**PERSONNEL POLICY**



**Effective Date**

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Table of Contents

[1 General Policies 7](#_Toc92115604)

[1.1 The City of Chubbuck 7](#_Toc92115605)

[1.2 Code of Conduct 7](#_Toc92115606)

[1.3 Personnel Policy- Purpose 7](#_Toc92115607)

[1.4 Policy Revisions 8](#_Toc92115608)

[1.5 Policy Exceptions 8](#_Toc92115609)

[1.6 Policy Access 8](#_Toc92115610)

[1.7 Severability 8](#_Toc92115611)

[1.8 Ethics in Government 8](#_Toc92115612)

[1.9 Equal Employment Opportunity 9](#_Toc92115613)

[1.10 Retaliation Prohibited 9](#_Toc92115614)

[1.11 Workplace Discrimination and Harassment Policy 10](#_Toc92115615)

[1.11.1 Purpose 10](#_Toc92115616)

[1.11.2 Policy 10](#_Toc92115617)

[1.11.3 Responsibilities 11](#_Toc92115618)

[1.11.3.1 The City 11](#_Toc92115619)

[1.11.3.2 Supervisors 11](#_Toc92115620)

[1.11.3.3 Employees 11](#_Toc92115621)

[1.11.4 Definitions 11](#_Toc92115622)

[1.11.5 Complaint Procedure 12](#_Toc92115623)

[1.11.6 Corrective Action 13](#_Toc92115624)

[1.11.7 Retaliation 14](#_Toc92115625)

[1.11.8 Confidentiality 14](#_Toc92115626)

[1.11.9 False Accusations 14](#_Toc92115627)

[1.12 Veteran Preference 14](#_Toc92115628)

[1.13 Political Activity 14](#_Toc92115629)

[1.14 Safety 15](#_Toc92115630)

[1.15 Purchasing and Procurement Card Program 16](#_Toc92115631)

[1.16 Media Relations 16](#_Toc92115632)

[2 Employee Benefits 16](#_Toc92115633)

[2.1 Holidays 16](#_Toc92115634)

[2.2 Paid Time Off 17](#_Toc92115635)

[2.2.1 Eligibility and Accrual Schedule 17](#_Toc92115636)

[2.2.2 Minimum Increments of PTO 18](#_Toc92115637)

[2.2.3 Scheduling PTO 18](#_Toc92115638)

[2.2.4 Exempt Employee PTO Policy 19](#_Toc92115639)

[2.2.5 Leave Donation Policy 19](#_Toc92115640)

[2.3 Bereavement Pay 21](#_Toc92115641)

[2.4 Jury Duty and Subpoenas 21](#_Toc92115642)

[2.5 Equipment and Uniforms 21](#_Toc92115643)

[2.6 General Leave of Absence Policy 21](#_Toc92115644)

[2.6.1 Unpaid Personal Leave of Absence 22](#_Toc92115645)

[2.6.2 Medical Leave of Absence 22](#_Toc92115646)

[2.7 Sick Leave 22](#_Toc92115647)

[2.8 Military Leave 22](#_Toc92115648)

[2.9 Family and Medical Leave Act 23](#_Toc92115649)

[2.9.1 Eligibility 23](#_Toc92115650)

[2.9.2 Leave Entitlement 23](#_Toc92115651)

[2.9.3 Serious Health Condition 24](#_Toc92115652)

[2.9.4 Notification of Leave 24](#_Toc92115653)

[2.9.5 Leave Certification 24](#_Toc92115654)

[2.9.6 Intermittent Leave 25](#_Toc92115655)

[2.9.7 Spouses Both Employed by the City 25](#_Toc92115656)

[2.9.8 Employment and Benefits Protection 25](#_Toc92115657)

[2.9.9 Military Family Leave Entitlements 26](#_Toc92115658)

[2.9.10 Concurrent Use of Accrued Paid Time Off and Worker’s Compensation Required 26](#_Toc92115659)

[2.9.11 Retaliation Prohibited 26](#_Toc92115660)

[2.10 Workers Compensation 27](#_Toc92115661)

[2.10.1 Reporting an On-the-job Injury 27](#_Toc92115662)

[2.10.2 Claims Management 27](#_Toc92115663)

[2.10.3 Medical Treatment 27](#_Toc92115664)

[2.10.4 Retrun to Work 28](#_Toc92115665)

[2.10.5 Loss of Income Benefits 28](#_Toc92115666)

[2.10.6 Denial of a Claim 28](#_Toc92115667)

[2.10.7 Dispute Resolution 29](#_Toc92115668)

[2.11 Personal Benefits 29](#_Toc92115669)

[2.12 Public Employee Retirement System of Idaho (PERSI) 30](#_Toc92115670)

[2.12.1 PERSI – Base Plan 30](#_Toc92115671)

[2.12.2 PERSI – Choice Plan 30](#_Toc92115672)

[2.13 Optional Benefits 30](#_Toc92115673)

[2.14 College Courses 30](#_Toc92115674)

[2.14.1.1 Eligibility 30](#_Toc92115675)

[2.14.1.2 Approval 31](#_Toc92115676)

[2.14.1.3 Benefits 31](#_Toc92115677)

[2.14.1.4 Application for Reimbursement 31](#_Toc92115678)

[2.15 Training Workshops, Seminars and Conferences 31](#_Toc92115679)

[2.15.1 Non-Exempt Employees 31](#_Toc92115680)

[2.15.2 Exempt Employees 32](#_Toc92115681)

[2.16 Travel 32](#_Toc92115682)

[2.16.1 Request for Travel Funds 32](#_Toc92115683)

[2.16.2 Allowable Travel Expenses 32](#_Toc92115684)

[2.16.2.1 Mileage 32](#_Toc92115685)

[2.16.2.2 Car Rental 32](#_Toc92115686)

[2.16.2.3 Lodging 32](#_Toc92115687)

[2.16.2.4 Meals 33](#_Toc92115688)

[2.16.2.5 Incidental Expenses 33](#_Toc92115689)

[2.16.2.6 Mode of Travel 33](#_Toc92115690)

[2.16.3 Prohibited Travel Expenses 33](#_Toc92115691)

[2.16.4 Travel Expenses for Job Candidates 34](#_Toc92115692)

[2.17 Legal Representation 34](#_Toc92115693)

[2.18 Liability Insurance 34](#_Toc92115694)

[3 Compensation and Salary Administration 34](#_Toc92115695)

[3.1 Payroll and Payday 35](#_Toc92115696)

[3.2 Payroll Deductions 35](#_Toc92115697)

[3.3 Salary Structure 35](#_Toc92115698)

[3.3.1 Annual Pay Increases 36](#_Toc92115699)

[3.3.2 Salary Administration 36](#_Toc92115700)

[3.4 Performance Evaluations 36](#_Toc92115701)

[3.5 New Employees, Promotions, Lateral Shifts, Transfers and Reclassifications 36](#_Toc92115702)

[3.6 Re-evaluations or Re-organization of Positions 37](#_Toc92115703)

[3.7 Overtime and Compensatory Time 37](#_Toc92115704)

[3.8 Holiday Pay 38](#_Toc92115705)

[3.9 Call-Out Pay 39](#_Toc92115706)

[3.10 On-Call Pay 39](#_Toc92115707)

[3.11 Office Closure for Inclement Weather 39](#_Toc92115708)

[3.12 Court PAY 40](#_Toc92115709)

[3.13 Grants 40](#_Toc92115710)

[3.14 Training Officer Differential 40](#_Toc92115711)

[3.15 Shift Differential 40](#_Toc92115712)

[4 Employment Policies and Practices 41](#_Toc92115713)

[4.1 Personnel Policy Manual 41](#_Toc92115714)

[4.2 Personnel Records 41](#_Toc92115715)

[4.2.1 Personnel Record Changes 41](#_Toc92115716)

[4.2.2 Access to Personnel Records 41](#_Toc92115717)

[4.3 Employment Categories 42](#_Toc92115718)

[4.3.1 Elected Officials 42](#_Toc92115719)

[4.3.2 Appointed Employees 42](#_Toc92115720)

[4.3.3 Full-Time Regular Employees 42](#_Toc92115721)

[4.3.4 Part-Time Regular Employees 42](#_Toc92115722)

[4.3.5 Temporary Employees 42](#_Toc92115723)

[4.4 Hours of Employment 43](#_Toc92115724)

[4.4.1 Electronic Access to City Buildings 43](#_Toc92115725)

[4.4.2 City Vault Access 44](#_Toc92115726)

[4.5 Time Keeping 44](#_Toc92115727)

[4.5.1 Nonexempt Employees 44](#_Toc92115728)

[4.5.2 Exempt Employees 44](#_Toc92115729)

[4.6 Rest and Meal Periods 45](#_Toc92115730)

[4.7 Attendance 45](#_Toc92115731)

[4.8 Health Insurance Portability and Accountability Act 46](#_Toc92115732)

[4.9 Americans with Disabilities 46](#_Toc92115733)

[4.10 Notice of Job Openings 47](#_Toc92115734)

[4.11 Information Systems 48](#_Toc92115735)

[4.12 Social Media Policy 50](#_Toc92115736)

[4.12.1 Definition of Social Media 50](#_Toc92115737)

[4.12.2 Social Networking 50](#_Toc92115738)

[4.12.3 Department Head Accountability 51](#_Toc92115739)

[4.12.4 Standards and Professional Practices 51](#_Toc92115740)

[4.12.4.1 Individual Accountability 51](#_Toc92115741)

[4.12.4.2 Fair and Courteous 51](#_Toc92115742)

[4.12.4.3 Honest and Accurate 51](#_Toc92115743)

[4.12.4.4 Appropriate Content 52](#_Toc92115744)

[4.12.4.5 Photographs and Recordings 52](#_Toc92115745)

[4.12.4.6 Prohibited Retaliation 52](#_Toc92115746)

[4.12.4.7 Media Contacts 52](#_Toc92115747)

[4.13 Solicitation Policy 52](#_Toc92115748)

[4.14 Personal Use of City Time and Equipment 53](#_Toc92115749)

[4.15 Personal Appearance and Dress 54](#_Toc92115750)

[4.15.1 Dress Guidelines 54](#_Toc92115751)

[4.15.2 Appearance 54](#_Toc92115752)

[4.16 Driving Record 55](#_Toc92115753)

[4.17 Tobacco-Free Environment 55](#_Toc92115754)

[4.18 Drug and Alcohol- Free Workplace 56](#_Toc92115755)

[4.18.1 Commitment 56](#_Toc92115756)

[4.18.2 Prohibitions 56](#_Toc92115757)

[4.18.3 Drug Testing 57](#_Toc92115758)

[4.18.3.1 Commercial Driver’s License Testing Program 57](#_Toc92115759)

[4.18.3.2 Police and Fire Departments Testing Program 58](#_Toc92115760)

[4.18.3.3 Testing Process 58](#_Toc92115761)

[4.18.3.4 Refusal to Test 58](#_Toc92115762)

[4.18.3.5 Positive Test Results 59](#_Toc92115763)

[4.18.4 Drug Statute Convictions 59](#_Toc92115764)

[4.18.5 Effects, Signs and Symptoms of Drug and Alcohol Abuse 60](#_Toc92115765)

[4.19 Workplace Violence 61](#_Toc92115766)

[4.20 Employee Guidance and Coaching 61](#_Toc92115767)

[4.20.1 Guidance Framework 61](#_Toc92115768)

[4.20.2 Corrective Actions 62](#_Toc92115769)

[4.20.3 Corrective Action Notices 63](#_Toc92115770)

[4.20.4 Opportunity to be Heard 63](#_Toc92115771)

[4.21 Rules of Conduct 64](#_Toc92115772)

[4.21.1 Personal Conduct 64](#_Toc92115773)

[4.22 Open Door Policy 67](#_Toc92115774)

[4.23 Job Required Licenses and Certifications 68](#_Toc92115775)

[4.24 Layoff and Recall 68](#_Toc92115776)

[4.25 Separation From Employment 69](#_Toc92115777)

[4.25.1 Discharge Policy 69](#_Toc92115778)

[4.25.2 Final Paycheck 70](#_Toc92115779)

[4.25.3 Unused Paid Time Off, Compensatory Time and Sick Pay 70](#_Toc92115780)

[4.25.4 Exit Interview 70](#_Toc92115781)

[4.25.5 Retirement 70](#_Toc92115782)

[4.25.6 COBRA Benefits 70](#_Toc92115783)

# General Policies

## The City of Chubbuck

The City of Chubbuck 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 for the City of Chubbuck, 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, as chief administrative official of the City of Chubbuck, runs the day-to-day operations of city government having the superintending control of all the officers and affairs of the City. The Mayor, with approval of the City Council, 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 he or she serves as 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. This is particularly true for terms or conditions that would establish a current or future financial obligation for the City.

## Code of Conduct

Employees and officers of the City of Chubbuck are expected to provide high quality services and execute sound stewardship of public resources acting with integrity and displaying fair treatment and respect for all. We will conduct ourselves with honesty and trustworthiness, with efficiency and effectiveness, and will demonstrate accountability and compliance with state and federal laws and City policies and procedures. Additional conduct requirements are listed in section 4.21.1 and throughout this policy.

## Personnel Policy- Purpose

This policy is intended to establish a safe, efficient and cooperative working environment, establish the responsibilities and level of performance expected of all City employees and explain certain benefits provided to City employees.

All employees of the City except elected officials and appointed employees are At-Will and are employed at the discretion of the Mayor and City Council and have no right to continued employment or employment benefits, except as may be agreed to in writing and expressly approved by the City Council. 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. 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.

This Personnel Policy supersedes and replaces all previous personnel policies, except as otherwise provided herein. Employees 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. State statutes and specific collective bargaining agreements take precedence over conflicting policies in this handbook.

## Policy Revisions

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

## Policy Exceptions

The Mayor may vary or modify any City personnel policy, on a case-by-case basis, if it is found that strict application of the policy is impractical or if it would result in hardships. Exceptions granted in any particular instance will not be binding on future decisions.

In the event there exists differing interpretations of a specific policy contained in this manual, the Mayor will issue a final interpretation and, when necessary, will seek appropriate legal advice.

## Policy Access

Employees may view, copy, or print any part of the Personnel Policy. The Personnel Policy is available from Human Resources.

## Severability

If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstance shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and be applicable to all circumstances to which it may validly apply.

## Ethics in Government

The public’s confidence in government is only as strong as the integrity displayed by government officials and employees. Idaho Code prohibits conflict of interest including bribery, embezzlement, and nepotism, among others, and establishes a minimum standard for the behavior of public officials and employees.

Conflict of interest means any official action or any decision or recommendation by a person representing or employed by the City of Chubbuck, the effect of which would be to the private financial or monetary benefit of the person or a member of the person's household, or a business with which the person or a member of the person's household is associated. Any questions about a possible conflict of interest or disclosure of a conflict of interest should be directed to legal counsel for the City.

Prohibitions addressing conflict of interest include but are not limited to the following:

1. 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. *Related and relative* are defined as any relationship to the second degree in the consanguinity chart published by the Idaho Office of the Attorney General. However, an existing employee may retain his or her position when a relative is elected to City office after the hire date of the impacted employee.
2. 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.
3. No employee will enter into a contract between a government body in which one relative serves as an elected official or employee and a business in which another relative has an interest. A relative of a paid employee of the City cannot be awarded a contract with the City of Chubbuck.
4. No employee will enter into a contract between a government body in which an individual is a public servant and a business in which that same individual has an interest. A paid employee of the City of Chubbuck may not be awarded a contract with the City of Chubbuck.
5. Employees must not accept gifts, services or any other benefit valued at more than $50 from any individual, company, or organization that has a business relationship or affiliation with the City. Gifts of any value must never be solicited.Employees may accept promotional items without significant value and which are distributed routinely.

Employees who have questions regarding this policy or who are uncertain as to whether a conflict of interest exists should confer with their supervisor or department head. Additional information on conflicts of interest and other conduct issues are listed in the Rules of Conduct section of this policy.

## Equal Employment Opportunity

It is the policy of the City of Chubbuck to provide equal opportunity to all employees and applicants for employment without regard to race, color, religion, sex, national origin, age, physical or mental disability, veteran's status or other basis protected by law and to base all employment decisions solely on merit, qualification, and competence. No job or class of jobs will be closed to any individual except where a mental or physical attribute, sex or age is a bona-fide occupational qualification.

All directors, managers, supervisors, and employees of the City are expected to conduct themselves in support of the spirit of this policy and to ensure our work environment is free from intimidation and illegal harassment. Hiring, promotions, salary adjustments, on-the-job training, and other decisions affecting terms and conditions of employment depend solely on merit, qualifications, and competence.

Any employee or applicant for employment who believes that he or she has not been accorded treatment conforming to this policy of equal employment opportunity should contact the City of Chubbuck Human Resources department.

