

Welcome

Welcome to City of Underwood!

Dear Employee:

You and City of Underwood have made an important decision: The City has decided you can contribute to our success, and you've decided that City of Underwood is the organization where you can pursue your career productively and enjoyably.

We believe we've each made the right decision, one that will result in a profitable relationship. The minute you start working here, you become an integral part of City of Underwood and its future. Every job in our City is important, and you will play a key role in the continued growth of our City.

As you will quickly discover, our success is based on delivering high quality services and providing unsurpassed customer service. How do we do it? By working very hard, thinking about our citizens' needs, and doing whatever it takes. We do it by treating each other and our citizens with respect. We do it by acting as a team.

Should you have any questions concerning this handbook, your employment or benefits, please feel free to discuss them with your supervisor or manager.

Again,

Welcome!

MANAGEMENT RIGHTS

The guidelines, policies and procedures set forth in this handbook are for the purpose of providing general information to City employees about the City's operating policies and guidelines concerning employment and other matters. **This manual does not signify an employment contract or other contract and is subject to change without notice.**

The direction of the work force is the responsibility of the City Commission which will continue to have all rights customarily reserved to management, including the right to hire, promote, transfer, discipline or discharge; the right to relieve employees from duty because of lack of work or other reasons; the right to schedule hours or require work; the right to establish and to modify administrative policies, compensation programs and rates of pay; and the right to establish procedures and rules pertaining to all operations and activities of the City.

The rights, powers or authority exercised by the City are retained by management in accordance with state and federal laws and local ordinance.

No individual supervisor or manager has the authority to change policies at any time. If you are uncertain about any policy or procedures, speak with your direct supervisor or the Commission member holding your department portfolio.

You are responsible for reading, understanding, and complying with the provisions of this manual. Our objective is to provide you with a work environment that is constructive to both personal and professional growth.

You enter into employment voluntarily, and you are free to resign at any time for any reason or no reason. Similarly, the City of Underwood is free to conclude its relationship with any employee at any time for any reason or no reason. Following the probationary period, employees are required to follow the Employment Termination Policy.

GENERAL POLICIES

EQUAL EMPLOYMENT POLICY

It is the policy of the City to recruit, hire, train, promote employees and administer all personnel actions without regard to race, color, religion, sex, age, national origin, disability, marital status, public assistance, or participation in lawful activity off the employer's premises during non-working hours which does not conflict with the essential business interests of the City, in accordance with applicable laws. The City will not tolerate any discrimination, and any such conduct is prohibited.

Employees with questions or concerns about discrimination in the workplace are encouraged to bring these issues to the attention of their supervisor or Commission member holding their department portfolio. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in unlawful discrimination will be subject to disciplinary action, including termination of employment.

HARASSMENT

It is the City's goal that all employees will enjoy a safe work place free from unreasonable interference, intimidation, hostility, or offensive behavior on the part of managers, co-workers, or visitors. Therefore, it is the City's policy to maintain a productive work environment free from harassment of any kind and from any source, and to treat all complaints fairly and equitably.

Harassment based on an individual's race, color, religion, sex, national origin, age, disability, marital status, pregnancy, status with regard to public assistance, or participation in lawful activity off the employer's premises during non-working hours which is not in conflict with the essential business-related functions of the employer is unlawful under state and federal laws and is strictly prohibited.

Harassment based on any other factor is also strictly prohibited by the City. The City has the right to apply any sanction or combination of sanctions to deal with unreasonable conduct or harassment, including:

1. Counseling with the offender(s);
2. Probation with a warning of suspension or termination;
3. Suspension, with or without pay, depending on the seriousness of the charge;
4. Termination of employment.

These actions may be taken in any order, depending upon the seriousness of the situation. The City's responsibility is to treat all employees with dignity, sensitivity, and respect. Each employee is expected to use common sense in determining whether his/her conduct may be offensive or unwelcome to another.

SEXUAL HARASSMENT POLICY

While all forms of harassment are prohibited, it is important to emphasize that sexual harassment is specifically prohibited.

Sexual harassment is a form of sex discrimination which is prohibited by law. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when:

1. Submission to that conduct or communication is made a term or condition of employment, either explicitly or implicitly; or
2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment; or
3. That conduct or communication has the purpose or effect of substantially interfering with an individual's employment or work performance, or creates an intimidating, hostile, or offensive working environment.

Examples of sexual harassment include inappropriate touching or feeling that is unwelcome; sexual innuendoes and comments and sexual remarks about a person's clothing, body, or sexual activities; jokes about sex which the employee finds offensive; sexual propositions or demands for sexual favors; posting obscene pictures, drawings, or cartoons in the work place; or making obscene gestures. These are some of the common complaints, but many other types of conduct can also constitute sexual harassment.

As with other types of harassment, if an employee has a complaint about sexual harassment, the main concern is to have the harassing behavior stopped and to have the matter resolved as quickly and efficiently as possible. The procedures to follow are:

1. Be sure that the conduct in question is discriminatory or harassing. If possible, find witnesses or other substantiation of the conduct.
2. The employee should discuss the improper behavior with the person involved to let him/her know the conduct is offensive.
3. If the harassment does not stop or if it recurs, the employee should report the conduct perceived as harassment as soon as possible to his/her supervisor, or to the Commission member holding the department

- portfolio if the complaint involves the supervisor.
4. The Commission member holding the department portfolio will conduct a complete investigation concerning the complaint in an impartial and confidential manner, with the results being conveyed to all involved individuals. Every reasonable effort will be made to determine the facts and resolve the situation.

The City has the right to apply any sanction or combination of sanctions to deal with unreasonable conduct or discrimination, including:

1. Counseling with the offender(s);
2. Probation with a warning of suspension or termination for continuing or recurring offenses;
3. Suspension, with or without pay, depending on the seriousness of the charge; and or
4. Termination of employment.

These actions may be taken in any order depending upon the seriousness of the situation. It is the City's responsibility to see that all co-workers are treated with dignity, sensitivity, and respect. Each employee is asked to use common sense in determining whether his/her conduct may be offensive or unwelcome to another.

ALCOHOL AND DRUG-FREE WORKPLACE

The City recognizes the use of alcohol and illegal drugs as a serious health problem, as well as a potential safety and security problem. Through this policy, the City intends to provide for a drug-free workplace by:

- A. Assuring that employees are not impaired in their ability to perform assigned duties in a safe, productive manner;
- B. Creating a workplace environment free from the adverse effects of drug and alcohol misuse and abuse;
- C. Prohibiting the unlawful manufacture, distribution, dispensing, possession, and/or use of controlled substances;
- D. Encouraging employees to seek professional assistance any time problems, including drug or alcohol abuse, adversely affect their ability to perform their assigned duties;
- E. Meeting or exceeding all Federal Transit Administration regulations, which require affirmative actions to eliminate the impact of the misuse of alcohol and drugs in the workplace.

