuals or entities on its social media sites, without condition or exception.
- c. Any advertisement or hyperlink that may appear on the City's social media sites are not controlled by the City or the City's departments and do not reflect endorsement by the City or any City departments.
- d. Comments posted by members of the public on any City social media site are the opinion of the commentator or poster only. Users' comments do not imply endorsement, or



agreement by the City of Blackfoot, nor do such comments reflect the opinions or policies of the City of Blackfoot.

- e. All postings by visitors to the site are public record as defined by the Idaho Public Records Law and are subject to public disclosure and retention under the City's record retention policy.
- f. Visitors to the site should not have any expectations of privacy or confidentiality with respect to any content they post to the site, and the City does not have any responsibility for maintaining visitors' privacy.
- g. The content of communications posted by site users may not be edited or otherwise modified by the City. Removal is the only action that may be taken and only for communications that violate the social media sites' terms of use and privacy policy.

Note that City personnel are not obligated to respond to every message or comment posted on social media pages. Phone calls or emails to City personnel are the preferred method of communication.

**These recommendations may be revised at any time.**

**Recommendation to be posted on all City social media sites:**

The purpose of the City's social media sites is to communicate matters of public interest concerning city news, programs and activities and to create a space for open interaction. We welcome public comment and invite engagement in civil conversation. All postings by visitors to the site are public record as defined by the Idaho Public Records Law and are subject to public disclosure and retention under the City's record retention policy.

Comments will not be edited or deleted by City personnel. City personnel are not obligated to respond to every message or comment posted on social media pages. Phone calls (208-612-8235) or emails to City personnel are the preferred method of communication. For more information, see the City's *Social Media Recommendations of Use* which can be found on our [website](#).

**L. ON-CALL REQUIREMENT**

The City of Blackfoot recognizes the need to have certain critical municipal employees able and available to respond on an emergency on-call basis. This policy applies to those employees deemed to be critical, including: all ranks of sworn Police Officers; certain Water, Sewer and Street personnel and any other employees who are required to be on call, as determined by the appropriate Department Head.

If City employees are on-call as a part of their normal position responsibilities, they are expected to respond to the emergency, prepared and ready for work, within 30 minutes from the time of the call. The 30 minute response time must be accomplished by not violating any State, County or City laws. As such, those critical employees must either have a home residence within 30 minutes of their primary work location, or they must make other arrangements, at their own expense, to ensure that they are within a 30 minute commute of their primary work location during the time that they are scheduled on-call.

All City-owned vehicles being used by an employee on call must remain within 5 miles and/or 15 minutes from the City limits.

Sworn Police Officers will be permitted to take home vehicles consistent with Police Vehicle Operations Policy, Chapter 8.290 'Department Owned Vehicle Take-Home Policy.'

In the event of a disaster resulting in the serious disruption of the functioning of the City of Blackfoot, involving widespread human, material, economic or environmental losses and impacts, all City employees may be required to report to their work site, or a designated location within the City, within 45 minutes of receiving said emergency call.

## **II. EMPLOYMENT START-UP**

### **A. EMPLOYMENT FORMS TO BE COMPLETED**

The following forms must be completed before the employee begins work for the City:

1. Employment application form
2. Insurance forms (if coverage is available to and selected by the employee)
3. Employment Eligibility Verification Form I-9
4. Form W-4
5. Any other benefit forms necessary for employee information.

### **B. EMPLOYEE PERSONNEL FILES**

#### **1. PERSONNEL RECORDS**

The official employee records for the City will be kept in the Human Resource Office/department or by the City Clerk. The personnel files will contain records related to employee performance, employee status, and other relevant materials related to the employee's service with the City. The employee's supervisor, elected officials or the employee himself/herself may contribute materials to the personnel files deemed relevant to the employee's performance.

#### **2. ACCESS TO PERSONNEL FILES**

Only the employee's supervisors, the Mayor, the City Council when acting as a body in the course of its official business, attorneys for the City and the employee are authorized to view materials in a personnel file. Access of others to such files will be allowed only with authorization of the supervising official after consultation with legal counsel for the City. Information regarding personnel matters will only be provided to outside parties with a release from the employee, when deemed necessary by legal counsel for the City, or pursuant to a Court order or a proper subpoena. The City reserves the right to disclose the contents of personnel files to outside state or federal agencies, its insurance carrier or its carrier's agents for risk management purposes, or when necessary to defend itself against allegations of

unlawful conduct. Copies of materials in an employee's personnel file are available to that employee without charge, subject to exceptions provided by statutes.

### 3. MANAGEMENT OF INFORMATION IN PERSONNEL FILES

Each employee will be provided an opportunity to contest the contents of his/her personnel file at any time, by filing a written objection and explanation that will be included in the file along with the objectionable material. In the sole judgment of the supervising official, after consultation with legal counsel for the City, any offending material may be removed upon a finding by the City that it is false or unfairly misleading. In general, there is a presumption that materials are to remain in personnel files accompanied by the employee's written objection and explanation to provide a complete employment history. Any such approved removal of information will be documented in writing and maintained in the employee's personnel file.

### 4. PERSONAL DATA/STATUS CHANGES

It is the responsibility of the employee to promptly notify the city of any changes in personnel data (e.g. mailing address, contact phone numbers, dependents, marriage status, etc.) by contacting the Human Resources Director and completing the appropriate paperwork/documentation.

## III. RULES OF EMPLOYEE CONDUCT

Violation of any of the rules set forth below will be grounds for disciplinary action including possible dismissal from employment. However, this list is illustrative and not all inclusive and other behaviors and acts of misconduct not specifically set out below may be grounds for disciplinary action as well. Nothing contained herein is intended to change the at-will nature of the employee's employment with the City or limit the reasons for which the employee may be disciplined, including termination of the employment. The most important of these rules are those addressing attitude and cooperative behavior.

### A. PERSONAL CONDUCT

Each employee is expected to conduct himself/herself in a manner that is helpful and productive and that does not reflect adversely upon the City. Public employees are subject to additional public scrutiny in their public and personal lives because the public's business requires the utmost integrity and care. Each employee is expected to scrupulously avoid personal behaviors that would bring unfavorable public impressions upon the City and its officials. To accomplish this, each employee must:

- a. Work cooperatively and constructively with fellow workers and members of the public to provide public service of the highest quality and quantity. ***THIS IS THE FIRST PRIORITY FOR ALL EMPLOYEES.***
- b. Be prompt and regular in attendance at work for defined work schedules or other required employer functions, and follow procedures for exceptions to the normal schedules, including the scheduling and taking of personal time off.
- c. Comply with dress standards established in the office/department for which the employee works. In the absence of any office/departmental dress standards, clothing will

be appropriate for the functions performed and will present a suitable appearance to the public.

- d. Not engage in criminal conduct of any kind while on or off duty. City employees are expected to behave in a lawful manner and failure to do so is a violation of the trust placed in such employees by the public and the appointing official.
- e. Not engage in conduct away from work that, although not criminal, may reflect adversely upon the City or its officials or otherwise impair the employee's ability to perform.
- f. Avoid conflicts of interests in appointments and working relationships with other employees, contractors and potential contractors in the City and related agencies.
- g. Not engage in conduct that violates the laws of the state of Idaho, including but not limited to I.C. §18-1356 (accepting gifts that exceed a value of \$50), I.C. §74-401 et seq. (Ethics in Government Act), I.C. §74-501 (Prohibitions Against Contracts) and I.C. §18-1359 (Using Public Position for Personal Gain). Not accept gifts or gratuities in any personal or professional capacity that could create the impression that the giver was

seeking favor from the employee or official in violation of I.C. § 18-1356 and I.C. § 18-1357.