## Retaliation Prohibited

No employee may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

1. Unjustly refusing to hire or denying a promotion.
2. Unnecessarily extending the probationary period.
3. Unjustified reassignment of duties or change of work schedule.
4. Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
5. Taking unwarranted disciplinary action.
6. Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
7. Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

Idaho law (Idaho Code 6-2104) protects an employee who makes a good faith report about the existence of:

1. Any waste of public funds, property or manpower.
2. A violation or suspected violation of Idaho law, rule or regulation.

Employees may also be protected under Idaho law for objecting or refusing to carry out a directive that the member reasonably believes violates an Idaho law, rule or regulation (Idaho Code

6-2104).

Employees should report the waste or violation through the chain of command to allow the department a reasonable opportunity to correct the waste or violation (Idaho Code 6-2104).

## Workplace Discrimination and Harassment Policy

### Purpose

The City of Chubbuck is committed to providing a work environment free from unlawful discrimination, harassment and retaliation. This policy sets forth the guidelines for investigating and resolving internal complaints of such behavior. This policy should be reviewed by each employee on a periodic basis.

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.

This policy applies to all terms and conditions of employment, including but not limited to hiring, placement, job retention, promotion, corrective action, layoff, reinstatement, transfer, leave of absence, compensation and training.

### Policy

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, sex, national origin, age, physical or mental disability, veteran's status or other basis protected by law is in violation of state and/or federal law and will not be tolerated by the City.

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 corrective action up to and including termination of employment.

### Responsibilities

### The City

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 according to this policy.

The City designates the Human Resources Director or his/her designee as the “Designated Official” who will be responsible for directing the guidelines of this policy. However, all leaders and employees are accountable for adhering to the Workplace Discrimination and Harassment Policy.

### Supervisors

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.

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 or Human Resources, and taking corrective or corrective 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.

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.

### Employees

It is the responsibility of every employee to know this policy and to actively 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 head, Human Resource Officer or legal counsel for the City of such actions, recounting specific actions or occurrences whenever possible.

### Definitions

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

1. Verbal Harassment – Epithets, derogatory comments, slurs, propositioning, or otherwise offensive words or comments on the basis of race, color, religion, gender, sexual orientation, gender identity, national origin, age, physical or mental disability, veteran's status or other basis protected by law whether made in general, directed to an individual, or directed to a group of people regardless of whether the behavior is intended to harass. This includes, but is not limited to, inappropriate sexually-oriented comments including dress or physical features, sexual rumors, code words, and race-oriented stories, as well as jokes of a sexual or discriminatory nature or “kidding” which is oriented towards a prohibited form of harassment.
2. Physical Harassment – Assault, impeding or blocking movement, leering, or the physical interference with normal work, privacy or movement when directed at an individual on the basis of race, color, religion, gender, sexual orientation, gender identity, national origin, age, physical or mental disability, veteran's status or other basis protected by law. This includes but is not limited to pinching, patting, grabbing, inappropriate behavior 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, gender, sexual orientation, gender identity, national origin, age, physical or mental disability, veteran's status or other basis protected by law. This applies to posted material anywhere on City property or work areas, material maintained in or on City of Chubbuck equipment, and material in or on personal property in the workplace.
4. Sexual Harassment – Any act which 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:

* 1. "*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.
  2. "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.

### Complaint Procedure

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

1. 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 and legal counsel for 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.

2. Once such a complaint has been made, the complaint cannot be withdrawn by the complainant without a determination that is was made erroneously.

3. 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.

4. 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.

1. 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.

6. 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.

1. 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.

8. 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:

* 1. The severity, frequency and pervasiveness of the conduct;
  2. The conduct of the respective employees;
  3. Prior complaints made against the person alleged to have committed the offenses; and
  4. The quality of the evidence (first-hand knowledge, credible corroboration etc.).

1. 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.
2. Promptly after the investigation is concluded, the designated official and/or the appropriate supervisors and 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.
3. 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.
4. 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.

### Corrective 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.

### 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 corrective 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.

### 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.

### False Accusations

Corrective action will be taken 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. Corrective action will not be taken 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.

## Veteran Preference

The City of Chubbuck will accord a preference to employment of veterans of the U.S. Armed Services in accordance with provisions of Idaho Code 65-503 or its successor. In the event of equal qualifications for an available position, a veteran or veteran’s family member who qualifies for preference pursuant to Idaho Code 65-503 or its successor will be employed. An applicant must provide acceptable documentation of eligibility for veteran preference. Acceptable documentation may be a copy of the DD-214, "Certificate of Release or Discharge from Active Duty," which shows dates of service and discharge under honorable conditions.

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.

## Political Activity

1. 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.
2. 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.
3. A reasonable prediction of disruption is based upon any of the following factors:
4. The size of the office in which the employee works—the smaller the office, the greater the likelihood of disruption;
5. Whether the employee candidate holds a position of trust and confidence to the incumbent—the closer the ties, the greater the likelihood of disruption;
6. 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
7. 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.
8. Not all of the above factors must be met in order to seek resignation or termination of the employee. 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.
9. Political campaign material of any kind is prohibited from being displayed in or on any City facility, in or on any City vehicle, in or on any City equipment. It is prohibited on one’s person during work hours or while conducting City business. Use of City equipment such as computers, copiers, telephones, and FAX machines for political campaigns or for promoting political views is prohibited.

## Safety

The City of Chubbuck is committed to providing a safe work environment and maintains a separate Safety Policy manual for Public Works. Safety requirements for the Fire and Police Departments are incorporated into the operational procedures of those departments. Employees are responsible for complying with all safety policies, procedures and instructions. Department heads and supervisors are responsible for insuring that only qualified, alert, responsible employees operate City equipment, that equipment is safe to operate, and that safe working conditions and practices are maintained. The Mayor may approve safety incentive programs if the program costs are within the annual budget approved by the City Council for each impacted department and if the City Council has been informed of the programs.

## Purchasing and Procurement Card Program

The Mayor, the City Council and the each department head are entrusted with the prudent management of all funds paid from the City of Chubbuck. Each department head is responsible for designating personnel within the department who may make purchases for that department.

Purchase orders must be used for all purchases. The purchasing employee must provide an invoice and verify delivery of the product. Any error of omission in this regard may result in the otherwise legitimate obligation being denied by the City and the employee being held responsible for payment.

The procurement program is administered by the City Treasurer. Authorized employees receive a City credit card, with restricted dollar amount limitations, intended for the use of procuring goods and services for the City of Chubbuck. These employees will receive a copy of the “Purchase Card Policy” and will be required to sign a “City Card Program Policy Acknowledgement Form.”

Employees must comply with all policies, guidelines and procedures established for the program. All purchases must be in compliance with the Idaho State law governing procurement and City policies. If an employee misuses the City card in any manner, the employee will be in violation of the policy and subject to any or all of the following: revocation of the privilege of card usage; corrective action; termination of employment; criminal charges.

## Media Relations

The City provides media outlets with information about the operations of the City. Information of interest to the public may include department operations and announcements, advisory committee work, and official City events. City departments who wish to provide written information directly to any media outlet may do so upon notifying the Mayor’s office in advance whenever practical. The Mayor has final approval authority for distribution of written information, including, but not limited to, news releases, letters to the editor, and commentaries. If a release is not approved in advance by the Mayor, the department head or division leader may approve the release and notify the Mayor as soon as practical. Social media releases are addressed in the Social Media section of the Personnel Policy.

When requested by a media outlet, department heads and division leaders are authorized and expected to promptly provide interviews relevant to his or her department operations. If time permits, supervisors or non-supervisory personnel granted permission to provide interviews by their department heads are to contact the Mayor before the interview to discuss the topic and prepare for the interview. Any employee interviewed by the media must immediately notify the Mayor’s office.

Members of the media may request and receive copies of City documents if the information is a public record. Members of the media will not be charged a fee.

# Employee Benefits

## Holidays

The following days shall be recognized as legal holidays by the City of Chubbuck. The City offices will be closed on these legal holidays. Essential staff required on holidays will be scheduled by the department heads.

New Year's Day

Martin Luther King, Jr. Day

President's Day

Memorial Day

Independence Day

Labor Day

Veteran's Day

Thanksgiving Day

The Friday Following Thanksgiving Day

Christmas Day

If the holiday falls on a Saturday, it will be observed on the immediately preceding Friday. If the holiday falls on Sunday, it will be observed on the Monday immediately following the holiday. The holiday schedule may be changed at any time by the Mayor with concurrence of the City Council. Any additional days designated by the President of the United States, authorized by the Governor of Idaho or declared by the Mayor would only be recognized as legal holidays by the City if approved by the Mayor and City Council.

See the Compensation and Salary Administration section this manual for information regarding holiday pay.

## Paid Time Off

Paid time off (PTO) provides an employee with the flexibility to meet personal needs for time off while recognizing the employee’s privacy and individual responsibility to manage such absences. It is important for employees to plan use of PTO to include absences for vacation, sickness, personal business or other absence reasons not otherwise addressed in this policy.

### Eligibility and Accrual Schedule

The City of Chubbuck provides a PTO benefit to all full-time and part-time regular status employees except represented and pay-call Fire Department employees. Time off benefits for represented Fire Department employees are addressed in Fire Department documents. Pay-call employees are not eligible for paid time off.

PTO accrues each pay period according to the employee’s years of service and the schedules posted below. However, no PTO accrues for an employee on an unpaid leave of absence unless the absence is protected by the Family and Medical Leave Act or other law. Employees absent due to approved workers compensation claims will also continue to accrue PTO. A leave of absence is an absence of five or more consecutive work days. Approved time off for non-medical reasons covered by PTO or Comp time is not considered a leave of absence.

Employees are encouraged to manage PTO time and also to make use of it. Therefore, the maximum accrual limit for PTO is 1.5 times the employee’s annual accrual limit. Once an employee reaches the maximum accrual limit, no additional PTO will accrue until the employee’s accrued hours are reduced below the maximum.

Full-Time Employees (regularly scheduled for 40 hours or more per week)

|  |  |  |  |
| --- | --- | --- | --- |
| **Years of Service** | **PTO Accrued per Pay Period** | **Hours per Year** | **Maximum Accrual Limit** |
| 0 through 4 years | 6.1538 | 160 | 240 |
| 5 through 14 years | 7.6923 | 200 | 300 |
| 15 + years | 9.2308 | 240 | 360 |

Part-Time Employees (regularly scheduled for less than 40 hours per week)

30 or more per week Full-time Accrual

25 thru 29 hours per week 75% of full-time accrual

20 thru 24 hours per week 50% of full-time accrual

15 thru 19 hours per week 40% of full-time accrual

Less than 15 hours per week not eligible

### Minimum Increments of PTO

Employees may request and use PTO in no less than 15 minute increments. For non-exempt employees, time off rounded to less than 15 minutes shall be unpaid. However, the department head can authorize a schedule change within the same work week as the absence to allow the employee to make up the time.

### Scheduling PTO

Accumulated earned PTO may be utilized by the employee subject to supervisory approval. Efforts will be made to accommodate the preference of the employee in scheduling PTO, but first priority will be the orderly functioning of City operations.

PTO should be requested as far in advance as practicable. At a minimum, employees are expected to request PTO use at least one week in advance of the absence. The request may be oral or written including via e-mail. There may be rare occasions such as an emergency or 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.

Short notice of PTO use or notice after the fact must be infrequent. Patterns of short notice use of PTO may result in corrective action.

If providing notice of PTO use on the day of the absence, all employees, other than Police Department dispatchers, shall report PTO use, or cause it to be reported, to their supervisor before the beginning of their scheduled work shift. Police dispatchers shall report PTO no later than three (3) hours prior to their scheduled work shift to allow another dispatcher to be scheduled.

### Exempt Employee PTO Policy

PTO accumulates and applies for exempt employees in the same manner as it does for non-exempt employees with exception that for exempt employees, accrued PTO or accumulated sick pay must be taken only for absences of 4 consecutive hours or more in a single day. Exempt employees receive regular pay for any absence of less than 4 consecutive hours. In accordance with the Federal Fair Labor Standards Act, once an exempt employee exhausts their PTO and sick pay as applicable, no deduction will be made from the exempt employee’s salary for any partial day absences.

### Leave Donation Policy

The City of Chubbuck recognizes that employees may have a family medical emergency resulting in a need for additional time off in excess of their available paid time off. To address this need, all eligible employees will be allowed to donate accrued paid time off (PTO) to a Medical Emergency Leave Bank. Donation of PTO to the leave bank is strictly voluntary.

Donated PTO will be distributed from the Medical Emergency Leave Bank to eligible employees in accordance with this policy. The program is structured this way to reduce the taxability of PTO donations for donors. Receipt of PTO is a fully taxable event for recipients.

Donation only applies to PTO except that Fire Department employees may donate vacation hours under this policy. Sick pay and comp time may not be donated or redistributed to other employees.

* + - 1. Eligibility

Employees must have a minimum of one year of employment with the City of Chubbuck to be eligible to donate and/or receive donated PTO. Other criteria apply as explained below.

* + - 1. Guidelines

Employees requesting PTO from the Medical Emergency Leave Bank must have a situation that meets the following criteria.

The absence must be due to a serious medical condition of the employee or an immediate family member. The serious medical condition must require an absence of the employee that results in exhaustion of all paid leave including PTO, vacation, comp time and sick pay accrued by the employee. Serious illness, family member and absence must meet the definitions in the Family and Medical Leave Act (FMLA).

* + - 1. Donation of Paid Time Off
* The donation of PTO time off is strictly voluntary.
* Donated PTO will go into a leave bank for use by any eligible employee; a donor cannot specify who can receive the donated PTO.
* Donor identity will not be disclosed to recipient employees.
* The donation of PTO is on an hourly basis without regard to the dollar value of the donated time.
* The minimum number of PTO hours that an eligible employee may donate is 4 hours per calendar year.
* The maximum donation is 80 hours per calendar year with an additional limit of no more than 50 percent of the employee's current PTO balance.
* Employees cannot borrow against future PTO to donate.
* Employees may donate PTO at any time. PTO donated before the 15th of the month will be transferred from the donor to the Medical Emergency Leave Bank on the first work day of the following month or as soon as administratively possible.
* Employees who are currently on an approved leave of absence cannot donate PTO.
* The Medical Emergency Leave Bank can accrue a maximum hours of 1000 hours. Any donations that would exceed the maximum will be denied in the order received.
  + - 1. Receiving Donated Paid Time Off

Employees may request donated PTO by completing a Donation of Paid time off Request Form and submitting it to human resources.

* If the requesting employee has available sick time, comp time, vacation or PTO, this time must be used before the employee is eligible to receive donated PTO.
* The absence must be related to a serious illness approved for FMLA protection. However, any absences due to workers compensation are not eligible for receipt of donated PTO.
* Donated PTO may only be used for time off related to the approved request. Donated PTO cannot be carried forward and/or used for other absences.
* Employees who receive donated PTO may receive no more than 480 hours within a rolling 12-month period.  An additional limit applies in that an employee may not receive more than 50% of the leave pool at any point in time.
* Requests for donations of PTO must be approved by human resources and the payroll manager.
* Once approved, available hours will paid at each pay period to equal the recipient’s regularly scheduled base hours for a pay period. Payment will be discontinued when any of the limits are reached.
* Use of donated PTO ceases at termination of employment or eligibility for Long Term Disability.

Nothing in this policy will be construed to limit or extend the maximum allowable absence under the Family and Medical Leave Act.

## Bereavement Pay

The City will provide up to 24 hours of paid leave of absence per incident for a death in the immediate family (spouse, parents, grandparents, children, grandchildren, brothers and sisters). Step relationships and in-law relationships for immediately family qualify. Additional leave may be granted from accrued PTO or Comp time.

## Jury Duty and Subpoenas

Any employee called for jury duty (work or non-work related) or subpoenaed as a witness in a matter related to his or her employment shall be excused by the department head for the time required and will receive their regular rate of pay. Employees may retain any per diem or other expenses paid by the Court. In the event a juror is dismissed by the Judge prior to the completion of the employee's regular shift, the employee shall immediately report to work.

Employees who are subpoenaed as a witness or who attend court for any non-employment related matters (other than jury duty) are required to use PTO or compensatory time to cover the time away from work.

## Equipment and Uniforms

It is the policy of the City of Chubbuck to furnish all special uniforms and equipment deemed necessary in the performance of the employee's duties, although the supplemental policies of specific departments may require the employee to purchase some such equipment. Department heads may provide a clothing allowance to employees in lieu of, or to supplement, provided uniforms. Each department head will determine and authorize the specific uniforms/equipment and/or allowance required.

Each employee will be charged with appropriate care of assigned equipment and the cost of replacement caused by negligence will be assessed against the employee. Any items with the City of Chubbuck logo should be returned to the City or destroyed when the item is no longer serviceable or upon termination of employment.

## General Leave of Absence Policy

The City of Chubbuck recognizes the infrequent need for leaves of absence. A leave of absence is an absence of five or more consecutive work days. Absences of less than five work days are addressed in the Attendance section of this policy and may qualify for FMLA protection.