In accordance with the Federal Drug Free Workplace Act, the City is notifying all

employees of its intent to maintain a workplace free from illegal drugs. The unlawful manufacturing, distribution, dispensing, possession, or use of a controlled substance by employees is prohibited on any work site and elsewhere during all working hours.

Employees are hereby notified that compliance with this policy is a condition of employment. If an employee fails to comply with this policy he/she will be subject to disciplinary action. The City reserves the right to initiate a drug or alcohol test for a pre-employment test, random testing, post-accident/incident, and reasonable cause according to the federal and ADA guidelines.

If an employee is convicted of a criminal drug violation for manufacturing, distributing, dispensing, possessing, or using controlled substances, he/she must notify his/her supervisor within five (5) days of the conviction. Pursuant to federal law, if the convicted employee is working on a project funded through a federal contract or grant, the City is required to notify the relevant federal contracting or granting agency within ten (10) days of receiving such notice of conviction.

An employee who suspects that a co-worker is under the influence of alcohol or other drugs should contact his/her supervisor or Commission member holding the department portfolio immediately. An employee who suspects that a supervisor is under the influence of alcohol or other drugs should contact the next level of supervision and Commission member holding the department portfolio

If an employee requests, information on any available alcoholism, drug-counseling, rehabilitation and employee assistance program will be given to him/her and he/she will be afforded the opportunity to participate in an appropriate program. Some of the cost of such treatment may be covered by the employee's health insurance. An employee will be allowed a leave of absence to enter a treatment and rehabilitation program. An employee will be allowed to use up to 30 days of earned annual leave or sick leave. If no such balance of earned annual leave or sick leave exists, a leave of absence up to 30 days without pay may be granted.

SMOKE-FREE ENVIRONMENT

The City's buildings and indoor property, including vehicles, are smoke-free. No smoking is allowed.

STANDARDS OF CONDUCT

To ensure the citizens can have confidence in the integrity of City government, all City employees are expected to maintain high standards of ethical service at all times. Employees are expected to put forth honest effort in performance of their duties; act impartially; protect and preserve City property; disclose waste, fraud, abuse and corruption to the proper authorities; refrain from using public office for private gain; and adhere to all laws and regulations that provide equal opportunity for all persons regardless of race, color, religion, sex, national origin, age or disability.

Listed below are examples of actions that could lead to disciplinary measures, up to and including termination of employment:

1. Possession and/or use of alcoholic beverages or illegal drugs at work or reporting to work under the influence of illegal drugs or alcohol;
2. Falsification of timekeeping records;
3. Destruction, damage, or misuse of City property;
4. Using company equipment for purposes other than business;
5. Removal of City property or another employee's property without prior consent;
6. Violation of City ordinances or official written policies of the governing board or department;
7. Violation of safety or health rules;
8. Failure to carry out the directions of a supervisor or the Commission member holding the department portfolio;
9. Fighting or threatening violence in the workplace;
10. Boisterous or disruptive activity in the workplace;
11. Negligence or improper conduct leading to damage of company-owned or customer-owned property;
12. Insubordination or other disrespectful conduct;
13. Carrying weapons or explosives on City property or any other violation of criminal laws;
14. Sexual or other unlawful or unwelcome harassment;
15. Disruptive, harassing, or offensive behavior;
16. Excessive absenteeism;
17. Excessive tardiness;
18. Violation of personnel policies;
19. Unsatisfactory performance or conduct; and
20. Theft

This list only provides examples and is not intended to be all-inclusive.

ATTENDANCE/PUNCTUALITY

The City expects that every employee will be regular and punctual in attendance. This means being in the office, ready to work, at their starting time each day. Absenteeism and tardiness places a burden on other employees and on the City.

If you are unable to report for work for any reason, notify the City Auditor before regular starting time. You are responsible for speaking directly with your supervisor about your absence. In the case of leaving a message, a follow-up call must be made later that day. Should undue tardiness become apparent, disciplinary action may be required.

If there comes a time when you determine that you will need to work some hours other than those that make up your usual work week, notify your supervisor or the Commission member holding the department portfolio in advance. Each request for special work hours will be considered separately, in light of the employee's needs and the needs of the City. Such requests may or may not be granted.

ABSENCE WITHOUT NOTICE

When you are unable to work due to illness or an accident, please notify your supervisor or the Commission member holding the department portfolio. This will allow the City to arrange for temporary coverage of your duties, and helps other employees to continue work in your absence. If you do not report for work and the City is not notified of your status, it will be assumed after two consecutive days of absence that you have resigned, and you will be removed from the payroll.

If you become ill while at work or must leave the office for some other reason before the end of the workday, be sure to inform your supervisor, auditor, or the Commission member holding the department portfolio of the situation.

TELEPHONE USE

The City's communication devices are intended for the use of serving our customers and in conducting the City's business.

Personal usage during business hours is discouraged except for extreme emergencies. All personal communications should be kept brief to avoid congestion on the communication devices. This includes personal emailing, texting, web surfing, and using Facebook. The City has adequate data time usage on the mobile devices for city use. Any mobile device exceeding data usage by an employee will result in the excess data charge being subtracted from that employee's payroll check.

To respect the rights of all employees and avoid miscommunication in the office, employees must inform family members and friends to limit personal telephone calls during working hours.

If an employee is found to be deviating from this policy, he/she will be subject to disciplinary action.

PUBLIC IMAGE

A professional appearance is important any time that you conduct City business. Employees should be well groomed and dressed appropriately for their position in particular.

Consult your supervisor or the Commission member holding the department portfolio if you have any questions about appropriate business attire.

SOCIAL MEDIA

All city employees are to refrain from commenting, sharing or posting derogatory verbiage or images to any social media platform pertaining to the City Commission, City Policies, City Employees, or any City Business.

Any violation of this policy is subject to disciplinarian action up to and including termination.

CORPORATE COMMUNICATIONS & TECHNOLOGY

COMMUNICATION WITH PRESS OR MEDIA

Media inquiries in relation to City of Underwood must be handled in accordance with the following guidelines:

Inquiries regarding a specific transaction should be referred to the individual or individuals in charge of the matter; if they are not available, then to the President of the Commission or the City Attorney.

All other inquiries should be referred to the President of the Commission, who will respond directly or designate another spokesperson and who will also help draft or direct an appropriate response if necessary.

This policy covers all forms of responses to the media, including off-the-record and anonymous statements.

SOFTWARE POLICY

City of Underwood regulates employees' use of its computer software.

You may not duplicate any licensed software or related documentation for use, either on Company premises or elsewhere, unless expressly authorized to do so by written agreement with the licensor. And you may not provide licensed software to anyone outside the Company. Employees should be aware that the illegal duplication of software may result in the filing of criminal copyright charges by the owners of the copyrights and can subject both the employee and the company to liability.

