

**EMPLOYEE
HANDBOOK**

CITY OF MOTT

Welcome Employee!

On behalf of your colleagues, we welcome you to City of Mott, there in after referred to as the City, and wish you every success here.

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

This handbook was developed to describe some of the expectations of our employees and to outline the policies, programs, and benefits available to eligible employees. Please familiarize yourself with the contents of the employee handbook as soon as possible, for it will answer many questions about employment with the City.

We hope that your experience here will be challenging, enjoyable, and rewarding. Again, welcome!

INTRODUCTORY STATEMENT

This handbook is designed to acquaint you with the City and provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with all provisions of the handbook. It describes many of your responsibilities as an employee and outlines the programs developed by the City to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

No employee handbook can anticipate every circumstance or question about policy. As the City continues to grow, the need may arise to change policies described in the handbook. The employer therefore reserves the right to revise, supplement, or rescind any policies or portion of the handbook from time to time, as it deems appropriate, in its sole and absolute discretion.

*******NOTE*******

THIS PERSONNEL POLICY MANUAL HAS BEEN DRAFTED AS A GUIDELINE FOR OUR EMPLOYEES. IT SHALL NOT BE CONSTRUED TO FORM A CONTRACT BETWEEN CITY AND ITS EMPLOYEES. RATHER, IT DESCRIBES THE CITY’S GENERAL PHILOSOPHY CONCERNING POLICIES AND PROCEDURES.



EMPLOYEE ACKNOWLEDGMENT FORM

I understand that the employee handbook describes important information about The City of Mott, and that I should consult my supervisor regarding any questions not answered in the handbook.

Since provisions of the handbook are subject to change, I further understand that revisions to the handbook may supersede or eliminate one or more existing policies.

My employment relationship with the City is voluntarily entered into and is subject to termination by me or the City at will, with or without cause, at any time either party believes such action to be appropriate.

I acknowledge that this handbook is not a contract of employment. I have received, read, understood, and will comply with both the policies contained in this handbook and any revisions made to it.

I also understand that I may have access to this handbook during regular business hours while I am a City employee, and that it remains the property of the City.

Employee's Signature

Date

Employee's Name (typed or printed)

NATURE OF EMPLOYMENT

This handbook is intended to provide employees with a general understanding of our personnel policies. Employees are encouraged to familiarize themselves with the contents of this handbook, for it will answer many common questions concerning employment with the City.

However, this handbook cannot anticipate every situation or answer every question about employment. It is not an employment contract and is not intended to create contractual obligations of any kind. Neither the employee nor the City is bound to continue the employment relationship if either chooses, at its will, to end the relationship at any time.

In order to retain necessary – flexibility in the administration of policies and procedures, the City reserves the rights to change, revise, or eliminate any of the policies and/or benefits described in this handbook.

EMPLOYEE RELATIONS

The City believes that the work conditions, wages, and benefits it offers to its employees are highly competitive with those offered by other public works departments in this area. If employees have any concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their supervisors.

Our experience has shown that when employees deal directly with supervisors, the work environment is excellent, communications are clear, and attitudes are positive. We believe that the organization has amply demonstrated its commitment to responding effectively to all employee concerns.

EQUAL EMPLOYMENT OPPORTUNITY

The City is an equal employment opportunity employer and will not discriminate against any employee or applicant for employment in a manner that violates the law.

IMMIGRATION LAW COMPLIANCE

The City is committed to employing only United States citizens and aliens who are authorized to work in the United States and complies with the Immigration Reform and Control Act of 1986.

As a condition of employment, each new employee must properly complete, sign, and date the first section of the Immigration and Naturalization Service Form I-9. Before commencing work, newly rehired employees must also complete the form if they have not previously filed an I-9 with the City, if their previous I-9 is more than three years old, or if their previous I-9 is no longer valid.

HIRING PROCEDURES

Job applications-for any permanent position, will be so available upon the request of the Board, when such a position becomes open. Hiring is done strictly through the Board.

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

Pre-Employment Physical-may be required prior to employment.

Probationary Period-upon being hired, employee will be under a working probational period for a period of six (6) months. Employees can be returned to probationary status for cause.

EMPLOYMENT REFERENCE CHECKS

To ensure that individuals who join the City are well qualified and have a strong potential to be productive and successful, it is the policy of the City to check the employment references of all applicants.

The Board will respond to all reference check inquiries from other employers.