- h. Not engage in workplace or public conduct otherwise detrimental to the accomplishment of the goals established by the Mayor, City Council or the office/department for whom he/she works.
- i. Give his/her best efforts to accomplish the work of the City for public benefit in accordance with policies and procedures adopted by the Mayor and City Council and elected officials and displaying an attitude of cooperation and constructive participation.
- j. Be subject to the administrative authority of the officials who supervise the office/department where the employee works.
- k. Abide by all office/departmental rules whether written or oral. No employee will be required to follow the directive of a supervisor that violates laws of any local jurisdiction, the state, or nation.
- l. Perform such obligations as are necessary to carry out the work of the City in an efficient and effective manner at minimal costs and with limited risk to the public and fellow workers.
- m. Not sleep or be absent from the employee's work station when on duty; employees must be attentive to their work at all times.
- n. Not engage in malicious gossip, spread rumors, engage in behavior designed to create discord and lack of harmony, willfully interfere with another employee's work output or encourage others to do the same.
- o. Not unlawfully harass a fellow worker employee or member of the public, as outlined in the City's Workplace Discrimination, Harassment and Retaliation Policy.
- p. Not discriminate in the treatment of fellow employees or members of the public on the basis of race, religion, gender, age, disability or national origin.
- q. Not engage in abusive conduct to fellow employees or the public, or use abusive language in the presence of fellow employees or the public. Abusive language will include profanity and loud, threatening or harassing speech.
- r. Follow all rules for care and use of public property to assure that the public investment in such property is protected and that the safety of the public and other workers is maintained.
- s. Not use any substances, lawful or unlawful, that will impair the employee's ability to competently perform his/her work or threaten the safety and well-being of other workers or the public. Should the employee be prescribed a lawful substance that may impair the employee's ability to safely do his/her job, the employee is required to provide a physician's note explaining the possible effects of the medication on the employee's ability to do his/her job and the length of the time that the employee will be required to

take the medication. The employee may be required to take leave while taking the medication.

- t. Follow the rules regarding the reporting of work hours and comply with the City's procedures for approval of time-keeping records.
- u. Follow rules and schedules for breaks and lunch periods.
- v. Promptly report all accidents that occur or are observed on the job, or are on or involve City property, and cooperate as requested in the reconstruction of any such accident.
- w. Follow all workplace safety rules whether established formally by the office/department or by outside agencies. Employees are encouraged to suggest ways to make the workplace or work procedures safer.
- x. Maintain a current appropriate driver's license when work for the City requires the employee to drive a vehicle as part of his/her responsibilities. Each such employee must report any state-imposed driving restrictions to his/her immediate supervisor and notify his/her supervisor if his/her driving abilities are impaired.
- y. Not serve on any board or commission that regulates or otherwise affects the official duties or personal interests of the employee in a way that could create disadvantage for other members of the public or advantage for the employee.
- z. Not have non-City employment that conflicts with duties performed for the City in any meaningful way. Individual offices/departments may determine permissible examples of outside employment.
- aa. Not release any public record, including personnel records, without the express authority of the public official responsible for custody of the record, after consulting with legal counsel for the City or without an order from a court or public agency of competent

jurisdiction. Maintain the confidential nature of records that are not open to public scrutiny in accordance with the direction of the responsible official.

- bb. Not use work time for personal business, including the selling of goods or services to the general public.
- cc. Not use the name and/or accounts of the city when purchasing items for personal use.
- dd. Adhere to any code of ethics in his/her profession.
- ee. Not engage in political activities while on duty. This rule will not apply to elected officials.
- ff. Not provide false or misleading information on employment applications, job performance reports, or any other related personnel documents or papers.
- gg. Not destroy, alter, falsify or steal the whole or any part of a police report or any record kept as part of the official governmental records of the City (I.C. § 18-3201 and 18-3202).
- hh. Not use phones or computers in the workplace in a manner that violates policy or that disrupts workplace activities.
- ii. Not abuse employee benefit offerings by taking unjustified sick leave, unearned vacation, participating in a scheme designed to create incorrect personnel records or to claim benefits that are not deserved in accordance with City policy.
- jj. Not violate rules concerning absence from the workplace without proper authorization.
- kk. Not engage in prolonged visits with co-workers, children, friends or family members that interfere with work in the office/department in which the employee serves.
- ll. Not use work time or public premises to promote religious beliefs to members of the public or fellow employees.

**THESE RULES ARE NOT ALL-INCLUSIVE**

## **B. RELATIONSHIP POLICY**

Personal relationships are a vital part of most people's lives. When personal relationships intersect with employment, an employer may become entangled with the consequences of the choices that employees make. The City has no desire to become involved in such matters. Accordingly, these rules serve as a basic guide to family and romantic relationships in the City's workplace:

- a. No person related to the Mayor or a City Council member by blood or marriage within the second degree may be hired as a paid employee of the City.
- b. No employee of the City will hire, supervise or otherwise exercise discretion concerning a paid employee who is related to the supervisor by blood or marriage within the second degree.
- c. Any supervisor involved in a romantic relationship with a subordinate must immediately notify his/her superior of the existence of any such relationship. Efforts should be made to eliminate supervisory responsibility for one who is romantically involved with a

subordinate. Employees involved in such relationship bear a responsibility to the City to cooperate in any effort to avoid the potential conflicts that can arise from such personal relationships in the workplace. Such relationship may result in a change of employment duties.

### C. CANDIDACY FOR ELECTIVE OFFICE

- a. While the City recognizes that the First Amendment provides Constitutional protections for the political activity of its employees, it also recognizes that this right is not absolute when balancing the right of the individual to become a candidate for office and the City's interest in promoting the efficiency of the public services it performs through its employees.
- b. If an employee initiates candidacy against an Elected Official for whom he/she is a subordinate and there is a reasonable prediction of disruption in that official's office, the employee must immediately resign or face possible termination.
- c. A reasonable prediction of disruption is based upon any of the following factors:
  - (i) The size of the office in which the employee works—the smaller the office, the greater the likelihood of disruption;
  - (ii) Whether the employee candidate holds a position of trust and confidence to the incumbent—the closer the ties, the greater the likelihood of disruption;
  - (iii) Whether the employee candidate is running for a position in which he/she would replace or become superior to his/her current supervisor—in such circumstances the likelihood of disruption would be greater; or
  - (iv) The nature of the relationship between the employee candidate and the incumbent and the degree of contact they have with one another—the greater the amount of contact and interaction, the greater the likelihood of disruption.
  - (v) Not all of the above factors must be met in order to seek resignation or termination of the employee.
- d. If the official determines that there exists a reasonable prediction of disruption should the employee remain employed with the City and the employee refuses to resign, he/she may be terminated. The official should set out in writing the factual basis for finding that there exists a reasonable prediction of disruption using the above factors. The written findings should be provided to the employee, placed in the employee's personnel file and be made a part of the official record. All other applicable procedures that allow an opportunity to be heard, as set out in this policy, will apply.

## IV. EMPLOYEE CLASSIFICATION, COMPENSATION, AND BENEFITS

For varied reasons, employee status must be organized by classes in order to administer employee policies, benefits or otherwise address employment issues. It is generally the responsibility of the employee to assure that he/she is properly categorized for purposes of each issue or benefit type. The City will endeavor to assist with such matters, but the employee is ultimately responsible to assure that his/her service is properly addressed.



## A. CLASSIFYING EMPLOYEES FOR POLICY PURPOSES

### 1. EMPLOYMENT STATUS

- a. All employees of the City, including part-time and temporary employees, are AT-WILL EMPLOYEES, except as otherwise required by law or pursuant to a written contract approved by the City Council.
- b. Employed Attorneys. Because the Idaho Rules of Professional Conduct govern the relationship between an attorney and his/her client, attorneys employed by the City are considered to be at-will employees, and they serve at the pleasure of the Mayor and City Council, and can be appointed or removed at their pleasure.
- c. Appointed Officials. The city clerk, treasurer, and any other officials appointed pursuant to Idaho Code § 50-204, may only be removed pursuant to Idaho Code § 50-206.

