

# **EMPLOYEE HANDBOOK**

## **CITY OF SEWARD**



P.O. Box 38, 537 Main Street, Seward, Nebraska 68434. Phone: 402-643-2928. Fax: 402-643-6491. [www.CityofSewardNE.gov](http://www.CityofSewardNE.gov)

**ADOPTED BY CITY COUNCIL**  
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*Our City promotes genuine community spirit by  
providing friendly quality services to people who live,  
work, and play in Seward.*

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## **INTRODUCTION TO EMPLOYEE HANDBOOK**

The Mayor and City Council (Council) of the City of Seward, Nebraska (City) shall be the ultimate policy-making authority for the City in all matters pertaining to personnel administration. These policies, practices, or procedures included herein shall become effective when adopted by the Council. Upon adoption, the employee handbook shall supersede all previous or conflicting personnel policies, rules, regulations, and procedures adopted by the Council. The handbook shall apply to all departments, divisions and employees of the City except in cases of conflict with applicable City ordinances, state or federal laws or regulations or with the rules of the City of Seward Civil Service Commission as statutorily applicable.

Copies of the handbook shall be issued to all employees as part of new hire orientation. A current copy will be on file in the Human Resource Director's office and will be made available on the City website. It is the duty of each employee to read, understand, and comply with all provisions of the Handbook. It is your obligation to treat all citizens fairly, ethically, and with special privileges to none.

The purpose of this handbook is to serve as a written statement of the basic personnel policies, practices, and procedures of the City, which affect employment matters. This Handbook is not an exhaustive list of every workplace policy, practice, or procedure, but rather a guide to employees on commonly raised questions. Although the City has attempted to cover matters of general applicability to employees, no employee handbook can anticipate every circumstance or question about policy. The City, with approval of Council, reserves the right to revise, supplement or rescind any policies or portion of this Handbook as it deems appropriate, at any time, in its sole and absolute discretion, and to interpret these policies and procedures in its sole and absolute discretion. Employees will, of course, be notified of such changes to the Handbook as they occur.

**The contents of this handbook are presented as a matter of information only and do not constitute an expressed or implied contract of employment between employee and the City. Nothing in this handbook is intended to nor should be construed to create a contract or guarantee of employment. Permanent employment or employment for a specific term is neither guaranteed nor promised to any employee of the City.**

### **CITY'S COMMITMENT TO EEO, AA, AND ADA**

The City affirms its commitment to equal employment opportunity (EEO) by providing a work environment that does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex (including pregnancy, sexual orientation or gender identity), national origin, age, disability, marital status, military status, genetic information or any other prohibited basis of discrimination protected by law, will not be tolerated. The City also affirms its commitment to affirmative action (AA) to base all employment decisions only on valid job requirements. These policies shall apply to all aspects of employment actions, including recruitment, selection, job assignment, promotion, transfer, evaluation, discipline, termination, compensation, benefits, and selection for training, at all levels of employment.

The City abides by the requirements of the Americans with Disabilities Act (ADA), the ADA Amendment Act, and state laws governing employment of individuals with disabilities. Qualified individuals with disabilities may be entitled to an accommodation in the application process and/or in the workplace. Any qualified individual with a disability who requires reasonable accommodation in the employment process and/or in the workplace shall notify the City Administrator. The City will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation or if the accommodation creates an undue hardship to the City.

## **SECTION 1: METHOD OF MEETING STAFFING NEEDS**

### **1.1 Classification of Employees**

For purposes of salary administration, overtime, and benefits, the City of Seward classifies its employees as follows:

- A. ***Introductory Employee.*** An introductory employee is classified as an employee that has not completed their introductory evaluation period as specified in **Section 1.5**. Introductory employees are not yet eligible for retirement benefits but are eligible immediately for medical insurance and leave benefits if they are a full-time employee. An employee in this classification will be subject to establishment of performance evaluation goals each April 1<sup>st</sup> and October 1<sup>st</sup>.
- B. ***Regular Full-Time Employee.*** An employee who has completed the introductory period and is expected to work 40 hours per week. The employee may be considered exempt (salaried) or non-exempt (hourly), depending on how their classified position is indicated in the job description. This classification of employees is eligible for City benefits—leave, retirement, medical—as identified in Section 4. An employee in this classification will be subject to establishment of performance evaluation goals each April 1<sup>st</sup> and October 1<sup>st</sup>.
- C. ***Regular Part-Time Employee.*** An employee who has completed the introductory period and is expected to work between 20-29 hours per week on average. The employee will be classified as non-exempt (hourly) and will be eligible for leave benefits only as identified in Section 4. An employee in this classification will be subject to establishment of performance evaluation goals each April 1<sup>st</sup> and October 1<sup>st</sup>.
- D. ***Part-Time Employee.*** An employee who will not complete an introductory period and is expected to work less than 20 hours per week on average. The employee will be classified as non-exempt (hourly) and will be eligible for leave benefits only as identified in Section 4. An employee in this classification will not be subject to the establishment of performance evaluation goals.
- E. ***Seasonal Employee.*** An employee who will not complete an introductory period and is expected to work up to 40 hours a week for a specified period of time. The employee will be classified as non-exempt (hourly) and will not be eligible for any benefits identified in Section 4. An employee in this classification will not be subject to the establishment of performance evaluation goals.

### **1.2 Procedure for Staffing City Departments**

Department Heads shall notify the City Administrator and Human Resources Director as soon as they become aware of actual or impending vacancies within their Department. The hiring process may not be undertaken without the authorization of the City Administrator, who may specify the selection process or processes to be used. If a Department Head feels the need to add an additional employee or employees, a request should be submitted and approved by the City Administrator or by the City Council if it creates a new position. The request will be considered based on current and forecasted budget availability, assessment of current and forecasted duties of the department, and in consideration with any facility or equipment upgrades to be implemented. If a vacancy is actual or impending for the role of Department Head, the City Administrator will initiate the hiring process and the chosen candidate will be appointed by the City Council.

No applicant shall be prohibited from securing employment and promotional/transfer opportunity with the City of Seward on the basis of race, color, religion, sex (including pregnancy, sexual orientation or gender identity), national origin, age, disability, marital status, military status genetic information or any other characteristic protected by law. Any evidence of discrimination shall be brought to the attention of the affected employee's Department Head, Human Resources Director and City Administrator, in that successive order. The City will make reasonable accommodations for the known physical or mental

limitations of a qualified applicant or employee with a disability upon request unless the accommodation would cause an undue hardship on the operation of City business.

### 1.2.1 Selection of an Employee Currently in City Service

1.2.1a Promotion - A promotion is the assignment from a position in one class to a position in another class having a higher maximum salary. A Department Head may recommend an employee be promoted to a higher classification if the employee has demonstrated one or all of the following: efficiency in service, continued development, education, skill attainment or length of service in current position. A recommendation for promotion of a non-appointed employee shall be submitted to the City Administrator and must gain approval before initiated. City employees may apply and be considered for any vacant or newly created position but will be considered in the same manner as members of the public.

1.2.1b Transfer - A transfer is any assignment from position to another within the City, which may be considered a promotion if the employee qualifies. City employees shall have the privilege of requesting a transfer to another department at any time there exists a vacancy for which they qualify. Department Heads shall give deliberate and impartial consideration to such requests within their respective departments and should submit the request to the City Administrator for consideration and approval.

### 1.2.2 Competitive Selection

When a competitive selection process is to be used, the City Administrator, according to the best interest of the City, may designate the area of consideration to applications from the following:

1.2.2a The selection process may be limited to persons currently employed in the City service. If this method of filling a vacancy is chosen, advertisement of the position will be limited to internal methods only and the selection process may be governed by the promotion policy.

1.2.2b The selection process may be opened up to the general public in which case any qualified applicants are encouraged to file an application. If this method of filling a vacancy is chosen, advertisement for the position shall be coordinated through the Human Resources Director. Each vacancy announcement shall include, at a minimum the following information:

- Title and salary of the position;
- Summary of the qualifications for the position;
- Method of and deadline for filing applications; and
- A statement that the City is an equal opportunity employer

Applications shall be filed with the contact as specified in the applicable vacancy announcements. The City Administrator may authorize the acceptance of late applications if in the best interest of the City. The City shall provide all reasonable assistance to persons requesting help in completing their applications. All information submitted by applicants shall be subject to verification. The City may cease accepting or processing applications at any time in accordance with operational requirements.

After the deadline for submittal, Department Heads and/or applicable Boards/Commissions, shall thoroughly screen the applications for completeness and should rank them on the basis of how well the applicant meets the hiring criteria indicated in the job advertisement. Criteria may include, but not be limited to the following: education, experience, skills/abilities, special training and certifications. Based on the rankings developed, the Department Head or Board/Commission in coordination with the Human Resources Director shall schedule and conduct interviews with the highest-ranking candidates. Depending on the number of applications for a vacancy, it will be the intention to interview at least three applicants formally. Applicants who are interviewed shall be asked the same questions and their answered recorded in writing—any written documents, notes or tapes utilized or

created in an interview will be forwarded to the Human Resources Director for retention. Applicants may be interviewed more than once if deemed necessary. Before the best candidate is identified, Department Heads or Board/Commission shall undertake the following tasks as possible: verification of previous employment, indication of performance in previous positions. Once the best candidate is identified, the Department Head or Board/Commission shall submit their recommendation to the City Administrator for consideration. If filling a vacancy for a non-appointed position, the City Administrator shall authorize the offer of the candidate deemed best qualified to fill the vacancy. If filling a vacancy for an appointed position, the City Administrator shall present a recommendation to the City Council for consideration and approval. The appointed individual will be offered the position only after City Council approval at a regular meeting.

Civil Service Rules & Regulations apply to appointing/hiring all sworn Police Department employees.

### 1.2.3 Non-Competitive Selection

When in the best interest of the City, a non-competitive selection process may be specified by the City Administrator. Vacancies may be non-competitively filled with qualified person by the following means:

- a. Reinstatement of a former City employee;
- b. Demotion for cause, as specified in 'Disciplinary Action';
- c. Re-promotion of an employee previously demoted in lieu of reduction in force;
- d. Lateral transfer; or
- e. A selection process within the existing City service employees **(See 1.2.2a)**.

### 1.2.4 Disqualification of Applicants

An applicant may be disqualified from further consideration at any stage of the selection process for any of the following reasons:

- a. Applicant is an illegal alien or an alien with a visa specifically precluding their working;
- b. Applicant will not have attained their 18th birthday at the time of hire, except in cases where a lower minimum age has been established in the vacancy announcement;
- c. Applicant is not medically qualified to perform the duties as ascertained in a manner prescribed by the City Administrator, except that disabled persons shall not be disqualified on medical grounds if their disability can reasonably be accommodated in the workplace;
- d. Applicant is not of good moral character to the extent that their job performance would be impaired or that significant discredit or excessive risk would be brought upon the City by their employment;
- e. Applicant is not able to meet the residential requirement of the position;
- f. Employment of the applicant will violate the prohibition on the employment of relatives;
- g. Employment of the applicant will create a conflict of interest situation;
- h. Applicant lacks the education, experience, aptitude, or similar qualifications required for the position;
- i. Applicant obtains a positive substance abuse test result during the conditional offer phase of hiring;
- j. Applicant has a concerning background check result during the conditional offer phase of hiring, that would constitute an excessive risk to the City if they were employed;
- k. Applicant has been or is about to be dismissed from employment or military service for reasons indicating a current unfitness for the position or constituting an excessive risk to the City if they are employed;

- l. Applicant has made a false statement of material fact or has committed or attempted to commit a fraudulent, illegal, or unethical act or has attempted to exert political influence at any point in the application or selection process; or
- m. Applicant will not possess any required license or certificate or will not be able to comply with any other requirement or condition of employment as specified.

### 1.3 Conditional Offer Phase of Hiring Process

#### 1.3.1 Physical Fitness to Perform Job Duties

An applicant may be required to submit to a medical examination only after a conditional offer of employment and only if the examination is required of all applicants for the position. If the examination disqualifies an individual because of a disability, the examination standards shall be job-related and consistent with business necessity. An employee's medical records will be retained separate from personnel files and kept confidential in compliance with the regulations of the U.S. Equal Employment Opportunity Commission and the Nebraska Fair Employment Practice Act.

#### 1.3.2 Drug and/or Background Testing

An applicant may be required to submit to a substance abuse test prior to employment and in adherence to **Section 2.9.3**. A background check of all prospective employees will be completed at the discretion of City Administration.

#### 1.3.3 Employment of Relatives

No applicant for a regular full-time position or regular part-time position shall be considered for employment if the position for which they are applying would result in their working in the same department as a member of their immediate family. These same conditions will apply for an employee who is promoted or transferred to a position in any department which would result in working in the same department as a member of immediate family. These policies apply to all members of the immediate family of all personnel of the City. Seasonal and temporary full-time or part-time positions are exempt from this policy.

### 1.4 Reinstatement of Previous Employees

Employees who retired from active City employment, whether or not they are receiving pensions from funds provided by the City, shall not be eligible for active employment pay from any City department funds unless approved by the City Administrator.

An employee who is separated from service with the City and did so in good standing, either due to a resignation or the elimination of a position, may be re-employed provided that the person is qualified to perform the duties of the position. In appropriate circumstances, reinstatements following layoff shall be based on seniority, with the persons with longest total regular City service being re-employed first. The employee shall once again serve an evaluation period regardless of the employee's status prior to the separation.

An employee who is re-employed shall be given credit for one-half of the years of service from a prior employment, given the re-employment date is within three (3) years of a previous employment ending date. If such credit is equal to or greater than one-half year, such credited year(s) are rounded up to the next full year of service. If such credit is less than one-half year, such credited years are rounded down to the previous full year of service. The accrual rate for benefits will be determined using the same credit calculation. **EXAMPLES: #1.** An employee who worked five (5) years previously would receive credit for 2.5 years, therefore, their credited service would be rounded up to three (3) years of service. **#2.** If an employee worked 2.5 years, they would receive credit for 1.25 years thus would be rounded down to one (1) year of service.

### 1.5 Introductory/Evaluation Period—Applicable to new, re-instated or promoted employees

All regular full-time and regular part-time employees of the City of Seward shall serve in an introductory period for the first six (6) calendar months of employment. The purpose of this is to permit the Department Head to closely observe and evaluate the capabilities and

willingness of the new employee. During this time, the Department Head or Supervisor shall encourage and assist the new employee in making a successful adjustment to working for the City. Performance goals will be established for the next full period (six months) of performance goals creation, which begins in April and October annually.

For a promoted or re-instated employee (who previously completed an introductory period), an evaluation period of six (6) calendar months will be utilized for the Department Head to observe the capabilities of the employee in meeting the job requirements for the position. The Department Head and said employee shall establish performance goals at the beginning of a promotion or re-instatement period to allow for proper evaluation.

1.5.1 Failure of Introductory or Evaluation Period

At any time during the six-month introductory or evaluation period, an employee may be dismissed from the City service or may be reassigned by lateral transfer or demotion if their conduct, quality of work and/or fitness are insufficient to continue in the position. The Department Head, with the approval of the City Administrator, may provide an employee an additional period to demonstrate acceptable performance by extending the introductory or evaluation period no more than three months—failure to demonstrate acceptable performance after this extended evaluation period shall result in dismissal. The employee and Human Resources Director shall be notified if an introductory or evaluation period is extended. If an employee was promoted to the position and fails the six-month evaluation, they will be returned to their former position, if open, or may be reassigned to any other position deemed to which they qualify or may be terminated.



## **SECTION 2: EMPLOYEE RESPONSIBILITIES AND CONDUCT**

### **2.1 Standards for Appearance:**

As City representatives, employees should present a clean and professional appearance when in contact with other employees, elected officials, and members of the public. Employees are expected to use good judgement and common sense in choosing their workday attire. It is the intent of the City of Seward that any dress code standards created hereunder shall not discriminate against any employee based on race, color, religion, sex (including pregnancy, sexual orientation or gender identify), national origin, age, disability, marital status, military status, genetic information or any other protected class under the law. If the employee would request an accommodation based on any of the preceding factors, they should discuss the need with their immediate supervisor and/or the City Administrator. Instances of violation will be reported in the following order based on seriousness: immediate supervisor, Department Head, City Administrator or proper authorities.

#### **2.1.1 General Workday Attire**

Generally, all employees will dress in a manner that projects a professional, neat, business-appropriate appearance. With the prior approval of the City Administrator, Department Heads may have the ability to create different dress codes for their entire department, or within certain divisions, and even by certain work locations or sites. Several factors will be considered by the City Administrator in considering the request for an alternative dress code, including, but not limited to:

- The nature of the assigned work tasks and job assignments;
- whether such employee will be working primarily indoors or outdoors;
- federal, state and local safety regulations and requirements;
- interactions and meetings with the public, business agents, elected officials, and other officers.

Certain employees may be provided with uniforms and other City equipment, tools, and safety gear as needed to successfully complete job tasks.

