

*City of Mountain Home, Idaho
Personnel Policy*



*Adopted by City Council
Effective
October 1st, 2019*

WELCOME TO THE CITY OF MOUNTAIN HOME

On behalf of the City, I want to personally welcome you to our team. We know you have a unique and demanding job to do for the people of this city. The special talents and skills you bring to the workplace will help get the job done. We will do everything in our power to encourage your accomplishments. The City has an excellent history of fair compensation, outstanding benefits and good working conditions. We will continue, within the funds available, to meet those priorities. In addition, we know you will set high standards and provide friendly, welcoming service to the taxpayers who pay your wages. They are the reason we are here.

I have an open-door policy at City Hall and invite your suggestions and new ideas. You are always welcome in my office. As an employee of the City, you help make things run. I thank you for becoming a part of this important, meaningful work and hope you will be a part of our team for years to come. One Town, One Team!

RICH SYKES

Rich Sykes, Mayor

CITY OF MOUNTAIN HOME PERSONNEL POLICY

This policy establishes a safe, efficient and cooperative working environment, outlines the responsibilities and level of performance expected of all City employees and explains certain benefits provided to City employees.

The policies and benefit offerings outlined in this policy are subject to change at any time, without prior notice to, and consent of, city employees. Changes may be made in the sole discretion of the Mayor and City Council. After changes have been made the City will make every effort to notify employees of the changes but is not required to do so.

All employees of the City are At-Will and are employed at the discretion of the Mayor and City Council and will have no right to continued employment or employment benefits, except as may be agreed to in writing and expressly approved by the City Council. THIS PERSONNEL POLICY IS NOT A CONTRACT OF EMPLOYMENT AND IS NOT INTENDED TO SPECIFY THE DURATION OF EMPLOYMENT OR LIMIT THE REASONS FOR WHICH AN EMPLOYEE MAY BE DISCHARGED. THIS POLICY CREATES NO RIGHTS, CONTRACTUAL OR OTHERWISE, ON BEHALF OF EMPLOYEES OF THE CITY. All provisions of this Policy will be interpreted in a manner consistent with this paragraph. In the event of any irreconcilable inconsistencies, the terms of this paragraph will prevail. Only a written contract expressly authorized by the City Council can alter the at-will nature of employment by the City, notwithstanding anything said by an Elected Official or supervisor.

**PERSONNEL POLICY MANUAL
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A. INTRODUCTION

Overview of City Government

Working for a City government is different than working for a private employer. There are numerous Idaho laws which govern the operation of a municipality, regulate employee behavior and determine the City's expectations of City employees. Please read this manual carefully in order to fully understand those expectations.

The City of Mountain Home is a political subdivision of the State of Idaho, though it is not a part of state government. The City of Mountain Home has five elected officials – four City Council members who make up the legislative body and a full time Mayor who is the Chief Executive Officer.

Each department has a Department Head who is appointed by the Mayor and approved by the Council. All employees in the department are under the direction of that appointed employee, and all hiring, dismissal, promotion and other personnel matters within that department are his or her responsibility.

Generally, no Department Head will have supervision over another Department Head, except by special order from the Mayor and/or Council.

The Mayor, having supervisory authority over all City employees, may override a Department Head in resolving an issue, whether a personnel issue or one of general administration. In areas of general administration, the City Council may override an order of the Mayor by passing a resolution, an ordinance or in some cases, by majority vote on a motion. This explanation is aimed at helping employees better understand the sequence of authority within our City government.

Policy Manual Purpose

The purpose of this manual is to provide a set of guidelines intended to create and maintain understanding and cooperation among employees and to set forth rules and procedures to enhance services of the City of Mountain Home to its citizens. These policy statements are not intended to be an exclusive source of guidelines concerning employment. The Mayor, City Council and Department Heads under the direction of the Mayor, are entitled to implement work standards and procedures necessary to implement these policies, or to efficiently carry out the functions and services of their departments, provided such standards do not diminish the benefits or protections granted to employees by City policy or legislative action. The Mayor may interpret guidelines or regulations not specifically covered.