USE OF COMPANY COMMUNICATION SYSTEMS

Because City of Underwood reserves the right to access any personal communication without prior notice, employees should not use company systems to transmit any messages or to access any information that they would not want a third party to hear or see. Although incidental and occasional personal use of the company's systems is permitted, any such personal use will be treated the same as all other communications under this policy. However, employees are at all times prohibited from accessing or downloading information from the Internet for personal use.

POLITICAL ACTIVITIES AND MEMBERSHIP IN ORGANIZATIONS

An employee may not engage in political activity while on duty or in uniform. This prohibition should not serve to limit the ability of employees to work for the passage of state and federal legislation when the activity is approved by the City Commission.

Nothing in this section shall prevent any City employee from becoming or continuing to be a member or officer of an employee organization or political organization, or otherwise engaging in political activities while off duty.

OUTSIDE EMPLOYMENT

Employees may engage in outside professional activities and ventures unrelated to the business of the City of Underwood, provided the following conditions are met:

All independent outside professional activities and ventures must be conducted on the employee's own time without the use of organizational facilities, funds, supplies, staff and resources, and may not in any way interfere with or disrupt normal office functions.

Such outside professional activities or ventures may not be in conflict with any activity or policy position of the City of Underwood.

Such outside services must be rendered in a manner that makes it clear the employee is not in any way representing the City of Underwood.

The City of Underwood assumes no responsibility whatsoever for any of the employee's outside professional services or ventures.

Where areas of possible controversy or conflict of interest could exist, the employee must receive advance approval from the City Commission prior to engaging in the activity. If the activity requires time away from the office or work area during regular work hours, the employee must receive advance approval as vacation leave from the City Commission.

Commission members who give speeches, publish articles or perform other services as representatives of the City of Underwood, or on matters relating to City of Underwood's work, are not allowed to keep payment for such services, whether they are provided on the person's own time or on City time. Should honorariums be provided, they must be forwarded to the City of Underwood.

The City of Underwood does not prohibit outside employment, subject to certain restrictions, if it does not conflict with the employee's position or status. The Commission will address any potential outside employment of any employee.

EMPLOYMENT OF RELATIVES

The City does not restrict employment of more than one member of a family or persons related by law or marriage. For purposes of this policy, immediate family includes the following relationships (natural, adoptive, step, and foster relationships are included): parent, child, spouse, sibling, grandparent, and in-law.

To avoid potential conflicts, no City employee may take part in decisions to hire, retain, promote, or determine the salary of his or her immediate family. In addition, no City employee may be assigned responsibility for supervising and/or directing the work of an immediate family member.

ELECTRONIC COMMUNICATIONS

The City has established a policy regarding access to and disclosure of electronic mail messages created, sent, or received by City employees using the City's electronic mail system or computer network. **It is important for all employees to understand that the City is subject to the North Dakota open records laws; therefore, all non-exempt records or information contained on computers or telephones are subject to disclosure upon request of any citizen.**

The City's electronic communications policies are:

1. The City maintains an electronic mail system. The system is provided to assist in the conduct of City business.
2. The electronic mail system hardware and all computers and mobile devices are City property. Additionally, all messages composed, sent, or received on all electronic systems are, and remain, the property of the City. They are not the private property of any employee.
3. The use of the electronic mail system and computers is reserved solely for the conduct of business at the City. They may not be used for personal business.
4. The electronic system or computers may not be used to solicit or proselytize for commercial ventures, religious or political causes, outside organizations, or other non-job related solicitations.

5. The electronic mail system and computers may not be used to create any offensive or disruptive messages. Among those considered offensive are any messages containing sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin, or disability.
6. The electronic mail systems and computers shall not be used to send or receive copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization by the employee's supervisor or the Commission member holding the department portfolio.
7. The City reserves and intends to exercise the right to review, audit, intercept, access, and disclose all messages created, received, or sent over the City's electronic communication system for any purpose.
8. The confidentiality of any message should not be assumed. Even when a message is erased, it is still possible to retrieve and read that message. Further, the use of passwords for security does not guarantee confidentiality. All passwords must be disclosed to the department head or the Commission member holding the department portfolio, or they are invalid and cannot be used.
9. Notwithstanding the City's right to retrieve and read any electronic mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any e-mail messages that are not sent to them. Any exception to this policy must receive prior approval by the department head or the Commission member holding the department portfolio.
10. An employee shall not use a code, access a file, or retrieve stored information unless authorized to do so. Employees shall not attempt to gain access to another employee's messages without the employee's permission.
11. All electronic mail messages, as well as other nonproprietary information in the City computers, may be public record and may be subject to public access upon request.

12. Any employee who discovers a violation of this policy shall promptly notify his/her supervisor or the Commission member holding the department portfolio.
13. Any employee who violates this policy or uses the electronic mail system or computers for purposes in violation of this policy shall be subject to discipline, up to and including termination.

HOURS

The City offices are open for business from 8 a.m. to 5 p.m., Monday through Friday. Hours and days open may change as needed.

The standard workweek is 40 hours of work. In the computation of various employee benefits, the employee workweek is considered to begin on Sunday (starting at 12:01 a.m.) through Saturday (ending at 12:00 a.m.), unless a supervisor or the Commission member holding the department portfolio makes prior other arrangement with the employee.

EMERGENCY MEASURES (INCLEMENT WEATHER)

We realize that bad weather or hazardous commuting conditions may occasionally make it impossible for employees to report to work on time.

However, you are expected to make a diligent effort to report to work when conditions have improved. If you determine that you are unable to report to work because of the conditions, inform your supervisor as soon as possible. Your absence will be charged to personal or vacation time.

If it becomes necessary to shut down the office due to weather or other emergency, every effort will be made to notify employees. If there is a question as to whether the office will be open, call your place of work. If there is no answer within one hour after the normal start time, assume the office is closed.

MEAL PERIODS

You are required to take an unpaid lunch break of at least 30 minutes during the workday if you work more than five hours. Your work schedule will allow for lunch

breaks. You are not to perform any work duties during your lunch break, and you may leave the premises if you wish.

WORK BREAKS

Work breaks are provided from work to relax and refresh yourself. You may take up to two paid work breaks of 15 minutes each, one in the forenoon and one in the afternoon. Breaks may not be accumulated if you don't take one, nor can they be used for coming to work late or leaving early.

Personal business should be conducted on the employee's own time.

Employees who do not adhere to the break policy will be subject to disciplinary action, including termination.

HEALTH-RELATED ISSUES

Employees who become aware of any health-related issue, including pregnancy, should notify their supervisor or the Commission member holding the department portfolio of health status. This policy has been instituted strictly to protect the employee.

A written "permission to work" from the employee's doctor is required at the time or shortly after notice has been given. The doctor's note should specify whether the employee is able to perform regular duties as outlined in his/her job description.

A leave of absence may be granted on a case-by-case basis. If the need arises for a leave of absence, employees should notify their supervisor or the Commission member holding the department portfolio.