#### **2.1.2 Casual Workday Attire**

Casual dress day may be observed by some departments on a designated day of every week, for a holiday or at any specified time by the City Administrator. An employee's participation in casual dress day is optional. Employees should not participate in any casual dress day when that employee has a scheduled meeting or presentation in which such casual dress wear would not be business or task-appropriate. Generally, on designated days these guidelines should be followed:

- No attire that is ripped, torn or has holes
- No attire that is unduly revealing and/or provocative
- No attire that is not appropriate for the task being performed for that day
- No attire that portrays a negative image or has inappropriate advertising or logos (eg. Drugs or alcohol related materials, obscene or inappropriate portrayals or pictures).

### **2.2 Attendance**

Employees shall promptly be in attendance at their place of work in accordance with the policies regarding hours of work, holidays and leave. Work hours shall be established by the Department Head and be approved by the City Administrator beforehand. If a department's regular work hours are altered, employees will be notified a minimum of 14 calendar days before the incorporated change.

If an employee, for some unavoidable reason, cannot report for work, the employee shall notify their supervisor or Department Head in advance of the first normal duty hour; in addition, if an employee has to leave work during the day for some unavoidable reason, they shall notify their Department Head or supervisor before they leave. Failure on the part of an employee to comply with these policies shall be cause for disciplinary action.

### 2.2a Break Periods

A fifteen-minute break period will be allowed to employees of the City during each one-half day of work (typically 4 hours) for relaxation from the regular routine of duty. With the exception of the Police and Library personnel, an employee scheduled for an 8-hour shift will be allowed one meal period each workday. The meal period will be at least thirty (30) minutes but no longer than one (1) hour in length and will be scheduled to accommodate operating requirements of the Department. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time. Department Heads have the ability, on a case-by-case basis, to amend these requirements from time to time with approval of the City Administrator. Police and Library personnel are not relieved of all active responsibilities and restrictions and consequently may be compensated for mealtime.

The City shall provide reasonable break time for an employee to express breast milk for her nursing child for one year after the child's birth each time such employee has need to express the milk; and a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk. If possible, such break time should be taken concurrently to the break time already provided to the employee. Department Heads have the ability, on a case-by-case basis, to amend these requirements from time to time with approval of the City Administrator.

### 2.3 Complaint Policy

In situations where an employee feels a work-related complaint in regard to policy and handbook implementation is in order (**See Section 7**), the following steps should be taken:

2.3.1 If an employee believes that they have a legitimate work-related complaint, the employee is encouraged to first attempt to resolve the issue(s) with their Department Head. The complaint shall be presented in writing, on forms available at City Hall to their Department Head within five (5) business days from time of incident. The complaint shall clearly state the basis for the complaint and the relief requested. The Department Head will review the complaint and respond to the employee in writing within five (5) business days of receipt.

2.3.1b An employee remaining dissatisfied after receiving response from the Department Head may then submit the complaint to the City Administrator within five (5) business days after receiving response. The City Administrator will then review and respond within five (5) business days of receiving the complaint. Meetings may be held with employee, the Human Resources Department, and any other employee to discuss the complaint and remedy.

2.3.2 If a Department Head believes that they have a legitimate work-related complaint, the Department Head is encouraged to first attempt to resolve the issue(s) with the City Administrator. The complaint shall be presented in writing, on forms available at City Hall to the City Administrator within five (5) business days from time of incident. The complaint shall clearly state the basis for the complaint and the relief requested. The City Administrator will review the complaint and respond to the Department Head in writing within five (5) business days of receipt.

2.3.2b A Department Head remaining dissatisfied after receiving response from the City Administrator may then submit the complaint to the Mayor within five (5) business days from that date. The Mayor will investigate utilizing any or all of the following tools – written summary of the complaint, a review of the City Administrator's response, and/or consultation with the City Labor Attorney - and respond within ten (10) business days of receiving the complaint. Meetings may be held with employee, City Administration, and the Human Resources Department to discuss the complaint and remedy. After the investigation is completed, the Mayor

or City Attorney will advise the employee in writing of the results of their investigation and decision. The decision on the complaint shall be final and binding.

Time limits will strictly be enforced. Late submission of a complaint at any stage of the procedure shall bar its consideration unless there are extenuating circumstances. Similarly, if a Department Head or the City Administrator should fail to provide a written response within five (5) business days of receipt of complaint, the employee shall be allowed to advance their request to the next higher authority.

#### 2.4 Personal Business

While on duty, personal phone calls (both incoming and outgoing), appointments and visitors should be conducted at break times or avoided unless absolutely necessary.

#### 2.5 Cell Phone Usage

While at work, employees are expected to exercise the same discretion in using personal cell phones and electronic devices as is expected for the use of city phones. Excessive texting and personal calls during the workday, regardless of the phone or device used, can interfere with employee and department productivity and can be distracting to others. Employees are encouraged to text and make any other personal calls on non-work time where possible and to ensure that friends and family members are aware this policy.

Where workload needs demand immediate access to an employee, the City may issue a cell phone or other electronic device for work related communications, or a fee arrangement may be made to have the employee carry their own cell phone on an agreed upon schedule. As requested, the employee may be asked to produce this cell phone or electronic device for immediate return or inspection.

All employees are expected to follow applicable state or federal laws or regulations regarding the use of cell phones or other electronic devices. Employees whose jobs responsibilities include regular or occasional driving as a part of the workday shall refrain from texting or using the keypad while driving. Safety must come before all other concerns. Bring the vehicle to a safe stop before texting or using the keypad of the cell phone or electronic device.

Where possible, hands-free equipment will be provided with city issued phones and other electronic devices to facilitate the provisions of usage.

#### 2.6 Outside Employment

Employees of the City of Seward may take occasional or part-time jobs if there is no conflict with normal working hours; the employee's efficiency in his work is not hampered; or conflict with the interests of the City do not arise. The employee shall complete an "*Outside Employment Form*" and advise their Department Head of the nature of the outside employment, hours involved, and any other appropriate information prior to acceptance of the outside employment. The Department Head shall then recommend to the City Administrator or appropriate authority whether the outside employment should be approved. Outside employment by City employees shall not be authorized unless first approved by the City Administrator or appropriate authority. In any situation wherein extra duty will be necessary in an employee's normal City work, such extra duty shall be in preference to his outside employment.

#### 2.7 Political Activity

No employee shall be prohibited from participating in political activities except during work hours or when otherwise engaged in the performance of his or her official duties. No employee shall engage in any political activity while wearing a City uniform or wearing clothing denoting themselves as a City of Seward employee

#### 2.8 Social Media Usage

Employees shall refrain from using social media while on work time, unless it is work-related as authorized by the Department Head or consistent with the Cell Phone, Computer and Internet Services policy. Employees shall not use the City of Seward's email addresses to register on social networks, blogs or other online tools utilized for personal use.

### 2.8.1. General Social Media Use

The City of Seward takes no position on an employee's decision to start or maintain a blog or to participate in other social networking activities. However, it is the right and duty of the City to protect itself from unauthorized disclosure of confidential information and information expressly exempted from Nebraska's public records laws. Unless specifically instructed, employees are not authorized and therefore are restricted from speaking on behalf of the City. Employees may not publicly discuss confidential information or information expressly exempted from Nebraska's public records laws outside of City-authorized communications. Employees are expected to protect privileged data. For example, employees, vendors, or clients are prohibited from disclosing personal employee and non-employee information and any other proprietary and nonpublic information to which employees have access. Such information includes but is not limited to citizen financial information, legal process information, and personnel issues.

Employees are cautioned that they should have no expectation of privacy while using the internet. Postings can be reviewed by anyone, including City staff. The City reserves the right to monitor comments or discussions about the City, its employees, vendors, and contractors posted on the internet by anyone, including employees and non-employees. The City may use blog-search tools and software to monitor forums such as blogs and other types of personal journals, diaries, personal and business discussion forum, and social networking sites.

Employees are cautioned that they should have no expectation of privacy while using City equipment or facilities for any digital purpose. The City reserves the right to use content management tools to monitor, review or block content on city blogs that violate City blogging rules and guidelines.

### 2.8.2. Authorized Social Media Use on Behalf of the City

Only authorized employees can prepare and modify content for the City of Seward website and/or the social networking entries located on the web. Content must be relevant, add value and meet at least one of the specific goals or purposes developed by the City. If uncertain about any information, material, or conversation, discuss the content with the respective Department Head and/or City Administration. Access to City-owned social media sites will be discontinued upon resignation or termination of an employee who posts on behalf of the City.

Any copyrighted information where written reprint information has not been obtained in advance cannot be posted by an authorized employee.

## 2.9 Care and Use of City Property

Employees shall be responsible for the proper care and use of all City property entrusted or available to them. Employees damaging or losing City property through negligence or abuse shall be subject to disciplinary action and may be required to reimburse the City for such damage or loss. City equipment, keys, materials, and supplies shall not be used for private purposes and shall not be removed from authorized locations without proper supervisory approval. Employees leaving the City service shall return any tools, uniforms, or other City property issued to them before receiving their final pay.

At no time will any employee or member of the public be allowed to use/borrow City equipment, or place or park their own personal vehicle in a City owned garage, shop or building. (This includes parking on city premises to change oil, wash vehicles, etc.). City employees shall only be entitled to utilize and borrow City-owned equipment and facilities as per the policies of general use from the public.

### 2.9.1. Smoke Free Policy

Smoking by the public and City employees shall be prohibited in all municipal buildings and vehicles.

### 2.9.2 Guidelines for Computers & Internet Services

The City of Seward recognizes the need for computers and technology services to provide a productive professional work environment and will provide the necessary equipment to conduct such business. Computers and internet services are provided by the City of Seward to support open communications and exchange of information and the opportunity for collaborative government-related work. During business hours, computer use and internet communications to and from City employees and with outside entities, are presumed to be work-related. Although access to information and information technology is essential to the missions of government agencies and their users, use of computers and internet services is a revocable privilege. Abuse of the internet access provided by the City in violation of law or City policy will result in disciplinary action, up to and including termination of employment. Employees may be held personally liable for any violations of this policy. The following guidelines have been established to help ensure responsible and productive Internet usage.

All Internet data composed, transmitted, or received via the City's computer communications systems is subject to disclosure to law enforcement and other third parties. Employees should always ensure that the information contained in Internet e-mail messages and other transmissions is accurate, appropriate, ethical, and lawful.

City computers and data stored in them are the property of the City and may be accessed at any time by authorized City officials. The equipment, services, and technology provided to access the internet offered by the City remain at all times property of the City. As such, the City reserves the right to monitor internet traffic, and retrieve and read any data composed, sent, or received through their online connections and stored in their computer systems. Employees should not expect privacy in the use of City computers.

Data that is composed, transmitted, accessed, or willingly received via the Internet must not contain content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating or disruptive to any employee or other person, except in the cases necessary for the performance of a specific job-related duty. Examples of unacceptable content may include, but are not limited to sexual comments or images, racial slurs, gender-specific comments or any other comments or images that could reasonable offend someone on the basis of race, color, age, sex/gender, religious or political beliefs, military status, national origin, disability, sexual orientation, marital status, pregnancy, genetic information, gender identity or any other characteristic protected by law.

The unauthorized use, installation, copying or distribution of copyrighted, trademarked, or patented material on the Internet is expressly prohibited. As a general rule, if an employee did not create material, does not own the rights to it, or has not gotten authorization for its' use, it should not be put on the Internet. Employees are also responsible for ensuring that the person sending any material over the Internet has the appropriate distribution rights.

The Internet is full of useful programs that can be downloaded, but some of them may contain computer viruses that can damage computers. Any software obtained from outside City government should be virus checked prior to use. Internet users should take the necessary anti-virus precautions before downloading or copying any file from the Internet. All downloaded files are to be checked for viruses; all compressed files are to be checked before and after decompression.

The use of e-mail through the City's network is for business purposes. Minimal personal use of the electronic mail system and Internet is permitted; however, the personal use is limited to the user's own time and is not to interfere with the job responsibilities and must adhere to all rules referenced herein. Employees should not use any e-mail messaging account or service other than that provided by the City.

When an instance of non-compliance with these guidelines is discovered or suspected, management shall take action in accord with City personnel policies (**See Section 6**). Suspension of service to users may occur when deemed necessary to maintain the operation and integrity of the City of Seward network. User accounts and password access may be withdrawn without notice if a user knowingly violates the acceptable use policy. Abuse of the Internet access provided by the City in violation of law or the City policies will result in disciplinary action, up to and including termination of employment. Employees may also be held personally liable for any violations of the policy.

The following behaviors are examples of previously stated or additional actions and activities that are prohibited and can result in disciplinary action:

- a. Any purpose which violates a federal, state or local law;
- b. Sending or posting discriminatory, harassing or threatening messages or images;
- c. Using the organization's time and resources for personal gain or for fundraising or public relations activities not specifically related to City activities;
- d. Stealing, using or disclosing someone else's code or password without authorization;
- e. Copying, pirating, downloading or installing software and electronic files without permission;
- f. Sending or posting confidential material, trade secrets or proprietary information without authorization;
- g. Violating copyright law;
- h. Failing to observe licensing agreements;
- i. Engaging in unauthorized transactions that may incur a cost to the organization or initiate unwanted internet services and transmissions;
- j. Sending or posting messages or materials that could damage the organization's image or reputation;
- k. Participating in the viewing or exchanging of pornography or obscene materials;
- l. Sending or posting messages that defame, harass or slander other individuals;
- m. Attempting to break into the computer system of another organization or person except in the cases necessary for the performance of a specific job-related duty;
- n. Refusing to cooperate with a security investigation;
- o. Sending or posting chain letters, solicitations or advertisements not related to business purposes or activities;
- p. Using the internet for political causes or activities, religious activities or any sort of gambling;
- q. Jeopardizing the security of the organization's electronic communications system;
- r. Passing off personal views as representing those of the City or other users;
- s. Sending anonymous e-mail messages;
- t. Accessing or distributing computer games that have no relation to City activities;
- u. Other similar actions.

### 2.9.3 Controlled Substance and Alcohol Testing Procedure

#### A. General Procedure

While at work, each City employee has a responsibility to the public to deliver services in a safe, efficient, and conscientious manner. In order to perform a job in the safest manner possible, City employees must be able to work in a drug free environment and themselves be free from the effects of alcohol and other job impairing substances while on the job. Accordingly, while on the job or in a City vehicle, the use, sale, distribution, possession, or being under the influence of an intoxicating liquor, controlled substance, drug not medically authorized, or any other substance that impairs job performance or poses a hazard to the safety and welfare of the employee, the public, or other employees, is strictly prohibited and may result in suspension or termination. Furthermore, the City is obligated to

comply with the Department of Transportation (DOT) regulations relating to controlled substances and alcohol use. The City will ensure that the controlled substances and alcohol testing conducted conforms to DOT workplace testing requirements.

To that end, a medical examination for prospective employees for the City of Seward shall include a substance abuse screen. Substances of abuse to be tested for include, but shall not be limited to, amphetamines, barbiturates, benzodiazepines, cocaine, methadone, opiates, phencyclidine (PCP), propoxyphene, and marijuana. A prospective employee is defined as any employee who might be considered for employment by the City whether they are permanent full-time, permanent part-time and any seasonal, part-time or summer employees that operate equipment or vehicles. Equipment includes but is not limited to lawnmowers, chainsaws, weed whips and other potentially hazardous equipment. Any offer of employment shall be contingent upon a negative substance abuse test result. Any preliminary employment arrangement shall be immediately terminated if the result is positive.

Additionally, employees can be asked to submit to a test if cause exists to indicate that their health or ability to perform work might be impaired. Factors that could establish cause include, but are not limited to:

- 1) Sudden changes in work performance;
- 2) Repeated failure to follow instructions or operating procedures;
- 3) Violation of City safety policies;
- 4) Involvement in an accident or near-accident;
- 5) Discovery or presence of illegal or suspicious substances or materials in an employee's possession or near the employee's workplace;
- 6) Odor of alcohol and/or residual odor peculiar to some clinical or controlled substances;
- 7) Unexplained and/or frequent absenteeism;
- 8) Personality changes or disorientation; and
- 9) Arrest or conviction for violation of a criminal drug statute.

Employees may be tested if they are involved in an on-the-job vehicle accident cited for a moving vehicle violation, personal injury, or property accident on the job. Employees are prohibited from using alcohol or controlled substances following such an incident until they have been tested. Any employee who is seriously injured and cannot provide a specimen at the time of the incident must provide the necessary authorization for obtaining hospital records and other documents that would indicate whether there was alcohol and/or controlled substances in the employee's system.

**B. Procedures for Employees with Commercial Driver's License (CDL)**

It is the policy of the City of Seward that its commercially-licensed drivers (CDL) be free from controlled substance use and alcohol misuse. This policy has been adopted as part of the City's required compliance with United States Department of Transportation (DOT) regulations 49 C.F.R. Part 382. Those portions of this policy regarding disciplinary action or related to compliance with Nebraska law are based upon independent authority and are not prescribed by the DOT regulations.