The effective date of this manual is the date it is adopted by the Mayor and City Council. This manual supersedes any previous manuals along with any rules, regulations, practices, policies and/or procedures of the City, which are inconsistent with the provisions hereof. This manual also describes generally the recruitment and development of the best available employee for each position in the service of the City. It provides for establishing orderly procedures for administering the personnel system in such a way as to be consistent with the following principles:

1. Recruiting, selecting and advancing employees on the basis of their relative ability, knowledge and skills, including open competition of qualified applicants for initial hiring;

2. Establishing pay rates consistent with the market rate and the principle of providing comparable pay for comparable work;
3. Training employees, as needed, to encourage high quality performance;
4. Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to race, color, religion, gender, sexual orientation, gender identity, national origin, age, disability status, pregnancy, genetic information & testing, marital status, amnesty, Family & Medical Leave and veteran's status, except where such status is a bona fide occupational qualification, or any other characteristic in accordance with applicable federal, state and local laws.

Scope

These regulations shall apply to all positions -- full time, part time, seasonal, temporary employees, and appointed employees, such as department heads, where applicable. They are intended to cover most personnel issues and actions which will arise. Those topics not specifically covered may be interpreted by the Mayor. Such interpretation may be in keeping with the intent of these regulations.

The responsibility and authority for the enforcement and administration of the rules and regulations set forth herein are vested in the Mayor. The Mayor and Council reserve the right to modify, revoke, suspend, terminate or change any and all of the Personnel Rules and Regulations for any reason without notice.

This policy is not intended to be an exclusive source of rules and regulations concerning employment.

Municipal ordinances, state and federal law, may apply. Department Heads may have specific guidelines or procedures applicable within their Department. Employees are encouraged to refer to appropriate sources of information in addition to these Personnel Rules and Regulations.

Distribution of Policy

At time of employment all employees will receive a paper copy of this personnel policy. It is the responsibility of the employee to familiarize him or herself with the contents of the personnel policy and to acknowledge its receipt. Periodic updates or changes should be distributed and acknowledged, these updates or changes may be provided in electronic format.

Employee Responsibilities to the City

Employees of the City of Mountain Home are expected to discharge their responsibilities willingly and maintain a courteous, friendly, cooperative attitude toward fellow employees and the general public.

Each employee has been hired for a specific position as outlined by their job specification. How he/she performs on the job will have an important effect on his/her success with the City as well as on the progress of the City itself. Certain specific responsibilities of employees are set out in other sections of this policy. There are, in addition, broader responsibilities of personal integrity which are expected of all persons employed by the City. Employees have a right to expect fair treatment and consideration from the City and, in turn, the City expects employees to put forth their best effort and to work in harmony with fellow workers and those they serve.

Employee Attendance, Punctuality, and Dependability

Because the City of Mountain Home depends heavily upon its employees, it is important that employees attend work as scheduled. Dependability, attendance, punctuality, and a commitment to do the job are essential at all times. As such, employees who work for the City of Mountain Home are expected to be at work on all scheduled workdays and during all scheduled work hours and to report to work on time. Moreover, an employee must notify his/her supervisor or Department Head as far in advance as possible, but not later than one-half hour before his/her scheduled starting time if he/she expects to be late or has an unexpected absence. This policy applies for each day of his/her absence. Immediately upon the return to work the employee is required to fill out and submit to their supervisor or Department Head a leave form indicating the reason for the unexpected absence and the leave time taken. An employee who fails to contact his/her immediate supervisor or Department Head for two consecutive workdays will be considered as having voluntarily resigned their employment with the City. It is the responsibility of the employee's supervisor or Department Head to make sure the leave form is completed and turned in upon the employee's return to work, but in no way does this diminish the responsibility of the employee. A careful record of absenteeism and lateness will be kept by the employee's supervisor or Department Head and used to verify time sheets at the end of a pay period, which time sheets then become part of the personnel records. To the extent permitted by law, absenteeism and lateness lessen an employee's chances for advancement and may result in disciplinary action up to and including termination.