### 2. EMPLOYEE CLASSIFICATION FOR BENEFITS PURPOSES

The classification of the position an employee holds with the City may affect the status of obligations or benefits associated with his/her employment. The primary classes of employees are:

- a. Elected Officials  
Elected officials are not considered regular employees. Elected Officials receive employment benefits as identified in a resolution adopted by the City Council.
- b. Full-Time Regular Employees  
Employees whose employment is sustained and continuing and whose typical work week consists of at least 30 hours are considered full-time regular employees. Full-time regular employees are eligible for employee benefits provided by the City.
- c. Part-Time Regular Employees  
Employees whose employment is sustained and continuing and whose typical work week consists of less than 30 hours on a regular basis are considered part-time regular employees. Part-time regular employees may receive reduced employee benefits as authorized by the City Council and as required by federal and state law. The scope of benefits received may vary proportionately with the number of hours typically worked for a part-time regular employee. The number of hours worked may also affect the employee's obligation to participate in certain mandatory state benefit programs. Certain benefits may not be available because qualifying thresholds have not been reached.
- d. Temporary Employees  
Employees who work on an irregular, seasonal or temporary basis are temporary employees. Temporary employees receive no benefits provided to regular employees, except those required by law or those approved by official action of the City Council.

## B. COMPENSATION POLICIES

### 1. ESTABLISHMENT OF EMPLOYEE COMPENSATION

Employees are compensated in accordance with, and subject to, decisions of the City Council as annual budgets are set and are subject to increase, reduction, or *status quo* maintenance

for any time period. The Mayor or department head may make suggestions about salary compensation and other pay system concerns, but the final decision regarding compensation policy rests with the City Council.

**2. COMPLIANCE WITH STATE AND FEDERAL PAY ACTS**

The City will comply with all state and federal pay acts governing compensation of its employees.

**3. RIGHT TO CHANGE COMPENSATION AND BENEFITS**

The City may change general compensation for any reason deemed appropriate by the City Council. Compensation may also be adjusted based upon job performance and the availability of funds to maintain a solvent city budget. Hours worked may be reduced or employees may be laid off as necessary to meet budgetary constraints or as work needs change.

**4. OVERTIME/COMPENSATORY TIME POLICY**

- a. In addition to the employee classifications set forth elsewhere in this policy, all employees are classified as exempt (salaried) or nonexempt (hourly) for purposes of complying with the federal Fair Labor Standards Act (FLSA). Exempt employees perform work that qualifies for the professional, executive or administrative exemption and do not qualify for overtime compensation. Employees should contact your office/department supervisor or the Human Resources Office for further clarification of the employee's FLSA status.
- b. Overtime for non-exempt, hourly employees will be allowed only when authorized by the appropriate supervisor, or when absolutely necessary in the event of an emergency. Non-exempt employees entitled to overtime compensation will either accrue compensatory time or overtime pay as established by policy adopted by the City Council. Compensatory time or overtime pay for work in excess of 40 hours per week, or in excess of the work period interval established for law enforcement officers or fire fighters, will be computed at 1.5 hours for each additional hour worked. The City Council has set a maximum accumulation of 40 hours of compensatory time for non-law enforcement personnel and 80 hours of compensatory time for law enforcement personnel. Any compensatory time over that amount will be paid in the next pay period, unless otherwise approved by the Mayor.
- c. Compensatory time may be used whenever required by a supervisor or when requested by an employee with the concurrence of a supervisor. Use of requested compensatory time will depend upon the ability of the office/department to tolerate a requested absence. If repeated requests to use compensatory time are denied by a supervisor, or reasonable opportunities to use such time are unavailing, an employee must be paid for such accrued time.
- d. Callouts / Pager Time  
A minimum of 2 hours (at straight time) is paid for a callout. If multiple callouts occur in the same 24 hour period (12:01AM to 12:00AM / 00:01 to 24:00) the employee is paid the 2 hours until the actual time worked equals the minimum 2 hours. If subsequent callouts occur exceeding the 2 hour minimum, the employee is paid for all time worked exceeding 2 hours at time and a half.

Only workers “on call” will receive pager time for the period they are on call. Supervisors may get a one-time salary adjustment but subsequently will not receive any pager time pay.

## **5. REPORTING AND VERIFYING TIME RECORDS**

- a. Each hourly employee is responsible to timely and accurately record time that he/she has worked in accordance with the established procedures. Each report of non-exempt employees must be signed manually or electronically by both the supervisor and the employee, and must contain a certification that it is a true and correct record of the employee’s actual time worked and benefits used for the time period covered. Exempt employees may be required to document time worked or benefits used for accountability purposes.
- b. Any employee concerned about his/her compensation, rate of pay, payroll status, deductions, etc., must communicate such concerns to the payroll office or his supervisor as soon as any such concern becomes evident. Documentation of any such issue should be maintained in the employee’s personnel file.

## **6. WORK PERIODS**

- a. The workweek for all non-law enforcement, non-exempt employees who are subject to the FLSA begins at 12:00 a.m. on Sunday of each week and concludes at 11:59 p.m. of the succeeding Saturday, unless otherwise determined by your Department Head.
- b. The work period for sworn law enforcement officers and firefighters may be up to the twenty-eight (28) day work period allowed by the FLSA, 29 U.S.C. § 207(k).

## **7. PAYROLL PROCEDURES AND PAYDAYS**

- a. Employees are paid every two weeks throughout the year. Direct deposit receipts are issued prior to the scheduled payroll deposit. Paychecks compensate employees for work performed in the pay period preceding the week in which the check is issued.
- b. Each employee must monitor the accuracy of compensation received. Information shown on the employee's paycheck stub is provided for information only. Actual practices regarding the issuance of paychecks and allocation of employee benefits must be consistent with official policy of the City. In the event of disagreement between the computer-generated paycheck stub and official policy, as interpreted by the City Council, the policy will prevail. Employees are obligated to call to the City’s attention any such errors, whether to the advantage or disadvantage of the employee.

## **8. COMPENSATION WHILE SERVING ON JURY DUTY OR AS A WITNESS IN A COURT PROCEEDING**

Leave will be granted and full pay provided to employees called to serve as a court witness in matters specifically related to City operations or called to serve on jury duty.

## **9. MILITARY LEAVE**

An unpaid leave of absence will be granted to an employee to participate in ordered and authorized field training in accordance with Idaho Code §§ 46-407 and 409, and the Uniformed Services Employment and Reemployment Rights Act (USERRA).

## **10. PAYROLL DEDUCTIONS**

No payroll deductions will be made from an employee's paycheck unless authorized in writing by the employee or as required by law (Idaho Code § 45-609).

## **11. TRAVEL EXPENSE REIMBURSEMENT**

An employee on approved City business will be reimbursed for expenses incurred in completing his/her assignment in accordance with the policies established by the City Council. Each employee is responsible for completing the appropriate documentation and providing verified receipts for any expenses for which reimbursement is requested.

## **12. ON-THE-JOB-INJURIES**

- a. Employees are covered by worker's compensation insurance for on-the-job injuries. All on-the-job injuries must be reported to the employee's supervisor as soon as practicable so that a worker's compensation claim can be filed. Return to employment will be authorized on a case-by-case basis in consultation with the supervising official and the State Insurance Fund and may require a fitness for duty medical review. Concerns associated with injured worker status may be brought before the appropriate Elected Official for review.
- b. The City will handle worker's compensation claims for sworn law enforcement officers pursuant to Idaho Code, Title 72, Chapter 11.

## **13. EMERGENCY CLOSINGS**

At times, emergencies such as severe weather, fires, power failures or earthquakes can disrupt city operations. In extreme cases, these circumstances may require the closing of a work facility.

- a. When operations are officially closed due to emergency conditions, the time off from scheduled work will be unpaid; however, with supervisory approval, employees may use available PTO.
- b. In cases where an emergency closing is not authorized, employees who fail to report for work will not be paid for the time off.