BUILDING SECURITY

All employees who are issued keys to the office are responsible for their safekeeping. The last employee, or a designated employee, who leaves the office at the end of the business day assumes the responsibility to ensure that all doors are securely locked, the alarm system is armed, thermostats are set on appropriate evening and/or weekend setting, and all appliances and lights are turned off with exception of the lights normally left on for security purposes.

PERSONAL EFFECTS

All employees should be sure that their own personal insurance policies cover the loss of anything occasionally left at the office. The City assumes no risk for any loss or

damage to personal property.

SUPPLIES; EXPENDITURES; OBLIGATING THE COMPANY

Only authorized persons may purchase supplies in the name of the City. No employee whose regular duties do not include purchasing shall incur any expense on behalf of the City by any promise or representation without written approval.

WORKPLACE SAFETY

WORKPLACE THREATS AND VIOLENCE

It is the policy of the City to prohibit acts or threats of violence and threatening behavior by or against its employees during assigned duty times. Violations of this policy by employees of the City will lead to disciplinary action that may include termination of employment.

Violent acts or threats of violence include any activity by an individual that would cause another individual to feel unsafe. Violent behavior may be verbal threats to harm another person or damage property, physical aggression, or harassment, including sexual harassment. Threats of violence include possession or display of a weapon of any type or exhibiting an object in such a manner that it appears to be a weapon.

If an employee is subject to or becomes aware of any violent acts or threats of violence, he/she should immediately report the matter to his/her supervisor or a higher level of authority.

REPORTING ACCIDENTS

An employee involved in an accident or near accident should immediately report the incident to a supervisor or designated staff. If an employee sees an unsafe or hazardous working condition, it is also important to report it immediately to auditor, President of the Commission or a City Commission person.

EMPLOYMENT STATUS

AT-WILL EMPLOYMENT

Unless otherwise provided, all employment with the City is on an “at-will” basis and may be terminated at the will of either party upon notice to the other.

REGULAR FULL TIME

Employees who occupy positions that are approved and budgeted, have no specific duration of employment and who have an assigned work week of not less than 40 hours are classified as regular full time employees. A regular full time employee is eligible for all benefits.

REGULAR PART TIME

Employees who occupy positions that are approved and budgeted, have no specific duration of employment and who have an assigned work week of less than 40 hours are classified as regular part time employees. Regular part time employees are eligible for certain benefits as outlined in the benefits and leave sections of this Policy Manual.

TEMPORARY OR SEASONAL

Temporary positions may be created to meet special needs. Temporary positions can either be full time or part time positions.

A temporary or seasonal employee is one who is employed for a maximum duration. A temporary or seasonal employee is paid on an hourly basis and is not eligible for benefits.

RECRUITMENT FOR CITY EMPLOYMENT

JOB OPENINGS

Supervisors and the Commission member(s) holding the department portfolio who need to fill a job opening or who want to add a position must submit a request to the City Commission for approval. As an equal opportunity employer, it is the City's policy to welcome job applications for open and posted vacancies.

JOB APPLICATION PROCEDURES

Every potential candidate, including current employees, must submit an application or resume with references to be considered for an opening. Applications must specify the position sought; an application for "any job" will not be retained.

We rely upon the accuracy of information contained in the employment application and the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

REFERENCE/BACKGROUND CHECKS

City of Underwood conducts reference and background checks on all new employees. Employees who have falsified information on their employment applications will be disciplined, which could include termination. Applicants who have provided false information may be eliminated from further consideration for employment.

SALARIES AND WAGES

The City recognizes that the effective delivery of services to citizens depends on the effective and efficient performance of City employees. The City endeavors to pay fair wages and salaries in order to attract and retain competent personnel.

Primary factors in setting wages and salaries include scope of work and skills required for the position. At the time each employee's performance is reviewed, other factors, such as merit, may result in individual pay adjustments.

JOB DESCRIPTIONS

At the start of employment, each employee is provided a written job description of his/her position. Annually or as otherwise needed, the job description will be reviewed by the employee's immediate supervisor or the Commission member holding the department portfolio with the employee for any changes in duties.

PROBATIONARY PERIOD

Every newly hired employee is considered a probationary employee for the first six months of employment. This period allows the City to evaluate the new employee and allows the employee to become knowledgeable about the City's work conditions.

Regular full-time employees are not eligible for benefits during the probationary period.

Periodic meetings will be scheduled during the probationary period between the new employee and direct supervisor or the Commission member holding the department portfolio, for the purpose of reinforcing positive performance, correcting any areas that need improvement, and answering any questions the new employee may have.

Employees needing accommodations to perform the essential functions of their job should request such accommodations from their direct supervisor, in writing, at any time either during or after the probationary period.

Completion of the probationary period does not alter the employment at-will status of the employment relationship.

EMPLOYEE PERFORMANCE REVIEW AND PLANNING SESSIONS

Supervisors will conduct performance reviews with all regular full-time and regular part-time employees after six months of service. Supervisors may conduct informal performance reviews more often if they choose.

Performance reviews are designed for the supervisor or the Commission member holding the department portfolio and the employee to discuss his/her current job tasks, encourage and recognize attributes, and discuss positive, purposeful approaches for meeting work-related goals. Together, employee and supervisor discuss ways in which the employee can accomplish goals or learn new skills. The planning sessions are designed for the employee and his/her supervisor to make and agree on new goals, skills, and areas for improvement.

New employees will be reviewed at the end of their probationary periods.

TIMEKEEPING

Accurately recording time worked is the responsibility of every employee. Time worked is the time actually spent on a job(s) performing assigned duties.

The City does not pay for extended breaks or time spent on personal matters. Altering, falsifying, tampering with time records, or recording time on another team member's time record will result in disciplinary action, including termination of employment.

Authorized personnel will review time records. Any changes to an employee's time record must be approved by his/her supervisor or the Commission member holding the department portfolio. Questions regarding the timekeeping system should be directed to the Commission member holding the department portfolio.

OVERTIME

Overtime compensation is paid to non-exempt employees in accordance with federal and state wage and hour restrictions. Overtime is payable for all hours worked over 40 per week at a rate of one and one-half times the non-exempt employee's regular hourly rate. Time off on personal time, holidays, or any leave of absence will not be considered hours worked when calculating overtime. In addition, vacation time does not constitute hours worked.

All overtime work performed by an hourly employee must receive the prior authorization of the Commission member holding the department portfolio. Overtime worked without prior authorization from the Commission member holding the department portfolio may result in disciplinary action. In the event of extreme emergencies, overtime may be worked without prior authorization, but such overtime hours and the reasons for overtime must be provided to the Commission member holding the department portfolio within 48 hours of such emergency. Failure to report such overtime may result in disciplinary action.