Leaves are granted in accordance with law including but not limited to the Family Medical Leave Act (FMLA), the Pregnancy Discrimination Act (PDA) and the Americans with Disabilities Act Amendment Act (ADAAA). The policy of the City is to also consider an employee's request for an unpaid personal leave of absence or a medical leave not protected by law.

Leaves must be requested 30 days in advance or as soon as reasonably possible. Personal insurance benefits will be continued during any leave of absence as long as the employee pays his or her portion of the premiums each month.

### Unpaid Personal Leave of Absence

An unpaid personal leave is an unpaid absence of five or more consecutive work days for other than medical reasons (such as for travel, education, etc.). All accrued PTO and comp time must be used before an unpaid personal leave can be granted.

An unpaid personal leave of absence may be granted for up to 30 days with approval of the department head. Any paid personal leave of any length of time or any unpaid personal leave in excess of thirty days requires written approval of the Mayor.

### Medical Leave of Absence

An employee with a serious medical condition as defined under the FMLA may request approval for a medical leave of absence. A medical leave of absence is an absence of five or more consecutive workdays. Medical certification of the need for the leave must be provided if requested by the City. If the leave qualifies for FMLA protection, such protection will run concurrent with the medical leave of absence. Absences due to an approved workers compensation claim are handled separately as defined in section 2.10 of the Personnel Policy Manual.

No PTO (sick pay or vacation for represented Fire Department employees) accrues for an employee on an unpaid leave of absence unless the absence is protected by the Family and Medical Leave Act or other law. However, any employee whose absence is authorized as part of an approved workers compensation claim will continue to accrue PTO (sick pay and vacation for represented Fire Department employees). A leave of absence is an absence of five or more consecutive workdays. Approved time off for non-medical reasons covered by PTO, vacation or comp time is not considered a leave of absence.

PTO or sick pay if available are intended to cover medical absences so once the medical leave begins, accrued sick pay and/or PTO must be used for the first 40 hours of any medical leave. After a medical leave of absence has reached 40 hours, subsequent time off for the medical leave may be unpaid or the employee may elect to use sick pay, PTO, vacation, or comp time. If no pay is selected, any payroll deductions for voluntary benefits must be paid by the employee. Employees may also apply for any disability income benefits that may be offered by the City, subject to the rules of the plan. If disability is paid, sick pay, PTO, vacation, or comp time may not be used concurrent with disability pay.

Once FMLA protection is exhausted, the City will interact with the employee to determine what reasonable accommodations may be necessary for the employee to return to work. If, after FMLA is exhausted, the employee cannot return to work with or without reasonable accommodation, employment will be terminated.

## Sick Leave

City of Chubbuck employees accrue PTO but no longer accrue sick leave. Individuals grandfathered under the former Sick Leave Policy retained accumulated sick leave. This sick leave can be used when the employee has a medical need to be absent from work. This includes but is not limited to absences that qualify for Family Medical Leave protection. The employee must advise that the reason for the absence is sickness and the expected duration. Sick pay for 40 or more consecutive work hours must be supported by a written statement from a medical provider. If the supervisor finds non-validated or invalid use of sick leave, the employee is subject to corrective action. No cash payment shall be made for unused sick leave upon termination of employment with exception of those employees who had accumulated sick leave as of October 1, 1992 who may qualify for limited payout upon termination.

## Military Leave

An unpaid leave of absence will be granted to an employee for participation in ordered and authorized field training in accordance with Idaho Code §§ 46-407 46-409, 46-224 and 46-225 as well as the Uniformed Services Employment and Reemployment Rights Act (USERRA).

An employee who is a member of any reserve component of the United States Armed Forces or of any reserve component of the Idaho National Guard is granted military leave without pay not to exceed fifteen (15) working days in one (1) calendar year. Accrued PTO or comp time may be used at the discretion of the employee.

An employee who leaves his or her position either voluntarily or involuntarily for temporary active military duty in excess of fifteen (15) working days must be granted military leave without pay after expiration of the normal fifteen (15) day military leave provision. An employee returning from military leave without pay after being relieved or discharged from military duty must be reemployed in his or her former position or comparable position without loss of seniority, status, or pay rate as long as application for reemployment is in compliance with the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended (USERRA).

## Family and Medical Leave Act

The Federal Family and Medical Leave Act (FMLA) provides eligible employees up to 12 weeks of unpaid leave during a 12-month period. FMLA does not provide compensation or disability pay. However, the City may provide benefits and/or pay during an FMLA protected absence. See the Medical Leave of Absence section of the Personnel Policy. Definitions of the terms below are those provided in the Family and Medical Leave Act. The U.S. Department of Labor lists four primary responsibilities for employers:

* Provide notice;
* Maintain group health insurance;
* Restore the employee to the same or equivalent job and benefits; and
* Maintain records.

### Eligibility

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

1. Must have worked for the City for at least 12 months;
2. Must have worked at least 1,250 hours for the City during the previous 12 months.

### Leave Entitlement

An eligible employee is entitled to a total of twelve (12) work weeks of leave during a 12-month period defined by the City as a rolling 12-month period measured backward from the date an employee uses any FMLA leave. FMLA leave may be used for one or more of the following reasons:

1. For the birth or placement of a child for adoption or foster care
2. To care for the employee’s spouse, son or daughter, or parent, who has a serious health condition
3. For the employee’s own serious health condition
4. Because of a qualifying reason arising out of the covered active duty status of a military member who is the employee’s spouse, son, daughter, or parent (qualifying exigency leave)
5. To care for a covered service member with a serious injury or illness when the employee is the spouse, son, daughter, parent, or next of kin of the covered service member (military caregiver leave).

When an employee is off work for FMLA leave, the employee will not be allowed to work for any other employer without prior approval from the Mayor. An employee who violates this rule will be subject to corrective proceedings up to and including termination from employment.

### Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition involving either an overnight stay in a medical care facility or continuing treatment by a health care provider including a period of incapacity of more than three consecutive full calendar days combined with certain follow up care.

### Notification of Leave

Notice requirements for employees are:

1. Provide sufficient information to make the employer aware of need for FMLA-qualifying leave
2. Specifically reference the qualifying reason or the need for FMLA leave for any subsequent requests for same reason
3. Consult with employer regarding scheduling of planned medical treatment

For the purpose of birth or child placement, notification must be made no later than thirty (30) days prior to the beginning date of such leave. In the event of an emergency in which thirty (30) days’ notice is impossible, the employee must provide as much notice as practical and must comply with the City’s normal absence notification policy.

In the event of leave for a serious medical condition or treatment which is foreseeable, employees are required to make a reasonable effort to schedule treatment so as not to unduly disrupt work operations and to provide thirty (30) days’ notice or such notice as practicable.

### Leave Certification

Leave certification refers to a statement by a health care provider which includes 1) the date on which the serious health condition began; 2) the probable duration of the condition; and 3) a statement that the employee is unable to perform his or her duties. The City may require that an employee provide recertification of a serious health condition at any time after the request for Family Medical Leave.

If the certification is for care of a qualifying family member, it must include 1) a statement that the serious health condition warrants the participation of the employee to provide care during a period of treatment or supervision, and 2) an estimate of the amount of time that the health care provider believes the employee will need to provide that care.

Certifications for intermittent FML absences should include the frequency of the absences in addition to the preceding requirements.

Employees must provide certification within fifteen (15) working days following the City’s request for certification. The employee is responsible for any cost.

A department head may require a second medical opinion at the City's expense with a medical care provider of the City’s choice. In the event the second opinion conflicts with the first, the City may pay for a third and binding opinion.

Employees must respond to the City’s request for information about his or her status and intent to return to work. For an employee’s own serious health condition, the City may require certification that the employee is able to resume work. The employee is responsible for any cost.

### Intermittent Leave

FMLA leave may be taken intermittently or on a reduced leave schedule for:

1. Employee’s or qualifying family member’s serious health condition when the leave is medically necessary
2. Covered service member’s serious injury or illness when the leave is medically necessary
3. A qualifying exigency arising out of a military member’s covered active duty status

The City elects to also allow intermittent leave for the birth or adoption of a child.

### Spouses Both Employed by the City

In the event spouses, who are both employed by the City, wish to take family leave to care for a newly arrived child or a sick parent, their combined FMLA leave is limited to twelve (12) weeks.

If the family leave is requested because of the illness of a child or of the other spouse, each spouse is entitled to twelve (12) weeks of FMLA leave.

### Employment and Benefits Protection

An employee who completes FMLA leave shall be returned to the same or equivalent position occupied prior to the leave.

FMLA leave will not result in any loss of seniority or employment benefits. PTO will continue to accrue if a leave is covered by FMLA. Employees will also continue to accrue paid time off for leaves not covered by FMLA only if the absence is compensated by paid time off, comp time or sick pay. Employees will not accrue PTO during the unpaid portion of any leave not covered by FMLA.

All City-paid benefit contributions and premiums shall be paid during periods of FMLA leave. However, employees must pay their portion of premiums in order to keep the benefits in effect during any unpaid leave. Employees must make arrangements for payment of their portion of their benefit costs or discontinuation of those benefits will occur.

If an employee fails to return to work following a period of unpaid FMLA leave, the employee is required to reimburse the City for all insurance premiums unless the employee fails to return due to a continued serious health condition or other reason beyond the employee's control.

### Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on covered active duty or called to covered active duty status in the Armed Forces in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Certification to support this type of FMLA leave is required. Advanced notice is required when the leave is foreseeable.

Covered active duty means:

1. For members of the Regular Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country; or
2. For members of the Reserve components of the Armed Forces (members of the National Guard and Reserves), duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in support of a contingency operation. Deployment to a foreign country includes deployment to international waters.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave during a single 12-month period to care for a spouse, son, daughter, parent, or next-of-kin who is a covered service member. A covered service members is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties in the Armed Forces. A covered service member may also be a veteran of the Armed Forces (including the National Guard or Reserves) discharged within the five-year period before the family member first takes military caregiver leave to care for the veteran. Certification of the covered service member’s illness or injury to support this type of FMLA leave is required.

### Concurrent Use of Accrued Paid Time Off and Worker’s Compensation Required

Employees are required to use any accrued paid time off, accrued comp time and accrued sick leave (if applicable) concurrently with any FMLA leave subject to the limits described in the Medical Leave of Absence section of the Personnel Policy. If the employee does not have sufficient accrued paid time off, comp time and sick leave ( if applicable) 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 paid time off while receiving workers compensation benefits, paid time off, comp time or sick leave, but will not accrue PTO during any uncompensated portion of the absence not covered by FMLA.

If an employee is on Worker’s Compensation leave, such leave will also run concurrently with FMLA leave.

### Retaliation Prohibited

Eligible employees may exercise rights granted under this policy with complete freedom from retaliation, threat of discharge, or discrimination. The City shall not interfere with or restrain, in any way, an employee's rights to FMLA leave in compliance with this policy.

## Workers Compensation

Workers compensation insurance provides medical treatment and partial wage replacement for eligible employees who become injured or ill because of circumstances arising out of and in the course of their work. The City will handle worker’s compensation claims for sworn law enforcement officers pursuant to Idaho Code, Title 72, Chapter 11.

### Reporting an On-the-job Injury

All on-the-job injuries, even if not medically attended, must be immediately reported to the employee’s supervisor, department head or Human Resources. Reporting a claim to a co-worker is not considered reporting the claim to the employer.

Upon notification of a reportable injury, the supervisor is responsible for completing the First Report of Injury and submitting it to the Workers Compensation carrier. Human Resources can offer assistance.

Failure to report an on-the-job injury and/or to follow the procedure outlined in this section may result in corrective action.

### Claims Management

Upon receipt of the First Report of Injury, a claims examiner from the workers compensation insurance carrier will correspond with the employee. If additional information is needed, the claims examiner may contact the employee, supervisor and witnesses to take recorded statements. Employees are expected to fully cooperate with the requests of the claims examiner. Failure to cooperate may result in denial of the claim and the employee may be subject to corrective action.

### Medical Treatment

If medical treatment for an on-the-job injury or illness is necessary, the health of the employee is the most important matter. The City of Chubbuck has a designated provider for initial treatment of workers compensation injuries. Designated provider information is available from Human Resources. In the case of an extreme emergency, any employee can call 911 for an ambulance. An ambulance is recommended any time an employee needs to be treated by a hospital emergency room.

The employee is expected to follow through with the instructions given by the treating physician. Failure to cooperate may result in denial of benefits. If continued medical attention is needed after the initial treatment of the injury and the employee wishes to change physicians, the treating physician should be asked for a referral or the employee may contact the claims examiner. After returning to work full time, any time away from work for follow-up treatment during your scheduled work time is considered time worked.

The employee is required to provide the workers compensation carrier or supervisor with the following documentation:

* a copy of a physician treatment report after each appointment
* a written medical update and prognosis from the treating physician, upon request from the supervisor or Human Resources
* a written release to return to work after medical treatment

All medical documentation received by the supervisor will be forwarded to Human Resources for retention.

### Return to Work

Return to employment will be authorized on a case-by-case basis in consultation with the supervisor, department head and the workers compensation carrier and may require a fitness for duty medical review.

If the employee is limited by the injury and unable to perform all job duties, the employee is responsible for seeking permission from the physician to work light duty. The employee’s supervisor and department head will determine if light duty work is available based on the restrictions determined by the physician or medical provider.

Temporary reassignment may be given and may include a change in the employee’s regular duties. Refusal to accept available light duty work may be cause to discontinue workers’ compensation benefits and the employee may be subject to corrective action.

The City will maintain employment for the employee during an approved worker’s compensation claim until the employee fully recovers from the injury and returns to work. There may be cases in which the employee reaches maximum recovery but cannot return to work due to permanent work restrictions. Maximum recovery is the point determined by a physician when the employee’s condition is not likely to improve with further treatment.

The employee must immediately advise the City of any permanent work restrictions. The City will interact with the employee to determine if reasonable accommodations can be made to allow the employee to return to work. If reasonable accommodations cannot be made, employment will be terminated.

### Loss of Income Benefits

In order to receive income benefits, the time lost from work (disability) must be authorized by the treating physician and approved by the City’s workers compensation insurance carrier. Income benefits can be considered for payment if the employee is disabled from work more than five (5) calendar days. Benefits may be payable from the sixth (6) day after disability. However, if the employee is hospitalized overnight or the disability exceeds fourteen (14) days, benefits may be payable from the date of disability.

Workers compensation income benefits only cover a portion of the employee’s full base pay. City of Chubbuck employees will first be paid accrued sick time and then comp time and PTO to make up the difference between workers compensation payments and full base pay.

Workers compensation payments can sometimes be delayed so as a service to employees on workers compensation leave, the City may advance accrued sick pay, accrued compensatory time and/or accrued paid time off in an amount equal to full base pay and in return, employees must return and endorse workers compensation checks to the City. When accrued sick time, comp time and PTO are exhausted, workers compensation payments will be the only form of compensation and employees then retain workers compensation checks. Payroll will advise employees regarding the timing of payments.

If an employee is absent from work due to an on-the-job injury for more than three (3) consecutive days or on an intermittent basis, the employee will be placed on leave in accordance with the Family and Medical Leave Act (FMLA). FMLA leave runs concurrent with workers compensation leave due to an on-the-job injury or illness. Refer to the Family and Medical Leave Act policy.

### Denial of a Claim

In the event a medically attended workers compensation claim is denied, it is the responsibility of the employee to pay the medical charges for the treatment received. The employee may contact the medical provider to request that the charges be billed through the employee’s medical insurance policy.

If the claim is denied, any payment for time loss will be deducted from available accruals. If accruals have been exhausted, reimbursement to the City is required.

If it is determined that the employee intentionally filed a false claim, the employee will be subject to corrective action up to and including termination of employment.

### Dispute Resolution

In the event there is a dispute that cannot be resolved between the employee and the claims examiner, the employee may contact the Idaho Industrial Commission to file a complaint.

## Personal Benefits

The City recognizes the personal concern that employees may have for themselves and their dependents regarding medical, dental and vision expenses, disability income, life insurance, and behavioral counseling. While each of these areas may not be included in the available benefits, it is the policy of the City to provide eligible employees with a benefits package within the budgetary limitations approved by the City Council.

The City periodically reviews benefit programs to provide reasonable benefits at a reasonable cost to both employees and the City. With approval of the City Council, the Mayor may continue, change or eliminate insurance or other benefits in accordance with existing laws.

Approved benefits include:

* Health Plan – Single plan offered with plan design eligible for a Health Savings Account
* Health Savings Account - Annual contribution from the City of $1,500 per eligible employee paid bi-weekly for time employed. A portion of the City contribution to the HSA may be contingent upon the employee’s participation in a wellness program.
* Tele-medicine
* Dental Plan
* Vision Plan
* Life Insurance
* Long Term Disability Plan
* Employee Assistance Program

Additional benefits may be available for purchase. Examples are voluntary life insurance, extended long term disability, and various AFLAC plans.