## **C. EMPLOYEE BENEFITS**

The City offers employee benefits for full-time and part-time regular employees. These benefit offerings are subject to change or termination in the sole discretion of the City Council. Each benefit offering is subject to the specific terms of its respective insurance policy and/or official resolution of the City Council.

### **1. PERSONAL TIME OFF**

Personal time off is an alternative to categorized vacation and sick leave accruals, and is intended to provide an employee with the flexibility to use their time off to better meet personal needs, while recognizing an employee's individual responsibility to manage such absences. Personal Time Off accrues as the employee works, and will not accrue while the employee is on an unpaid leave of absence or under a suspension of any kind.

a. **Accrual Schedule for Full Time Employees**

Each full time regular employee will accrue PTO hours according to the schedule below for each pay period worked at full time status. The maximum annual accrued carryover is the limit of unused PTO that may be carried over from one fiscal year to the next. Once an employee reaches the maximum accrued PTO hours, no additional PTO will accrue until the employee’s accrued hours are reduced below the maximum. If, due to operational demands, minimum staffing levels cannot be met, it would be possible with the approval of the Department Head and Mayor, to exceed the maximum accrual for a three-month period.

**Accrual Schedule for PERSI-Eligible Part-Time Employees**

Each part-time employee who, due to the nature of their position, is only eligible for PERSI benefits, would accrue PTO at a rate of 75% of that of a full-time employee, with time earned based on years of service. The Supervisor will be responsible for calculating the appropriate number of hours and communicating that to Payroll.

<b>Years of Service</b>	<b>Bi-Weekly Rate of Accrual (Hours)</b>	<b>Annual Accumulation (Hours)</b>	<b>Maximum Accrued (Hours)</b>
0 to 5	6.93	180.18	240
6 to 10	8.66	225.16	320
11 or More	9.62	250.12	480

b. **Termination**

Employees will be paid for all accrued PTO, subject to authorized deductions, when they leave employment with the City. The calculation for vacation shall be computed at the regular base hourly rate of the employee at the time of separation and will not include any special forms of compensation or incentives.

c. **Scheduling**

PTO may be taken by separate hours, days or weeks in increments of not less than one (1) hour per occasion for Non-Exempt (Hourly) employees. For Exempt employees, PTO leave benefits shall be taken in full-day increments. Per FLSA, any hours worked in a day for Exempt employee is considered a full day of work.

d. **Notice**

Personal Time Off is to be scheduled with consent of the responsible supervisor. Efforts will be made to accommodate the preference of the employee in scheduling PTO for vacations, but priority will always be given to the orderly functioning of affected office/departments. There may be occasions, such as sudden illness, when an employee cannot notify his/her supervisor in advance as required. In those situations, employees must inform supervisors of their circumstances as soon as possible. Requests for PTO to be taken during the first three months of employment will be considered on a case by case basis.

e. Transition Provisions

Current employees will be inserted into the new policy at their current year of service, or at the rate that was agreed upon at employment, whichever is greater. Some employees may start the new PTO system with an account balance. Should this balance be over the maximum accrued PTO hours limit, employees have a 12-month period from the date of the policy to reduce their hours to the accrual maximum for their corresponding years of service, and will not accrue additional PTO time until their accrued hours fall below that level.

f. Sick Leave Bank

(i) Individuals grandfathered under the former Personal Leave Policy and whom have hours 'banked' for conversion to health insurance benefits at retirement (as defined by the Rule of 90 or the PERSI definition of retirement) will continue to retain those hours and have them applied to their COBRA benefit at the rate of 64 hours for one month of coverage. Only hours in increments of 64 may be applied for coverage.

(ii) Eligibility for hours from the sick leave 'bank' are based on a medical need to be absent from work. Any request for use of sick bank hours must be submitted in writing to, and approved by, the Department Head.

g. PTO Sell Back

Every December, employees will have the opportunity to sell back up to 25% of their PTO hours accrued during that calendar year. The calculation for shall be computed at the regular base hourly rate of the employee at the time of and will not include any special forms of compensation or incentives.

**2. PERSONAL TIME OFF SHARING**

With the approval of the manager for both the transferring and receiving employee, a maximum of 20 hours of accrued PTO may be transferred in any 12-month period from one employee to another employee, who has, or will, exhaust all available PTO due to a serious illness or disability of their own or a member of their immediate family.

The maximum leave which an employee may receive under the policy is limited to 120 hours in any 12 month period. The gaining employee must use all available PTO before donated PTO may be used. Donated PTO will be applied as needed in the order in which it is received. Unused leave will be returned to the respective donor(s).

**3. HOLIDAYS**

a. Twelve official holidays are provided for full-time regular employees. Full-time regular employees receive compensation for that day even though they do not work. Holidays which fall on Saturday will be observed on the precedent Friday. Those which fall on Sunday will be observed on the succeeding Monday. The holiday schedule may be changed at any time by the City Council.

b. Full-time regular employees who work on holidays will be scheduled to receive a substitute holiday with pay within sixty (60) days of the date of the holiday they worked.

Unscheduled emergency work on holidays will be compensated at a rate of two (2) times the employee's regular rate of pay.

- New Year's Day (January 1)
- Martin Luther King Jr. Day (third Monday in January)
- Presidents Day (third Monday in February)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Veterans' Day (November 11)
- Thanksgiving (fourth Thursday in November)
- Day after Thanksgiving (fourth Friday in November)
- Christmas Eve (December 24)
- Christmas (December 25)
- Day after Christmas (December 26)

#### **4. BEREAVEMENT LEAVE**

Up to three (3) days of paid leave of absence will be provided for a death in the immediate family (spouse, parents, grandparents, children, grandchildren, brothers and sisters, including in-laws). Employees have the right to use accrued vacation leave beyond the leave of absence allowed by this section.

#### **5. LEAVES OF ABSENCE**

Up to thirty (30) days of unpaid leave of absence can be granted by the Mayor for any justifiable purpose. Paid leave in any amount or unpaid leave in excess of thirty days will require written approval of the City Council.

#### **6. FAMILY MEDICAL LEAVE ACT (FMLA)**

##### **a. Eligibility Requirements**

To be eligible for FMLA benefits, prior to any leave request, the employee:

- (i) must have worked for the City for at least 12 months;
- (ii) must have worked at least 1,250 hours for the City during the previous 12 months;
- and
- (iii) the City must employ at least 50 employees.

##### **b. FMLA Rights**

- (i) An eligible employee is entitled to job-protected, unpaid leave for the following reasons: 1) birth and care of the eligible employee's child, or placement for adoption or foster care of a child with the employee, 2) care of an immediate family member (spouse, child, parent) who has a serious health condition, or 3) care of the employee's own serious health condition.
- (ii) The employee may request up to 12 weeks of leave during which the City will continue the employee's benefits (employer portion only). The 12-month period is determined using a "rolling" 12-month period measured backward to the date an employee first uses any FMLA leave. If the employee does not return to work at the end of the FMLA leave for reasons other than the continued serious health condition of the employee