Consequently, the use of illegal drugs by drivers is prohibited and drivers shall not use alcohol to engage in "prohibited conduct" as defined herein. Prohibited conduct is defined as the performance of safety-sensitive functions if under the influence of or impaired by alcohol. In addition to this policy, employees and other persons may be subject to other City policies and governmental regulations relating to alcohol misuse and controlled substance use affecting work activities that are not governed by DOT regulations related to functions performed by commercially-licensed drivers. Any driver who engages in prohibited conduct resulting in positive test result is subject to disciplinary action up to and including

termination. Persons determined to have positive alcohol or drug test results will have a right to an impartial internal management review of those determinations when a review is requested. This review must be in accordance with the appeal process outlined in the City's Personnel Handbook with such modification as are necessary to accommodate alcohol and drug testing pursuant to the DOT regulations. Disciplinary action taken against an employee because of such positive alcohol or controlled substances test results is reviewable under the City's Grievance Policy.

1) *Types of Tests:* §382.301-382.311 The City has implemented six circumstances for controlled substances and alcohol tests pursuant to regulations promulgated by the U.S. Department of Transportation (DOT)

- a. **§382.301 Pre-Employment Testing**—Prior to the first time a driver performs safety-sensitive functions for an employer, the driver shall undergo testing for controlled substances as a condition prior to being used, unless the employer uses the exception in paragraph (b) of this section. No employer shall allow a driver, who the employer intends to hire or use, to perform safety-sensitive functions unless the employer has received a controlled substances test result from the Medical Review Officer (MRO) or Consortium/Third-Party Administrators (C/TPA) indicating a verified negative test result for that driver.
- b. **§382.303 Post-Accident Testing**—A driver involved in an accident must contact his or her supervisor as soon as possible following the accident. As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each employer shall test for alcohol for each of its surviving drivers: (1) who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or (2) who receives a citation within 8 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
  - (i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
  - (ii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
- c. **§382.305 Random Testing**—The City conducts random alcohol and control substance testing for persons it assigns to operate Commercial Motor Vehicles (CMV). The City will administer the City's drug and alcohol testing program through a Third-Party Administrator (TPA), responsible for compliance with DOT regulations. Selections will be at random the City will drug test, at a minimum, 25% of the average number of driver positions in each calendar year. The City will also select, at a minimum 10% of the average number of driver positions for random alcohol testing. Each employee who is notified of selection for random alcohol and/or controlled substances testing will proceed to the test site immediately.
- d. **§382.307 Reasonable Suspicion Testing**—An employee shall be required to submit to an alcohol test when the employer has reasonable suspicion. The employer's determination that reasonable suspicion exists to require the driver to undergo an alcohol test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver.
- e. **§382.309 Return-to-Duty Testing**—The City will conduct testing in accordance with 49 CFR part 40, subpart O.
- f. **§382.311 Follow-up Testing**—The City will conduct testing in accordance with 49 CFR part 40, subpart O.



2) *Refusal to Test*: **§382.211** Refusal to submit to required alcohol or controlled substance tests described herein will be grounds for refusal to hire driver/applicants and to terminate employment of existing drivers.

C. Provision of Training and Information (§382.601, §382.603)

The City Administrator or their designated representative will develop specific training for drivers and their supervisors. The City shall ensure that all persons designated to supervise drivers receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training will be used by the supervisors to determine whether reasonable suspicion exists to require a driver to undergo testing under §382.307-Reasonable Suspicion Testing. The training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

The City shall provide educational materials to each driver prior to the start of alcohol and controlled substances testing that explain the requirements of the DOT drug and controlled substances testing regulations and the City's policies for compliance. DOT regulations require each driver to sign a statement certifying receipt of these materials.

D. Substance Abuse Professionals and the Return-to-Duty Process (§40.287)

Each employee (including an applicant or new employee) who violates a DOT drug and alcohol regulation, must be provided a listing of Substance Abuse Professionals (SAPs) readily available to the employee and acceptable to the employer, with names, addresses, and telephone numbers. If the driver desires to become re-qualified, the driver must be evaluated by a SAP and submit to any treatment prescribed by the SAP following evaluation and treatment, if any, in order to become re-qualified, the driver must submit to and successfully complete a return-to-duty drug and/or alcohol test.

Such driver is also subject to follow-up testing. Follow-up testing is separate from and in addition to the City's reasonable cause, post-accident, and random testing procedures. Follow-up testing will be on a random basis and be in accordance with the instructions of the Substance Abuse Professional. **§40.307** No fewer than six unannounced follow-up tests will be performed in the first 12 months of safety-sensitive duty following the employee's return. Follow-up testing may continue for a period of up to 60 months following the driver's return to duty. The City does not guarantee or promise a position to the driver should he or she regain qualified status.

2.9.4 Use of City-Owned Vehicles

Department Heads and other employees, as designated by the Department Head, shall be allowed to use City-owned vehicles during on-duty hours. In certain instances, the City Administrator may permit employees to take City-owned vehicles home for the evening or to overnight trainings, conferences, seminars. Such vehicles shall not be used for other than official City business. Non-City employees - consultants, contractors, and other government officials - will be allowed to ride in City-owned vehicles for City related business, meetings, or conferences with the approval of the City Administrator or Department Head. In addition, both City and non-City employees may participate in the Police Department ride along program with approval of the Chief of Police. Employees using City vehicles will be expected to keep them clean, to schedule regular service checks and shall abide by all federal, state and local traffic regulations.

2.10 Safety

Employees shall observe prudent safety precautions at all times. Department Heads shall train their personnel to work safely. Each employee shall know what to do in case of fire or

other disaster as well as the location and use of first aid supplies. Safety precautions include the observance of traffic regulations when driving or operating City vehicles and equipment.

1) Equipment

- A. *Safety Belts* - All employees shall wear safety belts (shoulder and/or lap), when driving, operating or riding in City vehicles and equipment.
- B. *Hard Hats* - All employees shall wear hard hats, as supplied by the City, whenever working in an environment where a blow to the head could occur. Specifically, City employees shall wear hard hats in the following activities:
  - i) When cutting, trimming and/or loading trees, shrubs and overgrowth;
  - ii) When working in or around an area involving concrete removal;
  - iii) When working in or around an area where a backhoe or loader is to be used on the project;
  - iv) When working in or around an area where others are working overhead. For example, when working in a trench or pit or when working in or around scaffolding or buildings under construction or repair;
  - v) When working in a bucket truck or digger derrick and when working as a groundman for employee in a bucket truck;
  - vi) When working with underground electrical work.
- C. *Worksite Access* – Persons, including contractors or consultants, authorized by a Department Head or worksite foreman shall observe all safety and hard hat requirements at all work and construction sites.
- D. *Safety Vests* – Reflective vests, as provided by the City, shall be worn by all City employees working on construction, repair or a maintenance project on a public street or similar work site.

2) Violations of Safety Rules

Violations of safety rules as set forth herein, as well as violations of internal departmental safety rules or the employee safety manual, shall not be tolerated. Any employee found in violation of safety rules will result in disciplinary action, up to and including termination of employment.

The City employee in charge at the site of any project shall be deemed responsible for all employees working at the site. Said employee shall be equally subject to disciplinary action if the employee has willingly allowed safety violations to exist.

3) Reporting of Accidents and Injuries

Employees shall report all accidents and injuries to their Department Head as soon as possible after the incident. Injuries of a minor, first aid nature may be treated at the job site or department office. If the injury requires medical attention, the employee may consult his family doctor or the EMC OnCall Nurse line. Rescue Squad services shall be used to transport employees to a hospital if the accident or injury results in incapacitation of the employee. Employees who have an accident with a City-owned vehicle shall first notify a law enforcement agency and then the Department Head. This shall be done regardless of how minor the accident. Within twenty-four (24) hours of the incident, the affected employee and Department Head shall file an accident-injury report at City Hall for insurance and Safety Committee review purposes. In addition, the Department Head shall ensure that the City's insurance carrier is notified of the accident/injury if a claim may be filed. These same conditions apply when employees are operating privately owned vehicles while conducting City business.

2.11 Personnel Records

The Human Resource Director shall maintain records on each employee to include pertinent personal data such as name, address, telephone number, title of position held, the department to which assigned, current salary and changes in employment status. Additional

information deemed important shall also be included. such as reports of attendance, conformance to expected standards, and other reports of performance evaluation. Employee personnel files are the property of the City. Employees have the right to inspect their personnel file at any time during business hours in coordination with the Human Resource Director. All personnel file inspections will take place in city offices in the presence of a representative designated by the Human Resource Director. The employee cannot remove any personnel files from the City offices but can make handwritten notes to record information included in their personnel files. Copies of the documents can be provided to the employee within four business days after a request has been made. The City reserves the right to charge the employee a reasonable fee to cover the copying costs.

Employees shall report to the Human Resource Director any changes of name resulting from a change in marital status, and any change of dependents. Also, to be reported are any changes in address, telephone number or information which will impact the personnel record of the employee. This information is required for insurance and tax purposes.

#### 2.12 Peddling, solicitation, etc.

In order to avoid disruption to City services and operation, the City has established the following criteria related to solicitations and distribution of literature on City property:

- a. Non-employees may not solicit or distribute literature on City property at any time for any purpose;
- b. Employees may not distribute literature during working time for any purpose; and
- c. Employees may not distribute literature at any time in working areas.

Working time includes the working time of both the employee doing the soliciting and distributing and the employee to whom the soliciting or disrupting is being directed. Working time does not include break periods, meal periods, or any other specified periods during the workday when employees are properly not engaged in performing their work tasks.

#### 2.13 Conflict of Interest

No employee shall engage in any activity or enterprise which conflicts with their duties as a City employee or with the duties, functions, and responsibilities of the department in which they are employed. The following activities shall be considered a conflict of interest with City employment:

- 1) Any employment, activity or enterprise which involves the use for private gain of the City's time, facilities, equipment or supplies, or the badge, uniform, prestige or influence of a City office or employment.
- 2) Involves the receipt or acceptance by the employee of any money or other consideration from anyone other than the City for performance of an act in which the employee would be required or expected to render in the regular course of City employment or as part of their duties as a City employee.
- 3) Involves the performance of an act in other than their capacity as a City employee which may later be subject, directly or indirectly, to the control, inspection, review, audit or enforcement by such employee or the department by which they are employed.
- 4) Involves so much of the employee's time that it impairs their attendance or efficiency in the performance of their duties as a City employee.

#### 2.14 Gratuities

No employee of the City of Seward shall accept any fee, reward, gift or gratuity that has any connection with said employee's municipal employment or from the performance of an employee's official duties. This acceptance limitation of any gift or gratuity shall not apply in those instances where a departmental gift or gratuity of nominal value is given by some individual or organization. The policy is intended, however, to discourage all gifts and gratuities which may be offered any employee or group of employees. Each employee should decline acceptance of such gifts or gratuities in the most courteous manner possible.

## 2.15 Sexual Harassment Policy

The City of Seward expressly prohibits its officials or employees from engaging in any form of unlawful harassment or discrimination as well as any behavior that would be inconsistent with the spirit and intent of this policy. Harassment or discrimination of any employee is a serious violation of City policy and will not be tolerated. This policy sets forth procedures by which allegations of sexual harassment may be filed, promptly addressed (and investigated if necessary), and appropriate action taken if warranted.

The City of Seward prohibits unlawful sexual harassment. Sexual harassment is unlawful when it: (1) is based on the individual's sex; (2) is unwelcome; (3) is severe or pervasive in nature; and (4) is made a condition of employment, unreasonably interferes with an individual's work performance, or has the purpose or effect of creating an intimidating, hostile or offensive work environment.

It is not possible to define every action or word that could be interpreted as sexual harassment. Sexual harassment may encompass a wide range of verbal, physical and/or visual behaviors. Each situation depends on a number of factors. In some cases, one incident will be sufficient to constitute harassment. In other cases, a pattern or series of incidents may be necessary. In addition, even if the behavior in question may not constitute unlawful sexual harassment, it may still be inappropriate in our workplace and subject to disciplinary action.

Examples of behaviors that might constitute sexual harassment (depending on the circumstances) and are the types of behaviors in which an employee should not engage include, but are not limited to:

- 1) Unwelcome sexual advances;
- 2) Verbal harassment or abuse;
- 3) Subtle pressure or requests for sexual activity;
- 4) Unnecessary touching of an individual, e.g., patting, pinching, hugging, repeated brushing against another employee's body;
- 5) Requesting or demanding sexual favors accompanied by implied or overt threats concerning an individual's employment status;
- 6) Requesting or demanding sexual favors accompanied by implied or overt promise of preferential treatment with regard to an individual's employment status;
- 7) Sexually explicit language, gestures, pictures, jokes or objects; or
- 8) Distribution of representations or descriptions of actual or simulated sexual acts, representations or descriptions of excretory functions, masturbation, or lewd exhibition of the genitals in hard copy, email, cell phone cameras, IMS, texts or in any other manner.

In addition, this policy prohibits retaliation against any employee because he/she files a complaint under this policy, cooperates with any internal investigation, or otherwise pursues their legal rights.

Complaint Procedure: Any employee who feels in good faith that they have been subjected to sexual harassment has several ways to make their concerns known.

- 1) Aggrieved persons who feel comfortable doing so should directly inform the person engaging in sexual harassing conduct or communication that such conduct or communication is offensive and must stop.
- 2) If an aggrieved person does not wish to communicate directly with the person whose conduct or communication is offensive or if direct communication with the offending party has been unavailing, the aggrieved employee shall contact his or her supervisor or the offending party's supervisor.
- 3) Aggrieved employees alleging either sexual harassment by anyone with supervisory authority or the failure of a supervisor to take immediate action on the employee's complaint should communicate with the supervisor at the next level of command or file a grievance in accordance with the provisions of the appropriate grievance procedure.

Regardless of the means selected for resolving the problem, the City will take every reasonable measure to address (and investigate if necessary) the situation and take appropriate action if warranted. Employees filing a complaint will not be subjected to retaliation for bringing such matters to the City's attention in good faith. All concerns will be handled with the utmost confidence, to the extent reasonably possible and consistent with a fair resolution of the problem.

#### 2.16 No Discrimination or Harassment Policy and Complaint Procedure

The City of Seward expressly prohibits its officials or employees from engaging in any form of unlawful harassment or discrimination as well as any behavior that would be inconsistent with the spirit and intent of this policy. Harassment or discrimination of any employee is a serious violation of City policy and will not be tolerated.

Harassment of City employees by anyone, whether management/supervisory personnel, co-workers, or others on the basis of race, color, religion, sex (including pregnancy, sexual orientation or gender identify--nonsexual in nature, sexual harassment is covered by a separate policy), national origin, age, disability, marital status, military status, genetic information or any other prohibited basis of discrimination protected by law, will not be tolerated. Such conduct will result in immediate disciplinary action, including possible termination of employment.

Harassment is unlawful when it: (1) is based on race, color, religion, sex (including pregnancy, sexual orientation or gender identity), national origin, age, disability, marital status, military status, genetic information or any other characteristic protected by law; (2) is unwelcome; (3) is severe or pervasive in nature; and (4) is made a condition of employment, unreasonably interferes with an individual's work performance, or has the purpose or effect of creating an intimidating, hostile or offensive work environment.

It is not possible to define every action or word that could be interpreted as harassment. Harassment may encompass a wide range of verbal, physical and/or visual behaviors. Each situation depends on a number of factors. In some cases, one incident will be sufficient to constitute harassment. In other cases, a pattern or series of incidents may be necessary. In addition, even if the behavior in question may not constitute unlawful harassment, it may still be inappropriate in our workplace and subject to disciplinary action.

- 1) Epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts, because of an individual's race, color, religion, sex (including pregnancy, sexual orientation or gender identity), national origin, age, disability, marital status, military status, genetic information or any other characteristic protected by law. This includes acts that purport to be "jokes" or "pranks" but that are hostile or demeaning with regard to any protected characteristic.
- 2) Written or graphic material that denigrates or show hostility or aversion toward an individual or group because of race, color, religion, sex (including pregnancy, sexual orientation or gender identity), national origin, age, disability, marital status, military status, genetic information or any other characteristic protected by law and that is placed on walls, bulletin boards, or elsewhere on the employer's premises, or circulated in the workplace.

It is the responsibility of management personnel to maintain a working environment free of harassment on any of these bases and to make known to employees the policy of the City on such harassment. In addition, management is expected to take immediate action to deal promptly with known situations involving such harassment.

In addition, this policy prohibits retaliation against any employee because they file a complaint under this policy, cooperates with any internal investigation, or otherwise pursues their legal rights.

It is the employee's responsibility to report all incidents or perceived incidents of such harassment, pursuant to the following complaint procedure:

Complaint Procedure: Any employee who feels he or she has been subjected to harassment has several ways to make his or her concerns known.

- 1) Aggrieved persons who feel comfortable doing so should directly inform the person engaging in harassing conduct or communication that such conduct or communication is offensive and must stop.
- 2) If an aggrieved person does not wish to communicate directly with the person whose conduct or communication with the offending party has been unavailing, the aggrieved employee shall contact his/her supervisor or the offending party's supervisor.
- 3) Aggrieved employees alleging either harassment by anyone with supervisory authority or the failure of a supervisor to take action on the employee's complaint should communicate with the supervisor at the next level of command or file a grievance in accordance with the provisions of the appropriate grievance procedure.