Eligible to apply for benefits are full-time regular employees, the Mayor, City Council Members and part-time exempt salaried employees working at least 15 hours per week. Coverage is also offered to spouses and eligible dependents of these groups. Hourly part-time employees are not eligible for benefits unless regularly scheduled for 30 or more hours per week.

Enrollment or changes in health, dental, vision, life insurance or long-term disability benefits may only be made at hire, during annual open enrollment or immediately subsequent to a qualifying life as defined by the Internal Revenue Service. Benefits eligibility may include a waiting period before eligibility begins. Please contact Human Resources for details regarding insurance benefits.

Employees should keep benefit information such as dependents and beneficiaries current. Contact Human Resources with any changes that could impact your available benefits.

## Public Employee Retirement System of Idaho (PERSI)

### PERSI – Base Plan

All City employees who are hired to work twenty (20) hours per week or more for at least five months per year, are required to participate in the Public Employee Retirement System of Idaho (PERSI). The employee contributes a fixed percentage of gross salary through payroll deduction, and the City contributes an additional fixed percentage of the employee's gross salary. Employees should keep beneficiaries current. Rules, regulations, membership, vesting, contributions, retirement and other issues are established by PERSI.

Employees who resign or are discharged before vesting may apply to PERSI for a refund of their contributions plus accrued interest. If married, the spouse of an employee must consent to the withdrawal of retirement funds. Requests for refunds may be made directly to PERSI. Human Resources can assist with the process.

### PERSI – Choice Plan

All PERSI employees are eligible to make contributions to a 401k plan through PERSI. Contributions are tax deferred and employees have a choice of investment options.

For questions concerning types of retirement benefits available, please contact Human Resources or a PERSI representative.

## Optional Benefits

With approval of the Mayor, the City may make available optional benefits for purchase by employees. Optional benefits may include supplemental life insurance, supplemental disability insurance, prepaid legal, identity theft or other benefits as determined by the City. Employees must sign an authorization to deduct the employee cost of optional benefits from pay. With approval of the Mayor, the City may continue, change or eliminate optional benefits with or without advance notice.

## College Courses

### Eligibility

All full-time regular benefits-eligible employees who have been employed with the City of Chubbuck for twelve (12) consecutive months prior to the commencement of a work related college course are eligible for college course education benefits. However, approval may be denied to an employee based on written discipline within the prior 12 months and all college course education benefits are subject to the availability of limited financial resources.

Work related means that the college degree to which the course applies is applicable to the operations of the City as determined by the department head. Part-time employees are not eligible for college course education benefits.

Courses that are required for a work related Associate, Bachelor or Master’s degree are eligible under the education program. Courses must be offered at an institution accredited by a body recognized by the Council on Higher Education Accreditation. Short-term training programs, seminars, workshops, conferences, conventions, and certification programs are not eligible for education benefits but may be paid by the City as described in Training section of the Personnel Policy.

### Approval

All requests for education benefits are subject to the availability of financial resources and must be approved by the department head except that courses taken by a department head must be approved by the Mayor. Available financial resources is defined as funds available in the budget of the approving department. To facilitate budget preparation, employees must submit applications before July 1 in order to be considered for college education benefits in the following fiscal year (October through September).

### Benefits

College education benefits are payable upon credible evidence of satisfactory completion of the course, with the approval of the department head. Benefits are only payable on a reimbursement basis and are subject to the availability of financial resources. Full-time regular employees are eligible for a maximum of $3000 per fiscal year (October through September) toward the cost of tuition and required textbooks for eligible courses. A per employee lifetime maximum of $12,000 applies. These amounts may be adjusted annually by the Mayor based on the financial constraints of the City.

Employees may supplement education benefits provided by the City with other funding sources such as Veteran's benefits or scholarships; however, only if there is no personal financial gain. Additional funding sources must be disclosed when requesting education benefits.

### Application for Reimbursement

Benefits are only payable on a reimbursement basis. Eligible employees wishing to request education benefits must submit the *Application for Education Benefits* form, with department head approval, to the Human Resources department. The *Application for Education Benefits* form is also required for reimbursement of textbooks if paid separately from tuition.

## Training Workshops, Seminars and Conferences

The City will pay for pre-approved job related workshops, seminars, conferences, conventions or short-term training courses including registration, meal allowance, travel, and lodging expenses. Payment is dependent on financial constraints and subject to approval by the department head.

### Non-Exempt Employees

Time spent in approved training functions during and after normal working hours will be paid by the City at the nonexempt employee's hourly rate of pay or overtime rate if applicable. Travel time beyond regular work hours will be paid if the nonexempt employee is driving to or from the training site or is driving to or from the common carrier which will take him or her to the training site. Employees will be paid for any travel as defined above that occurs during normal daily work hours, including weekends. No travel time beyond regular work hours will be paid if the employee is simply a passenger in any private vehicle or common carrier unless work is being performed.

### Exempt Employees

The time spent traveling to or in approved training functions during or after normal working hours will be considered requirements of the position and part of regular salary.

## Travel

Approved travel expenses authorized for an employee on City business will be paid by the City in accordance with this policy. Minimizing the cost of travel is vital for the City.

### Request for Travel Funds

All payments for travel and related expenses must be authorized by a department head or an individual designated by the Mayor. To the extent practical, all costs for travel shall be incurred originally with City funds or through the use of a City credit card or other methods to minimize the need for the traveler to incur costs prior to being reimbursed. Requests for travel funds must be made on travel expense claim forms provided and approved by the City. Reimbursement for allowable expenses will be made as soon as administratively possible.

### Allowable Travel Expenses

A traveler is eligible for travel cost reimbursement only when they are on official travel. Official travel status is when the traveler is physically away from their official primary work station by a distance of 50 miles or more or includes an overnight stay. However, mileage may be reimbursed for vicinity mileage which is mileage incurred for official City business within the traveler’s official primary work station area or other locations.

### Mileage

Mileage - If an employee is required to use his or her personal vehicle, including to and from the airport, he or she will be paid a fixed rate per mile in accordance with the rate in the State of Idaho Travel Policies and Procedures. If a City-owned vehicle is available to the traveler but for personal reasons a private vehicle is used or a separate City vehicle is used, the mileage reimbursement shall be limited to one-half the established rate, unless the full rate is authorized by the approving authority with documentation supporting the reason for authorizing the full rate. Miles driven when using a private vehicle for official City business shall be computed according to MapQuest, Yahoo or Google Maps, or other source which supports the distance as the most direct and/or efficient route. No reimbursement shall be made for repairs, tires, gas, or other operating expenses for personal vehicles. Reimbursement is also allowed for travel on official business within the City the employee is visiting. The employee must keep track of this "vicinity travel" and submit a claim for it in addition to the mileage to and from the location...

### Car Rental

Car Rental - Costs of rental cars will be reimbursed if vehicle rental is the most economical and practical means of transportation. The size and style of the rental vehicle shall be consistent with the travel needs. Receipts are required.

### Lodging

Lodging Expenses - Lodging costs will be reimbursed based on a single room rate but only if actual hotel/motel receipts are presented. Credit card slips are not acceptable. If spouse and/or family accompany the employee, the additional charges must be deducted from the receipt.

When selecting lodging, the employee must request a government rate and must consider the proximity to the required work location, room type, and daily rate.

### Meals

Meals - The maximum per diem meal allowance will follow the rate published in the State of Idaho Travel Policies and Procedures. The per diem allowance is intended to cover the cost of food, beverages, and related gratuities and no portion of these costs shall be reimbursed as separate items. The City will pay a full per diem for each full day of travel. An exception applies when meals are provided at meetings, conferences or events. A per diem amount is not owed to the traveler for meals that are included as part of a meeting, conference or event. However, complimentary meals or beverages provided by lodging vendors or commercial airlines will not be considered when determining per diem allowances.

A full day of travel requires departure by 7:00 a.m. and return after 7:00 p.m. Partial day per diem is paid based on the following time frames but may be updated to follow the State of Idaho Travel Policies and Procedures:

* + - 1. 25% for breakfast (leave at 7:00am or earlier/return at 8:00am or later)
      2. 35% for lunch (leave at 11:00am or earlier/return at 2:00pm or later)
      3. 55% for dinner (leave at 5:00pm or earlier/return at 7:00pm or later)

### Incidental Expenses

Incidental Expenses - Taxi, bus, or shuttle fares to and from depots, airports, and hotels are allowable provided a receipt is presented. The cost to gain access to the internet at the temporary work location or lodging vendor for official City business is allowable. The costs for laundry and dry cleaning services are allowable only if the duration of the official travel exceeds five (5) calendar days.

### Mode of Travel

The employee will use the most economical and practical mode of travel. When for personal reasons the mode of travel used is not the most cost-effective and efficient mode available and such a deviation is specifically authorized by the approving authority, only those costs which would have been incurred using the most cost-effective and efficient mode available will be allowed. Any costs associated with excess travel time resulting from the use of other modes of travel for personal reasons shall not be paid by the City. Any excess time shall be charged to accrued PTO or compensatory time balances.

### Prohibited Travel Expenses

1. Any training which does not require travel outside of the Chubbuck/Pocatello area is not eligible for per diem payments.
2. Travel insurance premiums.
3. Personal items such as movie or theater tickets, magazines, bar services, sight-seeing fares, etc.
4. Tips and gratuity are included in the per diem allowance amount and cannot be claimed separately.
5. Reimbursement for additional costs incurred through personal choice (extra night's lodging, extra mileage, etc.)
6. Hotel/motel expenses for spouse or family.
7. Personal long distance phone calls.
8. Any expense not included in these regulations must be approved by the department head.

### Travel Expenses for Job Candidates

If a candidate for a department head or supervisory position is located out of town or out of state and has been asked to travel to Chubbuck for an interview, the City will pay for travel, meals at the City per diem rate and up to two (2) nights lodging expenses.

## Legal Representation

Idaho Code requires the City to provide a defense to employees on any claim or civil lawsuit for money damages arising out of any act or omission within the course and scope of their employment, so long as no malice or criminal intent is involved. The City shall have sole discretion to provide said defense through the City Attorney or outside counsel. However, any employee may have his own counsel assist in the defense at the sole expense of the employee. The employee shall cooperate fully in preparation and presentation of the defense.

## Liability Insurance

The City of Chubbuck maintains third-party liability and property damage coverage. To insure equitable settlement of all incidents, the following steps must be taken:

1. Verify that any injured party has received medical attention.

2. Notify the City Police Department and request any assistance needed.

3. Promptly complete an "Incident Report" as provided by the employee’s department head.

Any liability incurred on the part of an employee in the course of the employee’s duties through chargeable gross negligence or in violation of any law will be subject to corrective action, which may include termination of employment.

# Compensation and Salary Administration

In order to attract and retain qualified personnel at all levels of the organization, it is the policy of the City of Chubbuck to maintain fair salary ranges consistent with the economic constraints of the City and the labor market in which we compete. Any compensation and salary system used is subject to approval by the City Council.

The City may change compensation systems and processes for any reason as approved by the City Council. Salary administration within the approved compensation system may be adjusted by the Mayor based upon the availability of funds to maintain a solvent City budget. Pay increases may be adjusted, hours worked may be reduced or employees may be laid off as necessary to meet budgetary constraints or as work needs change.

Regardless of the compensation system used, employment at the City of Chubbuck is “At-Will” and is for no definite period of time and may be terminated at any time with or without cause and with or without notice.

The City will comply with all state and federal requirements governing compensation of employees. In addition to the employee classifications set forth elsewhere in this policy, all employees are classified as exempt or nonexempt for purposes of complying with the Federal Fair Labor Standards Act (FLSA). Employees classified as exempt perform work that qualifies for the professional, executive or administrative exemption and do not qualify for overtime compensation. Employees may contact the supervisor, department head or Human Resources for further clarification of FLSA status.

## Payroll and Payday

Payroll is delivered via direct deposit for all City of Chubbuck employees. The City will direct each employee’s payroll to the financial institution of his or her choice as long as that entity accepts direct deposit. New employees must designate a financial institution within three days of hire.

For all employees except Council Members, the pay period is biweekly, comprising two consecutive work weeks. Direct deposits to the financial institutions selected by employees are made every other Friday as soon as administratively possible. Council Members are paid once a month. Advances from pay are not allowed.

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 Mayor, 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.

## 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). Deductions required by law include but are not limited to tax withholdings for federal and state taxes as well as deductions for the Public Employee Retirement System of Idaho. Other deductions can be made based on signed authorization of the employee.

## Salary Structure

Salaries are organized based on the salary structure approved by the City Council. The current salary structure includes an assigned salary grade level for each position. The salary grade level for each position is determined by the department head with input from Human Resources. Each salary grade has a minimum, a market point, and a maximum salary. Salary minimums, market points and maximums are evaluated and adjusted as warranted by Human Resources based on periodic salary surveys. The market point is typically the average pay rate for the role based on the periodic salary surveys.

Each department head is responsible for ensuring that accurate job descriptions are in place for each position. Changes to any job descriptions should be discussed with Human Resources and approved by the department head. Human Resources and the department head will also work together to ensure that the salary grade levels are commensurate with the job duties, responsibilities and required credentials of each position.

* + 1. Salary Administration

Human Resources is responsible for the overall administration of salaries, working closely with each department head and the Mayor to maintain fair salaries consistent with the economic constraints of the City. Each job or position in the City (other than elected officials) has an assigned salary grade level and is further divided into a hiring range, proficiency range, market range, above market range and a maximum range. Within those ranges are the minimum salary, market point salary and maximum salary for each position. The ranges and accordingly, the minimum, market point and maximum salary may be adjusted annually for inflation based on the consumer price index as published by the U.S. Department of Labor. Human Resources will maintain a table of all salary grades and the associated salary ranges, minimums, market points and maximums.

* + 1. Annual Pay Increases

Periodic wage increases are not guaranteed, and no employee shall expect annual or periodic wage increases. If provided, annual pay increases are subject to the annual budget approved by the City Council. Department heads are required to approve the annual pay increase for each employee and to ensure that the aggregate total for all pay increases is within the approved budget for the department.

Annual pay increases are determined using a market-based system. Employees whose salaries are below the market point for their position will receive a higher percentage increase than employees whose salaries are above the market point. The specific amount of each increase will be recommended by Human Resources based on the employee’s salary in proximity to the market point. Another factor is the amount of the budget dedicated to salaries as determined by the department head in consultation with Human Resources and the Mayor.

No annual pay increase will be given that causes the salary for any employee to rise above the maximum for the position. Annual pay increases for employees with less than 12 months of service as of the effective date of the increase will be prorated based on length of employment unless otherwise noted in the employment offer letter.

## Performance Evaluations

It is the policy of the City of Chubbuck to maintain open communication with all employees and to have processes in place such that employees understand what is expected of them and how they are performing relative to those expectations. Performance review is an ongoing process. Supervisors and department heads are expected to continually assess performance, initiate performance dialogue and provide feedback to improve and reward employee performance. The employee’s response to this ongoing coaching is documented in performance reviews conducted on at least an annual cycle. During the performance review, supervisors will discuss the employee’s performance results including successes and areas needing improvement. Coaching for areas needing improvement will be documented in the performance review. Employees are also encouraged to share their goals and comments. Both the employee and supervisor will sign the performance review form to ensure that performance results and areas for improvement have been clearly communicated. Performance evaluation forms will be retained in the employee’s personnel file.

## New Employees, Promotions, Lateral Shifts, Transfers and Reclassifications

Salaries for new employees will normally be within a defined hiring range for the salary grade level for the position. Exceptions can be made based on experience and qualifications with approval of the department head up through the market range for the position. New hire salaries above the market range must be approved by the Mayor. For example, an exception can be made for a prior employee who is rehired to the same position; with approval of the department head and the Mayor, the employee may be rehired at his or her prior salary even if it is above the market range.

Promotions involve a move up to a higher pay grade and will follow the approved salary and compensation structure. Salaries for employees who are promoted to a new position will move to at least the minimum for the new position. Higher salary levels may be considered based on the employee’s qualifications for the new role and the proximity of the employee’s current salary to the market salary range of the new position. The new salary must have one over one approval and be reviewed by Human Resources for all levels below the Mayor’s direct reports. For example, a salary increase requested by a supervisor may be approved by the department head; a salary increase requested by the department head must be approved by the Mayor. Generally, no increase will be given that causes the salary to rise above the maximum for the new role and any such increase must be approved by the Mayor.

Lateral shifts involve changes from one job to another at the same pay grade within the same department; transfers involve changes from a job in one department to a job in another department at the same pay grade or lower. Employees must serve a minimum of 12 months in any position before being eligible for another lateral shift or transfer; however, employees are eligible for promotional changes at any time.

