

RESOLUTION 2021-11

WHEREAS, it is necessary to adopt and maintain personnel policies for employees of the City of Gothenburg, from time to time as authorized by ordinance, and the statutes of the State of Nebraska,

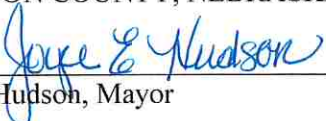
WHEREAS, the City Council of Gothenburg has reviewed the personnel policy attached hereto;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GOTHENBURG, DAWSON COUNTY, NEBRASKA AS FOLLOWS:

Section 1. The personnel policy attached hereto and incorporated herein by reference, is hereby adopted and shall be in full force and effect from the 17th day of August 2021.

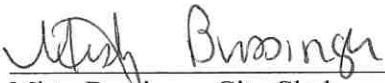
Passed and approved this 17th day of August, 2021.

CITY OF GOTHENBURG,
DAWSON COUNTY, NEBRASKA



Joyce Hudson, Mayor

ATTEST:

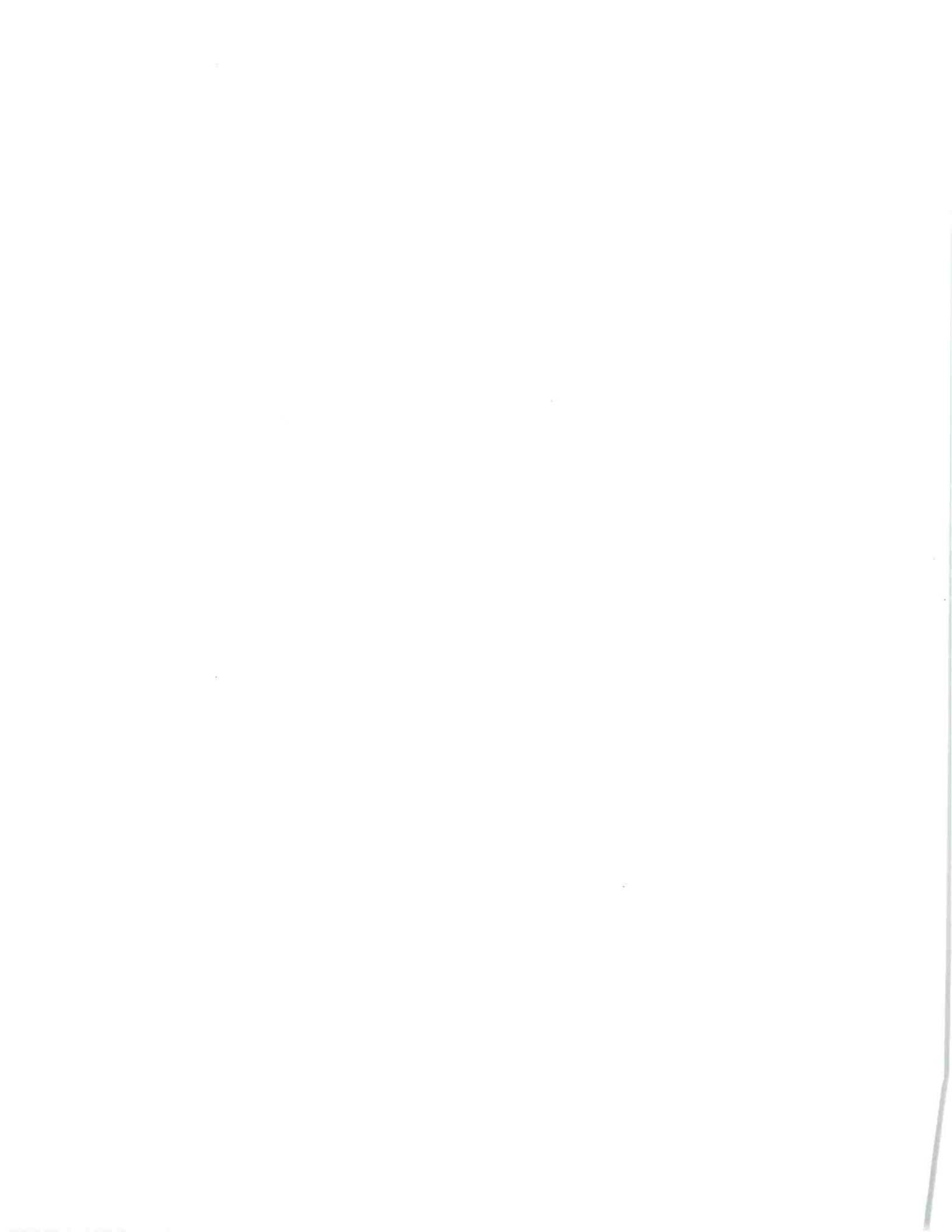


Misty Bussinger, City Clerk

APPROVED AS TO FORM:



Michael L. Bacon, City Attorney



Policy # _____

PERSONNEL POLICIES

AND

PROCEDURES

CITY OF GOTHENBURG, NEBRASKA

AMENDED AND APPROVED: NOVEMBER 26, 2002
 MAY 6, 2003 Section 4.02(E)
 July 25, 2003 Chapter 9
 Sept 6, 2005 Chapter 4 and 8.1
 Feb 6, 2007 Chapter 9
 May 20, 2008 Section 3.12
 Feb 17, 2009 Sections 4.04 and 4.05
 Nov 19, 2013 Several Sections
 July 19, 2016 Several Sections
 August 17, 2021 Several Sections

TABLE OF CONTENTS

FORWARD x

CHAPTER 1 - GENERAL PROVISIONS x

- 1.01 ADOPTION OF RULES x
- 1.02 AMENDMENT OF RULES PROCEDURES x
- 1.03 ADMINISTRATION OF RULES x
- 1.04 COVERAGE OF THE RULES x
- 1.05 DEFINITIONS x
- 1.06 EMPLOYMENT AT WILL x

CHAPTER 2 - EQUAL EMPLOYMENT OPPORTUNITY x

- 2.01 PROHIBITION OF DISCRIMINATION x
- 2.02 DISCRIMINATION COMPLAINTS AND APPEALS x

CHAPTER 3 - CLASSIFICATION, PAY AND FRINGE BENEFITS x

- 3.01 JOB DESCRIPTIONS x
- 3.02 EMPLOYEE COMPENSATION x
- 3.03 PERIODIC PAY INCREASES AND ADVANCEMENT x
- 3.04 BENEFITS x
- 3.05 PAY AT TERMINATION x
- 3.06 HOURS OF WORK x
- 3.07 ATTENDANCE x
- 3.08 OVERTIME COMPENSATION x
- 3.09 TRAVEL AND OFFICIAL EXPENSES x
- 3.10 POLICE UNIFORM ALLOWANCE x
- 3.11 RETIREMENT x
- 3.12 CALL IN PAY, ON-CALL PAY AND PROCEDURE x

3.13 PAYROLL ERROR NOTIFICATION POLICY x

CHAPTER 4 - LEAVE x

4.01 VACATION LEAVE x

4.02 SICK LEAVE x

4.03 GRANTED SICK LEAVE PROVISION x

4.04 HOLIDAY LEAVE x

4.05 PERSONAL HOLIDAYS x

4.06 HOLIDAY PAY x

4.07 CALL-IN HOLIDAY PAY x

4.08 JURY DUTY x

4.09 OTHER CIVIL LEAVE x

4.10 SPECIAL LEAVE x

4.11 FUNERAL LEAVE BENEFIT x

4.12 MILITARY LEAVE OF ABSENCE x

4.13 INJURY LEAVE x

4.14 ABSENCE WITHOUT LEAVE x

4.15 RECORDS TO BE MAINTAINED x

4.16 FMLA LEAVE x

CHAPTER 5 – SEXUAL HARASSMENT x

5.01 SEXUAL HARASSMENT x

CHAPTER 6 - DISCIPLINARY ACTION x

6.01 GROUNDS x

6.02 TYPES OF DISCIPLINARY ACTION x

6.03 DISCIPLINARY AUTHORITY x

6.04 POLICE DEPARTMENT

6.05	PROTECTIVE SUSPENSION	x	
6.06	DISCIPLINARY ACTION		
	<u>CHAPTER 7 - GRIEVANCES PROCEDURES</u>		x
7.01	GRIEVANCE DEFINED	x	
7.02	GRIEVANCE PROCESS	x	
7.03	RECORDS	x	
	<u>CHAPTER 8 - STAFFING</u>		x
8.01	POLICY STATEMENT	x	
8.02	ANNOUNCEMENT OF AVAILABLE POSITIONS		x
8.03	APPLICATION AND EXAMINATION		x
8.04	AGE REQUIREMENTS	x	
8.05	DISQUALIFICATIONS	x	
8.06	MEDICAL EXAMINATIONS/PRE-EMPLOYMENT ALCOHOL-DRUG TESTING		
	x		
8.07	EMPLOYEE ORIENTATION	x	
8.08	PROMOTION	x	
8.09	DEMOTIONS, TRANSFERS, SUSPENSIONS		x
8.10	PROBATION PERIOD	x	
8.11	RE-EMPLOYMENT	x	
8.12	EMPLOYMENT OF RELATIVES	x	
8.13	PHYSICAL STANDARDS FOR EMPLOYMENT		x
8.14	EMERGENCY EMPLOYMENT	x	
8.15	PAY RATES IN DEMOTION	x	
8.16	EMPLOYEE TRAINING AND TUITION ASSISTANCE		x
8.17	LAYOFF/TERMINATION/RESIGNATION	x	
	<u>CHAPTER 9 – DRUG FREE WORKPLACE POLICY</u>		x

CHAPTER 10 - PERFORMANCE EVALUATION x

10.01 PERFORMANCE EVALUATION PROCESS x

10.02 FREQUENCY OF REPORTS x

10.03 REVIEW OF PERFORMANCE REPORT x

10.04 RECORDS TO BE MAINTAINED x

10.05 MAINTENANCE OF RECORDS x

10.06 PUBLIC REVIEW OF RECORDS x

10.07 EMPLOYEE PERFORMANCE x

CHAPTER 11 - POLITICAL ACTIVITY, ETHICS AND CONDUCT x

11.01 POLITICAL ACTIVITY x

11.02 EHTICS x

11.03 EMPLOYEE DRESS AND APPEARANCE CODE x

11.04 OUTSIDE EMPLOYMENT x

11.05 NEBRASKA ACCOUNTABILITY AND DISCLOSURE ACT x

11.06 USE OF CITY EQUIPMENT AND SERVICES x

CHAPTER 12 - PERSONNEL MANAGEMENT AND COMMITTEES x

12.01 EMPLOYEE ASSISTANCE x

12.02 GOVERNING BODY x

12.03 SAFETY COMMITEE x

12.04 EMPLOYEE RELATIONS COMMITTEE x

CHAPTER 13 – EMPLOYEE LIABILITIES x

13.01 USE OF EMPLOYEE VEHICLE FOR CITY BUSINESS x

13.02 USE OF CITY VEHICLE x

APPENDIX x

OUTSIDE EMPLOYMENT DISCLOSURE x

TUITION ASSISTANCE FORM x

DEDUCTION AUTHORIZATION FORM x

RECEIPT FORM x

FORWARD

The City of Gothenburg appreciates you being part of an outstanding team of employees dedicated to serving the citizens of the community. Every position is important in carrying out the City's mission as established by the Mayor and City Council. We are responsible for important tasks that directly relate to the quality of life for the residents of Gothenburg.

The following Personnel Policies and Procedures provided the expectations that come along with municipal employment with the City. They have been drafted to assure a fair and consistent employment relationship that you and City can rely upon. They provide guidance in how the administration of the work of the City will be carried out.

The policies and procedures have been approved by the City Council and should be reviewed on a continual basis. Nothing in this manual will be construed as a contract for employment nor a promise or guarantee for perpetual association or advancement in pay or position.

NOTICE: This personnel manual is not a contract for employment. Employer shall continue to employ employee for such a time as employer is in need of, or desirous of, the services of the employee. It is distinctly understood between the parties hereto that the duration of employment is unspecified and solely rests in the discretion of the employer.

CHAPTER 1 - GENERAL PROVISIONS

1.01 ADOPTION OF RULES.

These rules shall have the force and effect of law when enacted through resolution of the Governing Body of the City of Gothenburg as prescribed by laws.

1.02 AMENDMENT OF RULES PROCEDURES.

The rules may be amended from time to time, as the needs of the service require. Amendments and revisions of these rules and regulations not inconsistent with the City charter may be initiated by the Governing Body. The Governing Body shall review such proposed amendments or revisions, in whole or in part, with City personnel prior to legislative action. All amendments or revisions of these rules and regulations shall have the force and effect of law when enacted as a resolution by the Governing Body as prescribed by law.

Holders of copies of these rules and regulations are responsible for inserting changes as they are issued and keeping their respective copies of the rules up to date.

Copies of these rules and regulations are issued to all employees of the City. Replacement copies may be obtained from the City Clerk. Policies shall be returned upon employee separation or upon request by City Administrator to update.

Suggestions for amendments to these rules and regulations are welcome at any time from any employee. They should be submitted in writing to the City Administrator.

1.03 ADMINISTRATION OF RULES.

On a day-to-day basis the Mayor and/or the City Administrator shall be charged with the responsibility of the administration of the provisions of these rules and regulations.

1.04 COVERAGE OF THE RULES.

These rules apply to all employees of the City of Gothenburg, Nebraska, including all existing employees at the date of the adoption of these policies, and these rules shall supersede any written or unwritten rules or practices by the City of Gothenburg.

1.05 DEFINITIONS.

Whenever the following terms are used, they shall have the meanings respectively ascribed to them in this section.

1. Absence Without Leave - The unauthorized absence of an employee from place of duty during normal duty hours.
2. Appointed Position - A position in which there is vested a grant of power either discretionary or ministerial with duties created and defined by law.
3. Appointing Authority - The Mayor or any officer, commission, board or body having the power by virtue of the Governing Body's formal authorization of

appointment to, or removal from, any office, department, commission, board, or institution in the City service.