Regardless of the means selected for resolving the problem, the City will take every reasonable measure to address (and investigate if necessary) the situation and take appropriate action if warranted. Employees filing a complaint will not be subjected to retaliation for bringing such matters to the City's attention in good faith. All concerns will be handled with the utmost confidence, to the extent reasonably possible and consistent with a fair resolution of the problem.

### 2.17 Workplace Violence

The City takes the safety of its employees very seriously. As a result, the City will not tolerate any acts or threats of violence by any employee or former employee. The City prohibits any acts or threats of violence against its employees, customers, or visitors by any individual on the City's premises at any time or while such individual is engaged in business with or on behalf of the City, on or off the City's premises. The City considers violence to include such things as physically harming, shoving, pushing, harassing, intimidating, or coercing another person. In addition, threatening, discussion of, describing, or joking about violence is considered violence as well.

In keeping with the spirit and intent of this policy, and to ensure the City's objectives in this regard, the City is committed to the following:

- 1) Providing a safe and healthful work environment;
- 2) Taking prompt remedial action up to and including immediate termination against any employee who engages in any threatening behavior or acts of violence or who uses any obscene, abusive or threatening language or gestures;
- 3) Taking appropriate action when dealing with customers, former employees, or visitors to the City's facilities who engage in such behavior. Such action may include notifying police or other law enforcement personnel and prosecuting violators of this policy to the maximum extent of the law; and
- 4) Prohibiting employees from possessing or carrying any firearms or other weapons, while on the City's property or while performing work as a City employee. For purposes of this policy, weapons include guns, knives, explosives, and other potential weapons.

In furtherance of this policy, employees have a role in preventing violence as well. If an employee believes a co-worker, former employee, customer, or visitor may become violent or they know of a violation of this policy, the employee must immediately report this to their supervisors. This would include, for example, threats or acts of violence, aggressive behavior, offensive acts, threatening or offensive comments or remarks, and the like. Employee reports made pursuant to this policy will be held in confidence, to the maximum possible extent. The City prohibits any form of retaliation against any employee for making a report in good faith under this policy.

## **SECTION 3: COMPENSATION OF EMPLOYEES**

### **3.1 Pay Plan Structure**

Within the limitations of its financial position, it is the policy of the City of Seward to maintain a Pay Plan which promotes the recruitment and retention of competent employees, through fair and equitable wages. It is the City's policy to maintain a salary program which provides peak motivation to employees by paying salaries which reflect an individual's accomplishments, as long as they remain within the limits of the established ranges for each position.

Each position is established by Ordinance and is classified into a "Pay Range" according to the level of responsibilities assigned the position. For example, a director's position would be expected to have a higher level of responsibilities than a subordinate, thus the pay range will reflect this fact. Each pay range shall be defined by a minimum salary and a maximum salary with seven salary steps in between (nine total steps). Except as affected by Longevity Pay (**see Section 3.5**), an employee's salary shall not be lower than or higher than the Pay Range for his position.

### **3.2 Pay Plan Step Placement**

All new employees shall be assigned a 'step' within the pay plan structure. It is expected that a new employee will be paid at the minimum wage of the Pay Range (Step 1) for the position for which they were hired. The only exception to this rule would be a new employee who significantly exceeds the minimum requirement of the position, either in education or experience. This employee may, with the recommendation of the Department Head and approval by the City Administrator, receive a salary commensurate with their qualifications within the limits of the Pay Range. In the case of hiring a City Administrator, the terms of the employment contract shall dictate what step they begin with, as approved by the Mayor and City Council.

#### **3.2a Working Out of Classification**

When an exempt, salaried employee or employees is/are designated by the City Administrator to act in a higher job classification and performs (or will perform) said duties for more than 80 consecutive work hours, such employee(s) may be compensated at a rate capped at 20% above their current base pay step within their given pay range on a temporary basis. Such designation shall be in instances of absence of a higher classified employee due to prolonged illness, death, military leave, or due to a vacancy in the position. Such designation shall be delivered in writing by the City Administrator and be placed in the employee's permanent file. The City Administrator shall also provide notice of the termination of such designation in writing.

In instances of a prolonged vacancy (exceeding 80 hours) within a department, non-exempt hourly employees may be designated by a Department Head or the City Administrator to assume additional responsibilities for maintaining operations, including duties of a higher job classification. In these instances, additional compensation may be suggested at the discretion of the Department Head or the City Administrator on a temporary basis. Compensation shall be capped at a 10% raise per non-exempt employee that assumes said duties or could be a lesser amount based on the discretion of the Department Head or City Administrator. A designation of employees and percentage raise shall be delivered by the Department Head, if possible, to the City Administrator for consideration. Such designation shall only be used in instances of absence due to prolonged illness, death, military leave, or due to a vacancy in the position. If approved, such designation shall be delivered in writing by the City Administrator and be placed in the employee's permanent file. The City Administrator shall also provide notice of the termination of such designation in writing.

### 3.3 Pay Plan Maintenance

The City Administrator, with the assistance of the Human Resources Director, may periodically review the pay plan to ensure that that salary levels in the applicable labor markets are properly reflected. The City Administrator shall propose to the Mayor and City Council such pay adjustments as are necessary for the City to remain a competitive and equitable employer and to meet the requirements of the Nebraska Commission of Industrial Relations (NCIR) and State law. Comparability studies such as these may occur each fall and any salary adjustments shall be reflected in the first full pay period following October 1<sup>st</sup> if approved by the City Council for any or all employees.

The City shall complete a formal Comparability Study of wages and benefits at least once every five (5) years by a recognized expert in the field of job analysis, wage and fringe benefit surveying with familiarity in testifying such matters before the Nebraska Commission of Industrial Relations (NCIR).

### 3.4 Annual Performance Pay

Compensatory increases shall be awarded annually through a performance evaluation system **(See Section 5.3)** and increase in 'step' in the pay-plan structure. Any change in salary will be effective April 1<sup>st</sup> to employees whose work performance is considered satisfactory or above **(defined in Section 5.3.2)**. All new employees must have completed a six-month introductory evaluation period **(See Section 1.5)** and all employees who have changed positions or been promoted must hold their new position for a minimum of six (6) months with at least satisfactory performance to be eligible for such pay increases. No performance increase will be awarded to an employee who has been demoted, suspended from work that results in disciplinary action, or who has two written reprimands in a 12-month period.

Annual performance increases are determined based on the average score of an employee's previous two semi-annual performance reviews and implemented effective April 1st. Employee performance goal sheets are completed and reviewed with the employee semiannually (October 1st and April 1st). Under the City's performance review system, employees with at least satisfactory performance advance one step on their pay range. For employees at the top of their pay ranges, performance pay for at least satisfactory performance scores will be awarded in the form of a one-time lump sum payment each April (not added to base pay). This payment will be in the amount of 3% of an employee's annual salary—only regular full-time and regular part-time employees will be eligible for this payment. The lump sum payment will have to be re-earned each year. Employees whose lump sum payment would have been in excess of 3% on April 1, 2023, under the prior performance standard before the adoption of the June 21, 2022, amendment to this handbook, shall have their lump sum amount frozen, until their payment is equal to 3% of their current salary or upon termination of the employment relationship.

### 3.5 Longevity Pay

Each full-time employee, who has completed their introductory period, will, for each year of service to the City, receive three dollars and forty-seven cents (\$3.47) per month if classified as exempt, or two cents (\$0.02) an hour if classified as non-exempt. This pay will be in addition to the established base pay in their respective salary range. Longevity pay will be reflected in the first full pay period in October of each year for anniversaries met during the previous fiscal year (October 1<sup>st</sup> – September 30<sup>th</sup>).

### 3.6 Recording of Work Hours

To ensure that accurate records are kept of the hours actually worked (including overtime hours where applicable), all non-exempt employees are required to record their time daily on the payroll timesheet software provided by the City. Employees must record the time when they begin work and when they complete their day, as well as any time they go off the clock for lunch, personal appointments or errands, or for any other reason. Note: The system will round time worked to the nearest quarter hour (up or down) depending on the minute of



entry. The Finance Director will keep a record of accrued vacation and sick leave hours as well as compensatory time. Copies of these records will be kept on file at City Hall.

### 3.7 Pay Period Compensation

The standard pay cycle shall be bi-weekly. Payment will be made by direct deposit to the account identified from the employee. Funds will be available on the Friday following the preceding Friday's end of the pay cycle. The City is required by federal law to make certain deductions from employee wages, which include deductions for Social Security and Medicare taxes as well as federal, state, and any local withholding taxes. Additionally, all voluntary deductions authorized in writing will be made as directed by the employee. Voluntary deductions may include the employee's share of the insurance premium.

It is the City's policy to comply with the salary basis requirements of the Fair Labor Standards Act (FLSA). If an employee feels an error has been incurred on their paycheck, it should immediately be communicated to the Human Resource Director, who will then promptly investigate the matter. Any discrepancies proved to be true will be rectified during the following pay period.

#### 3.7.1 Incomplete Pay Period

An employee who does not work their regular scheduled work week shall have a percentage of their regular pay deducted from their pay, unless such absence is authorized as leave as hereinafter provided for and is authorized by their Department Head or the appropriate authority. Deductions from pay are permissible for an 'exempt' employee when one or more of the following conditions are present:

- when an exempt employee is absent from work for one or more full days for personal reasons other than sickness or disability;
- for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness;
- to offset amounts employees receive as jury or witness fees, or for military pay;
- or for unpaid disciplinary suspensions of one or more full days imposed in accordance to workplace disciplinary infractions (see Section 6). Non-exempt employees may also fall under this condition.

#### 3.7.2 Overtime Pay

Overtime (1.5 times the employee's hourly rate) shall be paid to those entitled regular, non-exempt, full-time employees working in excess of the maximum set for their work period. All overtime pay must be pre-approved and documented. Working unauthorized overtime is grounds for disciplinary action, up to and including termination. If an employee is called to return to work to respond to an emergency, they shall be paid the overtime rate no matter how many regular hours they worked that week (benefits will be deducted as if the employee worked a regular shift). An emergency shall include utility service disruptions, snow and ice removal and other situations that are similar in nature which occur outside of normal working hours.

Pool employees are not eligible for overtime pay. The Fair Labor Standards Act, which is the Federal labor law for the application of overtime, minimum wage and Equal Pay Act includes the definition for employees that may be exempted from overtime. Pursuant to the Fair Labor Standards Act (Section 13(a)(1), those classified as Administrative, Executive, Professional or Computer Professional will be exempt from overtime.

#### 3.7.3 Payment of Wages in Advance or in Lieu of Vacation Leave

The City of Seward will not provide any advances on future wages, including accrued vacation leave. The City will also not pay an employee in lieu of vacation leave—the employee is encouraged to utilize the vacation leave which they have accrued.

### 3.7.4 Termination Pay

An employee who is dismissed, voluntarily resigns, or dies as a current employee shall receive a final payroll payment on the next regularly scheduled payday or within two weeks of the last regularly scheduled payday, whichever date is earlier. This final paycheck will include the payment of any accrued, non-sick leave hours at the rate upon which the employee was terminated. If the employee is separated from the payroll less than one week prior to the next regularly scheduled payday, the final payroll payment for the employee will be made within two weeks of the next regularly scheduled payday. Sick leave payout will be governed by **Section 4.3**.

### 3.8 Other Instances of Employee Compensation

Outside of regular hours and overtime, the following situations may necessitate compensation to an employee in the form of payment or leave accrued.

#### 3.8.1 Compensatory Time

In an effort to ensure financial stewardship, the City will utilize compensatory time off in lieu of overtime pay. All compensatory time accrued and used must be approved by the Department Head for subordinates, City Administrator in the case of Department Head, or Mayor in the case of City Administrator.

Overtime hours, if converted to compensatory time, shall be accrued at a rate equal to the adjustment for pay if the overtime hours were paid out (**see Section 3.7.2**). Compensatory time shall be capped at 60 hours. For employees serving in the national guard or as a reservist, compensatory time can be specifically designated as a supplement to fulfill training requirements at the discretion of the City. If approved, this leave will be in addition to the City's annual military leave (**See Section 4.4.1c**) and capped at 120 hours. This leave can **only** be used for military leave purposes and cannot be transferred to an additional compensatory leave balance. Request to use this form of compensatory time accrual must be approved by the City Administrator before use.

On-call hours, when an hourly employee is on standby, can be accrued as compensatory time. Should an hourly employee be called in, call-back time would be eligible for conversion to compensatory time, subject to a request submitted by the Department Head and approved by the City Administrator.

The Golf Shop Manager position is exempt from this regulation, due to the seasonal activities of the golf course. This position shall not accrue more than 480 hours compensatory time in any calendar year, which shall be used prior to April 1 of the following calendar year, unless the City Administrator authorizes an extension of this date.

The accrual of compensatory time by Police Officers, while attaining initial certification, maybe exempt from this regulation with approval of the Chief of Police and City Administrator but cannot exceed 120 accrued hours. Accrued hours attained during this initial certification period shall be used down to 60 hours within 90 calendar days following training completion or will be paid out at the regular rate earned by the employee at the time the employee receives the payment.

Overtime earned when working for another department shall be paid out and charged to the department in which the work was performed. This time cannot be accrued as compensatory time.

The City shall have the option of buying back accrued compensatory time from employees on an annual basis at the City's discretion at the end of the fiscal year. An employee can request accrued compensatory time be paid out at any time during the year. If accrued compensatory time is bought back from the employee or paid out, the compensation shall be paid at the regular rate earned by the employee at the time the employee receives the payment. Upon termination of employment, an employee shall be

paid for the unused compensatory time at the regular rate earned by the employee at the time the employee receives the payment.

An employee shall be permitted to use compensatory time within a reasonable period if the use does not unduly disrupt the operations of the City.

Exempt employees shall be allowed time off for attendance at official evening meetings or events, weekend meetings or events, and for extra time spent in order to complete special projects, with approval of the City Administrator or appropriate authority, and as long as such time off does not interfere with completion of their duties. Any compensatory accruals will not be paid out upon termination of employment.

### 3.8.2 On-Call Time/SCADA Monitoring

Employees in the Electric, Water/Wastewater, Street and Public Properties Departments are subject to regular "On-Call" duty. Regular on-call duty consists of a seven-day period, when the employee is responsible for any emergency or trouble call in the respective utility and any regular weekend or holiday duty. Department Heads and employees shall ensure on-call duty during holidays is handled by only one employee during a seven-day period. Compensation for remaining available for the regular seven-day period shall consist of two (2) hours of paid leave, or four (4) hours of paid leave if it occurs during a holiday week, for the seven-day period. If an employee is on regular on-call duty, the two (2) hours or four (4) hours of paid leave will be taken off during the same pay period. If, in the opinion of the Department Head, the workload is such that the employee cannot take the paid leave, the employee will be paid at the regular hourly rate for the two (2) hours earned while "on-call"--such paid leave shall count towards overtime calculations or may be converted to compensatory time off.

Employees in the Electric and Water/Wastewater Departments, who are required to monitor SCADA systems, shall be compensated for such time in the same manner as 'on-call' duty.

All other employees are subject to 'on-call' duty if they are provided written notification of a possible event/emergency by their Department Head. Once written notification has been given, they shall be compensated at 1/4 an hour at their regular rate, or 1/2 an hour at their regular rate if it occurs during a holiday week, for each day during the week they are placed on the on-call duty. Such compensation shall count towards overtime calculations or may be converted to compensatory time off. Employees must always be reachable by telephone, cell phone or other method as agreed to by the City.

During on-call duty, an employee should abstain from consumption of alcohol. It shall be the responsibility of an employee to advise their supervisor if they have consumed alcohol or believes that they have a blood alcohol content of .04 or greater or have taken any other drug. With that information, the supervisor shall have the discretion of what duties that employee is to perform. If the employee has reported to the site, they may be required to submit to an alcohol or controlled substance test when the employer has reasonable suspicion to believe that they are in an intoxicated state. If a previously informed on-call employee reports in a state exceeding the legal limit, they will be subject to disciplinary action up to and including termination. They may also be subject to legal disciplinary action if they were in operation of a motor vehicle.

### 3.8.3 Call-Back Time

For all employees called in to work, who are eligible to receive overtime pay, compensation shall consist of a rate not less than one- and one-half times the employees' hourly rate (double time on the City's actual—not observed—holiday), for a minimum of two (2) hours, regardless of the time actually worked. Compensatory time may be eligible for employees called-back, subject to **Section 3.8.1**.

In the case of a call back to which the employee was informed of the likelihood beforehand, an employee should abstain from consumption of alcohol. In the case of an emergency call-back in which the employee was not notified beforehand, it shall be the responsibility of an employee to advise their supervisor if they have consumed alcohol or believes that they have a blood alcohol content of .04 or greater or have taken any other drug. With that information, the supervisor shall have the discretion of what duties that employee is to perform. If the employee has reported to the site, they may be required to submit to an alcohol or controlled substance test when the employer has reasonable suspicion to believe that they are in an intoxicated state. If an employee reports in a state exceeding the legal limit, they will be subject to disciplinary action up to and including termination. They may also be subject to legal disciplinary action if they were in operation of a motor vehicle.