Employees who obtain a lateral job change or a lateral transfer, or those who are reclassified and who change grades due to this process, will not receive a salary adjustment unless his or her salary is below the minimum or above the maximum for the new position. The new salary will be adjusted accordingly to at least meet the minimum or at most meet the maximum of the new position. Exceptions may be made with approval of the department head and the Mayor. Retroactive payments will not be given.

## Re-evaluations or Re-organization of Positions

The City recognizes that over time the job duties, level of responsibility, and other factors relating to individual positions may change. When there are changes in a position, that position is eligible for review. A written request must be submitted by the department head to both the Human Resources Director and the Mayor that includes justification for the changes. A new job description or position upgrade should occur for significant, permanent changes.

If, through the process of re-evaluation, a change of pay grade is warranted, that change must be made as soon as possible. If a significant number of employees are impacted, the change may require a budget revision which must be approved by the City Council.

When there is a major restructure of a department and/or duties for various positions change significantly, the affected positions will be re-evaluated and moved to the appropriate pay grade at the appropriate rate effective the date of the re-organization.

## Overtime and Compensatory Time

Overtime is time worked in excess of 40 hours in a work week or time worked in excess of the work period established for sworn law enforcement officers or represented firefighters. Overtime will be compensated in accordance with the Fair Labor Standards Act and all other laws. Overtime is sometimes required to meet the needs of the residents but should be kept to a minimum to control costs. Therefore, any time worked in excess of the normal work schedule requires supervisory approval. Overtime may be mandatory and advance notice will be provided whenever possible.

Overtime is paid at the rate of one and one-half times the regular rate of pay. Any non-worked time such as holidays, paid time off, comp time, and jury duty are not considered time worked for the purpose of determining overtime pay.

Non-exempt employees may elect to receive pay for overtime or they may elect compensatory time. If an employee elects to receive comp time, they will accumulate comp time hours equal to the rate for the overtime hours worked. The employee will make and authorize the election of overtime or comp time on their timesheet.

Employees may request and use comp time in no less than 15-minute increments. For non-exempt employees, time off rounded to less than 15 minutes shall be unpaid. However, the department head can authorize a schedule change with the same work week as the absence to allow the employee to make up the time.

Use of comp time must be requested in advance by the employee and approved by his or her supervisor. Comp time should be requested as far in advance as practicable and the request must be made using the timekeeping system. At a minimum, employees are expected to request comp time use at least one week in advance of the absence. There may be rare occasions such as an emergency or 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.

Short notice of comp time use or notice after the fact must be infrequent. Patterns of short notice use of comp time may result in corrective action.

Comp time can be accrued up to a maximum of 120 hours. This excludes represented Fire Department employees. Unused comp time may be carried over from year to year, not to exceed the 120-hour maximum. Any overtime worked after accumulating the maximum of 120 hours comp time will be paid at the overtime rate. Upon termination of employment, any unused comp time will be paid to the terminating employee at the rate of pay at the time of termination.

Accrued comp time may be cashed out at the request of the employee. Payouts will be made at the employee’s current base pay rate as of the date of the request. Such requests must be in writing. Requests must be for a minimum of 40 hours and are limited to three requests per calendar year. Comp time payouts will be made only on regularly scheduled paydays and applicable taxes will be withheld. The request must be submitted to Payroll at least one week before the applicable payday.

## Holiday Pay

Regular status employees, with exception of represented and pay-call Fire Department employees, receive compensation for holidays recognized by the City of Chubbuck except that no holiday pay is earned when an employee is on an unpaid leave of absence unless the absence is protected by FMLA or other law. However, uninterrupted use of paid time off, comp time or sick pay during a leave would qualify the employee for holiday pay during the leave. Any disability benefits received during a leave of absence are not considered as pay and would not qualify an employee for holiday pay. Represented and pay-call Fire Department employees may receive holiday pay in accordance with Fire Department documents.

Full-time and part-time regular status employees are eligible for holiday pay according to the following schedule. This benefit is paid whether or not the employee actually works the holiday.

Scheduled Hours Holiday Pay

30 or more hours per week 8 hours

15 thru 29 hours per week 4 hours

Less than 15 hours per week not eligible

During a workweek that includes a holiday, if an employee’s schedule requires more than his or her eligible hours of holiday pay (to complete his or her schedule for the week, he or she is required to use paid time off or comp time to make up the difference.

If a holiday falls on an employee's scheduled day off, that employee will still receive his or her eligible hours of holiday pay for the day of the holiday.

Non-exempt employees required to work on an authorized holiday shall receive his or her eligible hours of holiday pay and will also be compensated for all time worked on the holiday at the employee's option, either by an overtime rate or equivalent comp time. For Public Works employees, the overtime rate for work on a holiday is two times his or her regular rate of pay. For Police Department employees, the overtime rate for work on a holiday is 1.5 times his or her regular rate of pay. Additional pay for working on a holiday is an exception to the normal calculation of overtime. Therefore, hours worked beyond the scheduled hours on a holiday are subject to normal overtime pay calculations.

3.8.1 Holiday and Other Gifts

To avoid any appearance of conflict of interest, employees are encouraged not to give gifts of any kind to their supervisors, managers, department heads or other leaders.

Small holiday gifts valued at $50 or less may be given by the City to the employees, provided that the gift program is consistent for all City employees across all departments.

## Call-Out Pay

This section does not apply to Fire Department employees. Call-out pay for Fire Department employees is addressed in department specific documents.

Whenever a non-exempt employee is called to work outside his or her scheduled shift without prior notice, he or she shall receive a minimum of one hour of pay at one-and-one-half times his or her hourly rate, regardless of time actually worked. Police Department employees shall receive a two hour minimum at one-and-one-half times the regular rate. All time worked beyond the minimum will continue to be paid at the overtime rate, up to the time the employee's regular shift begins. Time worked during an employee's regular shift, even if a continuation of call-out, will be paid at the regular (straight-time) rate unless the employee has exceeded the overtime threshold in that work period.

## On-Call Pay

This section does not apply to Fire Department employees. On-call pay for Fire Department employees is addressed in department specific documents.

A non-exempt employee scheduled to be "on-call" during his or her off-duty hours shall be compensated an additional one hour for each day the employee is on call whether or not the employee was called out for emergency duty.

Should an on-call employee be called out for duty, compensation will be made according to the Call-Out Pay policy.

## Office Closure for Inclement Weather

It is the policy of the City of Chubbuck to remain open during most periods of inclement weather. Essential Public Works, Fire and Police protection will be maintained in all weather conditions. However, where extraordinary circumstances warrant, due to weather or other unforeseen business interruption, the City reserves the right to close specific or all operations and facilities.

In the event of inclement weather before the workday, the department head or their designee will contact each employee to provide official notice of office closure. The City will normally make a decision as soon as practical but no later than one hour before the start time of the employee’s shift.

If the facility is initially open and then closes during the work day, any affected employees scheduled to work that day will receive regular pay for remainder of their shift. Employees already scheduled for paid time off, compensatory time or sick pay will be paid as such and will not be paid regular pay. If the facility is closed in advance of the scheduled shift, affected employees can elect to 1) use any accrued paid time off or comp time for the missed day or 2) non-exempt employees can choose to not be paid for the day of closure.

If the facility remains open on an adverse weather day, employees who report to work will receive their normal pay for the day. If an employee elects not to report to work on a facility open day, pay will come from any accrued paid time off or comp time for the missed work time. If an employee elects not to work on a given day, normal absence notification rules apply.

Regardless of whether the facility remains open or closed on an inclement weather day, it is each employee’s decision to determine if they can safely arrive at work under the conditions. Questions about this policy should be addressed to the department head or to the Human Resources department.

## Court PAY

Court pay applies only to Police Department employees required to appear in court in the line of duty during nonscheduled time. Court pay only applies if the court time is off shift. Police Department employees required to attend court during off shift time will receive pay at 1.5 times their regular rate of pay for the court appearance with a minimum of 2 hours. The premium rate applies whether or not the employee has exceed the overtime threshold for the pay period.

## Grants

Grant work performed by Police Department employees must be duly authorized by the Division Commander and is paid at 1.5 times the regular rate of pay regardless of whether or not the employee has reached the overtime threshold.

## Training Officer Differential

Police Officers and Communications Officers qualified and assigned as an FTO or CTO will earn a differential of 6.25% applied to base hourly wage for time worked as an FTO or CTO. The differential does not apply to non-worked time.

## Shift Differential

Non-exempt Police Department employees who work during the hours of 1700 (5:00 PM) to 0700 (7:00 AM) are eligible for shift differential.

A 2% shift differential will be paid per hour worked for Police Department employees who work between the hours of 1700 (5:00 PM) and 2400 (midnight). A 4% shift differential will be paid per hour worked for Police Department employees who work between the hours of 2400(midnight) and 0700 (7:00 AM). A minimum of 2.5 hours must be worked in the eligible period to qualify for shift differential

Shift differential does not apply to non-work time such as leaves, sick pay, holidays, comp time or paid time off.

# Employment Policies and Practices

## Personnel Policy Manual

Each employee of the City must be familiar with and abide by the City of Chubbuck Personnel Policy manual. The Personnel Policy sets forth policies on a wide range of issues that arise in the course of employment. Employees may also contact their supervisor or the Human Resources Department if they have any questions concerning a specific policy.

## Personnel Records

The City of Chubbuck Human Resources department is the custodian of all official personnel records including, but not limited to, applicant records, employee performance, salary and benefit records, and retiree records. The Human Resources department determines the general content of information to be included in the employee personnel file.

### Personnel Record Changes

Employees are responsible for informing the Human Resources department of any changes to personal information, including but not limited to changes to name, contact information, marital status, dependents, and beneficiaries.

### Access to Personnel Records

Current and former employees may inspect and copy the respective personnel file pertaining specifically to him or her with some exceptions. Personnel file content not accessible to employees includes material used to screen and test for employment. (Idaho Code 39-340(c) (i)). A similar exemption relating to test questions in licensing, employment, academic or other examination situations is contained in section 39-340E(5).

Those other than the employee, who also have access to an employee’s personnel file include the employee’s current City of Chubbuck supervisor and department head, prospective City of Chubbuck supervisor and department head, the Human Resources department staff, City attorneys, and the Mayor. The City reserves the right to disclose the contents of personnel files to outside state or federal agencies, the City’s insurance carrier or its insurance carrier’s agents for risk management purposes, or when necessary to defend itself against allegations of unlawful conduct.

Per Idaho Code 74-106(31) certain personnel information for current and former employees is open for public disclosure without the consent of the employee. Information that is open for public disclosure includes name, job classification, employment history, pay grade, longevity, gross salary, salary history, status, and employer. An employee’s home addresses, phone number, and other personal information may be released by the Human Resources department to the Chubbuck Chief of Police, Police Captains and Shift Commanders in an emergency.

An employee’s protected health information is kept in a separate supplemental file, accessible only to the employee and the Human Resources department staff.

## Employment Categories

Other than elected officials, all regular, part-time and temporary employees of the City are “At-Will” employees, except as otherwise required by law or pursuant to a written contract approved by the City Council. “At-Will” employment is for no definite period of time and may be terminated at any time with or without cause and with or without notice by the employee or the employer.

### Elected Officials

Elected officials are employees of the City but are not considered regular status employees for benefits purposes. Elected Officials receive employment benefits as identified by resolution adopted by the City Council. Elected Officials are not At-Will employees and are not subject to the Fair Labor Standards Act (FLSA).

### Appointed Employees

Appointed employees are selected by and report directly to the Mayor. The City Clerk/City Treasurer and City Attorney are appointed pursuant to Idaho Code § 50-204 and pursuant to this same code, the Mayor with consent of the City Council may appoint other officers as may be deemed necessary for the efficient operation of the city. Appointed officials may only be removed pursuant to Idaho Code § 50-206. Appointed officials are eligible to apply for the same employment benefits as regular status employees.

### Full-Time Regular Employees

Employees whose typical work week consists of at least 30 hours on a regular basis are considered full-time regular employees. Full-time regular employees are subject to the FLSA and are eligible to apply for employee benefits provided by the City subject to the limitations and requirements of the individual benefit plans.

### Part-Time Regular Employees

Employees whose typical work week consists of less than 30 hours on a regular basis are considered part-time regular employees. Part-time regular employees are subject to the FLSA and may receive reduced employee benefits as authorized by the City Council. 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 such as PERSI. Certain benefits may not be available because qualifying thresholds have not been reached.

### Temporary Employees

Employees who work on a seasonal basis are temporary employees. Temporary employees may be eligible to participate in PERSI subject to the rules of the plan. Temporary employees may also be eligible for medical insurance benefits as required by law. Otherwise, temporary employees receive no benefits provided to regular employees, except those approved by official action of the City Council.

## Hours of Employment

Required hours of employment are typically 40 hours in a seven day period for full-time regular employees. Specific schedules shall be fixed by the department head with due regard for the convenience of the public. Required hours of work each day may vary depending on the needs of each department. Employees are expected to devote their time and energy to City business during work hours. Additional time spent by arriving early or leaving late for the employee's convenience is prohibited unless approved by the department head. All time worked by nonexempt employees must be included on the time card and included in overtime calculations as required by the Fair Labor Standards Act.

The work period for all employees begins at 12:01 a.m. on Sunday of each week and concludes at 12:00 a.m. the succeeding Saturday, except that sworn law enforcement officers and firefighters may have work periods of up to the twenty-eight (28) days as allowed by the FLSA, 29 U.S.C. § 207(k).

### Electronic Access to City Buildings

* + - 1. City Employees

Electronic access devices such as cards, fobs or codes are a vital part of the City’s security system. These access devices are the employee’s electronic key to enter buildings and other secured areas. Access is granted by department heads as needed for each employee’s job. Employees will be granted access to City Hall based on business need as determined by the department head. Access to Police buildings and Fire buildings are restricted to personnel authorized by the Police Chief or Fire Chief or their designees. Department heads will also advise IT of the need for an employee to access to high security areas within their operation. Examples of high security areas are the City vault, IT, well houses and dispatch. Department heads will also determine hours of access for each employee and will also control any building access system not involving IT.

Every employee is required to keep his or her access card, fob, and/or code secure and must not share it with other employees or non-employees. New or replacement access devices for existing employees must be authorized by the department head. If an access device is lost, stolen or becomes inoperable, the employee must immediately report the incident to his or her supervisor who will notify the department head. The department head will notify IT as soon as possible to revoke the access device and authorize replacement. The department head will likewise also update any internal access control system. A pattern of loss or damage to access devices will likely lead to disciplinary action. Any verified case of unauthorized use will also be cause for disciplinary action.

Human Resources will authorize access devices for new hires and will forward a request to IT to match the access for other employees in the same job. For other cases, the supervisor will notify the department head who will request the access device from IT. Examples are a replacement card, fob or code, or additional access required because of a new assignment.

Upon termination of employment, the employee is required to return all access devices to his or her supervisor or to Human Resources.

Revoking access for any reason may be submitted directly to IT by the supervisor, department head or Human Resources.

* + - 1. Vendors, Contractors and Temporary Staff

Access by vendors should be limited as much as possible. Day vendors for example, should not be given access devices. However, a supervisor may request access cards, fobs or codes for vendors, contractors or temporary workers with a need for extended access. The request must be approved by the department head who will forward it to IT. Contractors and temporary staff access devices are the responsibility of the supervisor and department head who requested access. Vendors, contractors and temporary workers are required to return all access devices to the requesting supervisor on the last day of the assignment. Access must be revoked as soon as possible. Revoking access may be submitted directly to IT by the supervisor, department head or Human Resources.

* + - 1. Outside Use of City Meeting Rooms

An access card may be provided to outside groups authorized to use City meeting rooms during non-business hours. The access card must be limited to the time and rooms approved for use for each specific event. The access card must be returned at the end of the event.

* + - 1. Quarterly Verification

Once each quarter, IT will work with the department heads and HR to verify that all active access cards, fobs and cards are valid.

### City Vault Access

In most cases, employees may view, copy, or print City records electronically. If an employee needs Vault Access on a regular basis, they must obtain written approval from the City Clerk.  An e-mail from the City Clerk qualifies as written approval.  Vault Access will also be governed by the two-person rule. Access requires two employees which shall include at least one employee that has been approved by the City Clerk to have vault access. An employee without authorized access can access the vault only if accompanied by an employee that has been granted access by the City Clerk.  Two employees, at least one with access privileges, shall be present the entire time that the vault is unsecure, and both employees are required to verify that the vault is secured before leaving.  The vault must never be unattended when open

## Time Keeping

### Nonexempt Employees

It is the policy of the City of Chubbuck to pay nonexempt employees for all time worked. Nonexempt employees are those employees subject to the overtime rules of the Fair Labor Standards Act. Nonexempt employees are required to create and sign an accurate record of hours worked for each week. The time record and signature may be electronic. The weekly time record should also include any non-worked time such as PTO, compensatory time or leave of absence. Working “off the clock” by not recording time worked is expressly prohibited as is recording time worked that was not worked. Knowingly submitting a false time card is misconduct and may result in corrective action up to and including termination of employment. Employees are required to submit completed time records to their supervisor for approval according to the schedule designated by the department head. The department head is responsible for timely submission of time records to Payroll for processing.