4. Cooperation - Ability to work with others, emotional stability, and personality.
5. Dismissal - The disciplinary termination of employment of an employee.
6. Emergency Employee - An employee hired to provide temporary assistance because of a special project or temporary increase in workload.
7. Employee - Any person in the employ of the City who receives a salary or wage. Exempt employees must meet certain tests regarding their job duties and be paid on a salary basis at a rate established by the U.S. Department of Labor. Non-exempt employees are paid by the hour and will be paid overtime when they work over 40 hours. Exempt employees include the City Administrator, City Clerk, Police Chief, Library Director, City Services Director, Park Director and Electric Division Foreman.

Employee Classifications

Introductory Employee: An employee who is hired to fill a regular position will be classified as an introductory employee for the first six (6) months of his/her employment. During this period, the City reserves the right to dismiss an introductory employee at any time, with or without cause.

Regular Employee: This person is expected to work at least forty (40) hours per week.

Part-Time Employee: This person may be employed on a regular schedule for less than 30 hours per week throughout the year.

Temporary, Part-Time Employee: The term temporary, part-time employee shall mean any individual or individuals whose employment is fixed at the time of employment not to exceed 1,040 (one thousand and forty) hours of work in the twelve-month period following the individual's date of hire or any subsequent twelve-month period. Any temporary or part-time employee whose employment arrangement is changed to full-time status shall be treated as an introductory employee and their hire date shall be the date of his/her employment as a full-time employee. The six months may be extended by written mutual agreement of both parties.

Grievance - A misunderstanding or disagreement on the part of an employee arising out of a belief that he is being treated unfairly in regard to the terms or conditions of his/her employment.

His/he - These words and all similar references to the masculine gender shall be understood to include the feminine gender as well.

Initiative - Ability to plan and execute without being instructed in every specific detail.

Knowledge of Work - Understanding of the job through education, training, and experience.

Reduction in Force - Involuntary termination (reduction in work force) of employment because of lack of work, lack of funds, privatization, or reorganization.

Leave of Absence - An approved period of time during which the employee is not physically present for work.

Leave Without Pay - Time off from work for the employee's personal reasons and for which period the employee receives no pay and shall not accumulate benefits.

Pay Period - The period of time between normal pay days, which are every other week. There are 26 (twenty-six) pay periods per year.

Introductory Period - A period of time during which an Employee is required to demonstrate his fitness for a particular position as part of the selection process.

Production - Quantity of work accomplished in a specific period of time.

Public Relations - Manners, courtesy, tact, diplomacy, proper speech and grammar, and ability to meet and work with the public.

Quality of work - Accuracy, thoroughness, neatness, intelligence, analytical and reflective of organized thought.

Reinstatement - The privilege of rehire, which may be granted by the Governing Board to a former employee who voluntarily terminates his employment while in good standing.

Resignation - Voluntary termination of employment by an employee.

Suspension - An enforced leave of absence, with or without pay, for disciplinary purposes or pending investigation of charges against the employee.

Working Day - One eight-hour (8-hour) shift during which an employee is scheduled to work.

Workweek - The number of hours regularly scheduled to be worked during any seven consecutive days by an individual employee.

City - City of Gothenburg, Nebraska.

Governing Body - The Mayor and the City Council.

Transfer - The movement of an employee from one position to another that has the same pay assignment.

1.06 EMPLOYMENT AT WILL.

All employees are employed at will by the Governing Body and may be terminated at any time with or without cause.

CHAPTER 2 - EQUAL EMPLOYMENT OPPORTUNITY

2.01 PROHIBITION OF DISCRIMINATION.

It is the policy of the City of Gothenburg, Nebraska to guarantee equal opportunity to all qualified applicants and to all employees with respect to initial employment, advancement, wages and general working conditions, without regard to protected age, race, religion, color, sex, sexual orientation, gender identity, national origin, disability, marital status, pregnancy, genetic information, or any other protected class.

Discrimination against any person in recruitment, examination, employment training, promotion, retention, discipline or any other aspects of personnel administration because of political or religious activity protected by the First Amendment or because of race, religion, color, sexual orientation, gender identity, national origin, marital status, pregnancy, genetic information, or other non-merit-based factors is prohibited. Discrimination on the basis of age, religion, sex, disability, marital status, or national origin is prohibited except in those certain instances when age, religion, sex, disability, marital status, or national origin constitute a bona fide occupational qualification reasonably necessary to the normal operation of the City.

2.02 DISCRIMINATION COMPLAINTS AND APPEALS.

Applicants for employment with the City alleging discrimination in the City employment priorities or policies, and employees of the City with complaints or appeals in cases of discrimination shall follow the complaint and appeals procedure set forth below:

- (a) The affected applicant or employee shall file a written complaint with the City Administrator.
- (b) Within ten working days after the complaint has been filed, the City Administrator shall meet with the affected employee, the party(ies) concerned in the complaint and any other persons necessary to make a decision concerning the action.
- (c) Within fifteen (15) working days after the complaint has been filed, the City Administrator shall render a written decision on the complaint. A copy of the decision shall be given to the party(ies) named in the affected employee's complaint. The decision of the City Administrator shall be binding on all parties to the complaint unless an appeal is taken.
- (d) If either the affected employee or the party(ies) named in the complaint are not satisfied with the decision of the City Administrator, an appeal may be filed with the City Council. The appeal must be filed within ten (10) working days from the receipt of the City Administrator's decision.
- (e) Within ten (10) days following the receipt of an appeal, the City Council shall convene a meeting to consider said appeal. The affected employee, the party(ies) named in the employee's complaint and any other interested party shall have the right to be heard.
- (f) The City Council shall render a written decision on the appeal within ten (10) days from the date of the appeal hearing.

(g) The decision of the City Council shall be binding on all parties.

(h) No employee of, or applicant for employment with, the City shall be disciplined or discriminated against in any way because of the proper use of the Discrimination Complaints and Appeals Procedure.

CHAPTER 3 - CLASSIFICATION, PAY AND FRINGE BENEFITS

3.01 JOB DESCRIPTIONS.

All positions are defined according to the duties, responsibilities, level of difficulty, and the minimum qualification of training and experience and other qualifications believed to be necessary for entry into the various classes. Job descriptions shall be developed on an ongoing basis by the City Administrator and shall be subject to the approval of the Mayor.

3.02 EMPLOYEE COMPENSATION.

Salaries and/or wages shall be paid to all City employees as recommended by the City Administrator with the consent of the Mayor and the City Council.

An employee who does not work his regularly scheduled workweek shall be paid only for hours worked, unless such absence is authorized as paid leave by the employee's supervisor and the City Administrator.

Hours worked shall be paid in fifteen-minute (15-minute) increments.

Regular paydays for all City employees shall be every other week on a day determined by the City Clerk. Check stubs will be distributed by the City Clerk to individual employees or to their supervisor. All non-exempt employees will sign their timecards at the end of each pay period. Supervisors will also be required to sign timecards for each employee. Signatures on timecards serve as a verification that employee has worked the exact hours shown on the time card and no more for the applicable period shown on said card. All regular time shall be paid in increments of (15) fifteen minutes.

Deductions, as required by State and Federal law, or by the City, or made voluntarily by the employee, shall be made from each employee's pay.

It is the policy of the City that no advance on future wages shall be made.

3.03 PERIODIC PAY INCREASES AND ADVANCEMENT.

Salaries and wages shall be evaluated annually. Adjustments will be considered based on performance, (merit), the Consumer Price Index (CPI), and the current finances of the City. The various factors that influence salary adjustment and advancement are as follows: knowledge of work, quality of work, length of service, use of working time, initiative, ability to work with others, loyalty and conduct, personal appearance, public relations, absenteeism and tardiness, care and maintenance of equipment, personal health care and ability to adapt, leadership, acceptance of responsibility, and self-motivation, cost control.

It is the duty of the Governing Body and all supervisory personnel to identify outstanding workers by conducting an annual performance evaluation and to adjust the rate of pay according to performance and financial limitations.

Seniority or longevity is not necessarily a basis for promotion or increase in pay. Promotions and pay increases will be based on performance evaluations with length of service being only one of the factors considered.

The Governing Body shall avoid circumstances whereby a special pay increase is recommended to prevent a valuable employee from seeking employment elsewhere. Employee performance and ability should be recognized voluntarily by the supervisor, not under threat of resignation.

3.04 BENEFITS.

Paid or accrued every pay period.

The cash pay of employees by no means constitutes their total pay since employees receive a number of benefits that have a substantial value.

The benefits for eligible employees are as follows:

- (a) Health Insurance (through a plan selected by the Governing Body)
- (b) Life Insurance (through a plan selected by the Governing Body)
- (c) Pension Plan (through a plan selected by the Governing Body)
- (d) Workers' Compensation
- (e) FICA (social security)
- (f) Unemployment compensation paid upon claim
- (g) Paid holidays
- (h) Paid vacations
- (i) Paid sick leave

Detailed information is available at the office of the City Clerk for the terms and conditions of those benefits that are governed by law, or by contract.

Upon becoming eligible for Medicare, the City may reimburse the employee for premiums and mutually agreed upon supplements if they choose to enroll in the federal Medicare plan rather than the City Plan.

3.05 PAY AT TERMINATION.

Pursuant to the Nebraska Wage Payment and Collection Act, whenever the City separates an employee from the payroll, the unpaid wages shall be paid within two weeks of the next regularly scheduled meeting of the City Council if the employee is separated from the payroll at least one week prior to the City Council meeting. If the employee is separated from the payroll less than one week prior to the regularly scheduled meeting of the City Council, the unpaid wages shall be paid within two weeks of the following regularly scheduled meeting of the City Council.

3.06 HOURS OF WORK.

Regular working hours for all full-time City employees, other than Police, shall be 40 hours per week, 8 hours per day, Thursday through Wednesday, excluding Saturday and Sunday, which shall be the standard workweek. Up to one hour will be allowed for lunch, including travel time and will not be considered part of the 8-hour working day.

The City Administrator shall give adequate notice to all employees of a change in the starting and stopping hours of the standard workweek.

There shall be allowed two (2) fifteen (15) minute rest periods or coffee breaks for all full-time employees during the workday. One period shall be mid-morning and one period shall be mid-afternoon. Such periods shall not exceed fifteen (15) minutes in length, including travel time.

The Chief of Police shall set schedules for hours of work for the Police Department. To afford flexibility, the Chief of Police shall propose his work schedule to meet necessities, subject to review and approval of the City Administrator. Working hours may be scheduled in excess of, or less than, 8 hours per day. The Chief shall take into consideration scheduling employees' time in a manner that best suits the needs of the City, as well as the employee. All schedules are subject to review and approval by the Governing Body, when so requested.

3.07 ATTENDANCE.

Employees shall be in attendance at their assigned places of work in accordance with the policies regarding hours of work, holidays and leave. If an employee, for some unavoidable reason, cannot report for work, he shall make every attempt to notify his supervisor or Department Head sixty (60) minutes before the start of his shift. Failure on the part of an employee to comply with these policies may be cause for disciplinary action, if in the opinion of the supervisor said action is warranted.

3.08 OVERTIME COMPENSATION.

All non-exempt employees shall receive pay at one and one-half times their regular rate for each hour worked in excess of the employee's regularly scheduled forty-hour (40-hour) workweek, including leave hours, unless some other agreement is reached between the employee and his supervisor, as allowed by law. Any such agreement shall be brought to the attention of the City Administrator and/or City Attorney for review. Overtime shall be paid in (15) fifteen-minute increments.

All exempt employees shall not be entitled to overtime compensation..

3.09 TRAVEL AND OFFICIAL EXPENSES.

Employees shall be reimbursed for official travel in the performance of their duties as well as for official expenses related to their position.

Although an employee is encouraged to use City provided transportation, if an employee uses his or her vehicle while on City business, mileage shall be paid at the standard mileage rate established by the Internal Revenue Service for the applicable time period during which the travel took place.

Prior to traveling outside the City, approval for the trip and the methods of travel shall be obtained from the Mayor or City Administrator. The employee, immediately upon his return, shall file expense sheets with the City Clerk.

Lodging expenses for official overnight trips shall be reimbursed based on the actual expenses incurred, for reasonable rates. Meals shall be reimbursed for the actual cost. Receipts substantiating the time, place, and amount of the expense shall be required for all reimbursable expenses. The Governing Body shall permit such expenses only when the expenses are incurred during performance of official duties as an employee. Reasonable advances shall be available at the discretion of the Administrator. If an advance is granted, any expenditure shall be accounted for with receipts substantiating the time, place, and amount of the expense. Advances will not be made more than thirty (30) days in advance of when an expense is paid or incurred. Receipts substantiating the time, place, and amount of expenses being reimbursed must be received sixty (60) days after the expense is paid or incurred.

Generally, travel from home to work is non-compensable. Travel that is required by the City during an employee's workday ordinarily is compensable (such as travel from one work site to another).

For travel away from home community for non-exempt employees:

- For special one-day assignment to another city, all travel time is compensable (except travel between home and local airport).
- For overnight travel away from home community, all travel time which occurs during the normal workday hours for the employee involved is compensable (even if travel time occurs on Saturday, Sunday or holiday). Thus, if an employee regularly works from 8 a.m. to 5 p.m., only the travel time during these hours is compensable work time, even on non-working days such as Saturday, Sunday and holidays. However, regular meal period time is not counted.
- While away from home, non-work time is non-compensable (i.e., sightseeing, regular meal periods, etc.).
- If an employee is required to drive, all such travel time will be compensable for the employee who drives.

All compensable travel time is included in hours worked for purposes of determining any overtime pay due during a workweek. Employees must accurately record compensable travel time hours just as they record other hours worked. Please contact your Department Head if you have any questions about recording or being compensated for travel-related time.