### 3.9 Instances of Employee Reimbursement

An employee may be entitled to compensation due from the City in the subsequent instances if it is approved by a Department Head and/or City Administrator. Requests for reimbursement shall use the current form established by the Finance Department and should be submitted as soon as possible after the expense is incurred. **Reimbursement requests in excess of six (6) months may be denied at the discretion of the Department Head and/or City Administrator.**

#### 3.9.1 Uniform/Apparel Replacement

All new full-time employees within the Electric, Public Properties, Street, and Water/Wastewater Departments will be issued an allotment of uniforms/apparel as determined by the Department Head. After initial issue, it will be the employee's obligation to properly maintain or replace uniforms/apparel as needed. Funds for maintenance and replacement of uniforms/apparel will be allotted annually for each qualifying employee—as determined independently by each Department Head and established by the annual budget. Any requests for items exceeding the annual allotment shall be incurred at the cost of the employee. If maintenance or replacement of a uniform/apparel is requested, the item shall first be inspected by the Department Head to ensure it is needed. At the discretion of the Department Head, the replacement /maintenance item shall either be ordered by the City or the employee may order and submit a request to the Department Head for reimbursement. No reimbursement will be made to any employee unless the receipt and item is presented to the Department Head for confirmation of receipt. Any City-reimbursed items should be returned to the City promptly upon termination at the discretion of the Department Head and/or City Administrator.

#### 3.9.2 Lodging, Meals and Incidentals

Subject to prior approval from their Department Head and/or the City Administrator (**See Section 5.2**), an employee may receive reimbursement for any lodging, meals & incidentals costs up to the current U.S. General Services Administration rates. Any expenditures in excess of the pre-approved rates, may be incurred at the employee's expense at the Department Head's discretion, unless the expenditure(s) were unavoidable given the situation. To be reimbursed for any expenses while on travel status, the employee must have receipts to accompany the claim and the reimbursement must be approved by the Department Head and/or City Administrator.

Meals may be provided, or eligible for reimbursement, for employees who begin performing emergency service work four (4) hours prior to their normal workday; or for work that continues four (4) hours past their normal work day, as long as the expenditures adhere to the U.S. General Services Administration rates.

#### 3.9.3 Mileage

Subject to prior approval from the Department Head and/or the City Administrator (**See Section 5.2**), an employee may be reimbursed for mileage incurred in their personal

vehicle at the prevailing rate established by the Internal Revenue Service (IRS). This rate includes all travel and storage expenses (parking fees) of the vehicle. Odometer readings and/or documentation will be necessary for mileage reimbursement. To be reimbursed for any expenses while on travel status, the employee must have receipts to accompany the claim and the reimbursement must be approved by the Department Head and/or City Administrator.

#### 3.9.4 Tuition

Subject to prior approval from Department Head and the City Administrator (**See Section 5.2**), an employee may be reimbursed up to 50% of all eligible costs—including tuition, books, and laboratory fees—for any courses deemed to enhance employee's skills and abilities in their current position. To be reimbursed for any expenses, the employee must provide proof of successful completion of the course and a billing statement. The reimbursement must be reviewed and approved by the Department Head and City Administrator.

#### 3.9.5 Personal Cell Phone

Employees deemed to be subject to 'on-call' or 'call-back' requirements, may be eligible for quarterly reimbursement of cell phone expenditures subject to prior approval from their Department Head and City Administrator. The amount of monthly reimbursement shall be established by the City Administrator.

#### 3.9.6 Permits and Licenses to Operate City Vehicles and Equipment

Subject to the requirements for the position and the necessary permits and licenses, employees may be eligible for full reimbursement of these costs. The permit/license as well as the reimbursement request shall be presented to the Department Head and/or City Administrator for review and approval. Depending on the cost and nature of the training(s), they may be subject to a signed agreement between the employee and the City. Such an agreement would stipulate terms for employee repayment for training(s) to the City should they leave City service prior to a given period of time.

#### 3.9.7 Eyeglass Program

Subject to adherence to the program requirements, an employee may be eligible for reimbursement up to 50% of the purchase cost of protective eye wear.

#### 3.9.8 Miscellaneous Supplies for Operations

In some instances, an employee may be instructed by a Department Head or the City Administrator to make purchases on behalf of the City for convenience purposes to necessitate service operation. Reimbursement requests will be submitted and approved by a Department Head and/or the City Administrator.

**SECTION 4: EMPLOYEE BENEFITS**

**4.1 Holiday/Annual Personal Leave**

City offices shall be closed on the following Holidays, though some employees may be subject to on-call (**See Section 3.8.2**) or call-back (**See Section 3.8.3**) provisions. Employees not subject to on-call or call-back provisions will have no expectation to perform job-related duties on an observed holiday. All employees will be paid their normal rate on the following holidays:

New Year’s Day	Martin Luther King, Jr. Day
Memorial Day	Independence Day
Labor Day	Veteran’s Day
Thanksgiving Day	Day after Thanksgiving
Christmas Day	
Annual Personal Leave – Thirty-two (32) hours for regular full-time employee Sixteen (16) hours for regular part-time employee	

The following provisions are attached to the management of observed holidays:

1. Calendar - If an observed holiday falls on a Saturday, when offices are normally closed, the holiday shall be observed on the preceding Friday. If an observed holiday falls on a Sunday, when offices are normally closed, the holiday shall be observed on the Monday following.
2. Police Officer compensation – All regular full-time Police Officers, reporting for duty on the observed holiday, will be compensated for holidays on the day of the actual holiday at the overtime rate of time and one-half (**See Section 3.7.2 ‘Overtime Pay’**). All non-reporting, regular full-time Police Officers, will observe the holiday in the same manner as all other City employees, with compensation for eight (8) hours at their normal rate.
3. Mayor’s holiday declaration - At the Mayor’s discretion, City offices may be declared as closed on other recognized holidays and, in those instances, all employees scheduled to work that day will be paid at their normal rate or at the police officer compensation rate as noted above.

**4.1.1 Personal Leave Provisions**

All regular full- and regular part-time employees (**See Section 1.1**), including those in their introductory/evaluation period (**See Section 1.5**), shall be issued annual personal leave renewed each January 1<sup>st</sup>.

- Regular full-time employees will acquire thirty-two (32) hours or four (4) days
- Regular part-time employees will acquire sixteen (16) hours or two (2) days

Any Personal leave time not used by December 31st of each year will be carried over to the next year; however, time carried forward from the prior year will be deducted from the thirty-two (32) or sixteen (16) hours acquired on January 1 so that no employee will have more than their cap at any given time. Personal leave must be taken a minimum of fifteen (15) minutes at a time. New employees will be assigned personal leave on a pro-rated basis from their date of hire through December 31<sup>st</sup>, with a full complement of eligible hours to be assigned in the calendar year. Unused Personal leave—upon resignation, termination or employee death—will be issued in same manner as vacation payout (**See Section 4.2.3**).

**4.2 Vacation Leave (effective 10/1/23)**

Employees with the following classifications are considered eligible—introductory, regular full-time, and regular part-time—and will be issued annual leave based on their service time. Each eligible employee shall be entitled to vacation leave per basis of one (1) year successive periods of continuous employment, including any credit received for prior service (**See Section 1.4**). A year, for this purpose, shall begin from date of hire and shall constitute 365

days. Vacation leave for an eligible employee shall begin accruing on the day the employee enters service with the City; however, an employee may not use vacation leave until they have satisfactorily completed their introductory period (**See Section 1.5**)—at which they will be granted half their annual accrual.

The City Administrator—at their discretion—may determine a newly hired, eligible employee has relevant experience to be translated to ‘years of service’ in vacation accrual. In these instances, for every year of relevant experience determined by the City Administrator, it shall be counted as half a year of service for vacation leave accrual purposes only. For example, an eligible employee has 15 years of relevant experience outside of the City, they would be credited for 7.5 years of service and placed in appropriate vacation accrual category from their first day of employment with the City. This assigned service will not be utilized for recognizing service milestones as indicated in **Section 5.4**, the employee’s first day with the City (in addition to any credited City service, **See Section 1.4**) will govern this program.

<b>Annual Leave for Regular Full-Time Employees</b>	
<b>Years of Service</b>	<b>Yearly Total</b>
During the first five years	80 hours annually
Beginning of sixth year to end of tenth year	120 hours annually
Beginning of eleventh year to end of fifteenth year	144 hours annually
Beginning of sixteenth year to end of twentieth year	160 hours annually
Beginning of twenty-first year to end of twenty-fifth year	184 hours annually
Beginning of twenty-sixth year onwards	192 hours annually

*Note:* Per the Fair Labor Standards Act (FLSA), no exempt employee's salary will be subject to reduction when the exempt employee is absent for less than a day and has exhausted their vacation, personal and comp time leave benefit.

<b>Annual Leave for Regular Part-Time Employees (20+ hrs/week)</b>	
<b>Years of Service</b>	<b>Yearly Total</b>
During the first five years	40 hours annually
Beginning of fifth year to end of tenth year	60 hours annually
Beginning of eleventh year to end of fifteenth year	72 hours annually
Beginning of sixteenth year to end of twentieth year	80 hours annually
Beginning of twenty-first year to end of twenty-fifth year	92 hours annually
Beginning of twenty-sixth year onwards	96 hours annually

**4.2.1 Scheduling of Vacations**

Employees shall submit vacation requests for approval as soon as possible in advance of the vacation leave date. Holidays occurring during scheduled vacation leave will be charged as holiday leave. In respect for the continuity of City operations, proposed Vacation leave dates shall be discussed and submitted via the payroll timesheet software to gain official approval from the department head, or the City Administrator (if the employee is a department head), or the Mayor (if the employee is the City Administrator). In rare instances or in extenuating circumstances, the City Administrator may have the discretion to waive the requirement of prior approval.

For those employees who have accumulated at least one hundred sixty (160) hours, no more than eighty (80) hours shall be taken at one time, unless special permission is granted by the Department Head, or the City Administrator (if the employee is a department head), or the Mayor (if the employee is the City Administrator). This requirement is to ensure the continuity of the operation of City services.

**4.2.2 Vacation Leave Cap**

Employees are encouraged to use all their earned vacation days each year. On their anniversary date, employees are not eligible to earn any additional vacation once they

have reached one and one-half times their annual vacation accrual limit, until they use all or a portion of their earned vacation. One and one-half times the annual vacation accrual limit is equivalent to one and one-half times the maximum number of vacation hours an employee is entitled to earn during a given vacation accrual year, based on the employee's length of service. For example, an employee with eleven (11) years of service may earn up to one hundred forty-four (144) hours of vacation during the vacation accrual year (the employee's annual vacation accrual limit). Thus, this employee will not accrue any additional vacation time until the earned vacation time is used and the number of hours in the employee's "vacation bank" is reduced to below two hundred sixteen (216) hours. Any vacation remaining at the end of the anniversary year, up to the cap, will be carried over.

#### 4.2.3 Unused Vacation Leave at Termination of Employment

Employees will not be allowed to use vacation leave, unless approved by the City Administrator, in the final two weeks prior to termination of employment relationship to ensure a successful transition of work responsibilities. Employees who have unused earned vacation leave at the conclusion of their last day of employment—upon resignation, retirement, termination or death—shall be paid for such unused earned vacation leave in their final paycheck at their current rate (base pay + longevity). In the event of employee death, the deceased's personal representative, if such is determined, or the next of kin shall be paid any unused vacation leave and may be subject to a surety bond protecting the City from further claims by the estate.

#### 4.3 Sick Leave—including Leave for Injury

All eligible employees—regular full-time employees and regular part-time employees—shall be provided with paid sick leave for use if incapacitated by illness or injury, if due to contagious disease, the employee's presence at work would jeopardize the health of others, and for medical, dental, optical, or other health care appointments. Those employees will be issued monthly sick leave in the following increments:

- Regular full-time employees will accumulate eight (8) hours monthly or ninety-six (96) hours annually. Max accumulation is nine hundred (900) hours.
- Regular part-time employees will accumulate four (4) hours monthly or forty-eight (48) hours annually. Max accumulation is four hundred fifty (450) hours.

Sick leave for an eligible employee shall begin accruing on the day the employee enters service with the City, with any sick leave for a fraction of a month to be issued on a pro-rated basis. An employee may use any accrued sick leave during their introductory period. Sick leave shall be subject to the following rules:

1. Sick leave may only be used for the situations identified in **Section 4.3.1**;
2. Sick leave shall not be granted in advance of accrual. Eligible employees may be authorized to use vacation leave, personal leave, compensatory time, or leave without pay (**See Section 4.5.1**) when sick leave is exhausted;
3. Notification of utilization of sick leave shall be made to the Department Head, City Administrator (in case of a Department Head), or Mayor (in case of the City Administrator) on as timely basis as is possible or by the time their normal workday begins. Failure to notify the City of an absence may be grounds for disciplinary action as identified in **Section 6**—this leave will be deducted from one of the following leave sources, in this order: compensatory time, personal leave, and vacation leave;
4. Approval in advance shall be obtained for non-emergency health care appointments;
5. The City may request and obtain medical certificates or otherwise verify the circumstances surrounding the utilization of sick leave, the abuse of which may be grounds for disciplinary action as identified in **Section 6**;
6. The minimum period of sick leave shall be no less than a 15-minute increment;
7. Sick leave may be used by an introductory employee during the introductory/evaluation period, but only if it has been accrued. If an introductory



employee has no accumulated sick leave and is absent due to illness or for any other reason for which sick leave is allowed, a deduction shall be made from their allocated personal leave. At the exhaustion of personal leave and at the discretion of the City Administrator, a regular employee may request and be granted an advance of sick leave—up to a maximum of 48 sick leave hours for full-time employees or up to a maximum of 24 sick leave hours for eligible part-time employees—or may request a voluntary leave of absence without pay;

8. If an eligible employee has exhausted accrued sick leave and is absent due to illness or for any other reason for which sick leave is allowed, leave will be deducted in the following order: compensatory time, personal leave, and vacation leave. If all sources of leaves are exhausted, an employee may request leave through the 'voluntary leave transfer program' (**See Section 4.3.3**).

#### 4.3.1 Eligible Uses of Sick Leave

Employees may use earned sick leave for personal needs or the needs of immediate family—spouse, domestic partner, children, grandchildren, grandparents, parents, and others bearing this same relationship to the employee's spouse, or any other legal dependent who resides with the employee. Reasons for sick leave include, but are not limited to, medical, dental, or optical examinations and care (including preventative care) for the employee or immediate family; treatment of a mental or physical illness, injury or health condition; care for an immediate family member with a mental or physical illness, injury or health condition; maternity or paternity leave; sickness that renders the employee incapable of performing his/her required job duties; or for exposure to contagious disease under circumstances in which the health of other employees or the public would be endangered by the employee's presence on duty. Depending on the seriousness of the injury or illness, the employee may be required to present a doctor's certificate indicating that they are capable of returning to work. Department Heads will have the authority to send employees home if they feel it is necessary for the well-being of all employees. Any employee who does not follow this rule shall be subject to disciplinary actions.

#### 4.3.1a Parental Leave

The City provides maternity or paternity leave to all employees. Employees should notify their Department Head about their intention to take this leave with as much notice as is possible to ensure continuity of operations. The benefits are as follows:

- An employee is eligible to take up to 12 work weeks of unpaid, job-protected leave as per the Family and Medical Leave Act (**See Section 4.5.2**).
- An employee may enroll in a short-term disability policy that is offered through the City's insurance provider and paid for at the employee's expense.
- An employee may use all previously earned leave, including sick, compensatory, personal, or vacation leave.
- An employee's health insurance will continue during the parental leave period; however, the employee shall be responsible to pay for their portion of the coverage. Arrangements should be made prior to the start of the leave period if any unpaid leave is utilized.

It is requested the employee maintains regular contact with their Department Head to discuss their expected return to service and their return-to-work plan.

#### 4.3.2 Work-Related Injury or Illness Leave

Subject to the Statutes of Nebraska (**Section 48-101**), all employees of the City who suffer on-the-job accidents or injuries are covered by the Worker's Compensation Act. When on-the-job accidents occur, they must immediately be reported to the Department Head and a call should be made to the EMC nurse, if practical. An Accident Report must be completed by the employee and turned in to HR within 24 hours of incident. Employees injured on City jobs who are eligible to receive worker's compensation

disability payments shall receive the worker's compensation check and the City will provide, in gross wages, the difference between the worker's compensation payment and the amount of the employee's earned wages during a given pay period. The difference in the worker's compensation check payment and the employee's regular base pay shall be prorated against the employee's accumulated sick, holiday, personal, and vacation leaves. Once these have been exhausted, the employee will only be eligible for the worker's compensation payment.

All employees must give their Department Head written notice (at least seven calendar days, if possible) of any non-emergency treatment or surgery for any alleged work-related injuries or illnesses. This notice will ensure that City operations are able to continue as normal.