### Exempt Employees

Exempt employees are not subject to overtime pay per the Fair Labor Standards Act (FLSA) and are paid a fixed salary not tied to hours worked. Exempt employees may be required to track hours worked for operational purposes such a job or project costing. However, exempt employees are not required to complete time cards for hours worked for payroll purposes.

City policy requires that time off of four consecutive hours or more in a single workday for exempt employees will be compensated from accrued paid time off and/or accumulated sick pay if applicable to the absence. If an exempt employee takes four or more consecutive hours off in any workday, he or she must submit a request in advance if possible, to his or her immediate supervisor. The request will include the amount of time off and whether pay for the time off comes from accumulated paid time off, comp time or sick pay. The supervisor will note his or her approval and route the approved request to Payroll for processing. In accordance with the FLSA, once paid time off is exhausted and sick pay ,if applicable, is exhausted, exempt employees will be paid a full day if any work is performed that day.

## Rest and Meal Periods

All employees scheduled to work four (4) or more continuous hours may be given up to fifteen (15) minutes during each four (4) continuous hours as a paid personal rest break. The timing of the rest break is at the discretion of the department head or supervisor. Employees on rest breaks shall be considered on duty and available for work at the discretion of the supervisor. The supervisor may also designate the location of breaks and limit the activities of the employees while on break.

Rest breaks shall not be cumulative nor available for late arrival to work, nor used in connection with meal periods, nor for early dismissal at the end of the scheduled workday. Neither overtime nor comp time will be allowed to accumulate for rest periods not taken.

Employees may be scheduled for paid or unpaid meal periods. Even if the meal period is unpaid, circumstances may require that employees remain on the work site during the unpaid meal period. Whether on-site or off-site, employees are not to perform any work during an unpaid meal period. The length of the unpaid meal period must be at least 30 minutes but otherwise is determined by the department head or supervisor. Meal periods are intended to occur near the middle of the shift. However, the department head may change the scheduled work day including adjusting the timing and length of meal periods to accommodate work requirements. The department head also determines whether a schedule includes a paid or unpaid meal period.

Any meal period of less than 30 minutes is compensable time. Unpaid meal periods shall not be cumulative nor available for late arrival for the scheduled workday, nor used in connection rest periods, nor for early dismissal at the end of the scheduled workday.

## Attendance

The City depends upon its employees to deliver services to the residents so it is important that employees attend work as scheduled. Dependability, attendance, punctuality, and a commitment to do the job right are essential at all times. As such, employees are expected to be prompt and regular in attendance for defined work schedules or other required employer functions.

The City provides employees with paid time off, compensatory time off and leave of absence time to address absences. Unpaid time off is not permitted unless protected by law or an exception is approved in advance by the department head. Patterns of unpaid time off not approved in advance or otherwise protected by law may result in corrective action.

Employees must obtain supervisory approval in advance for any absence or deviation from their established schedules recognizing that there will be infrequent occasions when this is not possible. Any time off must be requested by the employee as far in advance as practicable. For use of PTO or comp time, employees are expected to request the time off at least one week in advance of the absence. The request may be oral or written including via e-mail. Short notice of PTO or comp time use, or notice after the fact, must be infrequent. Patterns of short notice of unpaid absences, PTO absences and/or comp time absences may result in corrective action.

Not reporting to work and not calling to report the absence is a no-call/no-show and is a serious matter. The first instance of a no call/no show may result in a written warning. The second separate offense may result in termination of employment with no additional corrective steps. A no call/no show lasting three days may be considered job abandonment and may be deemed an employee’s voluntary resignation of employment.

Absences due to illness of 40 or more hours in a week must be supported by a written statement from a medical provider.

## Health Insurance Portability and Accountability Act

The City is committed to protecting the confidentiality of any health information it receives, maintains, uses or discloses in compliance with the Health Insurance Portability and Accountability Act (HIPAA). Employees have rights under HIPAA regarding protected health information maintained by the City. A notice of HIPPA privacy practices is available in Human Resources.

## Americans with Disabilities

The City is committed to complying with all applicable state and federal laws protecting the rights of individuals with disabilities. The Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendments Act (ADAAA) are federal laws that require employers with 15 or more employees to not discriminate against applicants and individuals with disabilities and, when needed, to provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

The City will not discriminate against any qualified applicant or employee with respect to any of the terms and conditions of employment on the basis of such person’s known or perceived disability, so long as he or she can perform the essential functions of the job with or without a reasonable accommodation that does not pose and undue hardship for the City.

Reasonable accommodation is the program that calls for necessary and reasonable adjustments in the work environment in order to make it possible for persons with a covered substantial impairment/s to continue in their jobs. The key to what is reasonable is that it must be practical and affordable for the City and accomplish the intended purpose for the employee.

Any employee having a medical or physical condition who wishes to request a reasonable accommodation to perform the essential functions of his or her job should contact his or her supervisor, department head or Human Resources representative. The City will begin an interactive process with the employee to determine what reasonable accommodations are required to allow the employee to perform the essential functions of their current job. The interactive process may require the involvement of the employee’s medical provider.

Contact the Human Resources Department for more information regarding protecting the rights of individuals with disabilities.

## Notice of Job Openings

The objective of the Notice of Job Openings policy is to ensure that the most qualified candidate is selected for positons at the City and to ensure that all employees are made aware of and have the opportunity to apply for open positions concurrent with the City’s consideration of external candidates for employment.

Vacancies for new positions can be filled only with written approval by the department head and the Mayor.  Vacancies for existing positions can be filled with written approval by the department head. However, the Mayor may invoke cessation of all hiring at any time.

To place the most qualified candidate possible, job openings will generally be posted internally and externally.  However, Human Resources may approve posting only internally or externally for specific positions in consultation with the department head and the Mayor.

Certain job changes do not require posting.  If a part-time position (other than pay call firefighter) is being upgraded to full-time and a current part-time employee is satisfactorily performing the job, the part-time employee may be upgraded to full-time and the position will not be posted.  Other job openings not requiring posting are openings created due to job eliminations associated with a restructure and advancements based solely on time in job and certifications.

If posted internally, the notice of job opening will remain open for a minimum of eight calendar days. External job postings have no time limit.  All job announcements will contain the job title, job summary, essential duties, pay grade, and required/preferred qualifications. Internal postings will also include the closing date for accepting applicants.

After a vacancy has been posted, an interested candidate must submit a cover letter, resume' or other requirements as named in the posting, to the Human Resources Department on or before the closing date.

The candidate who best meets the qualifications will be selected. For competing internal applicants, consideration will be given to previous performance.  The Mayor will approve the final selection of all department head positions. Final selections for other positions will be approved by the department head.

All job opening documents including approval to post, interview records, and final candidate selection will be maintained by Human Resources.

## Information Systems

The first line of defense in data security is each individual who uses City computers or any City system that creates, maintains, stores, accesses, processes or transmits information. City employees are responsible for the security of all data which may come to them in whatever format. It is the responsibility of employees to see that information systems are used in an efficient, ethical and lawful manner.

1. E-mail, computers, Internet and voice mail systems supplied by the City of Chubbuck are City property and anything created or loaded on the systems becomes City property and is subject to document retention and protection in the same manner as any other City information. All software programs and documentation generated by or provided to employees, consultants, or contractors for the benefit of the City are the property of the City unless covered by a contractual agreement.
2. City information systems are in place to facilitate your ability to efficiently and productively do your job. To that end, City e-mail, computers, internet access and voice mail systems are solely for business purposes. Only “incidental personal use\*,” (see below) that does not interfere with work or consume City resources will be allowed.
3. City computers, Internet access and e-mail are provided primarily for work related activities. However, incidental personal use may be permitted on a limited basis within the guidelines established by this policy provided that such use does not result in a cost to the City or significantly interfere with City business operations, availability of resources for business use or the employee’s job performance.
4. Individual users shall have unique logon IDs and passwords. An access control system shall identify each user and prevent unauthorized users from entering or using information resources. Users shall be responsible for any use or misuse of their individual logon ID or password.
5. Unattended computers should be locked by the user when leaving the work area.
6. Combining personal and City computer resources is prohibited. Only computer hardware and software owned by and installed by the City is permitted to be connected to or installed on City equipment.
7. When using City computers, never open any files/attachments from an unknown source.
8. The City reserves 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.
9. The City of Chubbuck purchases and licenses the use of various computer software programs for business purposes. The City does not own the copyright to this software or its related documentation. Unless authorized by the software developer, the City 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.
10. E-mail and Internet access are provided by the City to enhance communications and provide access to work related information and technology. Consequently, employees should always ensure that the business information contained in Internet and/or e-mail messages or any other electronic format or transmission is legal, accurate, appropriate and ethical. The following are examples of prohibited uses of e-mail, Internet or any other electronic information systems:

* Sending or posting discriminatory, harassing, or threatening messages or images.
* Using City time and resources for personal gain.
* Sending or posting messages or material that could damage the City’s image or reputation.
* Initiating and/or participating in the viewing or exchange of pornography or obscene materials. An exception exists for Police or internal investigations.
* Sending or posting messages that defame or slander other individuals.
* Stealing, using or disclosing someone else’s logon ID and/or password without authorization.
* Unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material.
* Engaging in unauthorized transactions that may incur cost to the organization or initiate unwanted Internet or e-mail services and transmissions.
* 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 Chubbuck
* Sending anonymous e-mail messages.
* Unauthorized participation in or use of chat rooms.
* Logging on or using another employee’s computer without authorization.
* Unauthorized modifications or configuration changes on computers supplied by the City.
* Deliberately crashing an information system. Users may not realize that they caused a system crash, but if it is shown that the crash occurred as a result of user action, a repetition of the action by that user may be viewed as a deliberate act.
* Attempting to access an information resource without authorization or to bypass a security feature of the City or another organization or person.
* Introducing, or attempting to introduce, computer viruses, Trojan horses, peer-to-peer (“P2P”) or other malicious code into an information system. Exception: Authorized information system support personnel, or others authorized by the City, may test the resiliency of a system. Such personnel may test for susceptibility to hardware or software failure, security against hacker attacks, and system infection.
* The willful, unauthorized access or inspection of confidential or sensitive information to which you have not been approved. The City has access to resident information which is protected by law. Examples are Criminal Justice System information and employee health information. Such information is to be appropriately secured and viewed on a "need to know" basis. The purposeful attempt to look at or access information to which you have not been granted access by the appropriate approval procedure is strictly prohibited.
* Use of personal software is prohibited. All software installed on City computers must be approved by the City.
* Engaging in any illegal activities.

1. Employees should inform the appropriate City personnel when the employee's software does not appear to be functioning correctly. The malfunction, whether accidental or deliberate, may pose an information security risk. If the user, or the user's manager or supervisor, suspects a computer virus infection, the following steps should be taken immediately:
   * Stop using the computer.
   * Do not carry out any commands, including commands to <Save> data.
   * Do not close any of the computer's windows or programs.
   * Do not turn off the computer or peripheral devices.
   * If possible, physically disconnect the computer from networks to which it is attached.
   * Inform the appropriate personnel or your supervisor as soon as possible. Write down any unusual behavior of the computer (screen messages, unexpected disk access, unusual responses to commands) and the time when they were first noticed.
   * Write down any changes in hardware, software, or software use that preceded the malfunction.
   * Do not attempt to remove a suspected virus.
2. Your compliance with this information system policy is a term and condition of your employment. Failure to abide by these rules grounds for discipline, up to and including termination of employment.

## Social Media Policy

The City of Chubbuck encourages the business use of social media technologies to enhance communication, collaboration and information exchange. By openly sharing knowledge and best practices, we can provide more effective solutions and efficiencies to enhance excellence in the business of government.

This policy defines social media and the guiding principles for its use by City of Chubbuck employees. The policy applies to professional use of social media on behalf of the City of Chubbuck as well as personal use of social media when referencing the City of Chubbuck.

Any posting by an employee of the City of Chubbuck that fails to meet these social media guidelines or that adversely affects any City employee, associate, resident, or the City of Chubbuck’s legitimate interests may result in corrective action up to and including termination of employment. Nothing in this policy is intended to bar or restrict any protected concerted activity including but not limited to employee discussions regarding wages or working conditions.

### Definition of Social Media

In the rapidly expanding world of electronic communication, social media will evolve to include various technologies and media. For the purpose of these guidelines, social media includes all means of communicating or posting information or content of any sort on the Internet or on any other form of electronic communication whether or not associated or affiliated with the City of Chubbuck. Posting or communicating includes but is not limited to any web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or chat room.

### Social Networking

1. When using the City’s computer systems, business use of social media is allowed e.g., Facebook, Twitter, LinkedIn, etc.

1. Personal use of social media during work hours is limited to incidental use during non-work time such as breaks and lunch periods. Personal use of social media must not interfere with the employee’s work responsibilities. Individual employees and their supervisors are responsible for complying with and monitoring personal use of social media during work time.
2. When using City computers, never open any files/attachments from an unknown source.
3. Using social media for any personal business venture is prohibited during work time and on any City computer system.
4. When using social networks for personal use, employees must not use a City of Chubbuck e-mail address to register on any social networks, blogs or other on-line tools.

### Department Head Accountability

1. All social media accounts representing the City of Chubbuck will be requested through and approved by the appropriate department head with approval of the Mayor.
2. Department heads are responsible for establishing, publishing and updating approved pages on social media sites.
3. An individual designated by the Mayor will monitor the content on each department’s social media pages to ensure a consistent City-wide message is being conveyed. The designee will communicate recommended changes based on best practices and industry norms to the department head.

### Standards and Professional Practices

The use of social media technology follows the same standards of professional practice and conduct found elsewhere in the City of Chubbuck Personnel Policy. These standards include but are not limited to the following:

### Individual Accountability

Ultimately, each individual employee is solely responsible for what he or she posts online. Any posting by an employee of the City of Chubbuck that fails to meet the social media guidelines or that adversely affects any City employee, associate, resident, or the City of Chubbuck’s legitimate interests may result in corrective action up to and including termination.

### Fair and Courteous

Always be fair and courteous to other employees, associates and residents of the City of Chubbuck. Engaging in vulgar or abusive language, personal attacks of any kind, or offensive terms targeting individuals or groups is expressly prohibited. Avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone’s reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or City policy. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or City leaders than by posting complaints to a social media outlet.

### Honest and Accurate

Never represent yourself as a spokesperson for the City of Chubbuck unless you are authorized to do so. If the City of Chubbuck is a subject of personal content you are creating, be clear and open about the fact that you are an employee and make it expressly clear that your views do not represent those of the City of Chubbuck. It is best to include a disclaimer such as “The postings on this site are my own and do not necessarily reflect the views of the City of Chubbuck.”

Those with leadership responsibilities, by virtue of their position, must consider whether personal thoughts they publish, even in clearly personal venues, may be misunderstood as expressing positions held by the City of Chubbuck.  They should assume that employees, associates and the public will read what is written. Employees should have no expectation of privacy and must use disclaimers as noted above when applicable.

### Appropriate Content

Employees are expected to maintain the confidentiality of all private and/or confidential information pertaining to the City of Chubbuck’s employees, associates, residents, and legitimate interests. Crowd release notices should be posted before posting images, recordings or photographs of City events. Permission must be obtained before referencing or posting names of any employees, associates, residents, vendors or suppliers.

Employees are expected to respect all laws including but not limited to copyright, fair use and financial disclosure laws.  Do not publish or report on conversations that are meant to be pre-decisional or internal to the City of Chubbuck unless given permission by City leadership.  The City’s logo may not be used without explicit written permission from a department head or the Mayor.

### Photographs and Recordings

The City may record video, audio and photographs of City events including images and/or or voice recordings of City employees. No special compensation will be provided to an employee for the use of his or her image or voice recording. These images may be posted in newsletters or on City social media. Names will not be published without permission from the employee.

### Prohibited Retaliation

The City of Chubbuck prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to corrective action, up to and including termination of employment.

### Media Contacts

Social media content that generates media attention or legal questions should be referred to an authorized City of Chubbuck spokesperson. Authorized spokespersons are designated by the Mayor or a department head.

## Solicitation Policy

The City of Chubbuck recognizes that soliciting support for and/or distributing literature on behalf of various causes or organizations, especially those of a non-profit, charitable nature, can be a benefit to employees, the City and our community. It is important, however, to set limits on and guidelines around such activities in order to minimize disruption of the working environment and to respect co-workers’ rights not to receive what might be perceived as unwelcome distributions and solicitations.

Nothing in this policy is intended to interfere with the rights protected under the National Labor Relations Act which gives employees the right to engage in, as well as the right to refrain from engaging in, protected concerted activity relating to terms and conditions of employment including but not limited to conduct for union organizational purposes.