EMPLOYEE CLASSIFICATIONS

Regularly Scheduled Full-Time – An employee who is scheduled to work a minimum of 32.5-hour workweek on a regular basis.

Regularly Scheduled Part-Time – An employee who is regularly scheduled to work less than a 32.5-hour workweek.

Seasonal Part-Time – An employee who is regularly scheduled to work less than a 32.5 hour work week on a temporary (seasonal) basis.

OVERTIME COMPENSATION

Overtime at the rate of one and one-half times the employee's straight time shall be paid as follows:

- a. For all hours compensated for in excess of eight (8) hours per day.
- b. For all hours compensated for in excess of forty (40) hours per week.
- c. For all hours worked on an employee's assigned day off.
- d. For all hours worked outside of scheduled hours.

Employees shall be responsible for keeping personal time records, with accurate times taken for vacations and sick leave.

Regular Scheduled Full-Time Personnel Pay Period-Payroll is based on a monthly salary; pay days run from the first (1st) of the month to the fifteenth (15th) of the month with payroll being paid on a semi-monthly basis.

Regularly Scheduled Part-Time is based on a monthly salary, and will be paid on a monthly basis with payday on the first (1st) of the month.

Seasonal Part-Time Personnel is based on hourly wages, and will be paid on a monthly basis with payday on the first (1st) of the month.

Employees are eligible to receive pay in advance if they are going on vacation out of town.

Street and Water Personnel - Regular Working Hours Are: 6:00 A.M. to 3:00 P.M. Monday through Friday for Street and Water Personnel, with rotating every other weekend in which one works until noon on Friday and has Saturday off while the other does basic operation checks on Saturday.

Auditor – Regular Working Hours Are: 8:00 A.M. to 4:00 P.M. Monday through Thursday, 8:00 A.M. to Noon on Friday and is required to attend council meetings of various times.

Librarian – Regular Working Hours determined by the Library Board

Landfill Attendant – Regular Working Hours Are: Sundays 1:00 PM to 4:00 PM, Tuesdays, Wednesdays and Thursdays 3:00 P.M. – 6:00 P.M., and Saturdays 9:00 A.M. to 3:00 P.M. Landfill is closed on Monday's and Friday's.

WORK SCHEDULES

Work schedules for employees vary throughout the City. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

COMPLAINTS

All complaints must be submitted to Council Members in writing.

If a complaint is filed or made against an employee:

1. The employee may contact a Council Member holding that particular portfolio.
2. The employee has thirty (30) days to appeal to the employee board.
3. Employees may appeal to the City Council.

RESIDENCY

All employees of the City must live within the city limits of Mott. Independent contractors will not be subject to this requirement.

EMPLOYEE BENEFITS

MEDICAL INSURANCE – Permanent employees are eligible for medical insurance at the time of employment.

RETIREMENT – After an employee has successfully completed the probationary period and becomes a permanent employee, they at that time are eligible for to receive the benefits of the retirement program as adopted by the City of Mott.

CLOTHING BENEFIT – Street and Water Personnel are allowed \$250.00 per year clothing allowance.

BIRTHDAYS – Employees may take his/her birthday off anytime during the calendar year with pay.

BEREAVEMENT LEAVE – If an employee wishes to take time off due to the death of an immediate family member, the employee should notify his or her supervisor immediately. Up to 3 days paid and 5 days unpaid time off may be granted to allow the employee to attend the funeral and make any necessary arrangements associated with the death. Approval of bereavement leave will occur in the absence of unusual operating requirements. Any employee may, with the supervisor's approval, use any available paid leave for additional time off as necessary. The employer defines "immediate family" as the employee's spouse, parent, child, sibling; the employee's spouse's parent, child, or sibling; the employee's child's spouse; grandparents or grandchildren.

SICK LEAVE – Eight (8) hours per month is earned towards sick leave with an accumulation of no more than 360 hours. Employees may gift up to 12 days of their sick leave to another employee.

May supplement short-term disability.

Sick leave will not be paid out as additional compensation upon retirement or employee termination.

FAMILY LEAVE – An employee to tend to the needs of certain family members who are ill or to assist them in obtaining medical services may use Sick leave, or other services related to their health and well being. Eligible family members include the employee's spouse, employee's spouses parent/parents (natural-adoptive-foster and step-child), and any other family member who is financially or legally dependent upon the employee or who resides with the employee for the purpose of the employee providing care to the family member.