- or eligible family member, the City may recover from the employee the premiums that were paid for the employee's medical coverage during the FMLA leave period.
- (iii) Total FMLA leave for employee spouses/parents who both work for the City is 12 weeks combined if the leave is for reasons other than the employee's own personal serious illness.
- c. Concurrent Use of Accrued Leave and Worker's Compensation Required
- (i) Employees are required to use any accrued paid vacation and sick leave concurrently with any FMLA leave. If the employee does not have sufficient accrued vacation and sick leave to cover the time out on FMLA leave, the employee may take the remainder of FMLA leave as unpaid leave. Employees will continue to accrue vacation and sick leave while utilizing such leave, but will not accrue such leave during the unpaid portion of their leave.
  - (ii) If the employee is on Worker's Compensation leave, such leave will also run concurrently with any FMLA leave.
- d. Employee Obligations
- (i) Employees are required to give thirty (30) days notice, or as much time as practical, when the need for FMLA leave is foreseeable. The employee may be required to provide medical certification by his/her physician or medical practitioner indicating the diagnosis and probable duration of the employee's or family member's FMLA qualifying medical condition. The City may also require second or third opinions at the City's expense.
  - (ii) Employees who are on FMLA leave for their own serious illness for three (3) or more consecutive days are required to provide a medical practitioner's fitness for duty report prior to returning to work. The employee must provide his/her medical practitioner with a job description so that the practitioner can evaluate whether the employee will be able to perform all of his/her duties on his/her return to work. FMLA leave may be denied if these requirements are not met. The decision to allow an employee to return to work will be solely the City's in compliance with the provisions of FMLA. If a doctor finds that the employee is not fit to return to duty, the employee will not be allowed to return to work.
  - (iii) An employee on FMLA leave will not be allowed to work for any other employer without prior approval from his/her supervisor. An employee who violates this rule will be subject to disciplinary proceedings up to and including termination from employment.
  - (iv) Employees should contact the Human Resources Office to discuss their rights and obligations for continuation of any current benefits they are receiving. Employees must plan and arrange for payment of their portion of their benefit costs or discontinuation of those benefits will occur.
  - (v) To request FMLA leave, the employee must contact the Human Resource Office indicating the reason for requesting FMLA leave and the expected duration of leave
- e. Intermittent Leave Requests
- FMLA leave may be taken intermittently or on a reduced leave schedule with prior written approval from the employee's supervisor or when "medically necessary." In the circumstance of birth or placement of a child for adoption or foster care, intermittent leave is only available by written approval of the supervisor or Mayor.



- f. Employer's Rights and Obligations
  - (i) The City has the right to determine whether the employee is or is not an "eligible employee" under the Act and to place an employee on FMLA leave without the employee's consent if the employee meets the eligibility requirements under the Act.
  - (ii) The City may require periodic notices of the employee's FMLA status and his/her intent to return to work.
  - (iii) The City will return the employee to the same or an equivalent position after returning from FMLA leave, subject to the terms of the FMLA. The only exception may be for individuals who, under the provisions of the FMLA, are a "key employee" whose extended absence would cause "substantial and grievous economic injury".
  
- g. The National Defense Authorization Act
  - (i) The FMLA also provides an entitlement of up to 26 weeks of unpaid leave during a single 12-month period to an eligible employee who must care for a covered service member—a person who is a spouse, son, daughter, parent or next of kin of the employee and has a serious injury or illness incurred in the line of duty that renders that person unfit to perform his or her duties in the Armed Forces. If this type of leave is requested, the City may require medical certification that the service member being cared for has a serious health condition and that it was incurred in the line of duty.
  - (ii) FMLA also now provides 12 weeks of FMLA leave to an employee if his or her spouse, son, daughter or parent has been called to active duty with the Armed Forces. No serious medical condition is required for this type of leave. If this type of leave is requested, the City may require certification that the service member has actually been called to active duty.
  - (iii) Employees will provide prior notice when the need for this type of FMLA military leave is foreseeable.

**7. BENEFITS FOR TEMPORARY EMPLOYEES**

All temporary employees will receive benefits as required by law, including Worker's Compensation insurance. All other benefits are to be determined in the discretion of the City Council.

**8. INSURANCE COVERAGE AVAILABLE TO EMPLOYEES**

Various insurance benefits are available to employees and family members in accordance with the terms and conditions of the City's contract for such services. The Human Resource Office should be contacted to learn of sign-up and claims procedures. Other insurance offerings may be available at employee or shared expense.

**9. RETIREMENT PROGRAM OFFERING**

The City participates in the retirement program of the Public Employees Retirement System of Idaho (PERSI) and with Social Security (FICA). PERSI requires the City to withhold a percentage of an employee's gross salary for pension purposes, and to contribute an additional larger amount on behalf of the employee. Contact the Human Resource Office for further information.

## **10. RETIREMENT BENEFITS**

The word 'retirement' refers to an employee, who is eligible to receive retirement benefits, and voluntarily separates employment from the City. The separation may not be the result of poor performance or a violation of City policy.

### **a. Health Benefits**

Retirees are eligible to continue participation in the City's health plan, at their sole expense, provided that: 1) there is no lapse in coverage; 2) at age 65, employees must enroll in Medicare Parts A & B (not part D), as Medicare will then become the primary payor of medical claims; and 3) if the retiree has family health care coverage through the City at the time of retirement, his or her eligible dependents may continue coverage as dependents of the retiree, provided the retiree continues to pay 100 percent of the premium for such coverage, and the City continues to offer medical coverage to City employees.

- (i) Retirees may make changes in health coverage during the City's annual open enrollment period. To make changes at any other time during the year, an employee must have a qualifying event as defined by the HIPAA. Retirees must notify Human Resources within 30 days of the change and must provide appropriate supportive documentation.
- (ii) Insurance premium rates will be adjusted for retirees consistent with any change in rates for the City's current employees.
- (iii) Bills will be sent directly to the Retiree for payment, for an additional fee. Failure to pay the required monthly payment within 30 days of the due date will result in cancellation of the insurance.

## **11. TRANSFER OF BENEFITS WITH EMPLOYEE TRANSFER**

Accrued benefits for each employee continue when the employee transfers from one office/department to another within the City. Any such transfer will not result in a reduction of benefit offerings separate and apart from those realized by similarly-situated employees.

## **12. MISCELLANEOUS BENEFITS**

In addition to the benefits listed on the previous pages, the following are examples of miscellaneous benefits, subject to change in the sole discretion of the City Council, may be available to employees for participation in accordance with the terms of their respective policy or agreement:

- Employee-requested deduction programs subject to City policy
- Supplemental Life and AD&D Insurance
- Voluntary products
- Provision of uniforms, tools, equipment allowance, etc.
- Recreation discounts
- Further training and higher education reimbursement or tuition refund

## V. EMPLOYEE PERFORMANCE AND DISCIPLINE

### A. PURPOSE OF DISCIPLINE/PERFORMANCE POLICY

The Employee Performance and Discipline policy is for regular employees of the City and is not pertinent to appointed officials. Should discipline be required for an appointed official, it will be actioned per City Ordinance and State Code 50-204 and 50-206.

This discipline/performance policy of the City establishes a consistent procedure for maintaining suitable behavior and a productive working environment. These procedures are directory in nature and minor variations in the processes set forth herein will not affect the validity of any actions taken pursuant to this policy.

### B. DISCIPLINARY/PERFORMANCE SYSTEM FRAMEWORK

The following framework guides the processes to be taken when an employee violates employment policies or fails to adequately perform his/her duties. Nothing contained herein is intended to limit the reasons for which the employee may be disciplined, including termination of the employment. In addition, nothing contained herein is intended to change the at-will nature of the employment for those employees identified as at-will in this policy. Progressive steps may be implemented to encourage improved performance or attitude, but are not required. The City may take any of the prescribed steps in any order when a supervisor deems an action of the employee to be serious enough to warrant a certain step.

### C. DISCIPLINARY ACTIONS AVAILABLE

The following actions are among the disciplinary actions that may be taken in response to personnel policy violations:

a. Oral warning

An oral warning is normally an interactive and informal communication between the employee and their supervisor, used for coaching and developmental of the employee and to assist in improving performance. Oral warnings will be documented and signed by the supervisor. Documentation will be placed in the employee's official personnel folder in human resources.

b. Written warning or reprimand

A written warning/Performance Improvement Plan is provided by a supervisor to the employee to identify areas in which the employee must improve their performance and must:

- Clearly state the observed action of the employee that deviates from the City's policies or the employee's job responsibilities
- Provide supporting facts
- State the action or behavior that is desired
- Outline an action plan for the employee
- Notify the employee of consequences of failure to improve, and sustain, performance

Written warnings will be signed by the supervisor and the employee. The employee's signature does not imply agreement. Employees may choose to write a statement to be included with a written warning, although the City is under no obligation to respond.

Written warnings and accompanying statements will be included in the employee's official personnel folder in human resources.