#### 4.3.3 Voluntary Leave Transfer Program

Under the Voluntary Leave Transfer Program, an employee eligible for leave, as defined by Employee Handbook **Section 1.1**, may voluntarily transfer leave directly to another eligible employee who has a personal or family medical emergency and who has exhausted their available paid leave (sick, compensatory, personal, vacation). There is no limit on the amount of donated annual leave a recipient may receive from donor(s). However, any unused donated leave must be returned to the leave donor(s) when the medical emergency ends and the employee returns to regular work status. The program shall be subject to the following provisions:

1. Eligible Participants: An eligible participant is anyone defined as a regular full-time or regular part-time employee as defined by **Section 1.1** of the Employee Handbook.
  - a. Application to Become a Leave Recipient: An employee must complete a Leave Transfer Request Form to be eligible for leave donations. Forms are available in the Human Resources Office at City Hall. Certification regarding the medical emergency from one or more physicians must accompany the Leave Transfer Request Form. The City will contact all departments within ten (10) business days of a request for donated leave. Eligible employees wishing to donate leave to the recipient must complete a Voluntary Leave Transfer Form. Forms are available in the Human Resources Director's Office at City Hall.
2. Eligible Events: A medical emergency is a medical condition of either the employee or the employee's family member, defined under **Section 4.3.1**, that is likely to require the employee to be absent from duty for a prolonged period. A prolonged period is absence from duty without available paid leave for at least 24 work hours for a full-time employee or 12 hours for a part-time employee.
  - a. Use of Donated Leave: A leave recipient may use donated leave only for purposes related to the medical emergency for which the leave recipient was approved. A leave recipient must use any accrued annual leave (sick, compensation, personal, vacation) before using transferred donated leave. Donated leave will be utilized by the recipient the order it was donated. Leave transferred to a leave recipient may NOT be:
    - transferred to another recipient from the original recipient; or
    - included in a benefits payout should the employee terminate employment (including death)
3. Eligible Transferrable Paid Leave: Available transferrable paid leave includes an employee's sick leave (only if donating employee has reached a threshold of 480 hours accrued), compensatory, personal, safety, and vacation leave balance up to the date of the transfer. Leave shall be deducted from the donor's current bank upon donation and shall be accounted for and maintained by the Human Resource and Finance Departments until used or returned to the donor.
  - a. Limitations on Leave Donations: An employee may donate not more than one-half of the amount of annual sick or vacation leave they would accrue

during the leave year. Compensatory, personal and safety hours may be donated in their entirety.

4. Termination of the Eligible Event: An eligible event terminates when one or more of the following occurs:
  - The leave recipient's employment is terminated;
  - The leave recipient provides written notice (doctor's note to return to work) that the eligible event is over; or
  - the leave recipient returns to work at their regular status.
5. Restoration of Unused Donated Leave: Any unused transferred leave remaining to a leave recipient's credit on termination of the medical emergency must be restored to the leave accounts of the donors. Once transferred leave is restored to a leave donor's account, the leave is treated the same as other annual leave in the account and becomes subject to the annual leave cap limitations:
  - Restored unused sick leave causing the donor's balance to go over 900 hours will be lost.
  - Should the return of transferred leave cause a donor to go over the vacation cap amount, the employee will have 30 days to use the amount over the cap limit.

Leave shall be restored back to donors in reverse order of how it was donated, this is to account for its use in the order it was donated in.

#### 4.3.4 Unused Sick Leave at Termination of Employment

Unless an employee meets one of the conditions in the following sentence, all sick leave accumulated by an employee shall not be reimbursed upon termination of the employment relationship with the City. An employee who retires in good standing after reaching the age of 'full retirement' or 'early retirement' as defined by the Social Security Administration; or who resigns in good standing with twenty (20) years of continuous service to the City; or who dies while employed with the City, shall be paid fifty percent (50%) of their accumulated sick leave balance.

#### 4.4 Other Granted Paid Leave:

##### 4.4.1 Administrative Leave:

In limited instances, the City Administrator may grant subordinate employees paid administrative leave, which will not require a leave request. A few of the qualifying instances are described below:

##### 4.4.1a. Court and/or Jury Duty:

To be granted administrative leave for this reason, an employee must present to the HR Director an original summons or court subpoena and at the conclusion of service, a certified statement of the Clerk of Court confirming the start and end date.

- An employee who is required to serve as a juror or as a witness in a federal state, county, police, or municipal court or as a litigant in a case resulting directly from the discharge of the employee's duties shall be granted leave with pay to serve in that capacity.
- An employee involved in court as an expert witness (not related to their duties as an employee) or in a personal case, either as a plaintiff or as a defendant shall not be granted administrative leave with pay. Instead, the employee's absence shall be deducted from their earned compensatory, personal, vacation leave. If all sources of earned leave, an employee may request a voluntary leave of absence without pay as specified in **Section 4.5.1**.
- Pay received from the court for such duty shall be given to the City Treasurer. Expense reimbursement shall be kept by the employee.

4.4.1b. Due to Emergency Closure of City offices:

- During regular City office hours: When an emergency condition necessitates the closing of a facility, the Mayor and/or City Administrator may make a determination as to whether a cancellation of work and facility closing is necessary. Facility closures may be site specific or City wide depending on the nature of the emergency. Employees may be assigned to other locations for work or be placed in a 'work from home' status. Depending on the nature of the emergency, employees may be required to work during the emergency condition at the direction of the Department Head or City Administrator. Employees will be required to provide their Department Head with a phone number and location where they can be contacted should the emergency condition end and work can be resumed. During the closure of City offices, reporting employees (employees using earned leave are excluded) may be placed on "leave-with-pay" status. Employees who report to work but leave prior to the time the facility is officially closed, or who cannot be contacted to return to work should the facility reopen, will be paid only for actual hours worked. They will be required to either make up the time absent from work or charge such time absent from work to accrued vacation, personal, or compensatory time leave. If a non-exempt employee does not have accrued vacation, personal, or compensatory time leave and is not able to make up that time during the same pay period, their work absence will be treated as unpaid leave.

In addition to their regular pay, employees who are required to work in the elements during an emergency closure (ex: snow removal, police, etc.) shall accrue one (1) compensatory hour for each hour worked during their regular shift. Hours worked subsequent to an employee's regular shift will be subject to normal overtime rules (**See Section 3.7.2**) or 'call back' (**See Section 3.8.3**). Only regular full-time and regular part-time employees shall be placed in a "leave-with-pay" status. During an emergency closure, part-time employees and seasonal employees shall not report to duty and shall not be compensated in any way for time not actually worked.

- Closure for more than one business day: In the event an emergency causes a City facility to be closed for two (2) or more days, or in the event of unusual circumstances, pay allowance provisions for all employees shall be determined by the Mayor and/or City Administrator.

4.4.1c. Military Leave:

All employees who are members of the National Guard, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, and Coast Guard Reserve, shall be entitled to a City-paid military leave of absence for not more than one hundred twenty (120) hours each calendar year. An employee shall be entitled to retain both their military pay and the City's military paid leave of absence. If an employee's military service extends past the City's allotted one-hundred twenty (120) hours for a calendar year, the employee may utilize any earned compensatory, personal, or vacation leave and/or will be allowed a leave of absence without pay for the duration of their service. If called to respond to a state of emergency declared by the Governor, an employee will not be eligible for a military leave with pay, but instead, they shall receive their normal compensation minus the state active-duty base pay they receive in active service of the state. When an employee is called into active duty for an extended period, the City shall follow the Uniformed Services Employment and Reemployment Act (USERRA).

The City of Seward complies with the Family and Medical Leave Act (FMLA) as a covered employer and will grant eligible employees up to 26 workweeks of unpaid, job-protected leave in a 12-month period for military caregiver leave. To be eligible for leave under this policy, employees must meet all of the following requirements:

- Have worked for the City for a total of 12 months (can be non-consecutively); and
- Have worked for the City at least 1,250 hours over the twelve (12) months preceding the date the leave would commence. All periods of absence from work due to service in the uniformed services are counted towards this eligibility.

To qualify as FMLA leave under this policy, the leave must be for one or more of the following reasons.

- For a qualifying exigency arising out of the fact that a spouse, child, or parent is a military member on covered active duty or on call to covered active-duty status. Qualifying exigencies for which an employee may take FMLA leave include short notice deployment, making alternative childcare arrangements for a child of the deployed military member, care for the military member's parent, attending certain military ceremonies and briefings, counseling related to the deployment, military member's short-term R&R leave, post deployment activities, or making financial or legal arrangements to address the military member's absence.
- To care for a covered service member, either currently in Armed Forces or an honorably discharged veteran within past five (5) years—spouse, child, next of kin, or parent—with a serious injury or illness.

**Section 4.5.2** provides more information.

4.4.1d Related to Work Operations:

An employee may be granted administrative leave with pay for the following circumstances:

- To compete for positions of employment within the City's hiring process;
- To present grievances or appeals to City officials; or
- In the event of the death of a current City employee, to allow for coworkers to attend the funeral.

4.4.2 Funeral Leave:

A. Due to Immediate Family Member Death: In the event of death of an employee's father, mother, spouse, child (included step or adopted), daughter-in-law, son-in-law, mother-in-law, father-in-law, sister, brother, sister-in-law, brother-in-law, grandparents, grandchildren, or legal dependent, the employee may be allowed leave with pay for reasonable and necessary absence for arrangement and attendance to said funeral. Employee should define their relationship and location of the service on their submitted request to ensure the proper leave is issued—if these details are excluded, the request for leave may be denied. Family members not defined in the preceding sentences will be eligible for leave clarified in Part B.

Leave with pay will be allowed up to the following maximums and will not be deducted from funeral leave as described in Subsection 4.4.2B: twenty-four (24) hours per person and per event for a regular full-time employee and twelve (12) hours for a regular part-time employee. If more than the maximum time is requested and approved, it will be deducted from an employee's earned compensatory, personal, vacation, or sick leave.

B. To Attend a Funeral, not eligible for 4.4.2A: For time of travel to attend a funeral in Seward, leave with pay may be granted at a minimum of one (1) and a

maximum of four (4) hours. For a funeral outside of Seward, a minimum of one (1) and a maximum of eight (8) hours leave with pay may be granted. The maximum leave with pay allotted to an employee per calendar year is twenty-four (24) hours for regular full-time employees and twelve (12) hours for regular part-time employees. If an employee has expended their allotment for the year, the employee may request use of leave to be deducted from earned compensatory, personal, or vacation leave.

**4.5 Instances of Approved Unpaid Leave**

The following instances will allow an employee to maintain employment with the City of Seward while on unpaid leave. Unpaid leave will only be allowed if previously approved by the City Administrator in writing.

**4.5.1 Voluntary Leave of Absence Without Pay**

In limited instances, and only when all sources of leave—compensatory, personal, vacation, or sick leave—or when an employee is not eligible for the Family and Medical Leave Act (FMLA), a request for a voluntary leave of absence without pay will be considered. All requests for unpaid leave must be made in writing and submitted to the Human Resources Director with as much advanced notice as is possible. The written request must describe the reason for the leave, the date on which leave would begin and the date on which the employee expects to return to active employment. Any employee who is granted such a leave shall be limited to a maximum annual leave—based on a floating 12-month calendar—in accordance with their length of service as follows:

<b>Years of Employment</b>	<b>Max Unpaid Leave allowed</b>
0 - 4.99	0 hours
5.0+	160 hours

Leave benefits--including sick, personal and vacation leave--issued to employees by the City shall be reduced proportionately during the leave of absence; however, the employee will still accrue service time in this employment status. While on unpaid leave, the employee must continue to pay their share of insurance premiums; therefore, arrangements will need to be made with City Administration for this payment. Failure to report at the expiration of the leave of absence shall be considered a resignation of position.

**4.5.2 Family and Medical Leave (FMLA)**

The City of Seward complies with the Family and Medical Leave Act (FMLA) as a covered employer and will grant eligible employees up to 12 workweeks of unpaid, job-protected leave in a 12-month period for specified family and medical reasons.

**A. Eligibility**

To be eligible for FMLA benefits, an employee must:

- Have worked for the City for a total of 12 months (can be non-consecutively); and
- Have worked for the City at least 1,250 hours over the twelve (12) months preceding the date the leave would commence. All periods of absence from work due to service in the uniformed services are counted towards this eligibility.

To qualify as FMLA leave under this policy, the leave must be for one or more of the following reasons.

- The birth of a child or for placement with the employee for adoption or foster care.
- To care for a spouse, child, or parent who has a serious health condition.
- For a serious health condition that makes the employee unable to perform the essential functions of their job.

- For any qualifying exigency arising out of the fact that a spouse, child, or parent is a military member on covered active duty or on call to covered active-duty status.
- To care for a covered service member with a serious injury or illness.

*B. Amount of Leave*

An eligible employee can take up to 12 workweeks of FMLA leave during any 12-month period or up to 26 weeks for the FMLA military caregiver leave. The leave will roll backward to the date the leave was requested. Employees may request to take this time consecutively or intermittently—in all cases, the leave cannot exceed 12 workweeks or 26 workweeks for military caregiver leave. Eligible spouses who are both employed by the City may take only a combined total of 12 workweeks of leave for the birth of a child, for adoption or placement of a child in foster care, or to care for a parent (but not a parent ‘in-law’) who has a serious health condition—or 26 weeks to care for an injured or ill servicemember). Leave for birth and care, or placement for adoption or foster care, must conclude with 12 months of the birth or placement.

*C. Intermittent Leave or a Reduced Work Schedule*

Under some circumstances, employees may take FMLA leave intermittently—taking leave in separate blocks of time for a single qualifying reason/exigency, or on a reduced leave schedule—reducing the employee’s usual weekly or daily work schedule. Any changes to an employee’s normal schedule must first be approved by the Department Head and City Administrator in writing before incorporation. When leave is needed for planned medical treatment, the employee should make a reasonable effort to schedule treatment so as not to unduly disrupt the City’s operation. If FMLA leave is for birth and care, or placement for adoption or foster care, use of intermittent leave is subject to the City’s approval.

*D. Employee Notice Requirement*

All eligible employees requesting FMLA leave must provide verbal or written notice of the need for leave to the Human Resources Director. When the need for leave is foreseeable, employees are asked to provide 30-days advance notice to take FMLA leave. If leave is foreseeable less than 30 days in advance, the employee must provide notice as soon as practicable - generally, either the same or next business day. Employees should provide sufficient information for City Administration to reasonably determine whether the FMLA may apply to the leave request.

Within five (5) business days after the employee has provided this notice, the Human Resources Director will complete and provide the employee with a FMLA Designation Notice, Notice of Eligibility and Rights, and may request a medical certification or other supporting documentation as is requested. At this time, the Human Resources Director will indicate how much leave the request qualifies for under the FMLA.

*E. Employee Status and Benefits During FMLA Leave*

An eligible employee on this unpaid leave will still be considered a City employee and will still continue to accrue their service time. The City will continue an employee’s health insurance coverage during the FMLA leave period at the same level and on the same terms as if the employee was continuously at work. While on unpaid leave, the employee must continue to pay their share of insurance premiums; therefore, arrangements will need to be made with City Administration for this payment. In some instances, the City may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave.

*F. Employee Return to Work after FMLA Leave*

The City requires employees returning from leave for their own serious health condition to submit a certification that they are able to resume work. If reasonable safety concerns exist, the City may, under certain circumstances, require such a

certification for employees returning from intermittent FMLA leave. Upon return from FMLA leave, an employee will be restored to their current position, or an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. An employee's use of FMLA leave will not result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA leave. An employee has no greater right to restoration or to other benefits and conditions of employment than if the employee had been continuously employed.

#### 4.6 Health/Retirement Benefits

The City offers a total compensation plan consisting not only of hourly or salaried pay, but also of substantial employee benefits. The Human Resource Director shall make information available concerning current benefits. Some benefits may be provided only at an employee's expense or eligible to certain employee classifications. Participation in the insurance programs shall be voluntary. The current program will outline any waiting period or pre-existing condition stipulations. **Only regular full-time employees are eligible for the benefits contained in this section.**

##### 4.6.1 Hospital and Medical Insurance

All regular full-time employees shall be offered an opportunity to enroll in health insurance on the first day of employ, which will then take effect in the subsequent month. Dependents of regular full-time employees shall be provided health insurance at the employee's request. The percentages that the City pays and the employee pays will be established during the budget process and employees will be notified of any changes on a yearly basis. Payroll deductions will be made for the employee portion of the premium.

##### 4.6.2 Dental Insurance

The City shall incur the full cost to insure dental insurance for employees. Dependent dental insurance may be purchased through payroll deduction as specified by the employee's enrollment.

##### 4.6.3 Vision Insurance

An employee shall incur full costs for coverage of themselves and their dependents for vision insurance. Enrollment for employee or dependent coverage will result in a payroll deduction.

##### 4.6.4 Life Insurance

The City will offer to pay the costs to insure each eligible employee up to \$25,000. An employee may choose to purchase further coverage for themselves or their family at an additional cost paid solely by the employee. Enrollment for additional coverage will result in a payroll deduction.