VACATION BENEFITS

Full-time employees will earn two (2) weeks of paid vacation after completion of one full year of employment. They will get three (3) weeks of paid vacation after eight (8) full years of employment and four (4) weeks after fifteen (15) full years. These employees may accumulate vacation up to an amount equal to two times the annual rate at which it is being earned. For example, an employee who has completed 8 years of service and is earning vacation at the rate of 3 weeks per year will be able to accumulate up to 6 weeks of vacation. Any vacation earned in excess of these 6 weeks would not be added to the employee’s total amount available. It would be lost.

Regular scheduled part-time employees, for instance the Librarian, will receive one (1) week of paid vacation after completion of one full year of employment and will receive one (1) day more for each following year of employment.

PER DIEM

The City shall reimburse meal expenses for individuals required to attend meetings. All receipts to be reimbursed shall be turned in to the auditor. No alcoholic beverages will be reimbursed.

Motels when out of town will be paid at total amount of room (within reason).

TRAVEL TIME

Travel time should try to be kept within regular working hours. For after hours travel, hours will be reviewed by the Board as per event. Mileage will be paid in accordance with Federal rate per mile.

HOLIDAYS

New Years Day	January
Martin Luther King Day	January
Presidents Day	February
Good Friday	March or April
Memorial Day	May
Independence Day	July
Labor Day	September
Veterans Day	November
Thanksgiving Day	November
Thanksgiving Friday	November
Christmas Day	December

When a holiday falls in the week, employees will get 8 hours paid time for that holiday. Employees will work their regular scheduled hours during the rest of the week prior to the holiday and/or after the holiday for a total of 32 hours. Employees may not work more than a 10 hour day unless due to unforeseen circumstances.

Martin Luther King Day is a floating Holiday; all others are taken on the day. Holidays, which fall on Sundays, are taken on Monday, and Holidays, which fall on Saturday, will be taken on Friday.

CONFLICTS OF INTEREST

The purpose of the conflict of interest policy is to assure that employees are functioning in a fair, unbiased and ethical manner when interacting with all private sector businesses and are conducting themselves in a manner that will not place them in conflict with the public interest.

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which the City wishes the business to operate. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation.

Transactions with outside firms must be conducted within a framework established and controlled by the Board of the City. Business dealing with outside firms should not result in unusual gains for those firms. Unusual gain refers to bribes; product bonuses, special fringe benefits, unusual price breaks, and other windfalls designed to ultimately benefit the employer, the employee, or both. Promotional plans that could be interpreted to involve unusual gain require specific executive level approval.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of this Corporation's business dealings.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if an employee has any influence on transactions involving purchases, contracts, or leases, it is imperative that he or she discloses to a Member of the Board as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which this City does business but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the City.

The materials, products (including salvage), designs, plans, ideas, and data of this organization are the property of the City and should never be given to an outside firm or individual except through normal channels and with appropriate authorization. Any improper transfer of material or disclosure of information, even though it is not apparent that an employee has personally gained by such action, constitutes unacceptable conduct. Any employee who participated in such a practice will be subject to disciplinary action, up to and including possible discharge and legal action.

OUTSIDE EMPLOYMENT

It is the policy of the City that employees disclose outside employment opportunities, circumstances or situations to their supervisor. An employee may hold a position with another organization as long as he or she satisfactorily performs his or her job responsibilities with the City. Employees should consider the impact that outside employment may have on their health and physical endurance. All employees will be judged by the same performance standards and will be subject to the City's scheduling demands, regardless of any existing outside work requirements.

If the City determines that an employee's outside work interferes with performance or the ability to meet the requirements of the city as they are modified from time to time, the employee may be asked to terminate the outside employment, if he or she wishes to remain with the City.

Outside employment will present a conflict of interest if it has an actual or potential adverse impact on the City.

EMPLOYEE CONDUCT AND WORK RULES

To assure orderly operations and provide the best possible work environment, the City expects employees to follow rules of conduct that will protect the interests and safety of all employees and the City. It is not possible to list all the forms of behavior that are considered unacceptable in the work place, but the following are examples of infractions of rules of conduct that may result in disciplinary action, including suspension or termination of employment.