- c. Suspension without pay
- d. Demotion
- e. Dismissal

Employees who are terminated will usually receive written notification of such action. If immediate termination is warranted, the written notification may be delivered by US Postal Service. Employees who are terminated may be escorted from the building. A copy of the written notification will be placed in the employee's official personnel file in human resources.

Conditions of maintaining employment that relate to particular performance/behavior issues may be established in conjunction with any of these actions.

#### D. OPPORTUNITY TO BE HEARD—ASSERTIONS OF UNLAWFUL DISCRIMINATION AND RETALIATION AND “NAME-CLEARING HEARING”

- a. All employees are at-will employees. However, at-will employees may from time to time experience adverse consequences of unlawful discrimination or retaliation. In addition, a public employee who is being demoted with a reduction in pay or terminated from employment based upon allegations of dishonesty, immorality or criminal misconduct is constitutionally entitled to a name-clearing hearing when one is requested.
- b. Unlawful discrimination and retaliation address actions that are alleged to involve decisions based upon age, sex, race, religion, national origin or disability that is not a bona fide occupational qualification. The City does not condone discrimination on the basis of the foregoing unlawful categories. Unlawful retaliation addresses actions that are taken against an employee for initiating a charge of discrimination or harassment, or for assisting in any way in an investigation of such charges.
- c. Failure to pursue this opportunity to be heard or name-clearing hearing procedure constitutes a waiver of this opportunity.
- d. Issues involving job performance or employee attitude, without allegations of discrimination, retaliation, dishonesty, immorality or criminal misconduct, are not the proper subject of this procedure and will not be heard.
- e. The procedure for the opportunity to be heard or name-clearing hearing is as follows:
  - (i) Within fourteen (14) days of his/her termination or demotion, the employee may submit a written allegation of unlawful discrimination or retaliation, or the basis for entitlement to a name-clearing hearing, stating with particularity the basis for the requested hearing. Written allegations that are untimely submitted, or that fail to

state a legally recognized basis, will not be granted an opportunity to be heard. An employee will be promptly notified if a requested hearing is denied.

- (ii) An employee alleging unlawful discrimination or retaliation, or who is legally entitled to a name-clearing hearing, will meet with the City Council. The hearing will not exceed one (1) hour in duration.
  - (iii) An audio recording of the hearing will be made and maintained as part of the personnel record.
  - (iv) The employee's supervisor may provide a brief written statement at least twenty-four (24) hours prior to the hearing in response to the charges. The City Council may require the employee's supervisor to participate in the hearing.
  - (v) The employee will be provided an opportunity to present evidence upon which the claims are based.
  - (vi) The City Council may ask questions during this process.
  - (vii) The employee may question participants during this process.
  - (viii) The Idaho Rules of Evidence do not apply to this opportunity to be heard or name-clearing hearing.
- f. After the hearing, the City Council will consider the information submitted, and such other information as might be in the City's records, to arrive at a decision concerning the employee's allegations. The decision will set forth in writing the reasons for the City Council's determination.

## **VI. DISCRIMINATION, HARASSMENT & RETALIATION POLICY**

### **A. PURPOSE**

- a. This section establishes the City's commitment to provide a work environment free from unlawful discrimination, harassment and retaliation, and to set forth the procedures for investigating and resolving internal complaints of such behavior. This policy should be reviewed by each employee on a periodic basis.
- b. It is important that all employees treat all other employees and members of the public with respect and in a lawful and civil manner. It is the responsibility of every employee, supervisor, office/department head and Elected Official to deter inappropriate behavior in the workplace. Discriminatory harassing behavior that impacts, or has the potential to impact, the workplace will not be tolerated.
- c. This policy applies to all terms and conditions of employment, including but not limited to hiring, placement, job retention, promotion, disciplinary action, layoff, reinstatement, transfer, leave of absence, compensation and training.

### **B. POLICY**

- a. Unlawful discrimination or harassment of an applicant for employment, a member of the public or an employee by any employee of the City on the basis of race, color, religion,

national origin, sex, age (40 and over) or disability is in violation of state and/or federal law and will not be tolerated by the City.

- b. Employees found to be participating in any form of employment-related unlawful discrimination or harassment, or retaliating against another employee for filing a complaint alleging discrimination or harassment or cooperating with an investigation, will be subject to disciplinary action up to and including termination of employment.

## C. RESPONSIBILITIES

### 1. THE CITY

- a. It is the responsibility of the City to develop this policy, provide training on it, keep it up to date, and ensure that any violation of this policy brought to its attention is dealt with as required by law and per this policy.
- b. The City designates the Human Resources Director, or their designee, as the official who will be responsible for directing the procedures of this policy.

### 2. SUPERVISORS

- a. Supervisors enforce the policy, train new employees on it, regularly review it with all employees so that the employees know its provisions, and monitor the workplace for compliance.
- b. If a supervisor observes that unlawful discrimination, harassment or retaliation is occurring, he/she should take immediate action to address the problem. Such action should include, but is not limited to, speaking directly with the affected person, developing a specific account of the actions, omissions or occurrences that are deemed discriminatory, harassing or retaliatory, consulting with an office/department head, and taking corrective or disciplinary action as appropriate. If the alleged discrimination, harassment or retaliation is not within the supervisor's area of responsibility or oversight, he/she should notify the office/department head or other appropriate management employee, who should then take prompt steps to address the allegation.
- c. If unlawful discrimination, harassment or retaliation is reported or alleged, it must be followed up by a supervisor. A complaining party is not allowed to retract an allegation of such unlawful actions without proving that it was made erroneously.

### 3. EMPLOYEES

It is the responsibility of every employee to know this policy and to share the responsibility of understanding and preventing unlawful discrimination, harassment and retaliation. But, satisfactory investigation or resolution of complaints cannot occur without the initiative and continued cooperation of the affected person. Individuals who believe they have been discriminated, harassed or retaliated against have the primary obligation of informing their supervisor, office/department had, Human Resource Officer or legal counsel for the City of such actions, recounting specific actions or occurrences whenever possible.

## D. DEFINITIONS

Unlawful harassment includes, but is not limited to, the following behaviors:

### 1. VERBAL HARASSMENT

Derogatory comments, slurs, propositioning, or otherwise offensive or abusive words or comments on the basis of race, color, religion, national origin, sex, age (40 and over) or disability, whether made in general, directed to an individual or directed to a group of people regardless of whether the behavior was intended to harass. This includes, but is not limited to, inappropriate sexually-oriented comments about dress or physical features, sexual rumors, code words, race-oriented stories, as well as jokes of a sexual or discriminatory nature or "kidding" that is oriented towards a prohibited form of harassment.

### 2. PHYSICAL HARASSMENT

Assault, impeding or blocking movement, leering at, physical interference with normal work, privacy or movement when directed at an individual on the basis of race, color, religion, national origin, sex, age (40 and over) or disability. This includes pinching, patting, grabbing, inappropriate behavior in or near bathrooms, sleeping facilities and eating areas, or making explicit or implied threats or promises in return for submission to physical acts.

### 3. VISUAL HARASSMENT

Derogatory, prejudicial, stereotypical or otherwise offensive posters, photographs, cartoons, e-mails, notes, bulletins, drawings or pictures on the basis of race, color, religion, national origin, sex, age (40 and over) or disability. This applies to both posted material and material maintained in or on City equipment or personal property in the workplace.