It is the policy of the City of Chubbuck to prohibit unauthorized solicitation and/or distribution of materials to any individual or employee in City work areas. This policy applies to all employees, visitors, and guests.

“Solicitation” refers to any attempt by a City employee or a third party to generate support for a cause, product, organization or political issue. Examples of solicitations include any request to another person associated with the City for the following:

• Funds or contributions of any kind;

• Purchase of goods, products or services;

• Signing of a petition;

• Joining or becoming a member of a group;

• Support for political causes or candidates; or

• Support or commitment to support causes, groups, or interests.

“Work areas” refers to any areas in which employees perform actual work for the City on or off premises, but does not include break rooms or cafeteria rooms which are not used by employees for the performance of work.

“Distribution” refers to the manner in which a solicitation may be disseminated. A distribution includes doing any of the following in support of a solicitation: handing out or giving employees written materials to review; posting or hanging material in a public or work area; or using e-mail or other electronic medium to disseminate information.

Allowable solicitations include:

* City employees may solicit other employees during working time and in working areas on behalf of a community or charitable cause that is approved by the Mayor as being sponsored or otherwise supported by the City.
* City employees may make solicitations of other employees including during working time and in working areas for the purpose of celebrating, mourning or supporting life events of current City employees and their immediate family members. Examples of life events include retirement, death, birth/adoption, marriage, birthday, catastrophic illness, personal disaster, or farewell gifts for terminating employees.

Violations of this policy should be reported to Human Resources.

## Personal Use of City Time and Equipment

Employees must not misuse City time by engaging in any activities not job related during working hours.

City equipment is restricted to official business and may not be used for personal reasons without the approval of the department head. This includes but is not limited to vehicles, computers, machines, tools, furniture and facilities. Limited exceptions apply to City printers, computers and telephones. City printers may occasionally be used for personal convenience with knowledge of the employee’s supervisor. The employee shall reimburse the City for the reasonable cost of materials. City land line telephones may also be occasionally be used for personal use for local calls only. City issued cellular phones are provided for business use and may only be used for infrequent personal use defined as less than 5% of total usage. Personal use of City computers is limited to incidental use during non-work time such as breaks and lunch periods and as otherwise addressed in the Information Systems section of the Personnel Policy manual.

Each department head has the responsibility of 1) maintaining a current inventory of City equipment allocated to the department and 2) the care thereof. Employees shall not misuse or neglect City equipment and have a duty to report misuse or needed maintenance or repair to their supervisor or department head.

A separate policy covers the use of City vehicles. Any employee who operates a vehicle owned or leased should be familiar with the City Vehicle Use Policy.

## Personal Appearance and Dress

All employees represent the City of Chubbuck to the public and are expected to present themselves in a professional manner. All employees are subject to the general guidelines below and to any specific departmental requirements.

Employees who do not meet a professional standard may be sent home to change, and nonexempt employees will not be paid for the time off.

### Dress Guidelines

***Non-Uniformed Personnel***

This policy is not intended to define all instances of inappropriate dress. The key factors in determining appropriate attire are safety and professionalism. Supervisors and department heads will exercise reasonable discretion to determine appropriateness of employee dress and appearance on a case by case basis.

Clothing (including shoes) should fit well and be without holes, tears or ragged edges. Clothing should be appropriate for the work task, clean and free of stains or excessive wear. Clothing must not be overly provocative and must not display any messages or images other than the City logo or as approved by the department head.

The department head may authorize exceptions to the above for reasons related to job requirements, medical, religious or other legal accommodation purposes, and special events. Department heads and supervisors are responsible for ensuring compliance with this policy. Employees should direct questions about appropriateness to their supervisor. If a supervisor has questions regarding appropriate attire they should consult the department head or Human Resources.

***Uniformed Personnel***

Police and fire personnel are subject to the provisions of their respective departments regarding uniforms and other duty apparel. Uniforms are considered City property and are to be returned in the event of termination of employment.

### Appearance

All employees must be clean and well-groomed. Grooming preferences or dictates by religion, ethnicity etc. are not restricted but should always be well-presented.

Employees may be prohibited from displaying tattoos or body art. Certain body jewelry may also be restricted.

Factors that management may consider to determine whether jewelry, tattoos or body art may pose a conflict with the employee’s job or work environment include:

1. Personal safety of self or others, or damage to City property.
2. Productivity or performance expectations.
3. Offensiveness to co-workers, customers, vendors or others in the workplace based on the tattoo including racial, sexual, religious, ethnic, or other characteristics or attributes of a sensitive or legally protected nature.
4. A pattern of customer complaints.

Nothing in this policy is intended to restrict any sincerely held religious or national origin practice. Any employee needing accommodations should discuss the policy with his or her supervisor, department head or Human Resources representative.

## Driving Record

The City may periodically check the driving records of all employees required to operate a City vehicle. All employees who operate City vehicles will be required to maintain a current and appropriate Idaho driver's license and comply with any restrictions listed on such license. If an employee's record indicates serious violations or an invalid, suspended, cancelled or revoked license, the employee may be subject to corrective action.

Any employee whose license is revoked, cancelled, suspended, or invalid will not be permitted to drive a City vehicle. All employees who operate City vehicles must notify their supervisor of all traffic violations issued to them while driving a City vehicle and must produce a copy of the citation. All DUI citations must be reported immediately to the supervisor and the employee must inform his supervisor if his driving privileges are invalid, cancelled, revoked, or suspended.

## Tobacco-Free Environment

A tobacco-free environment helps create a safe and healthy workplace and ensures compliance with Idaho Code Title 39 Chapter 55. The City recognizes the hazards caused by tobacco use and exposure to secondhand tobacco smoke. The policy of the City is to provide a tobacco-free environment in all City buildings and vehicles. The policy applies to both employees and non-employee visitors.

The City prohibits the use of tobacco products including but not limited to cigarettes, cigars and e-cigarettes (vaping) within City buildings or vehicles at any time. Smoking or tobacco use shall only be permitted in areas located at least 25 feet outside any building entrance, operable windows, and ventilation systems of enclosed areas to prevent tobacco smoke from entering those areas. All materials used for smoking will be thoroughly extinguished and all tobacco use material will be disposed of in appropriate containers. Any violations of this policy will be handled through the standard corrective action process.

## Drug and Alcohol- Free Workplace

### Commitment

The City of Chubbuck is committed to an alcohol and drug free workplace. The City recognizes that misuse of alcohol, marijuana and/or unlawful use of controlled substances and drug dependency may result in workplace accidents, absenteeism and substandard work performance. The City is also concerned with the adverse effect on the well-being of employees, their families, coworkers and the public.

The City recognizes that drug, alcohol and marijuana abuse may be a sign of chemical dependency and that substance abuse can be successfully treated with professional help. However, when use of alcohol, marijuana and/or drugs interferes with job performance, conduct, attendance or safety, corrective actions up to and including dismissal may occur except that no employee will be subject to corrective action or discriminated against simply for seeking help if they do so before a problem occurs in the workplace.

The City provides an Employee Assistance Program (EAP) for employees to deal with substance abuse and other personal problems that can affect work performance. In certain circumstances, the City may insist upon a mandatory referral to our EAP as a condition of continued employment.

If any employee believes that he or she may have a problem with drugs, marijuana or alcohol, the employee is responsible for seeking assistance, whether from or through the City or any other resource, before the drug, marijuana or alcohol problem adversely affects work performance or results in a violation of this policy. The time to seek help is before you are in “trouble”, not after. If a professional assessment is made that you test positive for drugs, marijuana or alcohol, your continued employment may be conditioned upon:

• Entering into and completing a treatment program approved by the City.

• Signing and living up to a last chance performance agreement.

• Undergoing a Follow-up Testing Program at the City’s discretion.

If you have questions, please contact the City’s Human Resources Director at 208 237 2430. This person also serves as the City’s Designated Employer Representative (DER) for drug and alcohol testing as required by the Federal Department of Transportation (DOT).

### Prohibitions

All City employees are subject to the following alcohol and drug prohibitions. Violations of these prohibitions may result in corrective action up to and including termination of employment.

1. The unlawful manufacture, distribution, dispersion, possession, use, or working under the influence of marijuana or any controlled substance while on City premises, operating City vehicles or equipment, or in the scope and course of City employment is prohibited.
2. The unauthorized manufacture, distribution, dispersion, possession, use, or working under the influence of alcohol to any degree while on City premises, operating City vehicles or equipment, or in the scope and course of City employment is prohibited.
3. An employee may not possess any drug paraphernalia or alcohol containers while on City premises, operating City vehicles or equipment, or in the scope and course of City employment. An exception applies for Police Department employees where possession of such material is required in the course of duty.
4. No employee shall perform safety sensitive duties within four hours after using alcohol. Safety sensitive duties include those set forth in DOT Regulations 49 CFR Part 382.107 or successors.
5. No employee involved in an accident and required to take a post-accident alcohol test shall use alcohol for eight (8) hours following the accident, or until the employee undergoes a post-accident alcohol test, whichever comes first.
6. No employee shall refuse to submit to any testing required under this policy and/or any testing required by law.
7. Legally prescribed medications taken by the employee for whom the medications are prescribed are excluded from this policy and permitted only to the extent that the use of such medication does not adversely affect the employee’s work ability, job performance, or the safety of the employee or others. An employee taking prescribed medications that could affect safety or job performance must immediately notify his or her supervisor.

### Drug Testing

All City employees are subject to alcohol and drug testing if there is reasonable suspicion of drug or alcohol abuse while on the job. Additional drug and alcohol testing may also occur if there is a special need for the test. Special needs for testing includes safety sensitive work. Safety sensitive work includes firefighters and sworn police officers as well as any position that requires a commercial driver’s license (CDL) or any direct physical work with water and waste water utilities.

For employees completing safety sensitive work, drug and/or alcohol testing may be conducted before hire, at random, after an accident or in the case of reasonable suspicion. For accidents and reasonable suspicion testing, the employee is not allowed to perform any safety sensitive work until the test results are received. If only safety sensitive work is available, the employee will be relieved from duty until the test results are received.

The need for post-accident testing will be determined on a case by case basis. Post-accident testing will be based on the employee’s behavior, the severity of the accident and/or any pattern of accidents by the employee. An accident is defined by the City as any incident resulting in property damage and/or bodily injury.

Questions regarding the drug and alcohol testing program should be directed to Human Resources. All drug testing records are confidential and will be securely maintained by Human Resources. Separate programs apply depending on the requirements of the job held by the employee.

### Commercial Driver’s License Testing Program

The City is required by Federal law to conduct a separate alcohol and controlled substance testing program for all employees who are required to hold a commercial driving license (CDL). Tests for marijuana and controlled substances are required for all persons before hire or transfer to a job requiring a CDL. Annually, unannounced random tests for alcohol, marijuana and controlled substances are required for a sufficient number of CDL holders to meet legal requirements. Testing should be conducted just before, while performing or just after ceasing to perform safety sensitive activities. Safety-sensitive activities include all time from the time a driver begins to work or is required to be in readiness to work until the time he or she is relieved from work and all responsibilities for performing work. Alcohol, marijuana and controlled substances tests may also be conducted for any CDL holder involved in an accident while on duty or while operating City vehicles or equipment. Testing for alcohol, marijuana and/or controlled substances may also be required anytime a supervisor has reasonable suspicion that the employee has violated the drug and alcohol free workplace policy. Supervisors of CDL holders will be trained according to Federal guidelines to recognize and address symptoms of alcohol and controlled substance use.

### Police and Fire Departments Testing Program

Sworn Police Officers and Firefighters are subject to drug, marijuana and alcohol testing because the work involves significant safety hazards. Fire administrative employees and non-sworn Police employees are only subject to reasonable suspicion testing. Tests for marijuana and controlled substances may be required for all Sworn Police Officers and Firefighters before hire or transfer to the position. Annually, unannounced random tests for alcohol, marijuana and controlled substances may be required for 25% of the average number of Sworn Police Officers and Firefighters. Testing should be conducted just before, while performing or just after ceasing to perform work activities. Tests may also be conducted for any Sworn Police Officer or Firefighter involved in an accident while on duty or while operating City vehicles or equipment. Testing for alcohol, marijuana and/or controlled substances may also be required anytime a supervisor has reasonable suspicion that the employee has violated the drug and alcohol free workplace policy.

### Testing Process

Upon notification by Human Resources or the supervisor, the employee will immediately proceed to the testing site. In the case of reasonable suspicion, the employee will be transported to the testing site. The City uses independent laboratories for tests that meet current Department of Transportation requirements. Employees being tested must show identification prior to the test. The testing site and procedures are designed to allow individual privacy. Alcohol testing is by an evidential breath testing device as approved by the National Highway Traffic Safety Administration. Controlled substances testing is by a urine sample. Specimen collection, handling and testing procedures are conducted according to the U.S. Department of Health and Human Services guidelines. The cost of tests required by the City will be paid by the City.

### Refusal to Test

Employees who refuse to take any required test(s), or who fail to report for a test shall be prohibited from performing or continuing to perform work requiring driving or operating any motorized equipment and may be subject to corrective action up to and including termination of employment. Failing to report at the prescribed time or engaging in any conduct that obstructs the testing process may be considered refusal to test.

### Positive Test Results

Employees who test positive for any level of alcohol, marijuana or controlled substances may be subject to corrective action up to and including termination of employment. The City may elect not to provide non-safety-sensitive or non-driving work for a covered employee who has violated any of the provisions of this policy.

If the Blood Alcohol Content result of an alcohol test is 0.02 or greater but less than 0.04, the employee will be immediately removed from driving and/or safety sensitive duties and placed on unpaid leave for at least 24 hours or the next working day whichever is longer. The employee will also be required to take another breath alcohol test prior to performing any driving or safety sensitive functions.

If the result of the alcohol test is 0.04 or greater the employee will be subject to the same consequences as testing positive for marijuana or a controlled substance in that the employee will be immediately relieved of duty and may be subject to corrective action up to and including termination of employment. If employment is not terminated, the employee will be required to complete a professional evaluation or rehabilitation program before returning to work. The type and scope of the professional evaluation or rehabilitation program will be established through a Substance Abuse Professional for DOT regulated employees or through the City’s Employee Assistance Program (EAP) for other employees. Any rehabilitation costs not covered by the usual medical or EAP benefits provided to City employees must be paid by the employee. The employee must also use accrued paid time off and comp time for time not worked. Once accrued paid time off and comp time are exhausted, the employee will be placed on an unpaid leave. The employee must successfully complete the rehabilitation program and provide the supervisor with documentation of such. Failure to complete or obstruction of the rehabilitation program is cause for corrective action up to and including termination of employment. A minimum of six follow up tests are required for any employee returning to work after completing rehabilitation. Such follow-up testing shall not exceed 60 months from the date of the employee's return to duty. Any second positive test for alcohol and/or controlled substances after completing a rehabilitation program for either alcohol or controlled substances will be cause for termination of employment.

### Drug Statute Convictions

It is the responsibility of each employee to notify the City of any criminal drug statute conviction for a violation that relates to the workplace or that effects the employee’s ability to perform his or her job duties no later than five days after such a conviction.

The City will notify the Federal sponsoring agency if applicable, (i.e., Transportation Department) within ten days after receiving notice of a conviction either from an employee or from another source.

The City may take the following actions within 30 days of receiving notice with respect to any employee convicted:

1. Require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program through the City’s Employee Assistance Program;
2. Take appropriate corrective action against the employee up to and including termination of employment.

### Effects, Signs and Symptoms of Drug and Alcohol Abuse

The following represent some of the potential effects that drug and alcohol use may have on the user:

**Workplace**

* May cause the employee to feel capable of handling tasks that are too much or too dangerous
* May cause lateness and absenteeism, increasing the workload of others
* May cause crime on the job, including theft of City and personal property
* May cause major errors in the work performed, risking harm to the employee, coworkers and customers

**Health**

* Neurological problems, including dementia, anxiety and suicide
* Cardiovascular problems, include hypertension
* Increased cancer risk
* Liver diseases, including alcoholic hepatitis and cirrhosis
* Sexual dysfunction

**Personal life**

* Alcohol can also destroy relationships, lead to serious problems with the law (e.g., drunk driving), and even cause harm to the people you love
* If drinking affects your work life, it could lead to job loss and all of the financial problems that would follow

**Signs and Symptoms of a drug and/or alcohol problem**

Any one or more of the following signs may indicate a drug and/or alcohol problem:

* Appears fearful, anxious or paranoid for no reason
* Blackouts or the inability to remember what has happened
* Cold, sweaty palms; shaking hands
* Lack of motivation; appears lethargic or “spaced out”
* Pattern of absenteeism with vague excuses
* Red, watery eyes; pupils larger or smaller than usual; blank stare
* Regular (or daily) use or consumption
* Secretive or suspicious behavior
* Sudden mood swings, irritability or angry outbursts
* Unexplained need for money; stealing money or items

Additional information on the effects of alcohol and controlled substances on an individual's health, work, and personal life as well as signs and symptoms of an alcohol or drug problem can be obtained from the City’s EAP provider. Another source is the Federal Substance Abuse and Mental Health Services Administration (SAMHSA), [www.samhsa.gov](http://www.samhsa.gov) , (877) 726-4727.