- Falsification of City records
- Theft or inappropriate removal or possession of property
- Falsification of timekeeping records
- Working under the influence of alcohol or illegal drugs
- Possession, distribution, sale, transfer, or use of alcoholic or illegal drugs in the work place, while on duty, or while operating employer-owned vehicles or equipment
- Fighting or threatening violence in the work place
- Boisterous or disruptive activity in the work place

- Negligence or improper conduct leading to damage of employer-owned or customer-owned property
- Insubordination or other disrespectful conduct
- Sexual or other unlawful harassment
- Excessive absenteeism or any absence without notice
- Unauthorized use of telephones, mail system, or other employer-owned equipment
- Violation of personnel policies
- Unsatisfactory performance on the job or misconduct on or off the job
- Monthly reports from each department will be submitted at the first (1st) meeting of the month to the Council.

Misconduct can occur either on or off the job. Examples of misconduct on the job are cited above. Examples of misconduct off the job include, but are not limited to involvement in criminal activity or activity involving moral turpitude, which, in the judgment of the City, reflects adversely on the image or standing of the City.

Any Driver Employee, who is convicted, pleads guilty or nolo contendere to a charge of driving under the influence either on or off duty is subject to disciplinary action up to and including discharge.

Drivers are further required to report all moving violations to their supervisor or board member within 24 hours of returning to regular work schedule.

It is imperative that each individual conduct him or herself at all times so as to reflect credit on the City and its' directors, officers, and staff members.

Inclement Weather: A decision to close a location of the City due to inclement weather shall be at the discretion of the Board, who will make the necessary arrangements to notify employees. Should an employee chose not to attend work due to inclement weather when that location is still open, that employee will have that time off charged to either vacation or leave without pay.

USE OF PHONE AND MAIL SYSTEMS

Personal use of telephones for long-distance and toll calls is not permitted. Employees should practice discretion in using City telephones when making local personal calls and may be required to reimburse the City for any charges resulting from their personal use of the telephone.

The use City-paid postage for personal correspondence is not permitted, unless postage costs are reimbursed to the city.

To assure effective telephone communications, employees should always use the approved greeting and speak in a courteous and professional manner. Please confirm information received from the caller, and hang up only after the caller has done so.

SMOKING

In keeping with the City's intent to provide a safe and healthful work environment, smoking within the City Hall is prohibited. Exemption would be a designated smoking area.

This policy applies equally to all employees, council members, customers and visitors.

ATTENDANCE AND PUNCTUALITY

To maintain a safe and productive work environment, the City expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the City. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, he or she should notify the supervisor as soon as possible in advance of the anticipated tardiness or absence.

Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, including termination of employment.

RETURN OF PROPERTY

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. Employees must immediately return all property of the City that is in their possession or control in the event of termination of employment, resignation, or layoff.

Drivers are expected to return all trucks, trailers, and equipment in a reasonably clean condition. The City reserves the right to charge back to the driver any and all costs associated with cleaning or repairing vehicles or equipment that is not brought back in a reasonably clean condition.

Should a driver chose to terminate his or her employment while operating a City owned or leased truck and/or trailer, they are to return that equipment to a location designated by the City. Any other disposition of the equipment shall be considered abandonment and will subject the driver to liability for the costs associated with the recovery of the equipment and/or any damage to the equipment and/or its contents.

MILITARY LEAVE

A leave of absence without pay will be granted to any employee who enters any branch of the United States armed services. Benefit accruals for any employee serving on active duty longer than 20 consecutive days will be calculated in accordance with applicable federal laws.

The employee will be reinstated with full seniority to his or her former position or to a comparable position if application for re-employment is made with 90 calendar days of the date of an honorable discharge or the date of release from hospitalization following discharge.

Any employee who is a member of a reserve component of the armed forces or a National Guard unit will be placed on unpaid leave for his or her annual two-week training duty. Benefit programs will be unaffected, and the employee may elect to use any vacation entitlement for the absence. Training leaves will not normally exceed two weeks per year, plus reasonable travel time. Where possible, employees are asked to submit request for this time off at least two weeks in advance.

MATERNITY-RELATED ABSENCES

The City will not discriminate against any employee who requests an excused absence for medical disabilities associated with a pregnancy. Such leave requests will be made and evaluated in accordance with the medical leave policy provisions outlined in this handbook and in accordance with all applicable federal and state laws.

Requests for time off associated with pregnancy and/or childbirth (apart from medical disabilities associated with these conditions) will be considered in the same manner as any other request for an unpaid personal leave.

JURY DUTY

The City encourages employees to fulfill their civic responsibilities by serving jury duty when required. Employees may request unpaid jury duty leave.