COMPENSATION TIME

All employees who are non-exempt employees in accordance with federal and state wage and hour restrictions will be provided the opportunity once each calendar year to choose compensation time in lieu of overtime pay. This opportunity will be provided on or before January 1st of each year. Compensation time is granted at the rate of one and one-half hours for all hours worked by the employee over 40 hours per week. Employees may accrue a maximum of 40 hours of compensation time. Any compensation time earned in excess of 40 hours will be paid to the employee with the next payroll check. Further, any compensation time must be used within ninety (90) days after such time is accrued. The compensation time book is to reflect the date when such compensation time was earned and that is the official date from which the ninety (90) days starts to run. Any compensation time that is utilized will be paid on the next payroll check. Any compensation time paid in cash will be removed from the employee's book accumulation of said time.

PAYDAYS

All employees are paid semi-monthly on the 15th and last work day of the month. In the event that a regularly scheduled payday falls on a weekend or holiday, employees will receive pay on the next day the City Auditor's office is open. The pay period shall be Sunday through Saturday.

If a regular payday falls during an employee's vacation, the employee's paycheck will be available upon his/her return from vacation or may be collected at the City Auditor's office.

Paychecks will not, under any circumstances, be given to any person other than the employee without written authorization. Paychecks may also be mailed to the employee's address.

A pay stub or statement will be provided each pay period indicating hours worked, the rate of pay, required state and federal deductions, and any deductions authorized by the employee or ordered by the court.

PAYROLL DEDUCTIONS

Certain deductions will be made in accordance with federal and state laws.

In addition, the Company makes available certain voluntary deductions as part of the City's benefits program. If an employee elects supplemental coverage under one of the Company's benefits plans, which requires employee contributions, the employee's

share of the cost will be deducted from his or her check each pay period. If the employee is not receiving a payroll check due to illness, injury, or leave of absence, he or she will be required to pay the monthly cost directly to the Company. Court-ordered pay deductions may also be made by the City. All deductions will be itemized on your payroll receipt.

BENEFITS

GENERAL

Employees are eligible for benefits depending upon employment status. Some benefits are subject to state laws and regulations. If such laws and regulations change, these benefits may change accordingly.

Regular full-time employees are eligible for workers' compensation, social security and unemployment compensation. A regular full time employee is eligible to participate in the City's retirement plan and is eligible to earn annual leave and sick leave. A regular full time employee will receive paid holiday leave. The City offers group health insurance for regular full-time employees and their dependents. The City will pay the premium of a single health insurance plan for regular full-time employees. Any additional premium for spouse or dependents of the regular full-time employee are to be paid by said employee. Bereavement leave and jury or witness leave are available as outlined in the leave policies.

Regular part time employees are eligible to participate in the North Dakota Public Employees Retirement System with 5% employee contribution and 10.26% Employer contribution. (Revised 12/2/15) Part-time employees also receive the employer's portion of social security and workers' compensation insurance. Regular part time employees may be eligible for unemployment compensation insurance benefits if they were paid qualifying wages during a base period established under state law.

Temporary or seasonal employees are eligible for social security and workers' compensation insurance. Temporary or seasonal employees may be eligible for unemployment compensation insurance benefits if they were paid qualifying wages during a base period established under state law. Temporary or seasonal employees are not eligible for other benefits.

For eligible employees, all health insurance benefits are effective on the first day of the month after the employee has completed their probationary period. Any employee costs for insurance are determined annually by the City governing board.

WORKERS COMPENSATION

City employees are covered by Workers' Compensation Insurance as required by law to protect employees who are injured on the job. (NDCC Chapter 65-05)

If a work-related accident or injury occurs, the employee must inform his/her supervisor immediately. Claim forms are available from the supervisor or the City Auditor. A claim form must be completed according to instructions and given to the department head.

SOCIAL SECURITY

Social security contributions are deducted from employees' paychecks in accordance with applicable federal and state laws. Employee contributions are matched by the City.

UNEMPLOYMENT COMPENSATION

Unemployment taxes are paid to the state by the City in accordance with the state's unemployment compensation law.

An employee leaving City employment for any reason may contact Job Service ND regarding unemployment benefits, including a determination of eligibility.

HOLIDAY, SICK LEAVE, AND VACATION PAY

Holidays

The City of Underwood observes the following holidays:

- | | | |
|----------------|------------------|------------------------|
| New Year's Day | Independence Day | Martin Luther King Day |
| Labor Day | President's Day | Veteran's Day |
| Good Friday | Thanksgiving Day | Memorial Day |
| Christmas Day | | |

A holiday occurring on Saturday or Sunday is observed the preceding Friday or succeeding Monday. Holidays worked may be substituted for equal time taken on another day. In addition, city offices shall close at noon on Christmas Eve day (office closure, not a holiday). Employees required to work holidays will also be compensated at a rate of two times the regular rate

FMLA Policy

The City of Underwood will comply with the Family and Medical Leave Act.

Eligible employees may take up to 12 weeks of unpaid family or medical leave within any 12 month period, and be restored to the same or an equivalent position upon the employee's return from the leave.

An employee is eligible for FMLA leave if the employee: (1) has worked for the City for at least 12 months; and (2) has worked for the City for at least 1,250 hours in the last 12 calendar months and if at least 50 employees are employed by the employer within 75 miles.

1. Reasons for Leave. Employees may take FMLA leave for any of the following reasons: birth or adoption of a child; placement of a child into adoption or foster care; serious health condition of the employee's spouse, parent, or child; or for the employee's own serious health condition.

A "serious health condition" is one that makes the employee unable to perform the essential functions of the employee's job. It is a condition that requires inpatient care at a hospital, hospice or residential care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care or treatment by a licensed health care provider. This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

2. Duration of Scheduled Leave. The employee may request up to 12 weeks leave consecutively or as a reduced schedule (otherwise known as "intermittent leave"). While on intermittent leave, the employee can work some hours in a week and apply other hours to the cumulative total of 12 weeks FMLA leave. For the birth, adoption or foster care of a child, the City and the employee must mutually agree to a work schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

3. Leave Must be Requested in Writing. If leave is foreseeable, 30 days prior written notice is required. If the leave is not foreseeable, the employee must request the leave as soon as reasonably practical. If the employee does not provide notice, the leave may be delayed. Employees planning medical treatment should consult with the City regarding their schedule as soon as possible.
4. Medical Certification. The City may require medical certification from the employee's health care provider regarding any serious medical condition.
5. Use of Paid and Unpaid Leave. An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use all paid vacation, personal or sick leave prior to being eligible for unpaid leave. Sick leave may be run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established sick leave policy. An employee who is taking leave for the adoption or foster care of a child must use all paid vacation, personal or family leave prior to being eligible for unpaid leave.
6. Health Benefits. While an employee is on leave, the City will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. The employee will be required to pay to the City any part or portion of the health care premiums that the City does not pay.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the City will require the employee to reimburse the City the amount it paid for the employee's health insurance premium during the leave period.