No matter what the employee’s position is in the organization, there are things that can be done to ensure that drug and alcohol abuse on the job never becomes a problem at the City. Acceptance of any misuse puts the employee, the City, and the public at risk.

Accordingly, the City requests that any signs or symptoms of drug use or alcohol abuse be reported to the employee’s immediate supervisor.

## Workplace Violence

The safety and security of employees is critical to the City of Chubbuck. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on City property will not be tolerated. Violations of this policy will lead to corrective action, which may include dismissal, arrest, and prosecution.

Any person who makes substantial threats, exhibits threatening behavior, or engages in violent acts on City property shall be removed from the premises as quickly as safety permits, and shall remain off City premises pending the outcome of an investigation. The City will initiate an appropriate response. This response may include, but is not limited to, suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and/or criminal prosecution of the person or persons involved.

No existing City policy, practice, or procedure should be interpreted to prohibit decisions designed to prevent a threat from being carried out, a violent act from occurring or a life-threatening situation from developing.

All City personnel are responsible for notifying the supervisor, department head or Human Resources Department of any threats, which they have witnessed, received, or have been told that another person has witnessed or received. Even without an actual threat, personnel should also report any behavior they have witnessed which they regard as threatening or violent when that behavior is job related or might be carried out on a City controlled site or is connected to City employment. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons who were threatened or were the focus of the threatening behavior.

All individuals who apply for or obtain a protective or restraining order which lists City locations as being protected areas must provide to the City Human Resources Department a copy of the legal documents supporting the protective or restraining order.

## Employee Guidance and Coaching

The employee guidance and coaching policy of the City establishes a consistent procedure for maintaining appropriate behavior and a productive working environment. This policy is 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. All employees are expected to follow the work rules, policies, and procedures which affect them and conform to the City's rules and regulations. Supervisory employees are expected to ensure adherence, using the guidance and coaching process to modify behavior as necessary.

### Guidance 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 guidance and coaching or the actions that may be taken up to and including termination of 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 behavior, but are not required. The City may take any of the prescribed steps in any order when a supervisor, with approval from the department head and HR, deems an action of the employee to be serious enough to warrant a certain step.

### Corrective Actions

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

1. Verbal Warning: A verbal warning is documentation of the supervisor’s effort to coach the employee and correct unsatisfactory behavior. A verbal warning is warranted when the supervisor has trained and coached the employee but incorrect behavior continued. It is recommended that the supervisor document the verbal warning in his or her records including the date of the verbal warning and a brief explanation of the issue. The verbal warning and the employee’s progress in correcting the issue should be included in the next immediate performance evaluation for the employee.
2. Action Plan: An action plan is documentation of the employee and supervisor’s agreed plan to correct unsatisfactory behavior. This is usually used when additional training and guidance are required to correct an issue. The supervisor and employee describe the unsatisfactory behavior and define the action needed to correct the issues. Correction should occur within 90 days and the supervisor should meet frequently with the employee to provide coaching and guidance. The Action Plan is forwarded for inclusion in the personnel file for the employee.
3. Written Warning: A written warning details the circumstances and the required corrective action and is signed by the employee acknowledging receipt of the warning, or the refusal to sign must be noted. A written warning is usually given in situations when the employee has been trained and/or previously coached but continued the incorrect behavior. A final written warning may be given for uncorrected or more severe issues and does not have to be proceeded by a written warning. The written warning and/or final written warning should include the consequences of continued unacceptable behavior and must be part of the personnel file for the employee.
4. Suspension: An employee may be suspended from duty without pay for a specified length of time. The notice of suspension must be in writing. The suspension notice must be signed by the employee acknowledging receipt of the notice, or the refusal to sign must be noted. The suspension notice is forwarded for inclusion in the personnel file for the employee. Suspension periods apply to scheduled work days and holidays. Under certain circumstances, an employee may be suspended immediately, with pay, pending an investigation. Access to City buildings and property is not allowed during a suspension.
5. Demotion: Based on validated facts, an employee may be demoted to a lower grade or position. A written notice setting forth the effective date, grade or position to which the employee will be demoted is required. The demotion notice must be signed by the employee acknowledging receipt of the notice, or the refusal to sign must be noted. The demotion notice is forwarded for inclusion in personnel file for the employee.
6. Dismissal: Following verification of the facts, an employee may be dismissed for violating employment policies or failing to adequately perform his or her duties. This may include but is not limited to inefficiency, inability to perform the work of the assigned position satisfactorily, any violation of any provision of this Personnel Policy, department rules, or any other form of misconduct.

### Corrective Action Notices

A corrective action notice is defined as any written notice of unsatisfactory performance. Employees must sign all written notices of corrective action acknowledging placement of the notice in their personnel file and verifying receipt of a copy. If an employee refuses to sign the notice, it must be signed by a witness acknowledging the employee's refusal to sign.

Employees may prepare written statements/rebuttals concerning the incident(s) that resulted in a written corrective action notice. The employee’s statement/rebuttal must be included with the corrective action notice in the employee’s personnel file. Supervisors are encouraged to consult with Human Resources when creating any written corrective action notice.

All corrective action notices, including written statements and rebuttals, that are properly entered into a personnel file shall remain as a permanent part of the file. However, each notice will be considered for performance evaluation purposes for a period of only one (1) year.

### Opportunity to be Heard

1. All employees of the City are employed At-Will unless otherwise noted in the Personnel Policy. 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 such a hearing is requested.

1. 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.
2. Failure to pursue this opportunity to be heard or name-clearing hearing procedure constitutes a waiver of this opportunity**.**

1. 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.
2. The procedure for the opportunity to be heard or name-clearing hearing is as follows:
   1. 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 particular, legally recognized basis will not be granted an opportunity to be heard. An employee will be promptly notified if a requested hearing is denied.
   2. 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.
   3. An audio recording of the hearing will be made and maintained as part of the personnel record.
   4. 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.
   5. The employee will be provided an opportunity to present evidence upon which the claims are based.
   6. The City Council may ask questions during this process.
   7. The employee may question participants during this process.
   8. The Idaho Rules of Evidence do not apply to this opportunity to be heard or name-clearing hearing.

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.

## Rules of Conduct

The primary mission of all employees is to provide the residents of Chubbuck with the most efficient and effective service possible. Each employee is expected to be courteous, efficient, and helpful at all times. A City employee must advance the City's interest, protect its property, and willingly serve the people of Chubbuck.

Violation of any of the rules set forth below will be grounds for corrective 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 corrective 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 corrective action may be applied up to and including termination of employment. The most important of these rules are those addressing constructive and cooperative behavior.

### 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. In order to accomplish this, each employee must:

1. 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**.

2. Be prompt and regular in attendance for defined work schedules or other required employer functions, and follow procedures for exceptions to the normal schedules, including the scheduling and taking of paid time off, comp time and/or sick leave.

3. Comply with appearance and 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.

4. 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.

5. 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.

6. Avoid conflicts of interests in appointments and working relationships with other employees, contractors and potential contractors in the City and related agencies.

7. 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).

8. 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.

9. 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.

10. 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 display an attitude of cooperation and constructive participation.

11. Be subject to the administrative authority of the officials who supervise the office/department where the employee works.

12. Abide by all office/departmental rules whether written or verbal. No employee will be required to follow the directive of a supervisor that violates laws of any local jurisdiction, the state, or nation.

13. 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.

14. Not sleep or be excessively absent from the employee's assigned work when on duty. Employees must be attentive to their work at all times. Exceptions apply to sleeping for firefighters on 24 hour shifts.

15. 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.

16. Not unlawfully harass a fellow worker, employee or member of the public, as outlined in the City’s Workplace Discrimination and Harassment Policy.

17. Not discriminate in the treatment of fellow employees or members of the public on the basis of race, religion, gender, age, disability, national origin or veteran status or any other protected class.

18. Not engage in bullying, intimidation or any abusive conduct to employees, vendors or the public, or use abusive language or gestures in the presence of employees, vendors or the public. Abusive language will include but is not limited to profanity, insults or loud, threatening or harassing speech. Abusive gestures will include but are not limited to sneers, glaring, giving someone “the finger”, clenched fists, standing too close or blocking pathways.

19. 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.

20. Practice economy in all duties and avoid waste of supplies, tools, equipment, and other resources. All employees are encouraged to consider cost-saving measures and to make related suggestions to their supervisors or department head whenever possible.

21. 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.

22. Follow the rules regarding the reporting of work hours and comply with the City’s procedures for approval of time-keeping records.

23. Follow rules and schedules for breaks and lunch periods.

24. 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.

25. 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.

26. 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.

27. 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.

28. 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.

29. 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.

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

31. Not use work time for personal business, including the selling of goods or services to other employees or the general public.

32. Adhere to any code of ethics in his/her profession.

33. Not engage in political activities while on duty. This rule will not apply to elected officials.

34. Not provide false or misleading information on employment applications, job performance reports, or any other related personnel documents or papers.

35. 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).

36. Not use phones or computers in the workplace in a manner that violates policy or that disrupts workplace activities.

37. Not abuse employee benefit offerings by taking unjustified leave, unearned paid time off, unearned comp time, or by participating in a scheme designed to create incorrect personnel records or to claim benefits that are not deserved in accordance with City policy.

38. Not violate rules concerning absence from the workplace without proper authorization.

39. 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.

40. Not use work time or public premises to promote religious beliefs to members of the public or fellow employees.

41. Meet personal financial obligations to avoid garnishments served against City wages. If circumstances force an employee into financial difficulty and credit complaints and garnishments persist, the employee and the employee's supervisor will be contacted by Human Resources. If warranted, the supervisor and employee will discuss possible solutions and/or seek assistance from the Employee Assistance Program.

42. Not allow personal relationships with co-workers to adversely affect the work environment. Employees who do so will be subject to the coaching and guidance policy, including counseling for minor problems. Failure to change behavior and maintain expected work responsibilities is viewed as a serious matter. Any supervisor, manager, or other City official in a sensitive or influential position must disclose the existence of a romantic or sexual relationship with another co-worker. Disclosure may be made to the immediate supervisor or the director of human resources (HR).

THESE RULES ARE NOT ALL-INCLUSIVE.

## Open Door Policy

The City of Chubbuck welcomes and encourages employee’s ideas, suggestions and concerns regarding working conditions or any other aspect of City operations. In order to facilitate communication with employees, the City has an Open Door Policy. The Open Door Policy does not mean that office doors are always physically open as some issues require privacy. The Open Door Policy does ensure that City employees have the right to secure management consideration of any idea, problem, question, or complaint regarding City operations.

To give ample opportunity for issues to be explored and resolved, the Open Door policy includes the following steps:

1. Employees are invited to discuss their concerns and suggestions with their supervisors in an effort to resolve issues and/or improve operations. Supervisors will exercise due diligence in resolving concerns and evaluating and implementing changes within their authority.
2. If the immediate supervisor cannot give a satisfactory solution or answer, the employee has the right to bring the problem or question to the attention of the department head.
3. When an issue is not addressed to the employee’s satisfaction by the department head, the employee may seek direction from the HR Director.

1. If the issue has not been resolved after the third step, it is the employee's prerogative to seek an appointment to meet with the Mayor. The decision of the Mayor regarding the issue raised by the employee is the official position of the City.

The Open Door Policy does not apply to complaints or reports of discrimination, harassment, or retaliation in connection with a complaint or report of discrimination or harassment. An employee with a complaint or report of discrimination, harassment or retaliation should follow the City’s Equal Employment Opportunity Policy.

## Job Required Licenses and Certifications

Required licenses and certifications are listed in the job description for each role at the City. It is preferred that job applicants hold all required certification and licenses for the position they desire. Unless stated otherwise in the offer letter, after an employee is hired, the department head may approve payment for or reimbursement to employees for obtaining or renewing any required license or certification listed in the job description for the position he or she holds. Fees for continuing education to maintain a required license or certification will also be paid by the City upon approval from the department head. Department heads may authorize payment for certifications, licenses (and related continuing education) not listed in the job description if there is a benefit to department operations.

Any employee who is unable to perform adequately due to the loss of a necessary license, certificate, or other job requirement shall be separated by a layoff unless the license, certificate, or other job requirement can be restored within three working days or a reasonable time to be determined by the department head and Human Resources. The employee may be subject to other corrective action. The employee may be recalled by the City within 90 days once the licenses/certifications are reinstated. After 90 days, the employee may be replaced.

## Layoff and Recall

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.

Any involuntary separation from employment not involving retirement, misconduct, or performance shall be considered a layoff. An employee may be laid-off due to the employee’s failure to maintain required certifications, lack of City funding, change in organizational structure, abolition of positions, needs of the City, or completion of work for which the position was created.

The supervisor shall give the employee at least two weeks written notification of layoff unless the layoff is due to a loss of required licenses or certifications in which case, layoff can be immediate.

Employees shall have a right of recall into the department for a maximum period of one year from the time of layoff except that employees laid off for a lack of required licenses/certifications are only subject to recall for 90 days.

For layoffs other than a lack of required licenses/certifications, consideration will be given to competency, merit, qualifications for the job, needs of the City, and the employee's past performance, along with seniority. The department head will supply Human Resources with a list of employees who are laid off along with documentation of how the employees were chosen. The person last laid off will be on the top of the list. This order will be used for recall. To be eligible for re-employment, the employee must keep Human Resources advised of his or her current address, must contact Human Resources within five working days after notification of recall, and must return to City employment on the day requested. Otherwise, the right to recall is forfeited.

Any employee who is laid off and recalled will be afforded only those rights, salary, and benefits for the position for which he or she is recalled. Medical, dental and life insurances shall be reinstated with applicable waiting periods upon return to work. Any paid time off eligibility and seniority in effect at the time of layoff shall be restored. Legacy sick time will not be restored. No benefits accrue while the employee is laid off.

If an employee is re-called and then resigns or retires, the employee forfeits any right of recall.

## Separation From Employment

### Discharge Policy

All employees other than appointed employees are employed At-Will and may be dismissed at any time with or without cause and with or without notice. Nothing in this discharge policy changes the At-Will status of employees.

For resignations and discharges, an employee's termination date shall be the last day at work. Specifically prohibited is the retention of an employee on the City payroll through the use of paid holidays, sick leave, paid time off, or comp time, except for cases of resignation for retirement or an absence protected by the FMLA or other law.

Resignation notices should be submitted in writing to the current supervisor or department head and placed in the employee’s personnel file. Once an employee submits his or her resignation notice, he or she may not take any paid time off or comp time leave unless specifically approved by the supervisor and department head.

Resigning employees may be immediately released from duty with a maximum of five working days paid after release from duty. The decision for immediate release of a resigning employee rests with the Department Head. A resigning employee may be retained to the resignation date with exception of Police Department employees who are to be immediately released with a maximum of five working days pay from the release date. Exceptions to retain Police employees through the resignation date must be requested by the Police Chief and approved by Human Resources and the Mayor.

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.

### Final Paycheck

When an employee quits, is terminated or is laid off, all wages then due must be paid the soonest of the next regularly scheduled payday or within 10 days of the separation - weekends and holidays excluded. If after separation occurs the employee gives the employer a written request for earlier payment of all wages, the employee must be paid within 48 hours of the employer's receipt of the written request - weekends and holidays excluded.

### Unused Paid Time Off, Compensatory Time and Sick Pay

When an employee is discharged, laid off, retires or resigns, he or she shall receive pay for accrued paid time off at the current straight time rate of pay or as required by law. Any unused comp time will be paid at the current straight time rate of pay or as prescribed by law. Sick pay is forfeited at termination of employment with exception of those employees who had accumulated sick leave as of October 1, 1992.

If death occurs while the employee is still in the City service, the beneficiary listed on the employee's basic life insurance will receive payment of unused PTO and/or comp time.

### Exit Interview

Any full-time regular employees leaving City employment are asked to schedule an exit interview with Human Resources to fill out necessary paperwork and forms. It is also an opportunity to discuss service with the City, concerns, and/or policies and practices that might be improved.

### Retirement

The City participates in the Public Employees Retirement System of Idaho (PERSI) and Social Security (FICA). About six months prior to the anticipated retirement date, employees should contact PERSI for a benefit estimate. If you have already received a benefit estimate (not an annual account statement), and you are going to retire on the date specified in the estimate, contact PERSI six weeks prior to retirement to get an application package and to set up an appointment to finalize your paperwork.

### COBRA Benefits

Employees who currently receive medical benefits through the City provided plan and who resign, retire or are terminated from 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 Human Resources.

City of Chubbuck Personnel Policy

ADOPTED by the City Council on the 1st day of December, 2021.

Mayor: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attest: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City Clerk

\*Signed copy available from Human Resources\*