The City of Mott will pay employees, when called for jury duty, their regular salary, less the compensation paid for jury duty.

An employee may use any available paid time off (for example, vacation benefits) or may request an unpaid jury duty leave of absence.

Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate the employee's absence. Of course, the employee is expected to report for work whenever the court schedule permits.

WITNESS DUTY

The City encourages employees to appear in court for witness duty whenever summoned to do so.

Employees may be granted unpaid time off to appear in court as a witness, and are free to use any applicable paid leave benefits (e.g., vacation leave) to receive compensation for unpaid periods of witness duty absence.

The witness summons should be shown to the employee's supervisor immediately after it is received so that operating requirements can be adjusted, where necessary, to accommodate the employee's absence. The City of Mott will pay employees, when called for witness duty, their regular salary, less the compensation paid for witness duty. The employee is expected to report for work whenever the court schedule permits.

If the employee has been summoned as a witness of the City as a result of job-related event, he or she will receive regular pay for the entire period of witness duty.

USE OF EQUIPMENT AND VEHICLES

City vehicles and equipment may be used by employees for personnel use, but may not be taken out of city limits. Prior notification of the members of the board is required. Gasoline used should be replaced.

The 1958 Ford Truck is available for customer use. Gasoline used should be replaced.

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Please notify the supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

Drivers are expected to return all trucks, trailers, and equipment in a reasonably clean condition. The City reserves the right to charge back to the driver any and all costs associated with cleaning or repairing vehicles or equipment that is not brought back in a reasonably clean condition.

Should a driver chose to terminate his or her employment while operating a City owned or leased truck and/or trailer, they are to return that equipment to a location designated by the City. Any other disposition of the equipment shall be considered abandonment and will subject driver to liability for the costs associated with the recovery of the equipment and/or any damage to the equipment and/or its contents.

All violations of traffic laws and fines levied as a result are the exclusive responsibility of the employee.

Drivers are further required to report all moving violations to their supervisor within 24 hours of returning to regular work schedule.

SEXUAL AND OTHER FORMS OF IMPERMISSIBLE HARASSMENT

Sexual harassment is the unwarranted and unwanted action of an individual against another individual involving sexual overtones. The City will not tolerate verbal or physical conduct by an employee, which harasses, disrupts or interferes with another's work performance or which creates an intimidating, offensive or hostile work environment. The City is opposed to sexual harassment in the work place and such harassment is against the law.

Sexually harassing conduct in the work place or elsewhere, whether committed by supervisory or non-supervisory personnel is prohibited. Such conduct may include, but is not limited to:

1. Sexual flirtations, touching, advances, etc.
2. Verbal abuse of a sexual nature.
3. Graphic or suggestive comments about an individual's dress or body.
4. Sexually degrading words to describe an individual.
5. The display in the work place of sexually suggestive objects or pictures, including nude photographs.

It is important to note that sexually harassing conduct also includes:

1. Explicitly or implicitly making submission to the conduct, a term or condition of an individual's employment.
2. Using submission or rejection of the conduct as a basis for employment decisions.
3. The conduct substantially interferes with the individual's work performance or creates an intimidating, hostile or offensive work environment.

Any employee, who believes that the actions or words of any employee or fellow employee constitute unwelcome harassment, has a responsibility to report this behavior, preferably in writing, as soon as possible to the Board.

All complaints of harassment will be investigated promptly in a confidential manner. In all cases, the employee will be advised of the investigation's conclusions.

Any employee who is found, after appropriate investigation, to have engaged in harassment of another employee, will be subject to appropriate disciplinary action and may be subject to immediate discharge.

RESIGNATION

Resignation is a voluntary act initiated by the employee to terminate employment with the City. Although advance notice is not required, the City requests at least two weeks' written notice of resignation from all employees.

Employees who fail to provide the above requested advance notice might be declared ineligible for rehire.

SOLICITATION

In an effort to assure a productive and harmonious work environment, employees or persons not employed by the City may not solicit or distribute literature in the work place at any time for any purpose, unless approved in advance by a Board Member or his designated representative.

WORKERS' COMPENSATION INSURANCE

The City provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately.