If the employee knows in advance that they intend to miss work, such as for an appointment or scheduled vacation, a leave request form must be completed and turned into their supervisor or Department Head prior to the time being taken. It is the responsibility of the supervisor or Department Head to make sure that the leave form is completed and turned in prior to the employee taking the leave, but in no way does this diminish the responsibility of the employee.

Employee Appearance and Personal Hygiene

The City requires all employees to present themselves in a professional manner, with regard to attire, personal hygiene and appearance. All employees are expected to meet hygiene requirements during regular business hours for the duration of their employment.

- Maintain personal cleanliness (bathing regularly);
- Maintain Oral Hygiene (brushing of teeth);
- Use deodorant/antiperspirant to minimize body odors;
- Be considerate when using scented perfumes, colognes or lotions (These can cause allergic reactions, migraines and respiratory difficulty for some employees);
- Clothing must be clean, pressed when necessary, in good condition, fit appropriately, be appropriate for the position that you hold and must not interfere with the safe operation of equipment and if required for your position must have the City Logo on it;
- Neat and well-groomed hair, sideburns, moustache and beards;
- No dark glasses while working in an office setting (unless prescribed by a physician);
- Limited jewelry, appropriate to working conditions;
- Body piercing should be limited to the ear. Visible body piercing other than in the ears is unacceptable, unless demanded by religion or culture;
- Tattoos that are perceived as offensive, hostile or that diminish the effectiveness of the employee's professionalism must be covered, and not visible to staff, customers or visitors; (Police Department employees must also be subject to the police department policy on tattoos and body piercings).

Inappropriate attire as follows is not permitted (this list is not all inclusive and items not listed may be subject to your Department Head approval).

- Sweatpants (unless working at the City Pool or working out in the training facility);
- Jogging pants;
- Pants that expose the midriff or underwear;
- Gym shorts. (unless you are work at the City Pool or working out in the training facility);
- Bicycle shorts or other athletic shorts (unless you are assigned to bicycle patrol or working out in the training facility);
- Low-cut tops;
- Halter or off the shoulder tops;
- Spaghetti strap tops;
- Tops that expose the midriff or underwear;
- Miniskirts;
- Any form of clothing that is mesh, sheer, eyelet, see-through or otherwise revealing;
- Any form of clothing that is generally offensive, controversial, disruptive or otherwise distracting;
- Any form of clothing that is overtly commercial, contains political, personal or offensive messages;
- Plastic flip-flops or beach footwear (unless working at the City Pool);

Safety Equipment such as vests, hard hats, gloves, etc., must be worn at all times in areas where such equipment is required. Department Heads and Supervisors will be responsible to make sure that the appropriate safety equipment is worn.

Every employee is responsible for exercising sound judgment and common sense for his or her attire at all times. If an employee is deemed to be wearing inappropriate attire, his/her Department Head or Supervisor is responsible for notifying the employee accordingly.

Individual situations relating to appropriate workplace attire may be addressed on a case-by-case basis. If you have questions about these guidelines or a particular dress requirement, contact your Department Head or Supervisor.

Any violation of the above appearance and/or hygiene policy will result in disciplinary action that may include but is not limited to and all are not required: verbal warning, written reprimand, suspension without pay, demotion, and termination.

Classifying Employees for Policy Purposes

All employees of the City, including part-time, temporary and paid on-call employees, are **AT-WILL EMPLOYEES**, except as otherwise required by law or pursuant to a written contract approved by the City Council.

Employed Attorneys. Because the Idaho Rules of Professional Conduct govern the relationship between an attorney and his/her client, attorneys employed by the City are considered to be at-will employees, and they serve at the pleasure of the Mayor and City Council, and can be appointed or removed at their pleasure.

Appointed Officials. The city clerk, city treasurer, city attorney and any other officials appointed pursuant to Idaho Code § 50-204, may only be removed pursuant to Idaho Code § 50-206.

Personnel policy subject to change without prior notice

The policies and benefit offerings outlined in this Personnel Policy are subject to change at any time, without prior notice to, and consent of, city employees. Changes may be made in the sole discretion of the Mayor and City Council. No employee may acquire any rights in any current or future status of these policies or benefits except as the law otherwise requires. Every effort will be made to notify employees of any changes, but there is no requirement to do so.