3.10 UNIFORM ALLOWANCE.

Uniforms will be provided by the City when appropriate as determined by the Mayor and the City Administrator.

3.11 RETIREMENT.

The City of Gothenburg has no mandatory retirement age. Continued employment in a position is dependent upon the employee's ability to continue to perform assigned tasks in an efficient and timely manner. This should not be construed to constitute a contract between the City and the employee, as all positions are subject to elimination through a reduction in force or through general reorganization, for budget limitations, and for other legitimate reasons of the City.

It is the duty of any employee planning on retiring to notify the City Administrator as far in advance as possible of such retirement. Notice two to three years in advance is contemplated under this notice section. Retirement for medical reasons is excluded from these notification requirements.

3.12 CALL-IN PAY, ON-CALL PAY AND PROCEDURES.

Employees of the Utilities Department shall rotate on-call duty as follows: three (3) employees, one (1) from electric, one (1) from water/sewer, and one (1) from the street department. The City Administrator, or his designee, shall set up the schedule. Employees called in to work after completing their regular shift, and being off duty before being called back to work, shall be paid at their regular rate of pay for all hours worked after being called in until the employee reaches 40 hours worked in the seven-day workweek, at which time the employee will be paid overtime.

All employees in an on-call status shall be required to be available by phone or pager supplied by the City at all times. An employee may leave the City limits while on call but may not exceed the limits of the pager; or, the employee may supply the dispatcher with a personal cell phone number. As a general rule, employees shall respond at the worksite within fifteen (15) minutes of receiving the call. It shall be the responsibility of the employee to make sure he/she is able to be reached by the dispatcher in an orderly fashion.

Employees who are scheduled to be on call and are unable to respond to a call-out because they are unavailable or under the influence of alcohol, illegal drugs, or any other non-prescribed drug are subject to appropriate disciplinary action up to and including discharge.

3.13 Payroll Error Notification Policy

For employees classified as exempt, City will not make any deductions from salary for any weeks in which the employee works, except as expressly permitted by applicable law. For example, the City will not make any deductions for absences of less than one day (except as permitted for Family and Medical Leave, if applicable). In addition, and except as otherwise permitted by law, the City will make deductions for absences of one or more full days only where: (1) the employee is absent for personal reasons not related to sickness or disability; (2) the employee is absent due to sickness or disability and has no available paid time off for

illnesses or injuries; (3) the absence is related to a disciplinary suspension; or (4) the employee works less than a full week in his/her first or last week of employment.

Any employee who believes that improper salary deductions or any other payroll error has been made must immediately contact the department head. If an error is brought to the City's attention, the City will take appropriate action.

CHAPTER 4 - LEAVE

4.01 VACATION LEAVE.

All regular and introductory employees shall be entitled to vacation leave.

Vacation leave shall accrue as follows:

<u>Employee length of service</u>	<u>Accrual Rate</u>
Less than two (2) years	3.33 hours per month or 40 hours per year
Two (2) years to ten (10) years	6.66 hours per month or 80 hours per year
(10) years to 19 (nineteen) years	10 hours per month or 120 hours per year
Twenty (20) years and over	13.33 hours per month 160 hours per year

(Accrual will change on anniversary date of employment)

Each employee may accrue up to a maximum of two (2) times their accrual rate. Employees are responsible for observing maximum accrual levels and scheduling vacation accordingly. When employees reach the maximum accrual amount, they will not accrue any additional vacation until they use enough of their accrued but unused vacation to bring their balance below the maximum accrual amount. However, the maximum accrual limit will be waived and extended when the City has denied an employee's request to take earned vacation due to the City's business needs. Employees will not receive retroactive credit for any period in which they did not accrue vacation because they had reached the accrual limit.

Vacation leave must be requested by the employee and may be used only when approved by the department head and City Administrator who shall designate such time or times when it will least interfere with the efficient operation of the department. However, this action must not be arbitrary, and the department head may not unreasonably defer the taking of vacation leave so that the employees are deprived of vacation rights. Unless there is an emergency, all employees shall provide their supervisor with two weeks' notice when requesting vacation time.

Department heads must apply for vacation leave to the City Administrator for approval.

Vacation leave shall not accrue to any employee in a non-pay status such as suspension, lay-off, or leave of absence without pay, unless otherwise directed by the Mayor and City Administrator.

Vacation leave shall be granted in a minimum of one (1) hour increments.

Vacation leave shall be taken on a normal work hour basis. Holidays falling within a period of vacation leave shall not be counted as vacation hours.

Any employee that is on vacation leave and who becomes incapacitated by illness or injury, shall be able to substitute sick leave for vacation leave, provided the employee presents a document from a physician describing the illness or injury and the days of incapacitation.

Each employee, upon retirement, dismissal or voluntary separation from the City shall be paid for unused, accrued vacation leave. Upon the death of any employee, their estate shall be paid for their unused, accrued vacation leave.

The City Administrator may deviate from vacation accrual rules in the recruitment of employees if approved by the Mayor.

4.02 SICK LEAVE.

Sick leave benefits shall be granted to Introductory Employees and Regular Employees for any of the following reasons:

- Personal illness or physical incapacity.
- A quarantine of the employee in accordance with community health regulations.
- An appointment with a doctor or dentist.
- An illness or condition of an immediate family member that requires the employee's presence based upon a competent medical opinion. For the purposes of sick leave, immediate family is defined as the employee's spouse, the employee's parents, or the employee's children actually living in the employee's household who are under the age of twenty-one (21).
- For the purpose of a medical donation of an employee's physical body including organs, bone marrow, etc. However, no time shall be allowed for medical donations (such as blood donations) in which the employee can provide said donation in hours other than working hours.

Introductory Employees and Regular Employees shall receive a credit of one (1) day, or eight (8) hours, of sick leave per month for each month of continuous service.

Temporary and part-time employees are not entitled to earn sick leave.

In cases of suspected abuse of sick leave privileges, the City Administrator may require an employee to furnish a certificate from an attending physician for sick leave. Sick leave shall be denied when the evidence indicates that an employee is abusing sick leave privileges. Abuse of sick leave shall be grounds for disciplinary action, up to and including discharge.

In order to determine fitness for duty, the department head or City Administrator may require an employee to present a written release and authorization to return to work from a physician any time a person has been under a physician's care for sick leave.

The employee shall notify the department head or supervisor of his/her illness or incapacity before the time he/she is due to report to work on the first day of sick leave and shall continue to keep the department head or supervisor informed of his/her condition. If he/she is physically incapable of doing so, he/she should give notice as soon as possible. Sick leave shall be requested in advance whenever possible.

Sick leave shall be used only for actual work time missed. Holidays falling within a period of sick leave shall not be counted against an employee's sick leave.

If an absence because of illness or injury not arising in the course of employment extends beyond the sick leave accrued to the credit of an employee, additional time off may be charged to vacation leave. When all sick and vacation leave is exhausted, the employee may be granted leave without pay status for a period not to exceed one hundred and eighty (180) calendar days, unless special permission is granted by the Mayor and the City Administrator to exceed the one hundred and eighty (180) day limit.

Regular employees are encouraged to accumulate up to one thousand and forty (1,040) hours, calculated at eight (8) hours per day, of sick leave. Any sick leave accrued during the calendar year in excess of one thousand and forty (1,040) hours shall be paid to the employee in the amount of one (1) hour for every two (2) hours accrued over the one thousand and forty (1,040) hours, to be determined on December 31st of each current year. All sick leave shall expire on the date of separation and no employee shall be paid for unused sick leave at the time of termination, except for those hours in excess of one thousand and forty (1,040) hours.

4.03 GRANTED SICK LEAVE PROVISION

An employee may grant accumulated sick leave to another employee under the following conditions:

EMPLOYEE GRANTING:

The employee granting sick leave will do so anonymously on an absence leave form through the City Clerk.

The employee granting sick leave will have a minimum of three hundred (300) hours of sick leave after the donation. Donations are final and will not be returned to the donor.

An employee may not grant more than forty (40) hours of sick leave to other employees throughout the year.

EMPLOYEE RECEIVING:

To be eligible to receive a donation of sick leave from another employee, the employee who is to receive the donation of sick leave must first have used all of his or her vacation, accrued holiday leave, and sick leave.

As an additional requirement of eligibility, any employee receiving a donation of sick leave from another employee must have a catastrophic illness or injury that requires sick leave to be used in excess of one (1) week per year.

4.04 HOLIDAY LEAVE.

Designated Holidays

The following days and half-day shall be paid holidays for all Employees and shall be observed on the dates and days as prescribed by law:

New Year's Day
Good Friday
Memorial Day
Independence Day
½ Day Christmas Eve

Labor Day
Thanksgiving Day
Christmas Day
Day after Thanksgiving

The City offices, except the Police Department and other such offices that must be operated on holidays, shall be closed on official holidays.

When a holiday falls on Saturday, it shall be observed on the preceding Friday. When a holiday falls on a Sunday, it shall be observed on the following Monday.

If a holiday occurs while an employee is receiving workers' compensation or other disability compensation, and is not using sick leave or vacation leave, no credit for the holiday shall be allowed.

In order to receive pay for an observed holiday, an employee must not have been absent without pay on the workday immediately preceding or immediately following the holiday unless excused by the supervisor.

Holidays, which occur during a vacation, sick, funeral or other authorized leave, shall not be charged against the leave.

PERSONAL HOLIDAYS

Regular Employees may utilize two-and-a-half (2½) personal holidays at mutually agreeable times between the employee and the City. It is understood that it is the employee's responsibility to give the City one (1) weeks' notice of the date(s) when he/she intends to celebrate the Personal Holiday(s). Personal Holidays will not normally be scheduled for weeks when there is another holiday or when employees are on vacation. All personal holidays must be used by December 31st of each calendar year and shall not be carried over. It shall be the responsibility of the employee to ensure he/she has adequately scheduled personal holidays with his/her supervisor.

4.06 HOLIDAY PAY

Holiday pay shall be eight (8) hours of pay at the employee's regular rate.

4.07 CALL-IN HOLIDAY PAY

Regularly Scheduled. Employees who are regularly scheduled to work on a holiday shall be paid one-and-a-half (1.5) times their regular rate of pay for hours worked on the holiday in addition to holiday pay for Regular Employees and Introductory Employees that qualify for holiday pay.

Not Regularly Scheduled. Employees who are not regularly scheduled to work on a holiday, but are called in to work on a holiday, shall be paid one-and-a-half (1.5) times their regular rate of pay for hours worked on the holiday in addition to holiday pay for Regular Employees and Introductory Employees that qualify for holiday pay.

All designated holidays must be used by December 31st of each calendar year, except in cases where an employee is normally scheduled to work on the holiday, in which case the employee may

elect to receive an equal amount of time off within three (3) months of the holiday in lieu of the eight (8) hours of holiday pay. The rescheduled holiday must be at a time agreed upon with the employee's immediate supervisor. The employee must notify the City Clerk on the time card for the designated holiday of the employee's intent. Failure to do so will result in automatic payment for the holiday.

4.08 JURY DUTY

Any employee who is summoned to serve on jury duty should not be subject to discharge of employment, loss of pay, loss of sick leave, loss of vacation time or any other form of penalty because of his or her absence from employment due to such jury duty upon giving reasonable notice to the City of such summons.

Employees on jury duty shall report to the City the full amount of any compensation, other than expenses, paid to the employee for jury duty, which amount shall be deducted from the regular pay of the employee.

In order to qualify for any payment by the City, employees must work at their assigned jobs on any scheduled workday or days during the jury leave period referred to above that they are not required to report for jury duty.

4.09 OTHER CIVIL LEAVE

Any employee registered to vote who does not have two consecutive hours in the period between the time of the opening and closing of the polls during which he or she is not required to be present at work for the City may receive time off on Election Day to vote. The City may specify the hours during which the employee may be absent.

An employee may receive time off if he/she is called to perform emergency civilian duty.

An employee subpoenaed to appear in court on behalf of the City shall be considered on-duty for the purposes of compensation.

An employee who is required to appear in court as a plaintiff, defendant, or witness in a personal matter shall not be granted civil leave but may be granted vacation leave or leave without pay.

An employee whose public service duty is completed before the end of his normal working day with the City shall return to his/her post of duty.

4.10 SPECIAL LEAVE

Special leave will be granted to Regular Employees to care for a child upon birth or upon placement for adoption. The customary length of the leave is six (6) weeks. Additional leave may be requested. However, it must be approved by the Governing Body. Sick leave will be used during this leave until exhausted and then vacation leave shall be used until exhausted. The remainder of the leave shall be leave without pay and benefits. Insurance premiums shall be prorated so that those premiums accrued during the unpaid leave must be paid by the employee.

4.11 FUNERAL LEAVE BENEFIT

The City will grant reasonable time off in the event of a death in the immediate family with pay of up to three (3) days for making arrangements for and/or attendance at the funeral of such family member.

For the purposes of this section, the term immediate family shall include: mother, father, spouse, children, brothers, sisters, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandchildren, spouse's children, brother-in-law, sister-in-law and grandparents.

An employee must be on the current payroll as of the date of the death of the member of the immediate family to qualify for the benefit and must notify his supervisor not later than one (1) calendar day prior to the absence. When requested, the employee must furnish proof satisfactory to the City of the death, the relationship to the deceased, the date of the funeral, and the employee's actual attendance at such funeral.

Any additional days may be charged to vacation leave or taken as leave without pay with the approval of the City Administrator. Employees shall also receive up to one (1) day off per year for serving as a pallbearer, honor guard, or singing at a funeral.

The employee's immediate supervisor and the City Administrator must approve all funeral leave before it is taken.

The Mayor may allow employees to have time off to attend a funeral that involves City employees, elected officials, community leaders, etc. at which the employee's presence will be considered on-duty time. The decision shall be made based upon several factors, including, but not limited to, the time off required, the required maintenance of City services, and a determination by the Mayor that employees should be allowed to attend the funeral.