### 4. SEXUAL HARASSMENT

Any act that is sexual in nature and is made explicitly or implicitly a term or condition of employment, is used as the basis of an employment decision, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

There are basically two types of sexual harassment:

- a. "Quid pro quo" harassment, where employment decisions such as raises, promotions, better working hours, job retention, etc., are directly linked to compliance with sexual advances/unlawful sexual harassment. Therefore, only someone in a supervisory capacity with the authority to grant any of such benefits can engage in *quid pro quo* harassment. Examples: A supervisor promising an employee a raise if she goes on a date with him; a manager telling an employee she will fire him if he does not have sex with her.
- b. "Hostile work environment," where the unlawful harassment creates an offensive and unpleasant working environment.  
A hostile work environment can be created by anyone in the work environment, whether they are supervisors, other employees or the public. Hostile work environment harassment consists of verbiage of a sexual nature, unwelcome sexual materials, or even unwelcome physical contact as a regular part of the work environment. Cartoons or posters of a sexual nature, vulgar or lewd comments or jokes, or unwanted touching or

fondling all fall into this category. A prohibited hostile work environment does not exist simply because a supervisor is rude, belittles the employee or requires work that the employee does not want to do. A prohibited hostile work environment is only present when it is based on the above factors.

## **VII. COMPLAINT PROCEDURE**

The following complaint procedure must be followed to address a complaint regarding discrimination, harassment or retaliation:

- A person who believes he/she has been unlawfully discriminated, harassed or retaliated against should report it to his/her supervisor, office/department head, Human Resource Officer, or legal counsel for the City. If a supervisor becomes aware of a complaint in any way that unlawful discrimination, harassment or retaliation is occurring in any City office/department, the supervisor should immediately report it to a designated official of the City, unless the designated official is the focus of the complaint, in which case the legal counsel for the City should be informed, and will have the responsibility to direct the investigation.
- Once such a complaint has been made, the complaint cannot be withdrawn by the complainant without a determination that it was made erroneously.
- Promptly upon receiving the complaint, the designated official should initiate the investigation to determine whether there is a reasonable basis for believing that an alleged violation of this policy or law has occurred.
- Upon receiving the complaint, or being advised by a supervisor that violation of this policy may be occurring, the designated official should review the complaint and consult with legal counsel for the City and the Human Resource Officer.
- The designated official, in consultation with legal counsel for the City, should engage an appropriate person to investigate the complaint. The investigator



should be a neutral party, but the designated official may serve as the investigator in appropriate circumstances.

- The investigator should interview the complainant, the person alleged to have committed the offenses, and any relevant witnesses to determine whether or how the alleged conduct occurred.
- As soon as practicable, the investigator will conclude the investigation and submit a report of the findings to the designated official, who will then route it as appropriate.
- If it is determined that unlawful discrimination, harassment or retaliation has occurred, the appropriate official will recommend the course of action to be taken by the City. The action will depend on the following factors:
  - ◊ The severity, frequency and pervasiveness of the conduct;
  - ◊ The conduct of the respective employees;
  - ◊ Prior complaints made against the person alleged to have committed the offenses; and
  - ◊ The quality of the evidence (first-hand knowledge, credible corroboration etc.)
- If the investigation is inconclusive or it is determined that there has been no unlawful discrimination, harassment or retaliation, but some potentially problematic conduct is revealed, corrective action may be taken.
- Promptly after the investigation is concluded, the designated official and/or the appropriate supervisors and/or legal counsel for the City will separately meet with the complainant and the person alleged to have committed the offenses to notify them in person of the findings of the investigation.
- The complainant and the person alleged to have committed the offenses may submit statements to the designated officials and/or supervisors challenging the factual basis of the findings. Any such statement must be submitted no later than five (5) working days after the meeting in which the findings of the investigation are discussed.
- Promptly after the designated official and/or supervisors have met with both parties and reviewed the documentation, and after consultation with legal counsel, a decision will be made as to what action, if any, should be taken by the Mayor or department head.

#### A. DISCIPLINARY ACTION

If unlawful discrimination, harassment or retaliation is determined to have occurred, the supervisor should take prompt and effective remedial action against the actor. The action should be commensurate with the severity of the offense, up to and including termination of employment.

#### B. RETALIATION

Retaliation in any manner against a person for filing or initiating in good faith a charge or complaint of discrimination or harassment, testifying in an investigation, providing information or assisting in an investigation is expressly prohibited and subject to disciplinary action up to and including termination. The supervisor, office/department head and Elected Officials should take reasonable steps to protect the victim and other potential victims from further harassment or related consequences.

### C. CONFIDENTIALITY

Confidentiality should be maintained to the fullest extent possible in accordance with applicable federal, state and local law. However, a complete and thorough investigation of the allegations will require the investigator to inform witnesses of certain aspects of the complaint in order to obtain an accurate account of the actions of the parties involved. The City's insurer may also be engaged to assist in all phases of any proceeding or investigation.

### D. FALSE COMPLAINTS

Discipline will result, up to and including termination, when it is conclusively determined that an employee made a complaint of discrimination, harassment or retaliation knowing it to be false and/or knowingly participated in the falsehood. This section is not intended to discourage employees from making complaints regarding unlawful employment-based behavior. An employee will not be disciplined for reporting actual behavior that in good faith the employee believed was unlawful employment-based behavior. However, false complaints adversely impact the workplace and the career of the accused, even when disproved, and will not be tolerated.

## VIII. SEPARATION FROM EMPLOYMENT

### A. REDUCTIONS IN FORCE (RIF)

When financial circumstances or changes of workload require, the City may reduce forces in such manner as it deems necessary to maintain the effective functioning of the City services. Employee assignments may be affected by reductions in force made due to economic conditions or to changes in staffing and work needs. The Mayor, in conjunction with the City Council may make any changes in the work force or assignment of resources deemed to be in the City's best interests.

### B. COBRA BENEFITS

Employees who currently receive medical benefits and who resign or are terminated from their employment may be eligible to continue those medical benefits for a limited time in accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). Employees with questions regarding the right to continue health coverage after termination of their employment should contact the Human Resources Officer.

### C. EXIT INTERVIEW

Each employee who terminates from employment is encouraged to participate in an exit interview with the designated representative of the City. In such interview, the City should notify the employee when certain benefits will terminate, when final pay will be issued and review the process to receive COBRA benefits. The employee should be invited to inform the interviewer about his/her impressions of employment. An employee exit form may be completed at this point and will be retained in the employee's personnel file.

#### D. RETURN OF PROPERTY

Employees are responsible for all City property, materials, or written information issued to them or in their possession or control.

Employees must return all City property immediately upon request or upon termination of employment. Where permitted by applicable laws, The City of Blackfoot may withhold from the employee's check or final paycheck the cost of any items that are not returned when required. The City may also take all action deemed appropriate to recover or protect its property.

Unauthorized removal or use of City property or its conversion to personal use will be considered cause for suspension and or dismissal.

The City supplies all tools and equipment necessary for the operation of its facilities; therefore, no assumption of or responsibility for the loss or damage of any personal property of any employee is made.

#### E. RESIGNATION POLICY

Written and oral resignations are effective upon receipt by a supervisor or Elected Official. Oral resignations should be documented by the supervisor after consultation with the Mayor or department head. Evidence of the accepted written or oral resignation should be provided to the employee and placed in the employee's personnel file.

Employees who have an unexcused or unauthorized absence of three (3) working days or more may be considered to have resigned through abandonment of his/her position. If an employee's words or actions indicate an intent to resign, including having an unexcused or unauthorized absence of three (3) or more working days, the City will consider the employee as having resigned and immediately notify him/her of such.

## APPENDIX A

# VEHICLE USE POLICY

---

This policy outlines the use of vehicles for work, used on behalf of the City of Blackfoot, Idaho.

Operators of City of Blackfoot-owned or leased motor vehicles shall always drive safely, legally and courteously, remembering that they are directly responsible for maintaining both City of Blackfoot-owned property and public trust.

Employees are expected to operate vehicles safely. It is the policy of City of Blackfoot to provide a safe working environment that protects our employees and our citizens from injury and property loss. The City of Blackfoot considers the use of vehicles part of the working environment. The City of Blackfoot is committed to safe responsible employee driving behavior that reduces the risk of personal injury and property loss.

This policy applies to all employees and agency volunteers\* who operate vehicles on agency business. These drivers will be referred to as “employee drivers” and will be reviewed by managers and supervisors to ensure full implementation and compliance.

\*Volunteers are those that volunteer on a regular basis, not one-time volunteers.