Any employee who sustains a work-related injury or illness, as defined by law, should inform his or her supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

EMPLOYMENT STATUS OF INDIVIDUALS WITH LIFE-THREATENING ILLNESSES

The City recognizes that employees with life-threatening illnesses, such as cancer, heart disease, or AIDS may wish to continue their normal pursuits, including work, to the extent that their condition allows. The decision to continue work will be based on the ability to meet normal performance standards and on the receipt of satisfactory medical evidence that the employees do not present an immediate threat to themselves or others. Evaluation of the potential dangers presented by individuals with life-threatening diseases will occur on a case-by-case basis and will consider existing medical and scientific evidence.

PERFORMANCE EVALUATION

At least once a year, the board will formally review each employee's work performance. A member of the board will complete a written evaluation of work performance, individual strengths, and areas for improvement or development. Each employee will have an opportunity to provide written comments/response on the review. A board member and the employee will sign the evaluation to indicate the material has been reviewed and discussed. A copy of the review form is provided to the employee and a copy is placed in his/her file.

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. 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 a City governing board member.

A written complaint may be filed with a board member, 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 a City governing board member. 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 governing board member 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 City governing board member, he/she will present a written report to the City governing board at its next regular meeting and the governing board 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. Any expenses of representation are the responsibility of the employee.

If the employee is not satisfied with the remedy or process, he/she may request information from the North Dakota Department of Labor.

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 days; and
- c. Dismissal (including being dismissed pursuant to a reduction in force);
- d. Removal of appointive officers pursuant NDCC 40-08-19 and 40-14-05

Resignations, At-will employees are not required to provide prior notice of resignation but are encouraged to provide at least two weeks notice to the supervisor prior to the effective date of termination.

Reduction in Force, The City may implement a reduction in force whenever it is deemed necessary due to a change in duties, reorganization, or shortage of work or funds. The city governing body shall give an employee 30 days written notice of its intent to dismiss the employee pursuant to a reduction in force. In determining which employees shall be selected for termination under a reduction in force, the following criteria shall be used:

1. The acquired knowledge, demonstrated skills and abilities of each employee compared to the work to be done and the available funding;
2. Demonstrated past and present performance levels; and
3. If two or more employees are deemed equally qualified in the above two categories, then length of service with the City shall be a factor. In determining length of service, employees with breaks in service less than one year are credited for their time actually worked. Employees with a break in service greater than one year receive service credit only from their most recent date of hire with the City.

Exit Interview. The supervisor shall hold an interview, prior to separation, with every employee separated from employment with the City for the purpose of gathering information that may facilitate control of the employee turnover rate. The employee shall verify the address to which his/her final paycheck is to be forwarded.

Payment of Final Wages. 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.

The unpaid wages or compensation of any employee terminated by the City become due at the next regular regularly scheduled payday or within 15 calendar days, whichever comes first, and shall be forwarded to an address designated by the employee.

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.

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. 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, 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, 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 deems it necessary to conduct an investigation in order to make an informed determination concerning an allegation asserted against an employee.

The employee's supervisor shall determine the length of the suspension and whether it shall be with or without pay. 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 determines it is appropriate to recommend the dismissal of an employee, the employee shall be immediately suspended without pay pending determination of the City governing board on the recommendation for dismissal.

The supervisor shall submit a recommendation in writing to the governing board stating the reasons for recommending dismissal. The employee shall be provided a copy of the supervisor's recommendation.

The governing board 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 governing board concerning the recommended dismissal. Both the supervisor and the employee may attend the meeting and may offer any pertinent information to the governing board for consideration. The governing board may also seek and consider any other information it deems appropriate.

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

Dismissal of appointive officers shall be governed by NDCC 40-08-19 under the council form of government.

WORK BREAKS

Breaks from work are provided to relax and refresh the employee. Each employee 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, nor may they be used for coming to work late or leaving early.

MEAL PERIODS

Employees are required to take an unpaid lunch break of at least 30 minutes during the workday if an employee works more than five hours. The work schedule will allow for lunch breaks. An employee is not to perform work duties during his/her lunch break, and employees may leave the premises during lunch breaks.

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 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 solicitation.
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 computer shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary

financial information, or similar materials without prior authorization by the board.

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 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.
10. An employee shall not use a code, access a file, or retrieve stored information unless authorized to do so by the employee's supervisor. 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.
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.

LEAVE DOCUMENTATION

Prior to taking leave, an employee taking leave of any kind is required to complete a leave form and have it signed by his or her supervisor. In the event of illness, a leave form detailing the sick leave used should be completed immediately upon returning to work.