4.12 MILITARY LEAVE OF ABSENCE.

A military leave of absence shall be granted in accordance with the provisions of the Uniformed Services Employment and Reemployment Right Act (USERRA).

All employees who are members of the National Guard, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, and Coast Guard Reserve will be provided a leave of absence to perform voluntary or involuntary military duties. Employees who normally work or are normally scheduled to work one hundred fifty-nine (159) hours or more in three (3) consecutive weeks and scheduled to work twenty-four (24) hour shifts will receive pay of one hundred sixty-eight (168) hours each year. Employees who normally work or are normally scheduled to work at least one-hundred twenty (120) hours or more, but less than one hundred fifty-nine (159) hours, in three (3) consecutive weeks will receive pay for up to one-hundred twenty (120) hours of leave each year. Employees who normally work or are normally scheduled to work less than one-hundred twenty (120) hours in three (3) consecutive weeks will be paid for the number of hours they normally work or would normally be scheduled to work in three (3) consecutive weeks, whichever is greater. Any remaining leave is unpaid.

In addition, employees who: (1) are either the spouse or the parent of an individual who is called to military service lasting 179 days or longer with the state or the United States pursuant to the orders of the Governor or the President; (2) have been employed by the City for at least 12

months; and (3) have worked at least 1250 hours in the preceding 12 months are eligible for Nebraska Family Military Leave Act leave. The City will provide eligible employees up to 15 days of unpaid military leave during the time state or federal deployment orders are in effect. Eligible employees must provide at least 14 days advance notice if they intend to take military leave for 5 or more consecutive work days. Otherwise, eligible employees must provide as much advance notice as practicable. In addition, the City may require documentation verifying an employee's eligibility for leave.

The City will comply with all applicable state and federal laws regarding military leave.

4.13 INJURY LEAVE.

All City employees are subject to the provisions of the Workers' Compensation Act and are entitled to the benefits of that law on account of injury or occupational disease arising out of and in the course of employment.

Any injury or occupational disease occurring out of or in the course of employment shall be reported to the City Clerk as soon as possible. The City Clerk shall fill out the reports necessary. In the case of a work-related injury, an employee shall have the right to select a physician if the physician has maintained the employee's or an immediate family member's medical records prior to the injury and has a documented history of treatment with the employee or immediate family members. The employer shall notify the employee following an injury of such right of selection. If the employee fails to exercise such right of selection, the employer shall have the right to select the physician.

The City Clerk will furnish information and reports concerning injuries, or alleged injuries, or occupational diseases which are or may be within the scope of the Workers' Compensation Act in order that proper medical attention is provided, compensation and expenses are paid, investigation and determination of legal liability may be made, and that compensation is terminated when the disability ceases.

An employee entitled to be paid Workers' Compensation for temporary disability shall be granted injury leave with full pay for the first five (5) working days of such disability including the day of injury (if disability began that day). At the expiration of the injury leave, provisions of the Workers' Compensation Act shall apply.

An employee who is receiving Workers' Compensation for an injury or occupational disease occurring out of and in the course of employment shall have the option of electing to use accumulated sick leave and/or vacation leave to supplement Workers' Compensation up to but not exceeding the employee's regular rate of pay. After all such sick and/or vacation leave has been used, the employee shall not be entitled to any compensation except that authorized by Workers' Compensation and shall be carried in a leave-without-pay status for a period not to exceed 180 days, unless special permission is granted by the Governing Body to extend leave beyond the 180-day limit.

4.14 ABSENCE WITHOUT LEAVE.

Absence by an employee from place of duty not specifically authorized or covered in this manual shall be charged as absence without leave.

Absence without leave shall be in a non-pay status and will be cause for reprimand or dismissal at the discretion of the department head.

4.15 RECORDS TO BE MAINTAINED.

The City Clerk, or his designee, shall maintain a record of each employee, accounting for time worked and all absences from work. The record shall include a compilation of vacation leave earned, used, and unused; sick leave earned, used, and unused; and any other type of approved leave, used or unused.

All such reports shall be compiled by the Clerk in December of each year and shall be signed by the employee and by the City Clerk.

All employment applications of unsuccessful applicants will be maintained in a separate file apart from an employee personnel file for a period of not less than one year.

On each regular payday, the City shall deliver or make available to each employee, by mail or electronically, or shall provide at the employee's normal place of employment during employment hours for all shifts a wage statement showing, at a minimum, the identity of the employer (i.e., the City), the hours for which the employee was paid, the wages earned by the employee, and deductions made for the employee. However, the City need not provide information on hours worked for employees who are exempt from overtime under the Fair Labor Standards Act unless the City has established a policy or practice of paying to or on behalf of exempt employees overtime, or a bonus or a payment based on hours worked, whereupon the City shall send or otherwise provide a statement to the exempt employees showing the hours the employee(s) worked or the payments made to the employee(s) by the City, as applicable.

4.16 FMLA Leave

The Family and Medical Leave Act ("FMLA") requires covered employers to provide FMLA leave to eligible employees. Following is a summary of the leave requirements under the FMLA. These same requirements are also posted on the City's premises. This policy and the posting do not necessarily include all FMLA requirements, disclosures, or information employees may need to know, but are intended to provide employees with basic FMLA information.

Eligibility Requirements

In order to be eligible for FMLA leave, an employee must have worked for the City for at least twelve (12) months prior to commencement of the leave, worked at least 1,250 hours during the twelve (12) months prior to commencement of the leave, and must be employed at a worksite where fifty (50) or more employees are employed by the City within 75 miles of that site at the

time notice is given of the need for leave.

NOTE: THIS POLICY WILL ONLY BE EFFECTIVE WHEN THE CITY HAS FIFTY (50) OR MORE EMPLOYEES.

Reasons for Leave

Eligible employees may take FMLA leave for the following purposes:

1. For incapacity due to the employee's pregnancy, prenatal medical care, or childbirth;
2. To care for the employee's child after birth, or placement for adoption or foster care;
3. To care for the employee's spouse, child, or parent, who has a serious health condition;
4. For a serious health condition that makes the employee unable to perform the employee's job;
5. For military exigency leave to address certain qualifying exigencies related to a military member (if the employee is the spouse, parent, son or daughter of said military member) who is on covered active duty or called to covered active-duty status in a foreign country (and if the family member is in the National Guard, Reserves or Regular Armed Forces); and
6. For military caregiver leave to care for a covered servicemember (if the employee is the spouse, parent, son, daughter, or next of kin of said servicemember). A covered servicemember is: (a) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or (b) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

Amount of Leave

Eligible employees are entitled to a maximum of twelve (12) weeks of unpaid FMLA leave during a rolling twelve-month (12-month) period, measured backwards from each date that leave is used. If the leave is to care for a covered servicemember, an eligible employee is entitled to a maximum of twenty-six (26) weeks of unpaid leave for such purpose during a single twelve-month (12-month) period. During that single twelve-month (12-month) period, FMLA leave taken for other reasons is also counted, and an employee may not exceed the twenty-six-week (26-week) maximum for all FMLA leave taken regardless of the reason.

Use of Leave

An employee does not need to use FMLA leave in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the City's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave Benefits for Unpaid Leave

Employees are required to use any accrued paid leave benefits while on FMLA leave, to be exhausted in the following order: 1. Compensatory time, 2. Sick/Medical Leave, 3. Vacation. Paid leave benefits will not continue to accrue while an employee is on FMLA leave, but accruals will be re-commenced upon return to work from FMLA leave.

Employee Notice of Need for Leave and Other Responsibilities

If the need for leave is foreseeable, an employee must provide thirty (30) days' advance notice if practicable. If it is not practicable to give at least thirty (30) days' advance notice of the need for foreseeable leave, then the employee must give as much notice as reasonably possible. This normally means providing notice on the same day as, or the next business day after, the employee learns of the need for leave. Notice of the need for foreseeable leave is to be given to the department head/elected official.

If the need for leave is unforeseeable, an employee must provide as much notice as is practicable. This means the employee must comply with the City's call-in procedures. In addition, the employee must notify the department head/elected official of absences that are unforeseeable.

When notifying the City of the need for FMLA leave or an FMLA absence, an employee must provide sufficient information for the City to determine if the leave might qualify as FMLA leave or an FMLA absence. The employee must also provide the anticipated timing and duration of the leave of absence. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Calling in "ill" or "sick" is not enough. Employees also must inform the City if the requested leave is for a reason for which FMLA leave was previously taken or certified. If so, the employee must specifically mention the "FMLA" or state the specific qualifying reason for FMLA leave or why the absence is needed is needed in enough detail to put the City on notice that the employee may be requesting FMLA leave.

Certification of Need for Leave

Employees may be required to provide a certification and periodic recertification supporting the need for leave. Any certification that is submitted must be complete and sufficient and returned within fifteen (15) calendar days. The City may also require second and third opinions from health care providers if the leave is for the serious health condition of the employee or a family member. The City may also request authentication and clarification of any medical certification that is submitted by contacting the health care provider(s).

Benefits and Protections While on Leave

While on FMLA leave, the City will maintain the employee's health coverage under the City's group health plan on the same terms as if the employee had continued to work. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Permissible and Prohibited Activities While on Leave

As a general rule, an employee who is on an approved leave of absence is expected to engage in only those activities that are necessary for, consistent with, and appropriate for the purpose of the leave, and the employee is not permitted to engage in any other activities. An employee is also prohibited from working elsewhere or engaging in self-employment while on leave (including working any additional job the employee was working while also working for the City prior to taking leave), without the City's advance written consent.

Return to Work

If an employee was on leave for his/her own serious health condition, he/she must provide a fitness-for-duty certification upon return to work. Upon return from FMLA leave, an employee will normally be restored to his/her original or an equivalent position with equivalent pay, benefits, and other employment terms. However, an employee has no greater rights to job restoration than if the employee had not taken FMLA leave.

Unlawful Acts by Employers

The FMLA makes it unlawful for any covered employer to: (a) interfere with, restrain, or deny the exercise of any right provided under FMLA; and (b) discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

CHAPTER 5 –HARASSMENT

5.01 HARASSMENT.

The City is committed to maintaining as enjoyable a workplace as reasonably possible. Therefore, employees and non-employees are prohibited from engaging in any form of unlawful harassment in the workplace as well as any behavior that would be inconsistent with the spirit and intent of this policy.

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

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

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

Examples of behaviors that might constitute sexual harassment (depending on the circumstances) and are the types of behaviors in which an employee should not engage include sexual advances, propositions, pressure for sexual favors, physical contact of a sexual nature, and sexually explicit language, gestures, pictures, jokes or objects.

Examples of behaviors that might constitute harassment of a non-sexual nature and are of the type of behaviors in which an employee should not engage include conduct that is offensive, derogatory, or shows hostility toward an employee because of his/her race, color, religion, sex/gender, sexual orientation, national origin, disability, age or other characteristic protected by law, including slurs, epithets, negative labeling or stereotyping, and jokes, whether oral or written.

If any employee feels in good faith that he/she has been subjected to harassment by a co-worker, supervisor, or any non-employee, the employee is to immediately report it to any one of the following: (1) the employee's immediate supervisor; (2) the employee's department head; or (3) if the complaint is about a department head, or the employee is not satisfied with the handling or outcome of the complaint or feels more comfortable bypassing the other steps, the employee should take it to the City Administrator.

Such complaints will be promptly addressed (and investigated if necessary) and appropriate action taken if warranted. Confidentiality will be maintained to the extent possible under the circumstances. If the City believes that a violation of this policy may have occurred or that the

behavior in question was inappropriate for any reason, then it will take appropriate action, which may include disciplinary action, up to and including discharge.

CHAPTER 6 - DISCIPLINARY ACTION

6.01 GROUNDS

The following shall be grounds for taking disciplinary action against a City employee, which will range from reprimand to discharge. This list is not all-inclusive and other conduct not described herein, may also result in discipline.

1. Tardiness, early departure, absence without leave, abandonment of position, or other failure to maintain a satisfactory attendance record;
2. Unsatisfactory performance of duties in terms of quality and or quantity;
3. For a supervisor, the inability to plan, organize, or direct the work of subordinates;
4. In positions requiring initiative and independent judgment, the inability to perform duties without excessive supervision;
5. Insubordination, including the refusal or failure to comply with a proper order of higher authority or the refusal or failure to perform assigned work within capabilities;
6. Abuse of sick leave or other benefits;
7. Neglect, waste, damage, misuse, or unauthorized taking of any kind of City property;
8. Failure to retain qualifications necessary for the job;
9. Use of offensive language toward or abusive, improper, or discourteous treatment of a member of the public or another City employee;
10. Harassment or unfair treatment of any person because of political or religious opinions or affiliations or because of protected age, race, sex, sexual orientation, gender identity, color, national origin, disability, marital status, pregnancy, genetic information, or any other protected class;
11. Possession, use or presence under the influence of an intoxicating beverage or illegal drug while on duty, on call or on City property;
12. Fighting or gambling while on duty or on City property;
13. Violation of Dress Code/Appearance Policy (Section 11.03)

14. Acceptance of any gratuity or gift for performance or nonperformance of duties, use of City position or time for private gain, or other conflict of interest violation;
15. Unauthorized or improper use of official authority;
16. Violation of the prohibitions on political activity or solicitation;
17. Use or attempted use of political influence or bribery to obtain a favorable personnel action;
18. Falsification of any City document or record;
19. Unauthorized disclosure of official information;
20. Conviction of a crime under such circumstances that unfitness for the position results;
21. Failure to observe required safety precautions or to communicate any violation of safety rules;
22. Conduct unbecoming of a City employee, tending to be prejudicial to the reputation of the City government, or otherwise contravening the public interest;
23. Violation of the constitution of the United States or the State of Nebraska, any state or federal law or regulation, any City Council or administrative requirement, or these personnel rules or applicable supplemental regulation;
24. Failure to adequately notify their supervisor sixty (60) minutes prior to the start of their shift if they are unable to work;
25. Failure to maintain confidentiality at all times;
26. Sabotage;
27. Waste of time;
28. Failure to promptly report to their immediate supervisor any deficiencies in City equipment, programs, services or other property including regularly scheduled maintenance;
29. Failure to follow the chain of command; and
30. Any other act or failure to act that demonstrates that the offender is unsuitable or unfit for employment with the City of Gothenburg.