##### 4.6.5 Retirement Systems

The City agrees to pay an adopted percentage. Employees will be advised of the percentage and are to have the same percentage deducted from their payroll to be paid into a retirement fund as per contract with the City's Retirement Plan Company. Overtime will not be included in figuring the percentage for regular full-time employees but will be included in figuring the percentage for Police Officers. Retirement for Police Officers will be governed by the City of Seward Police Pension Plan Document, which will be in will be in accordance with Ordinance Number 913. Any full-time employee is allowed to make additional contributions to their own retirement plan or the City of Seward 457 Deferred Comp Plan, in accordance with the Retirement Plan provisions.



## **SECTION 5: EMPLOYEE DEVELOPMENT**

### **5.1 Employee Orientation**

Employees within the regular full-time or regular part-time classification will serve in an introductory period for the first six (6) calendar months of employees (**See Section 1.5**). The purpose of this is to permit the department head to closely observe and evaluate the capabilities and willingness of the new employee. During this time, the City shall encourage and assist the new employee in making a successful adjustment to working for the City.

The Human Resource Director shall be responsible for any orientation related to any salary or wage information as well as the employee personnel handbook. Each department head shall be responsible for facilitating the adjustment of an employee to their work situation by:

- 1) Preparing their workspace to adequately allow for execution of duties.
- 2) Providing clear performance expectations and objectives so the new hire understands what is expected and their responsibilities.
- 3) Discussion of the performance evaluation system and how they will be measured after their introductory period.
- 4) Introduction to members of their department or any other individuals with whom they will be working with regularly.
- 5) Instruction and guidance in learning to perform their job function.
- 6) Frequent discussion regarding the progress in learning and performing the work.
- 7) Discussion of any goals, objectives, or certifications/licenses to achieve in their first performance evaluation period.

### **5.2 Employee Development**

The City Administrator and Human Resource Director, in coordination with department heads shall establish appropriate programs to develop the capacity of employees to render more effective service to the City. Such programs may include formal courses, seminars, workshops, demonstrations, directed readings, special assignments and other activities designed to improve employee knowledge, skill and job effectiveness with due consideration for the personal career objectives of employees and the enhancement of equal employment opportunity. Employee development activities shall be conducted during regular working hours to the extent possible.

#### **5.2.1 Conferences and Education**

The City encourages the development of job skills by allowing participation in available conferences, training sessions, and applicable business meetings whenever possible and economically feasible. Attendance of City employees at such meetings should be identified prior to establishment of the annual budget.

- A. **Approval and Arrangements:** Prior approval shall be required from the Mayor or City Administrator and assigned department head for attendance by the elected body or City employees at available conferences, training sessions, and business meetings. Employees shall make appropriate advanced arrangements for transportation, hotel accommodations, and activity attendance—the City will fund or reimburse an employee for such arrangements as are needed. The least expensive practical mode of transportation shall be authorized. If the event is not held in a hotel and would require an overnight stay, attendee shall utilize the **U.S. General Services Administration (GSA)** to determine the maximum allowable lodging expenditure.
- B. **Authorized Expenditures:** The following expenditures will be authorized at the discretion of the Mayor, City Administrator or department head in regards to previously approved attendance at an employee development opportunity. Please note, that no request for reimbursement will be issued for any expenses incurred without a valid receipt approved by the Mayor, City Administrator or assigned

department head.

- 1) **Registrations:** The City shall pay the registration costs, tuition costs, or fees for an employee to attend required/approved conferences, training sessions and business meetings. All registrations must be made in a timely manner in order to receive any discounts in the fees. Anyone who registers for an employee development opportunity will be required to be in attendance. If, for some reason an employee is not in attendance with no unavoidable reason provided, the City will require reimbursement of all associated fees. Non-attendance with an unavoidable reason provided will be reviewed and approved at the discretion of the Mayor or City Administrator.
- 2) **Travel to Authorized Function:** When automobile transportation is appropriate to attend an engagement out of the area without an overnight stay, use of a City-owned vehicle is the preferred mode. If a City-owned vehicle is not available, the engagement includes an overnight stay, or if the City Administrator authorizes the use of a personal vehicle, the employee shall be at the established **U.S. General Services Administration (GSA) rate per mile**. Odometer readings shall accompany any mileage reimbursement requests. Employees may also submit a reimbursement request for any parking or storage expenses while on this travel. Employees using City vehicles are individually responsible for all fines or penalties assessed to the employee as a result of speeding tickets or other traffic offenses for which the employee is cited during travel to and from the authorized event.
- 3) **Per-Diem Meal Reimbursements:** Employees in pre-approved travel status may be eligible for a flat-rate per-diem reimbursement if certain conditions apply:
  - Travel was previously requested and approved by supervisor prior to embark.
  - Breakfast may be reimbursed if the employee enters travel status before 6:30AM or had an overnight stay the night before. A flat rate will be paid based on the location of embark or hotel location of stay.
  - Lunch may be reimbursed if the employee enters travel status before 11:00AM or returns from the previous night's stay at or after 2:00 PM. A flat rate will be paid based on the location of the employee's meal location.
  - Supper may be reimbursed if an employee enters travel status after 5:00 PM or returns from the previous night's stay at or after 7:00 PM. A flat rate will be paid based on the location of the employee's meal location.

Meals will be reimbursed at a flat, established rate per meal instituted by the **U.S. General Services Administration (GSA)** for the approved employee development or business travel event. This practice shall apply to both in- and out-of-state travel. Attendee shall reference [gsa.gov](http://gsa.gov) and associated location(s) to determine the expected amount to be reimbursed for qualifying meals. An employee must include or verify the following items for consideration of a meal reimbursement request:

- i. Reimbursement will only be given while the employee was performing services as an employee.
- ii. An employee must include the following information with a reimbursement request:

1. For Breakfast - Date, Time and location of embark or hotel stay.
2. For Lunch - Date, time, and location of embark and meal location (City, State).
3. For Supper - Date, time and location of embark and meal location (City, State).
4. **An employee must submit documentation confirming their reimbursement request, including details for each requested meal, within five (5) business days from return of travel event for consideration of per-diem reimbursement. NO receipt will be required for submittal.** Requests submitted after this time period may be approved at the discretion of the department head and/or City Administrator.

For ease of City accounting, it is requested the employee use a personal form of payment and submit a request for per-diem reimbursement upon return.

- 4) **Out-Of-State Travel:** Attendance of employee development opportunities within the state of Nebraska is always the preferred option. Should no equivalent opportunity exist locally, a request for approval of out-of-state travel may be considered and approved at the discretion of the Mayor or City Administrator. Such request shall include a copy of any conference brochure, an itemization of anticipated costs, a statement of the purpose of attendance in terms of what the participant hopes to accomplish and how the City will benefit, and a proof that a comparable activity is unavailable in Nebraska or impractical to attend. If air travel is proven to be the more economical option based on time and cost considerations, the employee shall book and will be eligible for reimbursement only for travel in the economy class. Upon completion of the travel, the participant may be requested to prepare a report for the City Administrator assessing the value of the activity and how it may benefit City operations.
- 5) **Hours of Attendance:** Any hours of attendance or travel time to the employee development event over the regularly scheduled work hours as prescribed for that employee, shall be flexed as time-off during the same pay period whenever feasible. If the department head determines that time-off is not feasible, full-time employees will be allowed to accrue these hours as compensatory time or receive overtime pay. Time utilized for social hours, non-business meals, or personal business are not to be included in hours of attendance.

#### 5.2.2 College Credit Reimbursement Policy

The City shall provide financial assistance on a reimbursement basis to a full-time employee, for pre-approved job-related college credit courses. An employee must submit a written request to the City Administrator at the start of each quarter/semester, which specifically explains how the course directly relates to their position and will enhance their job skills/abilities. To receive financial assistance, the employee must provide City Hall with proof of successful completion of the course along with documentation (billing statements/receipts) of course tuition, books or laboratory fees. The employee will be reimbursed up to fifty percent (50%) of all eligible costs at the determination of the City Administrator.

#### 5.3 Employee Evaluations

The work performance of each regular full-time or regular part-time employee, who has completed their introductory/evaluation period, shall be evaluated on a semi-annual basis, for

periods ending September 30th and March 31st. The primary reason for performance evaluations is to identify employee strengths in order to reinforce good habits and identify and develop plans for improvement in deficient aspects. This review also serves to make employees aware of and to document how their job performance compares to the goals and responsibilities of their position. A supervisor shall informally provide day-to-day feedback and counseling outside of the employee evaluation to ensure that expectations are being met to encourage a successful evaluation rating. The City strives in assisting employees in the development and progression of professional abilities to achieve personal, as well as work-related goals; therefore, any goals identified for the coming evaluation period should be formulated with employee development in consideration.

A formal evaluation, on the prescribed form(s), shall be made by the department head or the employee's immediate supervisor. The evaluation shall become official when reviewed and approved, with any necessary modifications, by the City Administrator. Employees shall be shown copies of their performance evaluations for discussion and for acknowledgment by signature. Employee evaluations shall be kept with the employee file when completed. Employees disagreeing with their evaluations may seek adjustments through use of the appeals procedure, as specified in **Section 7**.

#### 5.3.1 Performance Evaluation Process

In preparation for an upcoming evaluation period, the following steps should be undertaken to ensure fair and effective evaluations:

1. Prior to the start of the next evaluation period, an immediate supervisor or department head should consult with an employee to establish realistic, specific, and measurable goals which will further employee development and enhance departmental operations.
2. Proposed goals shall be reviewed and approved by the department head, signed by the employee, and forwarded to the City Administrator for review prior to the April 1<sup>st</sup> or October 1<sup>st</sup> start of the evaluation period.
3. Supervisor shall provide informal day-to-day consultations about an employee's progress versus stated goals or expectations. Supervisor shall note any observed behaviors, significant incidents, accomplishments, negative performance or disciplinary actions within the six-month evaluation period.
4. Near the conclusion of the current evaluation, immediate supervisor or department head shall take into account observed behaviors and performance and consider evaluation ratings. The supervisor shall schedule a private and uninterrupted meeting with the employee after ratings have been completed.
5. The employee shall be provided a copy of the evaluation prior to the evaluation meeting.
6. The evaluation meeting shall include the following elements:
  - a. A setting where the employee is able to express themselves freely.
  - b. Reinforcement of positive behaviors and discussion of shortcomings.
  - c. Identification of any underlying personal or work-related problems the employee is experiencing which may negatively affect performance.
  - d. Planning of realistic, specific, and measurable goals for the subsequent evaluation period based on evaluation of current progress.
7. Following the evaluation meeting, the employee, department head, and City Administrator will review and sign the document which will become part of the employee's permanent record.

#### 5.3.2 Effects from Performance Evaluation Rating

As specified in **Section 3.4**, an employee must maintain at least a 'Meets Expectations' average cumulative rating for both semi-annual evaluations to be eligible to move to the subsequent step. Step advancement, and new rate of pay, will be effective each April 1<sup>st</sup>.

An employee that achieves below a 'Meets Expectations' average cumulative rating for both semi-annual evaluation periods shall not be eligible for step advancement, may be subject to a probationary period of performance review as specified by the City Administrator, or may face disciplinary action up to and including termination of employment.

**5.4 Employee Awards Program**

At the discretion of the Mayor, the City of Seward may provide one recognition dinner each year for the elected body and employees of all classifications. The maximum cost for such dinner shall be established in the budget process and compliant to any Nebraska statutory limitations. Employees shall be recognized for the following service milestones with presentation of a certificate and a gift of appreciation in the following amounts:

<b>Years of Service</b>	<b>Gift Amount</b>	<b>Years of Service</b>	<b>Gift Amount</b>
10	\$ 50.00	15	\$ 75.00
20	\$100.00	25	\$125.00
30	\$150.00	35	\$175.00
40	\$200.00	45	\$225.00
50	\$250.00		

## **SECTION 6: EMPLOYEE DISCIPLINE AND SEPARATION FROM EMPLOY**

### **6.1 Corrective and Disciplinary Actions**

Employees of the City are expected to act in a mature and professional manner while performing services for the City. It should be noted that an employee working for the City is viewed in a public light; therefore, off-duty conduct should also positively espouse the qualities that brings credit to the City. The following section sets forth general guidelines regarding unacceptable conduct in the workplace. However, your employment with the City does not create a contractual relationship, and as an 'at-will' employer the City may terminate an employee's employment regardless of whether unacceptable conduct was engaged or not. Disciplinary procedures for sworn Police Officers shall be governed by the procedures included in the Civil Service Rules & Regulations in accordance with State Law and adopted by the City Council.

It shall be the responsibility of all supervisors to supervise reasonably and impartially, and when necessary, recommend disciplinary procedures upon the personnel assigned to them. A recommendation for disciplinary action shall be lodged with the Human Resource Director, who will then review with the City Administrator to determine the appropriate response to the infraction(s) raised. Depending on the severity of the infraction(s), an employee may be subject to discipline up to and including termination. The following forms of disciplinary action may be considered at the discretion of the City Administrator in coordination with the Human Resources Director: oral reprimand; written reprimand; suspension, with or without pay or demotion to a lower classification; formal notice of unsatisfactory job performance requiring a six-month evaluation period of fitness to continue service; or immediate dismissal from City service. Disciplinary action may affect an employee's request for transfer, promotion within City service, or achieving subsequent steps in the City's pay plan structure. Failure of an employee to report an observed disciplinary matter in an expedient manner may result in the employee receiving discipline up to and including termination. For appeals to disciplinary action, please consult **Section 7** which describes the process.

The following is a list (not all-inclusive) providing examples of unacceptable conduct:

- 1) Failure to observe safety precautions or operating procedures that may or do result in injury, property damage or death. Failure to report to assigned department head anticipated treatment or surgery for a work-related injury.
- 2) Failure to report to work at the appointed time or place; or absence without leave; or taking unauthorized or excessive time for lunch or rest break; or unauthorized early departure from duties with or without proper relief.
- 3) Unauthorized solicitation, or distribution or display of, unauthorized literature during regular work time.
- 4) Conducting excessive personal business on City time, including excessive use of cell phone.
- 5) Discourteous or unprofessional behavior to a member of the public or another City employee.
- 6) Abuse, misuse, neglect, sabotage, or waste of City property.
- 7) Horseplay, loafing, or sleeping while on duty.
- 8) Slander, defamation, backbiting or subversion of other employees, supervisors, managers, or elected officials.
- 9) Use or attempted use of intimidation or coercion to obtain an advantageous result.
- 10) Violation of City policies and procedures, as specified in writing or verbally

understood.

- 11) Unauthorized obtaining, use or communicating release of confidential, sensitive, or privileged information.
- 12) Intentional unavailability for, refusal, or inability to maintain physical/mental readiness to work during a call-back event or in the case of a community disaster.
- 13) Abuse of sick leave or other paid leaves.
- 14) Conduct unbecoming of a City employee, tending to be prejudicial to the reputation on the City government, or otherwise contravening the public interest.
- 15) Failure by an employee to assume responsibility or exercise diligence, intelligence and interest in the pursuit of assigned duties either in quality or quantity, or whose performance is below acceptable standards as established in the performance evaluation system.
- 16) Insubordination, including the willful refusal to comply with lawful order of higher authority. The term 'lawful order' shall mean a directive authorized by law, rule, or regulation.
- 17) When required by job description and duties to possess a driver's license or Commercial Driver's License, suspension, revocation of or inability to possess a driver's license, including the inability for the City to obtain automobile insurance of the employee due to infractions.
- 18) When required by job description to obtain or retain required licenses, certifications, or classifications, the inability or failure to do so in the timeline provided in the approved job description.
- 19) Theft of public or private property, or property belonging to the City including misappropriation of any City property.
- 20) Unlawful harassment.
- 21) Consumption, being under the influence of, or possession of non-prescribed drugs or alcohol while on duty. Failure to notify a supervisor of prescription drugs that may impair an employee while on duty.
- 22) Unauthorized or improper use of official authority, including making false statements in connection with any official duties.
- 23) Acceptance of any bribe for performance or non-performance of duties.
- 24) Conviction of a Felony or a Class I Misdemeanor.
- 25) Gambling during regular work hours or on City property.
- 26) Fraud, falsification, or deceit in the conduct of City business or of any City document or record.
- 27) Unauthorized possession or use of firearms or hazardous materials during regular work hours or on City property.
- 28) Work disruption or stoppage, engaging in a strike, work stoppage or slow down, or other forms of job action withholding timely delivery of City services.
- 29) Acts or threats of physical violence directed towards City officials or employees, or any third-party during work hours, duties, or functions. Fighting while on duty.
- 30) A supervisor who knowingly issues an order requiring a subordinate to commit an

illegal act and an employee who knowingly obeys an order requiring committal of an illegal act.

- 31) Failure to report an observation of the above notated items of unacceptable conduct to department head and/or Human Resource Director.

#### 6.1.1 Investigative Leave

When an employee is under investigation for a crime or official misconduct or is awaiting hearing or trial in a criminal matter, they may be placed on investigative leave—with or without pay—for the duration of the investigation or proceedings if necessary to protect the public interest. Such suspension action shall require the approval of the Mayor or City Administrator, or appropriate authority and any return to duty shall be under such terms and conditions as may be specified by the Mayor or City Administrator, or appropriate authority.