## USE OF VEHICLE

- Vehicles owned or leased by City of Blackfoot are to be used for the functions of City of Blackfoot. Personal use or any other type of use must be authorized by the Mayor or Department Head.
- Each employee is entrusted with the care and keeping of their assigned vehicle.
- Some employees may be assigned a vehicle that is driven home; such personal use, if allowed, may be a taxable benefit.

## AGENCY OWNED VEHICLES

- Employees must be authorized by their supervisor to operate an agency vehicle.
- Vehicles over 26,000 gross vehicle weight, Buses, and Vans over 15 passengers require a commercial driver’s license (CDL).

## PERSONAL VEHICLES ON AGENCY BUSINESS

- Employees who drive their personal vehicles on agency business are subject to the requirements of this policy including:
- Maintaining auto liability insurance with minimum state limits.
- Providing proof of liability insurance to the Department Head on an annual basis.
- Maintain vehicle in a safe operating condition when driven on agency business.

## **ASSIGNED OR PERMISSIVE DRIVERS**

Each employee assigned to a City of Blackfoot vehicle or employees who operate a City of Blackfoot fleet vehicle are required to have a valid driver's license. Should an employee's Driver's License expire, be revoked or suspended, the employee shall immediately notify his or her supervisor. At the time of the suspension, the employee's City of Blackfoot vehicle-use privileges will be suspended until the employee's Driver's License has been fully restored and validated.

Each employee assigned or permitted to operate a City of Blackfoot vehicle shall be responsible for the following:

- Proper and safe operation of the vehicle;
- Service and maintain the vehicle in accordance with the manufacturer's recommendations;
- Maintain vehicle registration, license plates and inspections; and
- Participate in vehicle safety and defensive driving training as required by City of Blackfoot.

## **DRIVER EVALUATION**

- Employees will be evaluated and selected based upon their driving ability. To evaluate employees as drivers, management may:
- Review past driving performance and work experience through reference checks with previous employers.
- Review the employee's Drivers License Record (DLR).
- Ensure the employee has a valid driver's license.
- Ensure the employee is qualified to operate the type of vehicle he/she will drive.

## **SEATBELT USE**

Except as authorized herein, all drivers and passengers are required to utilize seatbelts as mandated by law. Exception: Sworn law enforcement officers may dispense with wearing safety restraints in specific tactical situations or when it reasonably appears that, due to unusual circumstances, wearing a seatbelt would hinder rather than increase safety (Idaho Code 49-673(2)(b)).

## **MOBILE COMMUNICATION DEVICE, CELL PHONE AND COMPUTER USE**

The driver of a City of Blackfoot vehicle, or any other vehicle being used for City of Blackfoot business, is prohibited from using a mobile communication device, cell phone or computer of any type while the vehicle is in motion. Drivers must be safely parked before using phone or mobile computer equipment. A mobile communication device is defined as "a text messaging device or a wireless, two-way communication device designed to receive and transmit voice or text communication". This does not apply to City of Blackfoot work-related two-way radios. Exception: Sworn law enforcement officers and emergency responders may use mobile communication and electronic devices in the course of their duties.

## **SMOKING PROHIBITED IN VEHICLES**

Smoking is expressly prohibited in all City of Blackfoot vehicles.

## **IMPAIRED DRIVING**

The driver must not operate a vehicle when his/her ability to do so is impaired or influenced by: alcohol, illegal drugs or other illegal substances, prescribed or over-the-counter medication, or illness, fatigue or injury.

The employee driver is obligated to report to his/her supervisor any reason that may affect his/her ability to drive safely.

## **PROOF OF INSURANCE**

Employee drivers must make sure that the current insurance card is kept in the vehicle at all times.

## **ACCIDENT REPORTING**

In the event of an accident, the driver shall, when possible, first check on the safety and welfare of all persons involved and seek immediate medical attention should it be required for themselves or others. If possible, move the vehicle to a safe location out of the way of traffic.

- Drivers shall always have a police officer investigate any accident that involves a City of Blackfoot vehicle. This will help ensure that City of Blackfoot is protected from unwarranted claims. Do not discuss fault with, or sign anything from anyone except for a police officer, a representative from ICRMP or an authorized representative of City of Blackfoot.
- Drivers shall notify their supervisor of the accident as soon as possible and report the extent of the injuries and property damage involved.
- Drivers shall cooperate fully with ICRMP Claims Department in the handling of the claim.

## **TRAFFIC VIOLATIONS**

All fines and other criminal penalties due to violations of the law by the driver should be immediately reported to their supervisor. All such fines and criminal penalties due to violations of the law by the driver are the personal responsibility of the driver of any City of Blackfoot vehicle. These costs are not reimbursable by City of Blackfoot and must be paid promptly by the driver.

## **VEHICLE MAINTENANCE AND REPAIR**

- If the City of Blackfoot vehicle needs repairs, the vehicle should be taken to the appropriate departmental shop or dealership for repair.
- Prior to scheduling major repairs or major maintenance needs, the driver must advise the Department Head or the designated employee for approval and any further instructions.

**APPENDIX B**



**City of Blackfoot Vehicle Assignment Agreement**

The undersigned hereby acknowledges receipt of an agency-owned or agency insured vehicle. I understand that this vehicle is to be regularly maintained and serviced, according to the service schedule outlined in the owner’s manual or the instructions issued by the Department Head or Fleet Manager.

Further, it is agreed this vehicle will be operated in a safe manner and in compliance with this policy. I agree to be responsible for all traffic and parking violations that occur while the vehicle is assigned to me.

I understand articles of this agreement apply regardless of who is operating this vehicle.

I agree to promptly report all accidents or incidents resulting in injury or damage to the vehicle or other property, no matter how slight.

I understand I am required to maintain a valid driver’s license. Further, I herewith grant the City of Blackfoot the right to investigate my driver’s license record any time. My current driver’s license is issued from the State of \_\_\_\_\_ and is License Number \_\_\_\_\_.

I understand the operation of this vehicle in a safe operating condition is my responsibility. If this vehicle becomes unsafe, it is my responsibility to notify my supervisors immediately.

I have read and agree to the provisions of this vehicle assignment agreement and the requirements of the Vehicle Use Policy.

\_\_\_\_\_  
EMPLOYEE’S NAME (PRINTED)

\_\_\_\_\_  
EMPLOYEE’S SIGNATURE

\_\_\_\_\_  
DATE



**APPENDIX C**



**CITY OF BLACKFOOT PERSONNEL POLICIES/PROCEDURES EMPLOYEE  
ACKNOWLEDGMENT FORM**

I, \_\_\_\_\_ acknowledge that I will review the following policies and procedures of the City of Blackfoot:

- City of Blackfoot Personnel Manual
- City of Blackfoot Drug Free Workplace Policy
- City of Blackfoot Safety Manual

- I understand that it is my responsibility to read and review these Policies
- I understand that I am an at-will employee of the City, that these Policies are not an employment contract, that none of the provisions of these Policies can create a contract and that the Policies not a guarantee of any particular length or term of employment.
- I understand that I am obligated to perform my duties of employment in conformance with the provisions of the City of Blackfoot Personnel Policies & Procedures, and any additional rules, regulations, policies or procedures imposed by the office/department in which I work whether or not I choose to read the new Policy.
- I understand that this Policy may be modified without prior notice to me
- I understand that I will again be provided with the appropriate URL when policies are modified
- I understand that I will access these policies at: <https://www.cityofblackfoot.org/187/Benefits-Policies>

\_\_\_\_\_  
**EMPLOYEE'S NAME (PRINTED)**

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

\_\_\_\_\_  
**DATE**

If employee is a minor:

\_\_\_\_\_  
**PARENT'S NAME (PRINTED)**

\_\_\_\_\_  
**PARENT'S SIGNATURE**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**CITY OF BLACKFOOT REPRESENTATIVE SIGNATURE**

\_\_\_\_\_  
**DATE**