Savings Clause

In the event that any of these policies are found to be invalid by a duly constituted authority, it will not affect the validity of the balance of these policies. If any portion of these policies is in conflict, the most recent amendments will apply. The policies and procedures in this handbook are for general reference only and may not be applicable in all cases.

B. EMPLOYMENT POLICIES AND PRACTICES

Equal Employment Opportunity

It is the City's policy to go above and beyond to distribute all City job announcements in affording equal employment opportunity, and to cooperate to the fullest extent with the application of Title VII of the Civil Rights Act of 1964, Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973, the Vietnam Era Veterans Readjustment Assistance Act of 1974, Executive Order 11246, and Revised Order No. 4. Mountain Home's human resource practices are designed and implemented in compliance with Equal Employment Opportunity Commission (EEOC) guidelines on discrimination based on race, color, religion, gender, sexual orientation, gender identity, national origin, age, disability status, pregnancy, genetic information & testing, marital status, amnesty, Family & Medical Leave and veteran's status, or any other characteristic in accordance with applicable federal, state and local laws. No job or class of jobs will be closed to any individual except where a mental or physical attribute, sex or age is a bona fide occupational qualification.

The EEO policy covers all aspects of employment including recruitment, hiring, reclassification, promotion, examination, training, performance, transfer, compensation and benefits, discipline, layoff and termination. If you feel you have been discriminated against in any of the above protected classes, you may file a complaint by contacting the City Clerk/HRO or the Mayor. We prohibit retaliation against individuals who bring forth any complaint, orally or in writing, or against any individuals who assist or participate in the investigation of any complaint or otherwise oppose discrimination.

The City takes issues of unlawful discrimination and of sexual and other harassment very seriously. Complaints will be investigated in the interest of maintaining confidentiality and protecting the integrity of both the alleged victim and perpetrator. If an allegation of violation of this policy occurs, the complaint will be immediately assigned to investigation. If the allegations are substantiated, disciplinary action that commensurate with the scope and severity of the occurrence will be taken against the offending employee. This may include but is not limited to and all are not required: verbal warning, written reprimand, suspension without pay, demotion, and termination. A supervisor who fails to investigate or refer for investigation EEO related charges brought to his/her attention or to take appropriate corrective action will be subject to disciplinary action up to and including termination.

EEO and Disability – ADA/ADAAA Reasonable Accommodation Policy

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

Purpose

It is the policy of the City to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is the city policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment. To provide fair and Equitable Employment Opportunities to qualified persons with disabilities and, upon request from such person, provide reasonable accommodation unless such accommodation would impose an undue hardship. It is also the City's intent and policy to ensure that all programs are reasonably accessible to the public.

Procedures

When an individual with a disability requests accommodation and can be reasonably accommodated without creating an undue hardship or causing a direct threat to workplace safety, he or she will be given the same consideration for employment as any other applicant. Applicants who pose a direct threat to the health, safety and well-being of themselves or others in the workplace when the threat cannot be eliminated by reasonable accommodation will not be hired.

The City will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to those individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation or if the accommodation creates an undue hardship to the City.

Reasonable accommodation is available to qualified applicants and employees with disabilities. Reasonable accommodations must be provided to qualified employees regardless of whether they work part-time or full-time or are considered "probationary." Generally, the individual with a disability must inform the employer that an accommodation is needed.

There are a number of possible reasonable accommodations that an employer may have to provide in connection with modifications to the work environment or adjustments in how and when a job is performed. These examples provided are not meant to be all-inclusive and should not be construed as such:

- Making existing facilities accessible;
- Job restructuring;
- Part-time or modified work schedules or times;
- Acquiring or modifying equipment;
- Changing tests, training materials or policies;
- Providing qualified readers or interpreters; and
- Reassignment to a vacant position if available.