6.02 TYPES OF DISCIPLINARY ACTION.

Disciplinary action shall be consistent with the nature of the deficiency or violation involved and the record of the employee. Types of disciplinary action include oral reprimand, written reprimand, disciplinary probationary status, denial or delay of a scheduled salary increase, suspension from work with pay or without pay, demotion, and dismissal from the City service. All

exempt employees suspended without pay shall have a minimum of one-week suspension as provided for by law. A lateral transfer may also be affected for disciplinary reasons. One or more of the foregoing types of action may be taken for a particular deficiency or violation. Disciplinary action shall be imposed in a clear and businesslike manner and, as appropriate, shall be directed at improving the employee's performance and/or conduct and at avoiding recurrence of the deficiency or violation.

6.03 DISCIPLINARY AUTHORITY.

Unless otherwise provided by supplemental personnel regulations, all Department Heads shall have the authority to issue oral and written reprimands to their subordinate employees. The City Administrator and Mayor shall have the authority for other types of disciplinary action as described in Section 6.06. Disciplinary actions, including any memo regarding oral reprimands, shall be thoroughly documented for inclusion in the official personnel records of the employees involved. All reprimands, other than oral, shall be permanently included in the official employee personnel file.

6.04 POLICE DEPARTMENT

All rules adopted herein regarding discipline shall apply to all Police Department employees except in cases of conflict with City Ordinance 733; in which case the provisions of Ordinance 733 shall prevail.

6.05 PROTECTIVE SUSPENSION.

When an employee is charged with, or under investigation for a crime or official misconduct or is awaiting hearing or trial in a criminal matter, he or she may be suspended from work with or without pay for the duration of the investigation or proceeding if necessary to protect the public interest. Such suspension shall require the approval of the Mayor, and any return to duty shall be under such terms and conditions as may be specified by the Mayor.

6.06 DISCIPLINARY ACTION.

Department Heads or a higher authority may administer disciplinary action as provided for under Section 6.03 and the City Administrator shall review all such actions. The Mayor will additionally review disciplinary action involving any supervisory personnel.

Any employee is subject to the following disciplinary action:

1. Face-to-face oral reprimand and warning.
2. A written reprimand that clearly sets forth a violation of these personnel policies and the corrective action that is necessary.
3. Suspension without pay, not to exceed five (5) working days.

4. Placed on probationary status for a period not to exceed six (6) months. An employee placed on probationary status shall be considered an Introductory Employee for purposes of dismissal.
5. Demotion.
6. Dismissal.
7. Immediate Dismissal - In extreme cases of violation that require immediate action, any employee may be dismissed without prior notice. Employees so dismissed shall receive payment to and including the number of hours worked on the day of dismissal.

In the event of willful destruction of property, restitution shall be made to the City of Gothenburg.

Assignments to undesirable tasks, shifts, hours of work, or any measure other than the foregoing shall not be used for disciplinary purposes.

If any employee disagrees with any disciplinary action, they should use the grievance procedures set forth in Chapter 7. Ordinarily progressive discipline shall be applied. However, progressive discipline is not mandatory in all situations. A supervisor shall strive to provide discipline in a manner that best suits each disciplinary situation.

If it becomes necessary to discharge an employee, he/she shall be informed in writing of the action and of his/her rights and privileges according to the following conditions:

The City reserves the right to discharge an introductory employee with or without cause, at any time up to the time that he/she has completed six (6) months of continuous service. An introductory employee shall not be entitled to use the grievance procedures set forth in Chapter 7 below.

All regular employees are employed at will by the Governing Body and may be terminated at any time with or without cause by the Governing Body. Any regular employee terminated through disciplinary procedures other than by the Governing Body shall be entitled to the Grievance Procedure as described in Chapter 7 below.

CHAPTER 7 – GRIEVANCE PROCEDURES

7.01 GRIEVANCE DEFINED

Grievance, as defined in these procedures is a claim of an employee, which is limited to matters concerning the application, meaning or interpretation of these rules, or to appeal a disciplinary action as allowed. It is the intent of the City to provide fair and efficient means to receive, investigate and resolve employee grievances and complaints. Every employee shall discuss informally any grievance with his/her supervisor without prejudice to him/her. If the employee is not satisfied, he/she is provided with the means to pursue the grievance.

7.02 GRIEVANCE PROCESS

Any grievance, submitted under the provision of this article may be presented and processed individually by the employee, or a representative of the employee's choice.

Any grievance shall be written and shall designate specifically the grounds upon which the grievance is based, together with the reason therefore and the remedy sought.

The term "days" as used in this Article shall mean CALENDAR days except where otherwise specified.

The following procedure shall be used in the submission of a grievance, as defined in Section 7.10 hereof.

Step I. The aggrieved employee shall first submit their grievance in writing to his/her immediate supervisor within ten (10) CALENDAR days from the date on which the employee becomes aware of such grievance. The immediate supervisor shall attempt to satisfactorily resolve the matter and shall respond in writing to the party presenting the grievance within twenty-one (21) CALENDAR days from its presentation.

Step 2. If satisfactory settlement is not reached in Step I, the employee, within ten (10) CALENDAR days from the date of the immediate supervisor's written response, may request further review by the City Administrator. The City Administrator shall meet with the employee, or his designee within fifteen (15) CALENDAR days of the employee's request in an attempt to settle the grievance. The City Administrator shall make his determination within twenty-one (21) CALENDAR days of receipt of notice from the employee for further review.

Step 3. An employee may appeal the determination decision of the City Administrator to the Governing Body. He/she shall provide a written statement as to why he or she believes the appeal is appropriate. The Governing Body shall conduct a hearing necessary to adjudicate the appeal within (21) CALENDAR days of receipt of said statement by the City Administrator. The employee shall be afforded an opportunity to attend, to be represented by anyone of his or her choosing, and to present evidence and/or witnesses on his behalf. The Governing Body shall adjudicate the appeal within ten (10) CALENDAR days following conclusion of the hearing. The Governing Body shall have the authority to approve, rescind, or modify any disciplinary action taken or proposed which is appealed under this procedure.

Any grievance not processed within the time limitations provided herein shall constitute a withdrawal of the same, provided any time limitation provided herein may be waived or extended in writing by mutual agreement of the parties involved. If the Administration shall fail to process a grievance within the time limitations provided in the Article, the grievance shall be

immediately forwarded to the Governing Body for their consideration at the request of the employee.

7.03 RECORDS

A copy of all grievances, appeals and the management responses shall be included in the employee's official personnel records as they occur.

CHAPTER 8 – STAFFING

8.01 POLICY STATEMENTS.

It is the policy of the City to assure that qualified applicants are recruited and employed to carry out the functions of the City and that employees are treated equally during their employment without regard to protected age, race, religion, color, sex, sexual orientation, gender identity, national origin, disability, marital status, pregnancy, genetic information, or any other protected class.

Residency Requirements:

As a condition of continuing employment with the City of Gothenburg in the County of Dawson, State of Nebraska, all full-time City employees holding positions that have on-call, call-back or emergency reporting status, including supervisors, shall have their principal place of residence located within a distance from the City limits of Gothenburg, Dawson County, Nebraska, that allows the employee to report for duty in the City within 15 minutes of receiving notice.

8.02 ANNOUNCEMENT OF AVAILABLE POSITIONS.

Reasonable effort shall be made to publicize positions so that all interested persons are informed and qualified persons are attracted to compete. Announcements may be posted in appropriate places throughout the City and copies may be sent to newspapers, radio stations, educational institutions, professional and vocational societies, public officials, and to such other organizations and individuals as the City may deem appropriate. Announcements may include:

- A. Information concerning the time for filing applications;
- B. A description of duties and responsibilities of the position;
- C. Minimum or additional desirable qualifications;
- D. Salary or other compensation;
- E. Such other information as will assist interested persons to understand fully the nature of the employment and the procedure necessary to apply; or
- F. A statement that all qualified applicants will receive due consideration for employment without regard to protected age, race, religion, color, sex, sexual orientation, gender identity, national origin, disability, marital status, pregnancy, genetic information or any other protected class.

To assure sufficient numbers of qualified applicants, the City may continue to accept applications after the originally announced filing date. If the filing date is extended, such action will be appropriately publicized.

The City may also decide to accept applications for certain positions without any closing date, in which case the announcement for the position shall so state.

8.03 APPLICATION AND EXAMINATION.

All applications shall be made on a form prepared by the City Clerk and shall be filed with the Clerk on or prior to the closing date specified in the announcement or postmarked before midnight of that date. All applications shall be signed and the truth of the statements contained therein certified by such signature.

The City may give examinations to establish employment and promotion lists. The tests in such examinations may be written or oral; a demonstration of skill; an evaluation of experience and education; an interview designed to determine general fitness for the position; physical tests of strength, stamina or dexterity; or a combination of these, which shall fairly appraise and determine the merit, qualification, fitness and ability of competitors. Such tests if administered, shall be practical in character and shall relate to the duties and responsibilities of the position for which the applicant is being examined and shall fairly test relative capacity and fitness of persons examined to perform the duties of the class of positions to which they seek to be appointed or promoted. Such tests shall be administered to eligible applicants or employees with disabilities that impair sensory, manual or speaking skills in formats that do not require the use of the impaired skill. However, such tests format requirements shall not apply to tests intended to measure sensory, manual, or speaking skills where:

- A The skill is necessary to perform an essential function of the position and no reasonable accommodation is available to enable the individual to perform the function; or
- B The necessary accommodation imposes an undue hardship on the City.

An applicant may be required to possess scholastic education qualifications only if the position for which he is being examined requires professional or technical knowledge, skills and abilities.

No question in any application form or in any examination shall be so framed as to elicit any information concerning the political or religious opinions or affiliations or race of any applicant, nor shall inquiry be made concerning such opinions or affiliations and all such disclosures thereof shall be discarded except that the City may inquire as to whether any person advocates the overthrow or change of our government by force or violence.

The City will make reasonable accommodation for the impairments of qualified individuals with disabilities to the extent required by law, unless undue hardship to the City would result. If any applicant or employee believes in good faith that he/she needs a reasonable accommodation because of a disability, he/she must contact his or her Department Head and request an accommodation. Requests for accommodations are not to be made to any supervisor. If any supervisor receives what he/she believes may be a request for an accommodation, he/she should contact or refer the employee to the contact his or her Department Head.

The City is committed to participating in an interactive accommodation process with the employee. An individual who requests a reasonable accommodation will normally be required to meet with his or her Department Head to discuss the need for accommodation and to complete a written request for accommodation, to include information regarding the nature of the disability, how it affects the employee's ability to perform all essential job duties, information regarding medical treatment of the disability or impairment, information regarding the health care provider who has provided such treatment, the employee's suggestions for reasonable accommodation, and other relevant information. The City may also contact the individual's health care provider or other third parties (such as rehabilitation counselors) to verify the existence of the disability or impairments, obtain relevant medical information and/or records, and suggestions for accommodation.

Requests for accommodation will be processed as quickly as reasonably practicable under the circumstances. Any individual who requests an accommodation is required to fully cooperate in the process, including providing relevant information and providing any required HIPAA consent in order for the City to contact and obtain information from the employee's health care provider. If the individual fails or refuses to provide any needed HIPAA consent, the City will terminate its processing of the individual's request for accommodation. If the individual is an employee, he/she will be expected to fully perform all essential functions of his/her job without accommodation and may be subject to disciplinary or performance-related actions, up to and including discharge, if he/she is unable to perform all essential functions of the job. If the individual is an applicant, his or her application for employment will be withdrawn from consideration.

While a request for accommodation is being processed, an employee may be placed on paid or unpaid leave of absence, assigned to a different job, or provided with light or modified duty, as determined by the City. An employee's base rate of pay will not normally be changed while the employee's request for accommodation is being processed.

Although it is not possible to make a comprehensive list of all possible accommodations that might be reasonable, the following are among the accommodations that might be reasonable (depending on the circumstances): modifications to the job application process, modifications to the work environment, modifications to the methods by which a job is performed, providing special equipment or devices to perform a job, reassignment to an open job for which an employee is qualified and for which the employee can perform the essential job duties, providing a part-time or modified work schedule, modifying training methods and/or materials, providing readers or interpreters, and/or placing an employee on short-term leave of absence.

Employees should understand that not all possible accommodations are reasonable in nature. For example, the City is not required to lower its performance or behavior standards, eliminate essential job duties, bump another employee from a job, maintain an employee's compensation rate, or permit unscheduled (or erratic, unpredictable, intermittent) or excessive absenteeism or tardiness as a reasonable accommodation. In addition, working from home, obtaining regular assistance from another employee to perform essential job duties, and eliminating certain duties in a job rotation are generally not reasonable accommodations except in extraordinary circumstances. The ability of an employee to perform essential duties with the use of mitigating measures or devices (such as medication or special equipment) may be taken into account in determining whether an accommodation is needed or reasonable. For example, if an employee

can control an impairment with medication or assistive devices and thereby perform essential job duties, no reasonable accommodation would normally be needed or reasonable.

The City will determine if a reasonable accommodation is available. If more than one reasonable accommodation is available, the City may take into account the employee's preference of accommodation, but the City has the right to make the final selection of the accommodation to offer to the employee. An employee has the right to refuse any accommodation that is offered by the City under this policy. However, the employee will be expected to fully perform all essential functions of the job without accommodation and may be subject to disciplinary and/or performance-related actions, up to and including discharge, if the employee is not able to perform all essential functions in a manner acceptable to the City and as expected from other employees who hold the same job.