7. Other Benefits. Other employment benefits will not accrue during FMLA leave; but all accumulated benefits will remain intact. If the employee contributes to a life insurance or disability plan through payroll deductions, the City will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums, or the City may elect to maintain such benefits during the leave and pay the employee's share of the premium payments. If the employee does not continue these payments, the City may discontinue coverage during the leave. If the City maintains coverage, the City may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

8. Return to Work. Employees intending to return to work must communicate their intentions to the City. Failure to communicate an intention to return to work, or failure to return at the end of leave, may be interpreted as a voluntary resignation by the employee.

Sick Leave

Sick leave is intended for periods of personal or family illness, personal or family medical emergency, personal or family medical, dental or vision appointments, maternity and/or adoption.

Full-time employees shall receive sick leave at the rate of 8 hours for each calendar month of full service. Sick leave will not accrue during a leave of absence or time off without pay. Temporary employees are not eligible for sick leave.

Sick leave may be accumulated on an unlimited basis. In order to be eligible for sick pay, employees must notify a City Commissioner prior to or with a reasonable period of time after the scheduled beginning of their duties. For any absence exceeding 3 work days, employees may be required to submit a written statement by a physician.

A person who leaves employment with the City of Underwood, accumulated sick leave will not be paid out.

Funeral Leave

Three (3) days paid bereavement leave is available to employees who experience a death of an immediate family member (spouse, parent, child, sibling, spouse's parent, grandparent, grandchild, or son/daughter-in-law).

Leave Sharing

Regular employees may be eligible to give or receive donations of vacation or sick leave in case of severe illness or injury.

Vacation Pay

Each permanent regular full-time employee, depending on the employee's length of service, earns vacation pay.

Accrued vacation is not payable to employees who resign or are terminated during the first year of employment. Vacation will not accrue during leave of absence or time off without pay.

Vacation time must have advance approval from the portfolio manager if three (3) or more concurrent days are taken.

Vacation with full pay must be accrued prior to being taken and will be granted on the following basis:

<u>Years of Service</u>	<u>Days Off Per Year</u>
1 Year	5 working days
2 through 7 years	10 working days
8 through 12 years	1 additional day for each year
13 through 15 years	15 working days

Years of service will be computed from the employee's anniversary date. The Anniversary date shall be the first day of active service, including any probationary time.

Vacation time must be used annually with no carry-over.

All unused earned vacation pay is payable to the employee upon resignation, termination or retirement.

Jury and Witness Leave

The City will pay the difference between jury pay and regular base pay, provided the employee furnishes proof of service and payment from the court.

An employee may use annual leave to perform jury duty and keep any jury duty payment.

Military Leave

Military leave must be granted in accordance with NDCC 37-01-25 and 37-01-25.1 for employees who:

Are members of the National Guard;

Are members of the armed forces reserves of the United States of America;

Shall be subject to call in the federal service by the President of the United States; or

Shall volunteer for such service.

Employees should request military leave with as much advance notice as possible. Additional information is available from the North Dakota National Guard (701-224-5242).

Leave of Absence

Leave without pay may be granted to full-time or part time employees who have maintained a satisfactory employment record.

An employee requesting a leave of absence without pay shall submit the request in writing to the City Commission. The request should state the date the employee wishes to begin leave, the date the employee would return from leave, and the reason for the leave request. The City will evaluate each request on a case-by-case basis and will make a determination whether to honor a request for an unpaid leave.

Absentee Slips

Absentee slips must be completed and signed by your supervisor and on file for all absences from work, including sick leaves, vacations, and any other excused absences.

All vacation leave of absences must be approved in advance by your supervisor, unless it is an emergency. Vacations of more than 2 days should be requested at least a week in advance. Absentee slips for vacations should be completed before the leave of absence occurs.

All sick leave for appointments must also be approved in advance by your supervisor.

The City needs to have the leave of absences approved in advance, unless it is an emergency or sickness, so the city can make sure all duties required are completed.

For the absentee slip to be complete it must contain: #1. The signature of the employee's supervisor. # 2. If the absentee slip contains any fraction of a day it must contain the time period the employee will be absent from work. #3. The name of the employee.

All absentee slips must be submitted to the Auditor immediately so payroll can be completed accurately.

All employees are responsible for ensuring their absentee slips are completed correctly and that their absences, leaves or vacations are in accordance and compliance to the policies of the City of Underwood. When possible absentee slips should be completed before the leave of absence, but no later than the end of the next business day upon return.

CLOTHING/BOOT ALLOWANCES

A clothing/boot allowance will be provided for regular full-time employees. The maximum amount allowed per employee is \$250 annually. Any purchases in excess of the allowed maximum will be deducted from the employee's paycheck. Clothing items purchased may have a City emblem/logo. Items purchased by the employee require a purchase order with the name and amount of the item and a notation that the purchase is to be applied to that employee's clothing allowance. These allowances must be used by November 30th.

EDUCATIONAL ASSISTANCE

We strive to provide on-the-job instruction and training to all employees. It is our belief that as you expand your knowledge and expertise through on-the-job training and formal education you become more valuable to the city. We also believe that this interest and action on your part indicates initiative. We will keep a record of your educational training, which will be a consideration, as promotions become available. Please keep the city informed of your educational activities.

We ask that all employees strive to continue learning new and better ways to do their job. Please ask your supervisor and fellow employees about things you do not understand. If you feel a course would help you do your job better, please let your supervisor know. If you see a better or more efficient way to do something, talk with your coworkers and again please let your supervisor know.

From time to time, qualified and interested employees may be enrolled in schools or seminars. Any employee interested in attending any school or seminar must have the request approved by their supervisor and President of the Commission prior to making any arrangements or commitments. Any school or seminar held more than 250 miles from an employee work location and/or for more than 2 days in length must have prior

approval of the City Commission. It is understood that the city provides these educational opportunities at considerable expense, and all participants are, therefore, encouraged to do their best work possible. The city pays transportation, meals, and reasonable out-of-pocket expenses while employees are attending these schools. Employees may be asked to present informational reviews of the school or seminar to other pertinent staff members after completion of the school or seminar.

The City Commission has the authority to allow or disallow employees the opportunity to attend social events associated with educational meetings.

The City understands that some positions require education to be certified to legally perform duties and require continuing education to maintain this certification. For positions that require certification to perform duties the city expects you have the required certification before starting employment with city. If you do require education to become certified to begin employment, the cost of this initial education and who pays for it will be negotiated before employment begins. After you have received the required education for initial certification, the city will pay for the required continuing education.

All completed education must be reported to the City Auditor to be logged into each employee's personnel file.

If the city feels you have received adequate education and you request additional it may be denied or you may be asked to share in the cost. Due to the cost of an unrequired educational opportunity that an employee wants to attend, the employee may be requested to agree to reimburse the city if they voluntarily resign from employment.

TRAVEL

Employee travel performed in the course of conducting City business must be approved in advance. Employees holding jobs that are designated as requiring extensive travel will be expected to travel as a condition of employment.

Ordinary travel from home to work will not be counted as work time. Travel away from home as a passenger is work time when performed during regular working hours including travel during regular working hours on nonworking days. All time spent traveling as a driver at the city's request will be considered work time. Time spent traveling on non-working days at the city's request is work time.