There are several modifications or adjustments that are not considered forms of reasonable accommodation. An employer does not have to eliminate an essential function of a job, i.e., a fundamental duty of the position. This is because a person with a disability who is unable to perform the essential functions, with or without reasonable accommodations, is not a “qualified” individual with a disability within the meaning of the ADA.

The only statutory limitation on an employer’s obligation to provide “reasonable accommodation” is that no such change or modification is required if it would cause “undue hardship” on the part of the employer. Undue hardship refers not only to financial difficulty, but to reasonable accommodations that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or operation of the business. An employer must assess on a case-by-case basis whether a particular reasonable accommodation would cause undue hardship.

For more information about the ADA, or ADAAA, or procedures for requesting reasonable accommodation, contact your supervisor, the City Clerk/HR and/or the City ADA Coordinator.

The City will not discriminate against any applicant or employee in hiring or in the terms, conditions and privileges of employment due to physical or mental disability. When the City becomes aware of any disability which prevents an otherwise qualified applicant or employee from performing a job, the City will assess whether any reasonable accommodation would allow the person to perform the job before refusing employment or making a distinction in terms, conditions or privileges of employment because of the disability. An accommodation which creates an undue hardship on the City, or which endangers health or safety is not a reasonable accommodation. The City will make any reasonable accommodation necessary to allow an otherwise qualified applicant or employee to perform the job.

Any employee that either has or acquires a disability, and who is otherwise fully qualified in their job, but requires a reasonable accommodation, will inform his or her immediate supervisor or Department Head of the nature of the disability and the accommodation required to perform the essential job functions. Department Heads and/or Supervisors will notify the City Clerk/Human Resources Department of any ADA request immediately. Employees with access to such information will maintain the confidentiality of the information to the extent reasonably possible and will not release the information to anyone who does not have the right or need to know.

All employees of the City are required to comply with the company’s safety standards. Current employees who pose a direct threat to the health or safety of themselves or other individuals in the workplace will be placed on paid leave until an organizational decision has been made in regard to the employee’s immediate employment situation.

Individuals who are currently using illegal drugs are excluded from coverage under the City ADA policy.

The City Clerk/HR department is responsible for implementing this policy.

The examples provided above are not meant to be all-inclusive and should not be construed as such. They are not the only conditions that are considered to be disabilities, impairments or reasonable accommodations covered by the ADA/ADAAA policy.

HARASSMENT

The City takes violations of any form of harassment very seriously. Supervisors shall enforce the following harassment policy, train new employees on it, regularly review it with all employees so that the employees know its provisions and monitor the workplace for compliance.

If a supervisor observes that unlawful discrimination, harassment or retaliation is occurring, he/she should take immediate action to stop it and address the problem as instructed in this policy. Such action should include, but is not limited to, speaking directly with the affected person developing a specific account of the actions, omissions or occurrences that are deemed discriminatory, harassing or retaliatory, consulting with the department head, Mayor and City Clerk, and taking corrective or disciplinary action as appropriate with the employee in violation. If the alleged discrimination, harassment or retaliation is not within the supervisor's area of responsibility or oversight as per this policy, he/she should notify the appropriate party, who should then take prompt steps to address the allegation.

If unlawful discrimination, harassment or retaliation is reported or alleged, it must be followed up by the appropriate party as instructed in this policy. A complaining party is not allowed to retract an allegation of such unlawful actions without proving that it was made erroneously.

It is the responsibility of every employee to know this policy and to share the responsibility of understanding and preventing unlawful discrimination, harassment and retaliation from occurring. Satisfactory investigation or resolution of complaints cannot occur without the initiative and continued cooperation of the affected employee. Employees who believe they have been discriminated, harassed or retaliated against have the primary obligation of informing their Supervisor, Department Head, City Clerk/HRO or the City Attorney of such actions, recounting specific actions or occurrences whenever possible.

General Harassment (Verbal, Physical or Visual)

The City expects all employees to accomplish their work with professionalism, in a business-like manner, with concern for the well-being of their co-workers. Any harassment of employees by fellow employees is not permitted, regardless of their working relationship.