8.04 AGE REQUIREMENTS.

No applicant for employment shall be considered who is less than nineteen (19) years of age, except for certain types of temporary employment upon specific permission of the Governing Body.

No person shall be rehired as a regular employee by the City who is retired from the City employment except when it is in the best interest of the City. The retiree may be re-employed for a specific period of time to be determined by the Mayor and City Administrator.

8.05 DISQUALIFICATIONS.

The Mayor and City Administrator may remove a person already hired or remove an applicant's name from the eligibility list who:

- A. Is found to lack any of the established qualification requirements for the position;
- B. Is so physically or mentally disabled as to render him incapable of performing the duties of the position, with or without reasonable accommodations afforded;
- C. Is addicted to the habitual or excessive use of drugs or intoxicating beverages;
- D. Has made a false statement of material fact in his application;
- E. Has failed to submit his application correctly or within the prescribed time limits;
- F. Has previously been dismissed from a position in the City service for cause or has resigned while charges for dismissal for cause were pending;
- G. Has established an unsatisfactory employment or personnel record as evidenced by a reference check of such nature as to demonstrate unsuitability for employment;
- H. Is younger than the minimum age limit prescribed; or
- I. For any other such reasons that would cause employment to be detrimental or not in the best interest of the City.

Applications shall remain on file for one (1) year and shall not be returned.

8.06 MEDICAL EXAMINATIONS/PRE-EMPLOYMENT ALCOHOL-DRUG TESTING.

At the pre-offer stage of the employment selection process, no medical examination, inquiry as to a disability, or inquiry as to the nature or severity of a disability shall be made. Inquires as to the ability of the applicant to perform job-related functions may be made. After making an offer of employment and before employment duties begin, the offer of employment may be conditioned on the results of a medical examination or inquiry about disability if 1.) all entering employees in the same job category are subject to the same medical examination or inquiry, and 2.) the results are used only in accordance with Title I of the Americans with Disabilities Act. At the post-employment stage, no medical examination or inquiry as to disability shall be made unless the medical examination or inquiry is job-related or consistent with business necessity. Existing employees may also be required to undergo an examination allowed under law to determine physical and mental fitness to perform their duties. The City shall pay the expense of any such examination.

All offers of employment shall be conditioned upon successful completion of a Drug and Alcohol test as per Chapter 9, Section III.

Any information regarding medical condition or history of an applicant or employee shall be collected and maintained on a separate form and in separate medical files, and treated as confidential except as permitted under Title I of the Americans with Disabilities Act.

8.07 EMPLOYEE ORIENTATION.

The department heads and supervisors have a duty to orient all new employees. Such orientation training includes the duties of the position, the hours of work, relationship to the other employees, safety precautions, the rights and obligations of an employee, and information about the unit or department.

8.08 PROMOTION.

All vacancies shall, whenever possible, be filled by promotion of a qualified employee within the City service. However, the City may recruit applicants from outside the City service whenever there is reason to believe that better qualified applicants are available. Promotion within the City service shall be based upon the qualifications of the person being considered.

8.09 DEMOTIONS, TRANSFERS, SUSPENSIONS.

An employee shall be subject to demotion under the following conditions:

A. If he/she has been found unsuited for his/her present position but may be expected to give satisfactory service in a lower paying position; or

- B. If his/her position has been abolished or reallocated to a lower paying class and he/she cannot be transferred to a position of equal pay. It shall be clearly indicated on all papers that the transaction in no way reflects on the employee's performance record.

Employees shall be transferred within the organization as far as practicable to positions where the highest skills can be utilized. When transfers of personnel are necessitated by organizational changes, every effort shall be made to place the affected employee in a position that will permit him/her to retain his/her salary. In making transfers within the organization, due consideration shall be given to the desires of the employee involved.

An employee may be suspended from duty without pay for a period not to exceed fifteen (15) working days:

- A. For disciplinary reasons, or
- B. Pending an investigation of charges where presence of the employee at work constitutes a hazard either to the local agency or to himself/herself. If an investigation does not bear out the charges and the employee is retained, the employee shall be paid for the period of suspension.

8.10 INTRODUCTORY PERIOD.

No employee will be considered a Regular Employee until satisfactory completion of a six (6) month introductory period. Also, each promoted, or disciplined employee who has been placed on probation, shall be notified of his/her probationary status. Introductory employees shall receive no benefits during the introductory period other than sick leave, holiday leave, health insurance (which will be provided on the first day of the month following employment), life insurance, military leave and vacation. At the end of sixty (60) days, introductory employees shall receive all benefits as provided other employees not in conflict with any restrictions as described in this policy for each benefit, subject to any plan limitations.

The introductory status shall begin immediately upon the first day on the job and end on the one hundred eightieth (180th) day of employment. At this time, the Supervisor will advise the employee as to whether or not their performance is acceptable. The employee will complete an evaluation and the Supervisor and City Administrator will complete an evaluation. The City Administrator may make any adjustment in the employee's wage rate during the introductory period or upon completion of the introductory period. The City retains the right of preemptive termination of any introductory employee. The introductory period shall not end until the Supervisor has completed a formal performance evaluation or the passing of (30) thirty days. A department head may grant an extension of the introductory period not to exceed 50% of the original introductory period with the approval of the City Administrator. Exception: All Police Department employees shall have a one-hundred-eighty-day (180-day) introductory period, extending from and after the date upon which such Police Department employee achieves certification as a law enforcement officer under the laws of the State of Nebraska. Prior to achieving certification as a law enforcement officer under the laws of the State of Nebraska, all Police Officers shall be probationary employees. (Ordinance 749 12-5-00)

8.11 RE-EMPLOYMENT.

An individual who is separated from the service with the City for more than thirty-one (31) days may be re-employed by complying with all the requirements of a new employee and shall be entitled to only those benefits offered to a new employee.

An individual who is separated from City service for thirty (30) days or less, must meet all the requirements of a new employee but may, at the discretion of the Governing Body, be re-employed without the loss of previously accrued and still-available benefits.

8.12 EMPLOYMENT OF RELATIVES.

Immediate family members will not be considered for full-time employment with the City. The City may employ relatives of employees if they are working in different departments. Immediate family members may be considered for temporary or part-time employment with the City.

A supervisor shall not supervise their immediate family members unless supervision is over a temporary or part-time position.

8.13 PHYSICAL STANDARDS FOR EMPLOYMENT.

By the nature of the work required, all positions with the City of Gothenburg shall outline the physical qualifications to perform the work required.

8.14 EMERGENCY EMPLOYMENT.

If any emergency arises that threatens life or property, the City Administrator may, without complying with the provisions of the personnel rules concerning regular employment, employ such persons as are necessary to meet the emergency.

8.15 PAY RATES IN DEMOTION.

The rates of pay for any demoted employee shall be determined as follows:

A. If the rate of pay in the higher position is higher than the rate of pay for the position to which demoted, the rate of pay shall be reduced to the rate of pay in the lower position.

B. If the rate of pay in the higher position falls within the range of pay of the position to which demoted, the rate of pay shall remain unchanged.

8.16 EMPLOYEE TRAINING AND TUITION ASSISTANCE.

Employee Training: Employees are encouraged to participate in conferences, conventions and meetings that have a direct relationship to the employee's position and the City's services. Department Heads shall develop training requirements on an annual basis which may include formal classes, seminars, workshops, reading materials, videotapes and other available training methods. Approval for attendance at such conferences, conventions and meetings shall be obtained from the Department Head and City Administration.

Tuition Assistance: A Regular employee that is not directed by their supervisor to take a class, but would like to enroll in university, college, GED, or vocational technical school may take formal classes that relate to their employment within the City. Employees may request tuition assistance from the City Administration under the following rules:

- A. Classes will be during non-working hours.
- B. Eligibility for reimbursement requires that employees participating in this program shall, prior to class starting date, submit a "request for tuition assistance" to the City Administrator for approval and receive a course grade of "C" or better, or pass for pass/fail courses.
- C. Financial assistance shall only be for tuition.
- D. Employees that are eligible for other educational reimbursement through other governmental programs shall use those programs first. If the cost of the approved course is more than the amount available from other sources, the City will reimburse the employee the difference.
- E. The City will not pay for any travel or other expenses.
- F. Funding for classes will be based upon what is budgeted by the Governing Body, one-half from public works and one-half from City funds, for "Tuition Assistance".
- G. Once budgeted funds have been expended for the fiscal year, no more assistance is available.
- H. Employees who receive tuition assistance will be expected to reimburse the City if they leave their employment within one year of the course completion date.
- I. No more than one class per person per semester will be funded.

8.17 LAYOFF/TERMINATION/RESIGNATION.

Although it is desirable for the continuity and operation of the City to have as few changes to personnel as possible, it is recognized that changes may occur. Accordingly, the following polices apply to termination of employment.

Return of Property - When an employee leaves the employment of the City of Gothenburg, they will be required to return their keys, personnel policy, equipment, and other City property issued to them or in their possession before receiving their final paycheck.

Resignations - Regular and introductory employees are expected to give the City at least two (2) weeks' advance notice in writing, in the event they decide to terminate their employment with the City.

Lay Off of Employees - If because of lack of work it is necessary to lay off a regular employee, he/she shall be entitled to:

- A. Two (2) weeks' notice or the cash equivalent;

B. The cash equivalent for any accrued vacation leave;

C. Priority in consideration for any subsequent vacancy for which he/she qualifies;
and

D. Credit for prior service for seniority and other length of service benefits upon subsequent re-employment.

CHAPTER 9 – DRUG FREE WORKPLACE POLICY

Purpose

The City is committed to providing a safe, healthy, and productive workplace that is free from alcohol and unlawful drugs as classified under local, state, or federal laws, including marijuana, while employees are working on the City's premises (either on or off duty) and while operating City-provided vehicles. The abuse of alcohol and use of illegal drugs increases absenteeism and reduces productivity. Further, such use increases the risk of injury to fellow employees, customers and other persons, and also increases the risk of damage to City property or the property of other persons for which the City may be held liable.

It is the policy of the City that the use or possession of alcoholic beverages or illegal drugs by employees while on duty or on City property is prohibited. Employees must not report to duty under the influence of alcoholic beverages or with sufficient amounts of illegal drugs in their system so as to give rise to a positive drug test. For purposes of this policy, the term "illegal drug" means intoxicants and narcotics, marijuana or any other controlled substance that is illegal under local, state, or federal laws, including prescription drugs that are being used without a prescription. The term "illegal drugs" does not include medication which has been lawfully prescribed for an employee by his or her physician, presuming such use is consistent with the prescription. The use or possession of alcoholic beverages or illegal drugs in violation of this policy shall be grounds for discipline, which may include discharge for the first offense.

Employee Coverage

This policy shall cover all employees that are employed by the City of Gothenburg. In addition, those employees who are required in their employment to drive equipment that requires a Commercial Driver's License (CDL) shall be covered under the Department of Transportation's ("DOT") rules and regulations. In all instances, DOT regulations shall take precedence over this policy, except in instances where this policy is more restrictive.

Pre-Employment Testing

All applicants to whom offers of employment are made must submit to a drug test as provided for below. Pre-employment tests will be administered only after an offer of employment has been extended. Any offer of employment is contingent upon the applicant achieving a negative test result.

An applicant is not required to submit to a urine drug test if (1) the City can verify that the applicant has participated in a valid controlled substances testing program within the preceding thirty (30) days; and (2) while participating in that program, was either tested, with a negative result, within the past six (6) months or participated in a random selection program for the previous, consecutive, twelve (12) months; and (3) no prior employer has knowledge that the employee violated any part of the regulations within the last six (6) months. Applicants must sign a release form in order for their previous employers to release this information.

Post-accident Testing

An employee must submit to drug and alcohol testing as soon as practicable any time he or she is involved in an accident where (1) a fatality is involved; or (2) the driver receives a citation for a moving violation arising from the accident (within 8 hours for alcohol, and within 32 hours for controlled substances), and any party involved requires immediate treatment for an injury away

from the accident scene, or if any vehicle involved incurs “disabling damage” (i.e., must be towed away). Following any accident, the driver must contact the Employer as soon as possible. Any time a post-accident drug or alcohol test is required, it must be performed as soon as possible following the accident. Every effort must be made to complete the alcohol test within two (2) hours. If this is not possible, you must continue to try for up to eight (8) hours. If no alcohol test can be made within eight (8) hours, attempts to perform an alcohol test shall cease. If no urine collection can be obtained for purposes of post-accident drug testing within thirty-two (32) hours, attempts to make such collection shall cease.

If a law enforcement officer does not issue a citation within the specified time frames, the Employer shall not attempt to conduct post-accident testing and shall proceed with documenting the reason why the test was not performed. If the Employer wants to pursue testing under its program, the Employer may conduct non-Federal tests accordingly. In the event that Federal, State, or local officials conduct breath or blood tests for the use of alcohol and/or urine tests for the use of controlled substances following an accident, these tests may meet the requirements of this section, provided the tests conform to applicable Federal, State, or local requirements. The Employer may request testing documentation from such agencies and may ask the driver to sign a release allowing the Employer to obtain such test results.

In the event a driver is so seriously injured that the driver cannot provide a sample of urine, breath, or saliva at the time of the accident, the driver may provide necessary authorization for the Employer to obtain hospital records or other documents that would indicate the presence of controlled substances or alcohol in the driver's system at the time of the accident.

Reasonable Suspicion/“For Cause” Testing

Employees may be asked to submit to a drug and alcohol test if an employee’s supervisor or other person in authority has a reasonable suspicion, based on objective factors such as the employee’s appearance, speech, behavior, or other conduct and facts, that the employee possesses or is under the influence of unlawful drugs, including marijuana, or alcohol, or both. Employees who take over-the-counter medication or other lawful medication that can be legally prescribed under both federal and state law to treat a disability should inform their supervisors if they believe the medication will impair their job performance, safety, or the safety of others or if they believe they need a reasonable accommodation before reporting to work while under the influence of that medication.