Authorized travel by employees will be reimbursed at the current IRS allowable allowance for the use of a personal car. Meals will be reimbursed at the State rate. Standard and customary employee out-of-pocket expenses for approved travel will be paid or reimbursed when properly documented by the employee and approved by the supervisor and city Commission. Any travel expenses submitted for reimbursement beyond 90 days from date incurred or deemed unreasonable relative to the circumstances, will

not be paid or reimbursed and will be the employee's personal responsibility. Expense vouchers for reimbursement expenses should not be completed more frequently than monthly. Large expenditures, such as conferences and out-of-town trips, must always be approved in advance. Employees must always be mindful of which expenses are reasonable and should always calculate the benefit to the city prior to incurring such expenses.

If an employee's vehicle breaks down while on city business, the employee will be asked to report the amount of time from the breakdown until they return to work. A reasonable amount of time will not be deducted from pay. However, the city needs to monitor time missed from work due to vehicle breakdown during business hours and reserves the right to deduct salary at the discretion of the city Commission.

AUTOMOBILE USAGE

Employees may not drive vehicles for City business without the prior approval of their supervisor. Employees approved to drive on City business are required to inform their supervisor of any changes that may affect their legal or physical ability to drive or their continued insurability. Employees are not permitted, under any circumstances, to operate a City vehicle, or a personal vehicle for City business, when any physical or mental impairment causes the employee to be unable to drive safely. When driving on city business you must obey all traffic rules and maintain a valid driver's license

Employees must report any accident, theft, or malicious damage involving a City vehicle or a personal vehicle on City business to the city auditor, regardless of the extent of damage or lack of injuries. Such reports must be made as soon as possible but no later than 48 hours after the accident.

COBRA

If you are terminated for any reason other than gross misconduct or otherwise leave City of Underwood and have been continuously covered by the Company's group insurance plan before that, you and your dependents may have the right to continue or convert coverage as set forth in the rules of the plan. You should receive written notification of your right to continue coverage within two weeks of your last day on the job. Should you have questions about this coverage, contact.

MISCELLANEOUS POLICIES

OPEN RECORDS

Except as otherwise specifically provided by law or court order, all records of public and governmental bodies, bureaus, commissions or agencies of any political subdivision supported in whole or in part by public funds shall be public records, open and accessible for inspection during reasonable office hours.

The City has a duty to properly safeguard and protect its records and to assure that the confidentiality of records closed under the law is maintained.

PERSONNEL RECORDS

The City will keep a file of employment records for each employee. Information in an employee's personnel file includes information needed to administer employee benefits and payroll, to complete required federal and state reports, and to record employee work performance.

In accordance with NDCC 44-04-18 and except as otherwise provided by law, municipal personnel files are public records and are open to inspection by the public and the employee. The following items are not exempt from the open records law:

- Wage history
- Job classification
- Performance evaluations
- Non-medical leaves of absence

Except as otherwise provided by law, personal information regarding a public employee contained in an employee's personnel record or given to the state or political subdivision by the employee in the course of employment is exempt. (NDCC 44-04-1 8.1)

Examples of personal information are:

- Home address
- Home telephone number
- Photograph
- Medical information
- Motor vehicle operator's identification number
- Social security number
- Payroll deduction information
- Name, address, phone number, date of birth and social security number of any

dependent or emergency contact
Credit, debit or electronic fund transfer card number
Account number at a bank or other financial institution
Insurance and pension beneficiaries

Medical records or reports, including those that relate to an occupational illness or injury and records of use of an employee assistance program, will be kept in a separate file from employee records. These records will be kept confidential and will not be released without the written consent of the employee.

In accordance with NDCC 44-04-18.3, the telephone numbers and addresses of all law enforcement personnel are confidential and shall not be made available to the public. If this information is recorded with other employee information that is public in nature, the City shall permit the inspection and receipt of copies of the public information that is not confidential, but shall delete or withhold the confidential information. The City shall not deny a request for public information on the grounds that the information is recorded with confidential information.

The permanent records, including personal contact information, should be kept up to date. Each employee should notify his/her supervisor of any change in contact information. Employment records shall be kept in the file, along with the Employment Eligibility Verification Form (I -9), which must be completed within three days of starting employment.

RECORDS RETENTION

The retention and final disposition of City records shall be governed by the uniform system established by the North Dakota Office of Management and Budget for the retention and final disposition of records.

TRAINING

Training is provided as needed to maintain and improve performance and skills. All training must be approved in advance by the employee's supervisor. Time spent participating in approved training opportunities related to the employee's job is compensable work time.

PERSONNEL DATA CHANGES

It is the responsibility of each employee to promptly notify their supervisor or the Commission holding the department portfolio of any changes in personnel data such as:

- Mailing address,
- Telephone numbers,
- Name and number of dependents, and
- Individuals to be contacted in the event of an emergency.

An employee's personnel data should be accurate and current at all times.

CORRECTIVE ACTIONS AND DISCIPLINE

Employees are expected to comply with City policies and standards of conduct at all times. Supervisors and department heads are responsible for assuring compliance with policies and procedures.

If corrective action is warranted, the following may occur: Verbal reprimand, written reprimand, suspension of employment with or without pay and dismissal from employment. These actions may be taken in the order listed, although this order is not mandatory and the decision may be made at the discretion of the employee's immediate supervisor or two Commission members. All warnings, verbal or written, should be documented.

Verbal Reprimands. Verbal reprimands are the least severe disciplinary action and are intended to influence an employee toward improved performance. Verbal reprimands should be documented in the employee's personnel file. An employee who feels aggrieved by this disciplinary action may implement grievance procedures.

Written Reprimands. Written reprimands are the next most serious type of corrective action. They may be appropriate when a trend toward unacceptable performance is recognized and the use of verbal reprimands has been unsuccessful. A written reprimand may also be appropriate when, in the judgment of a supervisor or Commission member holding the department portfolio, an employee's poor performance or job-related behavior warrants more than a verbal reprimand. Written reprimands shall be maintained in the employee's personnel record. An employee who feels aggrieved by disciplinary action under this subsection may implement grievance procedures.

Suspension of Employment With or Without Pay. This level of action is normally used when less severe actions have been ineffective. Suspension with or without pay may also be appropriate when, in the judgment of the supervisor or Commission member

holding the department portfolio, an employee's poor performance or job-related behavior warrants more than a verbal or written reprimand.

Suspension with or without pay may also be used when the supervisor or Commission member holding the department portfolio deems it necessary to conduct an investigation in order to make an informed determination concerning an allegation asserted against an employee.

The length of the suspension and whether it shall be with or without pay shall be determined by the employee's supervisor or Commission member holding the department portfolio. An employee who feels aggrieved by disciplinary action under this subsection may implement grievance procedures.