### 6.2 Separation from Employment

Employment for non-appointed and non-contracted positions with the City is on an "at will" basis. Employment "at will" means that either the employer or the employee may terminate the employment relationship at any time, with or without cause, and with or without notice. Contracted employees may be removed as per the terms outlined in the employment agreement. Per Nebraska statutory requirements, removal of appointed officers (**found in City Code Chapter 85**) of the City may be recommended by the Mayor with approval of a majority of the City Council present at a regular meeting. Permanent employment or employment for a specific term is neither guaranteed nor promised to any employee.

Employees separating their employment with the City, whether through layoff, dismissal, resignation, or retirement, shall be responsible for returning any City property that they have in their possession. Such property as identification cards, badges, keys, etc., must be returned to the department head or Human Resources Director on the last day of employment. Additionally, an exit interview shall be arranged on the employee's last day of active service. Employees who leave service in good standing may qualify for re-employment as provided in **Section 1.4**.

#### 6.2.1 Reduction in Force (Layoff)

As an 'at-will' employer, a non-appointed or non-contracted employee may be laid off because of a reduction in required personnel, reorganization of a department or City Function, a decrease in workload, or a lack of funds. Whenever possible, employees who are to be laid off in one department shall be integrated into another department by transfer. Determinations of department transfer will include the following determinations: length of City service; performance record; acquired certificates and licenses; and knowledge, skills, education, and abilities.

For those employees not covered by State Civil Service laws, the following procedure will be utilized when a layoff is necessary:

- 1) The City Administrator will determine how many employees are to be reduced from the payroll.
- 2) The City Administrator will determine by skill levels, work record and length of service, who are the employees to be reduced.
- 3) The City Administrator will determine those employees who are in critical jobs which are exempted from this procedure. A critical job is defined as one which requires special skills, education, training, or specialized knowledge.
- 4) The City Administrator will review any lay-off determination with the Mayor and City Council prior to issuing formal notice to affected employees.

The City will provide at least two (2) weeks' written notice of a layoff prior to the effective date unless an emergency exists. The written notice shall include the reasons for the



action as well as last date of work and benefit coverage information. Within two years following the effective date of the reduction in force, any person terminated solely because of the reduction in force shall be afforded an opportunity for reinstatement to the same position from which the termination occurred or a position below the former position, provided that the person is qualified to perform the duties of the position and such reinstatement would be in the best interest of the City.

#### 6.2.2 Dismissal from Employment

Dismissal of a non-appointed or non-contracted employee may occur if an infraction, or series of infractions, are so grave in nature that continued employment would affect the operational effectiveness of the department. In these instances, the department head shall confer with the City Administrator describing the infraction(s) and the reason(s) for recommendation of dismissal. The recommendation shall be reviewed by the City Administrator after consultation with the Human Resource Director. If it is determined that dismissal should occur, written notice of such determination shall be given to the affected employee and the Human Resource Department for inclusion in the employee's personnel file. The notice shall clarify the infraction(s) committed and the last date of employment as well as the deadline to appeal the action via writing. Please refer to **Section 6.2** for a description of the dismissal of appointed employees.

##### 6.2.2a Failure of Six-Month Introductory/Evaluation Period

At any time during the six-month introductory or evaluation period, an employee may be dismissed from the City service or may be reassigned by lateral transfer or demotion if their conduct, quality of work and/or fitness are insufficient to continue in the position. See **Section 1.5.1** for further information.

#### 6.2.3 Resignation from Employment

All appointed officials as defined by City Code and without a contract, who desire to resign in good standing, shall provide a written resignation to the City Administrator a minimum of forty-five (45) days prior to the effective date of their resignation. Non-appointed employees, without a contract, who desire to resign their position in good standing, shall provide a written resignation to the Human Resources Director at least two (2) weeks prior to the effective date of their resignation. Earlier notification is preferred if possible. Accrued non-sick leave will not be allowed during the final two (2) week time period, except by agreed upon, written conditions between the employee and the Mayor or City Administrator. Compensation for any accrued, eligible leave balances, in accordance with **Section 4.2.3** and **Section 4.3.4**, will be issued to the employee with their final paycheck.

#### 6.2.4 Retirement from Employment

An employee is eligible for retirement when they've reached the age of 'full retirement' or 'early retirement' as defined by the Social Security Administration. An employee may continue their employment beyond the full retirement age if they desire and remain capable of performing the mental and physical responsibilities as defined in their associated job description. In these instances, and at the discretion of the City Administrator, employee may be required to undergo appropriate examinations to determine whether they should continue in employ if signs are observed of them not being able to perform the duties required by the position.

An employee who qualifies for retirement will be entitled to their benefits as outlined in **Section 4.6.5** as well as payout for any accrued, eligible leaves in accordance with **Section 4.2.3** and **Section 4.3.4**.

## **SECTION 7: EMPLOYEE APPEALS**

It is the preferred option for employees to informally take any job-related complaints, evaluation appeals, or questions about disciplinary action to their immediate supervisor for resolution. The City does not tolerate any form of retaliation against employees availing themselves of this procedure. The procedure should not be construed however, as preventing, limiting, or delaying the City from taking disciplinary action against any individual, up to and including termination. **Note:** For Police Department employees subject to the Civil Service Act, the appeals procedure for any topics established in the Civil Service Commission Rules & Regulations governs. The following types of appeals fall under this category:

- **Disciplinary:** The City strives to provide fair and equitable treatment to all employees and to provide a welcoming atmosphere. If an employee feels disciplinary action was unjustly applied or if an employee is experiencing an unwelcome atmosphere, an appeal or complaint can be made.
- **Performance Evaluation:** By their very nature, performance appraisals are subjective, even though they include objective performance standards. Immediate supervisors and department heads are in the best position to evaluate an employee's work performance and work behavior. For this reason, the Human Resource Director will not attempt to substitute their judgment for the supervisors unless an employee can demonstrate that the evaluation was arbitrary, capricious, illegally discriminatory, or just plain wrong based on verifiable data. If an employee feels they have been incorrectly evaluated, an appeal can be made.
- **Handbook Interpretation:** The basis of the handbook is to provide a transparent, equitable, and consistent opportunity for all City employees by providing good working conditions, opportunity for advancement, consideration for employee welfare and a basis for understanding the conditions of City employment. If an employee feels an item within the handbook has been handled incorrectly by a department head or City Administration, an appeal can be made.

### **7.1 Procedure**

An employee wishing to file an appeal or complaint, should follow the formalized procedure as identified below:

**Step One:** If an employee wishes to file an appeal or a complaint, it shall be presented in writing to their department head within five (5) business days from the time of occurrence. The appeal/complaint shall clearly state the basis and the relief requested. The department head will review the complaint with the City Administrator and Human Resource Director. Upon completion of review, the department head shall respond to the employee in writing within five (5) business days after receipt. Meetings may be held within this timeframe with the employee, and any other witnesses, to discuss the complaint in further detail or to complete an investigation.

**Step Two:** If an employee still feels the answer is not satisfactory, they may appeal the decision in writing to the Mayor within five (5) business days after receiving the written response from the department head. The Mayor will investigate the complaint within ten (10) business days. The investigative process may include any of the following: a review of the written summary of the employee's statement, a review of the department head and City Administrator's findings, discussions with all witnesses or individuals concerned, and a further investigation by the City's Labor Attorney if necessary. Meetings may be held within this timeframe with the employee, and any other witnesses, to discuss the complaint. After the investigation is completed, the Mayor or City Attorney will advise the employee in writing of the results and decision based on that investigation. The decision will be final and binding.

## **ATTACHMENT A: SELECTED DEFINITIONS**

**ANNIVERSARY DATE:** The calendar date upon which employment started with the City of Seward by a specific employee.

**COMPENSATORY TIME-OFF:** Time off with pay in lieu of overtime pay for irregular or occasional overtime work, for either full-time exempt or non-exempt employees. Overtime hours should be authorized in advance by the department head.

**CONTINUOUS EMPLOYMENT:** The time from original employment to the current date of employment without separation.

**BUSINESS DAY:** Any day in which normal business operations are conducted. The normal schedule of business operations is 7A – 4P on M-F for non-Police personnel.

**CALENDAR DAY:** Each day shown on the calendar beginning at 12:00 midnight, inclusive of Saturdays, Sundays, and Holidays.

**DEPARTMENT:** A major functional unit of the City of Seward governmental structure.

**DEPARTMENT HEAD:** A person directly responsible for the administration of a City department.

**DISMISSAL:** The end of an employee's service to the City by choice of the employer (City).

**EMPLOYEE:** An employee may be defined as:

- 1) Regular, full-time. This employee works 2080 hours per year and is eligible for full benefits.
- 2) Regular, part-time. This employee works a minimum of 1,040 hours over a 12-month period and is therefore eligible for fringe benefits on a prorated basis.
- 3) Part-time. This employee works less than 1,040 hours over a 12-month period and is therefore not eligible for fringe benefits.
- 4) Seasonal. This employee may work up to 40 hours weekly for a specified period of time.

**EXEMPT EMPLOYEES:** Employees paid on a salaried basis and whose primary duties and responsibilities meet the Fair Labor Standards Act criteria for executive, administrative or professional exemption from eligibility for overtime compensation.

**NONEXEMPT EMPLOYEES:** Employees paid on an hourly basis and whose primary duties and responsibilities meet the Fair Labor Standards Act criteria for mandatory eligibility for overtime compensation and minimum wages.

**EMPLOYEE EVALUATION SYSTEM:** A systematic way to examine how well an employee is performing their job against pre-determined standards and goals agreed by the employee and department head. Employees shall be evaluated after their initial six months on the job to determine fitness; and thereafter, semiannually (October 1st and April 1st).

**EVALUATION PERIOD:** A six (6) month time period—either April 1-September 30 or October 1-March 31—where an employee shall be required to demonstrate their continued fitness for the position through their actual performance of their expected duties and responsibilities.

**FITNESS FOR WORK:** When an employee is in a state (physically and psychologically) to perform the tasks assigned to them competently and in a manner which does not compromise the safety of themselves or others.

**GOOD STANDING:** A resignation giving the City at least two (2) weeks written notice in advance of the last date of service for non-appointed positions, or at least 45 days written notice for appointed positions.

**GRIEVANCE:** Any concern, problem, or complaint that an employee has relating to employment conditions or relationships. An employee is encouraged to follow the complaint procedure.

**HOLIDAY:** The twenty-four (24) hour period starting at midnight and ending at midnight of the day observed.

**INTRODUCTORY PERIOD:** An employee's first six months on the job which will determine their fitness to meet expectations of assigned duties and responsibilities. If they are determined to be 'fit' they will continue with City employment.

LAYOFF: The temporary or permanent separation of employment by the employer for reasons unrelated to the employee's performance.

LEAVE: An authorized absence from regularly scheduled work hours which has been approved by proper authority.

- EARNED LEAVE: The leave earned by an employee by continuous employment with the City. Types and accrual amounts shall be determined by the Council and are specified in the handbook.

OVERTIME: Authorized time worked by an employee in excess of their total normal working hours per week, pay period, or for hours worked when an employee is called in to respond to an emergency.

REPRIMAND: A form of disciplinary action—either verbal or written—which informs the employee that their behavior or work performance is not meeting expectations. Direction should be provided to instruct the employee in how to correct and avoid repeating the mistake, infraction, deficiency, or problem.

SEPARATION: The end of an employee's service to the City, either by choice of the employee or employer by layoff, resignation, retirement, or dismissal.

SUSPENSION: A formal disciplinary action relieving an employee from their duties without pay for a specified period of time.

- ADMINISTRATIVE SUSPENSION: When an employee is relieved of their duties for a specific period of time without any loss of pay for internal investigatory purposes.

TERMINATION: See "Dismissal" above.

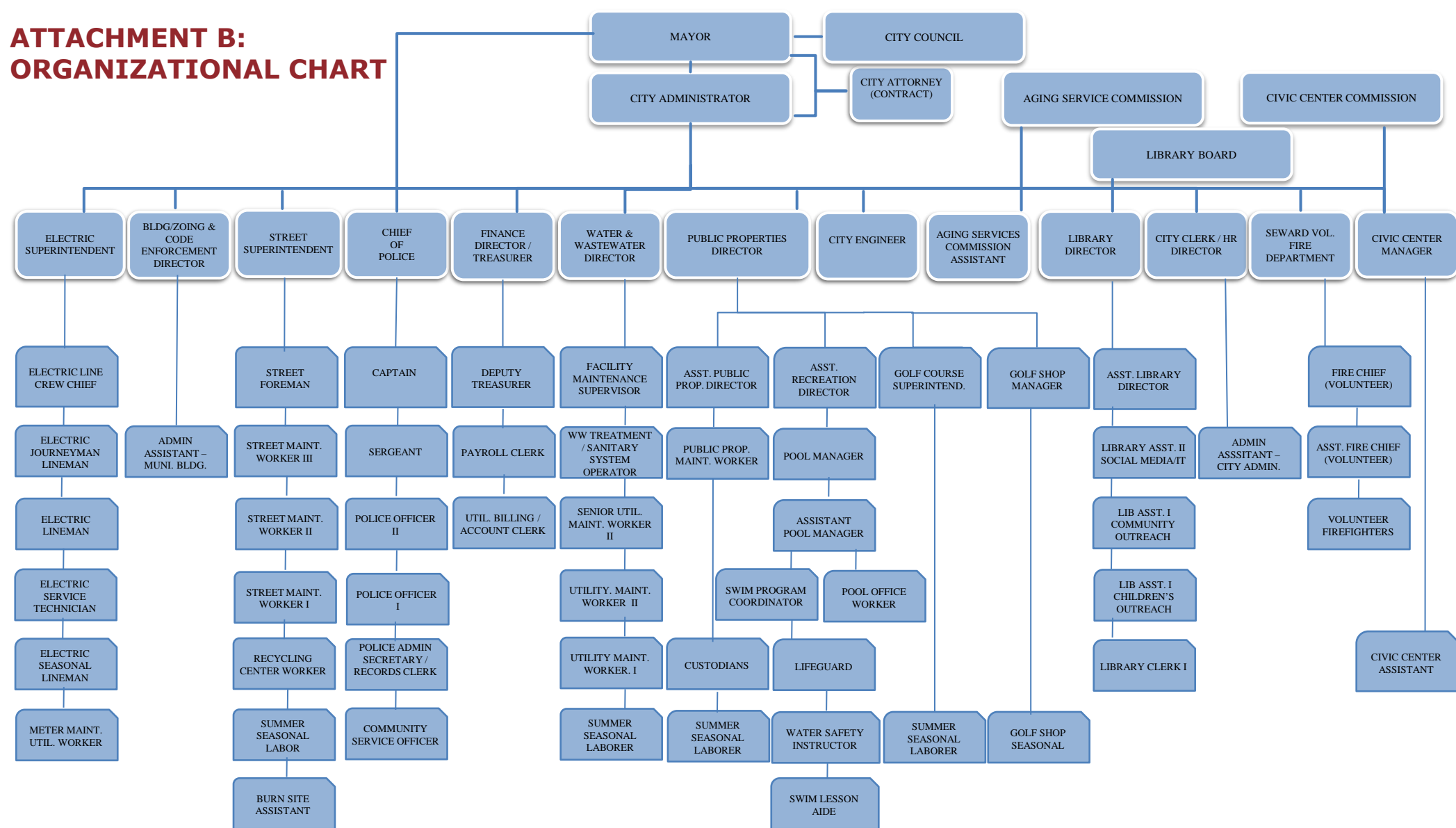
TOBACCO PRODUCT: Any product made or derived from tobacco, or containing nicotine from any source, that is intended for human consumption.

WORK PERIOD: For all employees, other than law enforcement officers, the work period shall begin at the end of the shift on Friday and conclude at the end of the shift on the Friday following a seven-calendar day period. For law enforcement officers, the work period shall begin at the end of the shift on Friday and conclude at the end of the shift on the Friday following a fourteen-day period. Non-exempt employees may only work during their scheduled work shift, and all off-shift work is strictly prohibited without pre-authorization by the Department Head or appropriate authority. Working unauthorized overtime is grounds for disciplinary action, up to and including termination of employment.

WORKERS' COMPENSATION: Provision of medical expenses, lost wages, and rehabilitation costs to employees who are injured or become ill 'in the course and scope' of their job, as determined by the applicable state laws.

WORKING TIME: All hours spent performing the duties of an assigned job; travel between job sites during or after the employee's regular hours of work (where no overnight expenses are involved); rest periods allowed during the employee's regular hours of work.

# ATTACHMENT B: ORGANIZATIONAL CHART



NOTE: The chain of command for each department may vary slightly from the graphic above. This is merely an attempt to identify each position established in the City of Seward salary schedule.

Approved  
October 5, 2021

**ATTACHMENT C: UPDATES TO HANDBOOK TRACKING**

All changes to the introduction through Section 7 will be approved by Council action. Attachments A&B will be updated as Administration sees fit. Below, please find the tracked changes through Council action:

Date of Change	Section(s) Included	Summary of change