Reasonable suspicion for requiring an employee to submit to a drug or alcohol test shall be deemed to exist when an employee exhibits the physical symptoms or manifestations of being impaired due to drug or alcohol use while at work; when a supervisor or the City receives a report of an employee using drugs or alcohol from a reliable and credible source, such as a trusted employee or supervisor, and the report indicates that the employee was impaired by drug or alcohol use while at work; the City has evidence that an employee manufactured, sold, distributed, solicited, possessed, used, or transferred drugs while working, while on the City’s premises, or while operating the City’s vehicles, machinery, or equipment; or the City has evidence that an employee tampered with a previous drug or alcohol test. City supervisors will be trained in identifying characteristics of drug and alcohol use. The “reasonable suspicion” for requiring an employee to take a test shall be observed or received by at least a single supervisor and preferably two, and shall be recorded in a written form. The supervisor is responsible for securing all material and providing all documentation related to the incident. The supervisor, or a person designated by the City Administrator, shall accompany the employee to the collection facility.

Random Testing

The City also conducts random drug and alcohol testing of employees subject to DOT requirements. Once an employee is notified of selection for random testing, the employee will be directed to the collection site so the testing can be conducted as soon after notification as possible.

Return-to-Duty Testing

It shall be in the sole discretion of the City whether an employee who has tested positive on a drug or alcohol test shall remain eligible for continued employment. If the employee is deemed eligible by the City and returns to work after completing necessary education and/or treatment for drug and/or alcohol, the employee will be subject to return-to-duty testing before returning to work. Failure to pass this test will subject the employee to immediate termination.

Follow-Up Testing

It shall be in the sole discretion of the City whether an employee who has tested positive on a drug or alcohol test shall remain eligible for continued employment. If the employee is deemed eligible and returns to work, the employee will be subject to unannounced follow-up testing for a period of up to one (1) year as a condition of employment. Failure to pass any drug or alcohol test during this period is cause for immediate termination.

Refusal to Test

Refusal to submit to the types of drug and alcohol tests employed by the City will be grounds for refusal to hire an applicant and to terminate employment of existing employees. A refusal to test would include behavior which is intended to obstruct the proper administration of a test. Unreasonable delay in providing a urine or breath specimen could be considered a refusal. In the event that an employee cannot provide a sufficient urine (within three (3) hours) or breath (within fifteen (15) minutes) specimen, the City may direct the individual to a physician for purposes of evaluation. If the physician cannot find a legitimate medical explanation for the employee's inability to provide a specimen, it will be considered a refusal to test.

Laboratory Procedures

All urine specimens collected under this policy will be submitted to a laboratory certified by the Substance Abuse and Mental Health Services Administration (SAMHSA). All specimens initially testing positive will be subjected to a subsequent confirmation test before reported by the laboratory as positive. All positive laboratory test results will be reported by the laboratory to the City's Medical Review Officer (MRO). In the event the employee wishes to contest the drug test results, the test result and the employee will be referred to the MRO.

In the event the Medical Review Officer determines there is no legitimate basis for the employee objection, the test will stand as reported. In the event the Medical Review Officer determines there is an explanation for the positive test result other than the use or abuse of illegal drugs or alcohol, the test result will be reported back as negative.

Retest

If an employee wishes to challenge the laboratory's test result, the employee can request a retest of the original sample. The retest can be run by the same or another SAMHSA certified lab. Request for a retest must be made within seventy-two (72) hours after the employee is initially advised of the test result. The employee will be required to pay the cost of the retest. In the

event the retest demonstrates a result different than the original test, the employee will be reimbursed for the cost of the retest.

Confidentially

Individual test results for applicants as well as existing employees will be kept strictly confidential. The only time test result information would be released would be in response to any administrative or judicial action initiated against the City by the employee. The release of any drug test results other than in the circumstances previously described would only be made following written consent from the tested employee. Any individual who has submitted to drug testing in compliance with this policy is entitled to receive the results of such testing upon timely written request.

Drugs Tested

Any applicant who tests positive for the presence of any of the following substances is considered unsuitable for work and will not be hired.

Additionally, existing employees who test positive for any of the following substances shall be subject to disciplinary action as described below and under Section 6.06. The City reserves the rights to expand at any time the substances for which it will test. Those substances for which the City will test presently include:

- | | |
|----------------------------------|--------------------|
| 1) marijuana (THC) | 6) benzodiazepines |
| 2) cocaine | 7) barbiturates |
| 3) opiates | 8) methaqualone |
| 4) amphetamines/methamphetamines | 9) methadone |
| 5) phencyclidine (PCP) | 10) propoxyphene |

Alcohol Testing

Any applicant whose test shows the presence of alcohol is considered to have tested positive for alcohol and is unsuitable for work and will not be hired. Additionally, existing employees whose tests show the presence of alcohol shall be subject to disciplinary action as provide below and in Section 6.06.

Prohibited Conduct

The following list of drug- and alcohol-related conduct is illustrative of the offenses which subject an employee to discipline up to and including termination, but is not considered to be an all-inclusive list. Offenses of a similar nature may also result in disciplinary action up to and including termination.

The use, purchase, sale, distribution or transfer of illegal drugs or substances on any City owned property.

Abuse of legal (prescription or over-the-counter) drugs or alcohol that impairs an employee's ability to perform his or her job.

Coming to work under the influence or with sufficient amounts of illegal drugs in the employee's system so as to give rise to a positive drug test.

Substandard job performance due to an underlying drug or alcohol dependency problem.

Consumption or possession of open containers of alcohol on City property, in a City vehicle or vehicles rented by the City, unless at City events in which alcohol has been specifically authorized by the Mayor and/or the Governing Body for use by employees not on duty or on call.

Disciplinary Action

Following a positive post-accident, reasonable cause or random drug test, a five (5) day suspension will be imposed without pay. In addition, the City will, in its discretion, make a case-by-case determination whether the employee who tests positive for either drug or alcohol will be eligible for continued employment or shall receive any further disciplinary action as described in Section 6.06. If an employee has been suspended while awaiting drug test results following a post-accident or reasonable cause test that are negative, that employee will be reimbursed for the duration of their suspension at their regular rate of pay. Following the suspension period, the City will identify for the employee who tests positive the various resources available to address substance abuse problems. If the City has determined the employee is eligible for continued employment under which an employee elects to participate in a program that requires inpatient residential care, the City will work closely with both parties to develop a return-to-work plan. After successful completion of a drug and/or alcohol rehabilitation program, an employee may, in the City's discretion, be returned to either their original or an equivalent position.

This policy is not intended, nor should it be construed, as a contract of employment between the City and the employee. This policy may be changed at any time at the sole discretion of the City.

CHAPTER 10 - PERFORMANCE APPRAISAL

10.01 PERFORMANCE APPRAISAL PROCESS.

The system of performance appraisal may be used for purposes of promotion, dismissal, demotion, reductions in force, and reinstatements, as well as to keep employees advised of what is expected of them and how well they are meeting expectations.

Performance appraisal may be governed by the following:

A. The appraisal of work performance provides recognition for effective performance and identifies aspects of performance that could be improved.

B. Performance appraisal is a continuing responsibility of all supervisors, and supervisors shall discuss performance informally with each employee as often as necessary to ensure effective performance throughout the year.

C. Each supervisor may discuss with the employee his or her overall work performance at least once in each twelve (12) calendar months for the purpose of informing the employee of the caliber of his or her work, helping the employee recognize areas where performance could be improved, and developing with the employee a plan for accomplishing such improvements.

D. Performance appraisals may be appealed on the basis of abuse, harassment, or discrimination.

E. Each employee shall be given a copy of the written appraisal governing his or her own performance, and the original will be placed in his or her permanent personnel file.

10.02 FREQUENCY OF PERFORMANCE APPRAISALS.

Performance appraisals shall be prepared annually, usually in June, for all permanent employees.

10.03 REVIEW OF PERFORMANCE APPRAISAL.

The supervisor shall sign the performance appraisal..

The supervisor shall discuss the performance appraisal with the employee being rated, pointing out obvious weaknesses and strong points.

The employee being rated shall indicate by signature that the report has been discussed with the employee. Signature of the employee does not imply agreement with the report. If the employee desires, he or she may submit a written statement that shall be attached to the performance evaluation and becomes a permanent part thereof.

The City Administrator or Mayor will then review all performance appraisals.

10.04 RECORDS TO BE MAINTAINED.

The City Clerk or his or her designee shall maintain the following records, which may be used when preparing performance appraisals:

- A. Individual vacation and sick leave record;
- B. Copy of each position description form;
- C. Copy of each performance appraisal;
- D. Copy of any corrective and/or disciplinary action correspondence;
- E. Copy of suspension notices;
- F. Copy of any favorable communications including evidence of self-improvement efforts;
- G. Copy of unfavorable communications;
- H. Copy of in-service training records;
- I. Copies of time sheets; and
- J. Copy of employee license number and driving record.

10.05 MAINTENANCE OF RECORDS.

All personnel records and files shall be retained for a period of five (5) years or until such time as required to satisfy state and federal requirements.

10.06 PUBLIC REVIEW OF RECORDS.

Except for examinations, personal histories, and other such confidential papers as may otherwise be specified in these rules, Nebraska Revised Statutes section 84-712.05, or by action of the Governing Body, records of personnel shall be public record. Such records shall be open to inspection by the public during regular office hours.

10.07 EMPLOYEE PERFORMANCE.

No supervisor, employee or city official, shall provide references on current or former employees without (1) a written release from the current or former employee and (2) a written form letter from the prospective employer. No references will be given over the telephone.

CHAPTER 11 - POLITICAL ACTIVITY, ETHICS AND CONDUCT

11.01 POLITICAL ACTIVITY.

No person employed by the City may:

1. Use official authority or influence for the purpose of interfering with or affecting the results of an election or a nomination for office.
2. Directly, or indirectly coerce, attempt to coerce, command or advise an employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes.
3. Be a candidate for any elected City office. Any employee desiring to hold such office shall resign his position upon filing for the office.

A person employed by the City retains the right to vote as he/she chooses and to express his opinions on political subjects and candidates.

11.02 ETHICS.

No officer or employee shall accept any gift, favor, or service that might reasonably tend to improperly influence him in the discharge of his official duties.

No employee shall use, or attempt to use, his official position to secure special privileges or exemptions for himself or others, except as may otherwise be provided by law.

No City officer or employee shall receive any compensation for services rendered as a City employee from any source other than the City, except as may be otherwise provided by law, or agreement entered into by the Governing Body.

11.03 EMPLOYEE DRESS AND APPEARANCE CODE

City employees are expected to dress and groom themselves in accordance with accepted social and business standards, particularly since employees regularly interact with members of the community. A neat, tasteful appearance contributes to the positive impression made on our customers. Employees are expected to be suitably attired and groomed during working hours or when representing the City. For employees whose job is primarily in the office and with occasional to frequent public contact, business casual dress shall be required. If an employee's supervisor believes the employee's attire and or grooming is inappropriate for the workplace, the employee may be asked to leave the workplace until properly attired. Employees will not be paid for the time off the job for this purpose. Anyone who violates this standard will be subject to appropriate disciplinary action.

The City may provide clothing to serve as a means of identification as allowed by the budget. The clothing required for some workers, such as Utility Workers, may be Fire Retardant (FR) clothing and/or high visual clothing. Clothing supplied by the City is City property and shall not be intentionally altered, torn, etc. If clothing is damaged, worn, etc.

beyond repair during the course of employment, the City may choose to replace the damaged item. Employees will be responsible for the laundering and proper care of clothing.

11.04 OUTSIDE EMPLOYMENT.

No employee shall accept employment in any business or professional activity that he might reasonably expect would require or induce him/her to disclose confidential information acquired by him by reason of his official position.

No employee shall accept other employment that might impair his independence of judgment in the performance of his/her duties.

Outside employment by City personnel must be disclosed and approved by the City Administrator. However, such approval will not be unreasonably withheld.

In any situation where extra duty will be necessary in an employee's City work, such extra duty shall be in preference to the employee's outside employment.

11.05 NEBRASKA POLITICAL ACCOUNTABILITY AND DISCLOSURE ACT.

All employees are responsible for disclosing anything that would be a conflict of interest. This could include the hiring of immediate family members; using confidential information to obtain financial gain; the use of City personnel, resources, property, supplies or funds for personal use or gain; or entering into certain contracts without having an open bidding process and voting on issues where personal gain is involved.

All employees covered under the Nebraska Political Accountability and Disclosure Act, Nebraska Revised Statutes sections 49-1493 to 49-14,104, as amended from time to time, shall comply with the requirements set forth therein.

11.06 USE OF CITY EQUIPMENT AND SERVICES

This policy does not apply to any use of computers or services if being used for official City business.

The City provides email, voice mail, Internet access, telephone service, and computer equipment for use in conducting City business. All such equipment and systems are City property and should be used primarily for business purposes. They may be used for appropriate personal reasons on an occasional basis only during non-working time and as long as such use does not result in added expense to the City, unless otherwise permitted under this policy. Because such property and systems are City property, the City has the right to and will monitor the use of such property from time to time. Therefore, no employee should have any expectation of privacy in his/her use of such property or any files, data, or information transmitted with, placed or stored on, or otherwise communicated using such equipment and systems.

The following will clarify the types of equipment and services contemplated by this policy regarding personal use.

Computers.

All data entered on the City's computers is considered the property of the City. No employee should knowingly enter false or misleading information in the City's computer system or destroy any data that the City needs to conduct its business. Please realize that, for various reasons, the City will access your equipment. As a result, your computer should not be used for personal business, even during non-working time, if you do not want the City to have access to your personal information. Also, unauthorized access to a computer or computer system, or knowingly destroying a computer, computer system, computer software, or computer program, is specifically prohibited. Violators will be prosecuted to the fullest extent allowed by civil or criminal law.

Electronic Mail and Voice Mail.