Dismissal From Employment. This is the most severe disciplinary action. This level of discipline will normally be taken when previous disciplinary actions have been ineffective. However, an employee may be dismissed without using any of the steps listed above. If the supervisor or Commission member holding the department portfolio determines it is appropriate to recommend the dismissal of an employee, the employee shall be immediately suspended without pay pending determination of the City Commission on the recommendation for dismissal.

The supervisor or Commission member holding the department portfolio shall submit a recommendation in writing to the City Commission stating the reasons for recommending dismissal. The employee shall be provided a copy of the recommendation of the supervisor or the Commission member holding the department portfolio.

The City Commission shall notify the supervisor and the employee, either in writing or verbally, of the date and time at which the recommendation shall be considered. The employee may submit a written statement to the City Commission concerning the recommended dismissal. Both the supervisor and the employee may attend the meeting and may offer any pertinent information to the City Commission for consideration. The City Commission may also seek and consider any other information it deems appropriate.

If the City Commission determines not to dismiss the employee, it may impose other disciplinary measures as it deems appropriate. If the City Commission determines to dismiss the employee, the dismissal shall take effect immediately. The decision of the City Commission is final and not subject to review under the grievance procedures.

Though committed to a progressive approach to corrective action, the City considers certain rule infractions and violations of standards as grounds for immediate

termination of employment. These include but are not limited to: theft in any form, insubordinate behavior, vandalism or destruction of company property, being on company property during non-business hours, the use of company equipment and/or company vehicles without prior authorization by his/her supervisor or the Commission member holding the department portfolio, untruthfulness about personal work history, skills, or training, divulging City business practices, and misrepresentations of the City to a customer, a prospective customer, the general public, or an employee.

GRIEVANCE PROCEDURES

It is the policy of the City to encourage resolution of disputes in an informal manner whenever possible. If an employee feels an unsatisfactory condition is having an adverse effect on his/her performance or on the office operations, the employee is encouraged to discuss the issue with his/her supervisor or the Commission member holding the department portfolio. If the dispute involves unlawful acts or other misconduct on the part of the immediate supervisor or department head, the employee shall discuss the issue with the Commission member holding the department portfolio.

A written complaint may be filed with the employee's immediate supervisor or the Commission member holding the department portfolio, who will have ten business days after the written complaint is filed to resolve the issue. If the dispute involves unlawful acts or other misconduct on the part of the immediate supervisor or department head, or if the employee's immediate supervisor has not resolved the issue to the employee's satisfaction, the employee shall file the written complaint with the Commission member holding the department portfolio. The complaint must state the person(s) against whom the complaint is filed, the nature of the complaint, and the effort that has been made to informally resolve the problem. The City Commission member holding the department portfolio will attempt to resolve the dispute within ten business days after the written complaint is filed.

If an acceptable solution cannot be reached within ten business days after the written complaint is filed with the Commission member holding the department portfolio, he/she will present a written report to the City Commission at its next regular meeting and the City Commission will have 40 days from receipt of the written report to resolve the dispute.

An employee may be accompanied, advised, and represented throughout a work-related grievance proceeding by another employee or by a representative chosen by the employee involved in the proceeding. (NDCC 34-11.1-04.2) Any expenses of representation are the responsibility of the employee.

TERMINATION OF EMPLOYMENT

Termination of employment includes:

- a. Termination in accordance with the probationary period policy;
- b. Resignation (which includes unauthorized absence for a period of three days);
- c. Dismissal (including being dismissed pursuant to a reduction in force); and
- d. Removal of appointed officers pursuant to NDCC 40-08-19 and 40-14-05 (Commission form of government) or NDCC 40-15-06 and 40-15-07 (commission form of government):

Voluntary Resignation: Voluntary resignation is a separation initiated by an employee. Employees who voluntarily resign are expected to give a written letter of resignation stating the date of termination with as much notice as possible. A minimum of two weeks' written notice is requested in order to effect a smooth transition.

Employees who voluntarily resign from the City of Underwood employment will be compensated for unused annual leave up to 30 days (240 hours).

Involuntary Termination of Employment. Involuntary termination of employment is a separation initiated by the City of Underwood and it may be initiated for any lawful reason. The usual reasons for involuntary termination may be performance problems, misconduct, and nonattendance at work.

In the event of involuntary termination of employment due to performance problems, the employee will receive two weeks' notice or pay in lieu of notice. Employees separated from the City of Underwood due to performance problems will be compensated for unused annual leave up to 30 days (240 hours).

Serious or repeated misconduct may result in suspension or termination of employment, with or without notice. In the event of involuntary termination of employment due to serious or repeated misconduct, the employee will be compensated for unused annual leave up to 30 days.

The City of Underwood reserves the right to terminate employment if an employee has exhausted all of his or her medical leave or other accrued leaves, if any, and the employee does not return to work. Because each situation is unique, the decision to terminate will be made on a case by case basis.

Payment of Final Wages. With the exception of those employees who live in City provided housing, the unpaid wages or compensation of an employee who voluntarily separates from employment become due at the next regularly scheduled payday and shall be forwarded to an address designated by the employee. Employees who live in City-provided housing shall be paid as indicated below.

Any employee who terminates employment with the City shall return all files, records, keys, and any other materials that are property of the City. No final settlement of an employee's pay will be made until all items are returned in appropriate condition. The cost of replacing non-returned items will be deducted from the employee's final paycheck. Furthermore, any outstanding financial obligations owed to the City will also be deducted from the employee's final check.

Employee's benefits will be affected by employment termination in the following manner. All accrued vested benefits that are due and payable at termination will be paid. Some benefits may be continued at the employee's expense, if the employee elects to do so. The employee will be notified of the benefits that may be continued and of the terms, conditions, and limitations.

If the employee lives in housing provided by the City, the same must be vacated within 15 days of involuntary termination or upon the effective date of voluntary termination. The premises must be surrendered in a clean condition with all utilities paid. The City may withhold the cost of unpaid utilities, cleaning, and any repairs of the provided housing.

ACKNOWLEDGMENT OF RECEIPT

This Employee Handbook is intended for information purposes only and to comply with all state and federal laws. It has been prepared solely to provide City employees with information about policies and procedures. It is not intended to constitute an employment contract.

It is not possible for employee policies to contain all of the information you will need during the course of employment. Therefore, you will be informed from time to time, both informally and formally, of various procedures and policies of the City. Additionally, the City reserves the right to create, amend, or terminate any or all of its policies or procedures at any time.

Your signature below verifies that you have received, read, and understand the policies put forth in the manual, including the at-will status of your employment. **This manual does not signify an employment contract or other contract and is subject to change without notice,**



I hereby acknowledge that I have received an employee policy manual from the City of Underwood, that I have read it thoroughly, and that I understand the policies in the manual, including the at-will status of my employment. Any questions I have about any section of the manual have been answered to my satisfaction. I understand my signature does not constitute any type of employment contract or term of employment.

Print Name_____

Signature_____

Date Signed_____