Electronic mail and voice mail are to be used primarily for business purposes only. They can be used for appropriate personal reasons only during non-working time. Like your computer, the City will access your email and voice mail when it deems such access necessary. When using email or voice mail for business purposes, you should be aware that such messages are not entirely confidential. They can be forwarded to others without the original sender's knowledge. Email can be viewed by others who may improperly use a password to breach the security of the system. In addition, disclosure of email messages may be required in lawsuits against the City. As a rule of thumb, nothing should be sent by email if you would not put the information in a formal memo or would not like the information to become public knowledge. Do not use derogatory, offensive, or insulting language in any email or voice mail message. Finally, employees are not to access or view email that is not addressed to them or access or listen to voice mail other than their own. Employees violating this policy may be subject to immediate termination.

Use of the Internet.

Use of the Internet is to be limited to business use, except employees may access the Internet for appropriate personal reasons during non-working time. However, pornographic or other offensive sites cannot be viewed at any time. In addition, the City prohibits the downloading or installation of any application software from the Internet onto City computers at any time. This software could contain embedded viruses or be incompatible with our computer operations. Please realize that the City will monitor Internet use.

All employees are also prohibited from participating in any web-based surveys or subscribing to any services over the Internet, unless they have written authorization from their department head.

Telephones.

Employees may use the City telephones for appropriate personal reasons during nonworking time, or so long as it is not excessive, or on an "as needed" basis during work time. Any personal use of City telephones may not result in added expense to the City.

Cellular Phones and Similar Devices.

Cellular phones, smart phones and similar electronic devices have become a common convenience to many employees. However, such convenience should not interrupt your work for the City. Therefore, except in emergency situations, employees are not to make or receive calls,

texts, messages, access the Internet or otherwise use their cell phones or devices during working time. You, of course, may use your cell phones and devices during breaks and lunch periods. In addition, use of a cell phone or other electronic device while driving is dangerous and specifically prohibited while on working time. You are also prohibited from using a cell phone or electronic device at any time while driving a City vehicle. If you must make an emergency communication while driving, you should normally pull to the side of the road and stop before making the call, texting, or otherwise using the device.

Social Media Policy.

We understand that social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your social media use, we have established the following guidelines for appropriate social media use. This policy applies to all employees who work for the City.

Guidelines.

In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the City, as well as any other form of electronic communication.

Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of your fellow coworkers or otherwise adversely affects the City's legitimate business interests may result in disciplinary action up to and including termination.

Know and follow the rules.

Carefully read these guidelines, the City's Harassment Policy and Complaint Procedure and Workplace Violence Prevention policy and ensure your postings are consistent with these policies. Inappropriate postings that include discriminatory remarks, harassment, threats of violence, or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including discharge.

Be respectful.

Always be fair and courteous to your fellow coworkers, customers and people who work on behalf of the City. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, and threatening or intimidating, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion, age or any other status protected by law.

Be honest and accurate.

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched.

Post only appropriate and respectful content.

Express only your personal opinions. Never represent yourself as a spokesperson for the City. If the City is a subject of the content you are creating, be clear and open about the fact that you are a City employee and make it clear that your views do not represent those of the City. If you do publish a blog or post online related to the work you do or subjects associated with your employment with the City, make it clear that you are not speaking on behalf of the City. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of the City of Gothenburg."

Do not divulge confidential City information. Examples of confidential information may include information related to pending criminal investigations in the Police Department and potential prosecution by the City Attorney's Office.

Use of Social Networking Websites on City Equipment, or During Work Hours.

Employees are prohibited from using or accessing social networking sites on City equipment. Employees are also prohibited from using their personal equipment for social networking during working hours. Working hours are defined as an employee's scheduled shift, but exclude lunch and other break times. The City reserves the right to monitor employees' website history on City equipment to determine whether employees are complying with this policy.

CHAPTER 12 - PERSONNEL MANAGEMENT AND COMMITTEES

12.01 EMPLOYEE ASSISTANCE.

Employees are urged to contact the City Administrator when they have a serious problem and believe they need help.

12.02 GOVERNING BODY.

The Governing Body shall:

- A. Be authorized and directed to administer a personnel system for City employees;
- B. Have the duty, power and authority to employ such persons, make such expenditures, require such reports, make investigations, and to take such other actions as it deems necessary which are not in conflict with City Ordinance or State Statute; and
- C. Have the power and authority to adopt, amend, or rescind such rules and regulations as may be necessary for the proper administration of these personnel policies.

12.03 SAFETY COMMITTEE

The City of Gothenburg shall have a Safety Committee, which shall include two (2) non-management representatives and two (2) representatives appointed by the City Administrator. The committee members shall serve two-year (2-year) terms. Membership shall be made available to all non-management employees once a year. Terms shall be rotating so that one-half of the members' terms expire each year. Volunteers shall be full-time employees. The purpose of the Safety Committee is to bring together employees in a cooperative effort to promote safety at each worksite. The committee is limited to making recommendations regarding methods of addressing safety and health dangers at each worksite. The Safety Committee shall meet at least once during each three-month (3-month) period, or in a reasonable time to respond to unresolved employee complaints. The Safety Committee shall maintain written minutes of all meetings for at least three (3) years, and the names of all individuals on the committee shall be made available to all employees upon request.

12.04 EMPLOYEE RELATIONS COMMITTEE

The City of Gothenburg shall have an Employee Relations Committee, which shall include four (4) non-management representatives of which one (1) representative will be from each of the following departments: Library, Police, Street and Public Works. The City Administrator, City Clerk and two Department Heads appointed by the City Administrator shall make up the management representatives. The committee members other than the City Administrator and City Clerk shall serve two-year (2-year) terms. Membership shall be made available to all non-management employees once a year on January 1st. Terms shall be rotating so that one-half of the members terms expires each year. Volunteers shall be full-time employees. The purpose of the Employee Relations Committee is to bring together employees in a cooperative effort to promote good working relationships between management and the employees. The committee is limited to making recommendations regarding personnel policies, working relationships and addressing any items of a personnel nature at each worksite. The Employee Relations Committee shall meet once during each three-month (3-month) period, or in a reasonable timely

response to unresolved employee issues. The Employee Relations Committee shall maintain written minutes of all meetings for at least three (3) years, and the names of all individuals on the committee shall be made available to all employees upon request.

CHAPTER 13 – EMPLOYEE LIABILITIES

13.01 USE OF EMPLOYEE VEHICLE FOR CITY BUSINESS

An employee who chooses to use his or her vehicle while performing work for the City shall have said vehicle insured.

LIABILITY INSURANCE: When an employee is using their personal vehicle related to employment, their insurance becomes primary in the event of a loss, and the City's insurance becomes secondary.

OTHER COVERAGES: The City shall not provide any other coverage for employee use of a personal vehicle while performing duties related to the City.

13.02 USE OF CITY VEHICLE

The following rules and regulations govern the general operation of all City vehicles. Each department has specific guidelines for the use of vehicles assigned to that department. Employees shall comply with both the general rules and the departmental rules when operating any City-owned vehicles.

1. Employees must have the appropriate valid driver's license for the vehicle or equipment to be operated and must be in compliance with any restrictions listed on the license in order to operate any City vehicle or equipment.
2. Employees who drive City vehicles, even on an occasional basis, must notify their supervisor immediately if their driver's license is suspended or in any other way restricted.
3. City vehicles may not be operated at work or taken home by an employee without prior authorization of the employee's supervisor.
4. City vehicles shall be used for City business only and not for any personal use or gain.
5. A City vehicle shall not be operated by anyone other than the employee to whom it is assigned.
6. During the time the vehicle is under the employee's control, it shall be the employee's responsibility to operate the vehicle safely, comply with all traffic and parking rules and regulations, and to secure the vehicle when leaving it unattended.
7. Employees must call for a local law enforcement agency to come to the scene of any work-related vehicular accident immediately, even if there is no apparent damage. Every accident shall also be immediately reported to the employee's supervisor.
8. Employees may be held personally responsible for damage to a City vehicle if an investigation discloses negligence, carelessness, or misuse. The employee must wear seat belts while operating and/or riding in City vehicles. An employee may not use a cell phone or any other electronic communication device while driving a City vehicle (including hands-free devices), except for official police use or any City emergency response in which communication is necessary.
9. Employees shall not transport non-work-related passengers in City vehicles at any time without prior approval from their supervisor.
10. Employees shall not attempt to make any mechanical repairs to the vehicle unless properly authorized by the employee's supervisor or unless assigned to such duties.

11. Employees shall immediately report to their supervisor any hazardous or unsafe condition of the vehicle which may result in injury to themselves or others.
12. Employees shall keep all City vehicles free of objects that might lodge under the brake pedal or interfere with safe operation of the vehicle.
13. It is the responsibility of the employee operating a City vehicle or equipment to ensure that all supplies, equipment, machines, and vehicles being hauled or transported are properly secured to the transporting vehicle or trailer.
14. Any vehicle or equipment that has been tagged unsafe to use shall not be used by any employee until such tag has been removed by order of a representative of the department.
15. An employee who drives a City vehicle must be fully-insurable under the City's motor vehicle and other insurance policies.
16. The City may obtain a driving record for an employee who drives a City vehicle, and the employee must provide written consent to obtain the record if necessary.

OUTSIDE EMPLOYMENT DISCLOSURE

Outside Employment Disclosure

All employees of the City of Gothenburg holding outside employment are required to disclose outside employment information per §11.03 of the personnel policy. All outside employment must be approved by the City Administrator. Such approval will not be unreasonably withheld.

Employee Name: _____

Outside Employer
Company Name: _____

Address: _____

Phone: _____

If you are self-employed or employed by others, is there workers' compensation or insurance covering your outside employment?

_____ Yes _____ No

Do you understand that no city employee shall accept employment in any business or professional activity that would require or induce him/her to disclose confidential city information?

_____ Yes _____ No

Do you understand that no employee shall accept other employment that might impair his independence of judgment in the performance of his city duties?

_____ Yes _____ No

Do you understand that in any situation where extra duty will be necessary in an employee's City work, such extra duty shall be in preference to the employee's outside employment?

_____ Yes _____ No

Employee's Signature

Approved:

City Administrator

TUITION ASSISTANCE FORM

APPLICATION FOR TUITION REIMBURSEMENT

Employee Name: _____

Job Title: _____

Name of School or College: _____

<u>Subject</u>	<u>Enrollment Period</u>	<u>Hours</u>	<u>Credit</u>	<u>Cost per Hour</u>	<u>Total</u>
_____	_____	_____	_____	\$ _____	\$ _____

Employees will be reimbursed for courses when approved in advance according to the provisions of the Personnel Policy.

I have read and understand the conditions set forth in the personnel policy.

Signature

Date

City Administrator Approval:

Signature

Date

Final Grade: _____

Reimbursement Amount: _____

Reimbursement Date: _____

DEDUCTION AUTHORIZATION

I, _____ [employee's name] ("Employee"), authorize the City of Gothenburg ("Employer"), pursuant to NEB. REV. STAT. § 48-1230(1) to deduct, withhold, or divert a portion of my unpaid wages, including earned but unused paid time off and other leave, for any of the following applicable items initialed by the Employee:

Employee

Initials

Item

_____ 1. Failure to return the Employer's property, including but not limited to, credit cards, fuel cards, computers and passwords, identification badges, keys, manuals, cellular phones, tools, uniforms, vehicles, books, computer software, data, files, client lists, or any written information issued to Employee, developed or prepared by the Employee or in the Employee's possession or control, on or before the Employee's last day of work or at any other time as requested by the Employer.

_____ 2. Failure to pay a personal bill(s) owed the Employer by the Employee.

_____ 3. Failure to pay for the cost of any repair and/or replacement of damaged Employer property caused by willful neglect of the Employee.

_____ 4. Failure to pay the Employee's contribution due under any Employee benefit plan or program including, but not limited to, health insurance.

_____ 5. Failure to reimburse the Employer for tuition paid on behalf of the Employee.

This Authorization contains the entire understanding of the Employee and supersedes any previous written or oral agreement between the Employee and Employer. Changes in this

Authorization, whether by addition, waiver, deletion, amendment, or modification must be reduced to writing and executed by both the Employee and the City Administrator.

Employee Signature

Print Name

Date

NOTICE – Pursuant to NEB. REV. STAT. § 36-213, if you are married and the head of the household, your spouse must sign this Deduction Authorization.

1. Certification. I certify that I am not the head of the household.

Employee Signature

Print Name

Date

2. Authorization. I certify that I am the head of the household and my spouse has co-signed the Deduction Authorization below.

Employee Signature

Print Name

Date

3. Co-Signature. I certify that I am the spouse of _____, and I agree and accept the Deduction Authorizations agreed to by _____, which include the following circled items:

1 2 3 4 5

Spouse Signature

Print Name

Date

Receipt

I have received a copy of the City of Gothenburg Personnel Manual and have either read it or have had it read to me. I understand all of its rules, policies, terms, and conditions and agree to abide by them, realizing that failure to do so may result in disciplinary action and/or termination. I also understand that this manual supersedes all previous written and unwritten policies, including any previous manuals. I understand and agree that my employment is terminable at will so that both the City and I remain free to choose to end our work relationship for any lawful reason or no reason. Similarly, no City official has the authority to enter into an oral employment contract, modifying this employment-at-will relationship, and only the City Council can enter into a written employment contract changing the employment-at-will relationship.

I understand that all City property may be monitored by the City including my computer files, Internet activity, email messages, and voice mail messages for various reasons. The City will disclose such activity and messages to a third party without my consent when it deems such action necessary. I consent to the City's monitoring of my computer files, email transmissions, voice mail messages, and Internet activity.

I understand nothing in this handbook in any way creates an express or implied contract of employment between the City and me but rather is intended to foster a better working atmosphere while the employee/employer's relationship exists.

Employee's Signature

Date

Employee's Name (Printed)

Date

Supervisor's Signature

Date