Specifically forbidden is harassment of a sexual, racial, age (40 and over), disability, ethnic or religious nature. A partial list of conduct which would be considered sexual harassment includes unsolicited remarks, verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words to describe an individual, inappropriate sexually-oriented comments about dress or physical features, sexual rumors, code words, race-oriented stories, as well as jokes of a sexual or discriminatory nature or "kidding" that is oriented towards a prohibited form of harassment, suggestive or obscene letters, notes or invitations, gestures or physical contact, assault, impeding or blocking movement, leering at, physical interference with normal work, privacy or movement, including pinching, patting, grabbing, inappropriate behavior in or near bathrooms, sleeping facilities and eating areas, or making explicit or implied threats or promises in return for submission to physical acts; offensive posters, photographs, cartoons, emails, notes, bulletins, drawings or pictures; display or circulation in hard copy or via a computer network of written materials or pictures derogatory of either gender or to racial, age, disability, ethnic or religious groups; or basing personnel decisions on an employee's response to sexually oriented requests or gestures of any kind.

Any employee that feels he or she has been harassed should promptly take the following steps:

1. Politely but firmly confront whoever is doing the harassing. State how you feel about his or her actions and request that the person cease harassing you immediately.
2. Report the incident to your supervisor, the Department Head, or the City Clerk/HRO.
3. If the harassment continues or if you don't feel comfortable confronting the harassing person, report the matter to your immediate supervisor, Department Head, or the City Clerk/HRO. State the specific details of the harassing behavior. It is helpful if dates, times, places and witnesses, if any, to the harassment can be provided.

If you believe inadequate action is being taken to your complaint, go directly to the City Clerk/HRO or the Mayor to discuss resolution of the situation.

Sexual Harassment

Sexual harassment is against the law and may result in monetary damages. The EEOC and the Courts have determined that sexual harassment is a form of sex discrimination which is prohibited by Title VII of the Civil Rights Act.

The EEOC Guidelines are very clear regarding who is responsible if sexual harassment occurs:

1. The City of Mountain Home may be responsible for its acts and those of its agents and supervisory employees with respect to sexual harassment regardless of whether the specific acts complained of were authorized or even forbidden by the employer and regardless of whether the employer knows or should have known of their occurrence.
2. The seriousness and liability of both the City and the employee doing the harassment cannot be over emphasized.
3. Prevention is the best tool for the elimination of sexual harassment. The City will take all steps necessary to prevent sexual harassment from occurring and will take appropriate action when it is found to have taken place.

Sexual Harassment Policy Purpose

Conduct of all City employees regardless of gender requires general guidelines. The purpose of this policy is to deal with relationships between employees that cause employees to be uncomfortable in the workplace.

Sexual harassment is defined as unwelcome conduct in the form of pinching, grabbing, patting, propositioning, job threats or promises, inappropriate comments on appearance, embarrassing stories, pornographic material, or assaults on the job by supervisors, fellow employees, or non-employees, which affects employment decisions, makes the job environment unpleasant, hostile, distracting, or unreasonably interferes with performance.

Sexual Harassment Policy Statement

The sexual harassment of any employee or recipient of the services of the City is absolutely forbidden. The Mayor or City Clerk/HRO is designated as the person responsible for initiating investigation of all complaints of sexual harassment. Any employee, supervisor, or Department Head who is made aware of an alleged incident of sexual harassment will take immediate action to bring the matter to the attention of the City Clerk/HRO and the Mayor, who will inform the

employee of the options and procedures available and who will take appropriate action pursuant to this policy.

There are basically two types of sexual harassment: "Quid pro quo" Harassment and "Hostile Work Environment."

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made (either explicitly or implicitly) a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Any person denied an employment opportunity because of an individual's submission to the employer's sexual advances or requests for sexual favors is also protected by this policy.

Sexual Harassment Policy Distribution

The sexual harassment policy will be disseminated to all employees of the City as part of the Personnel Policy. Department Heads and supervisors will be responsible to see all departmental employees are familiar with this sexual harassment policy.

Investigation and Resolution

1) Filing a Complaint:

The employee should select a procedure he or she is most comfortable with. The variety of ways allowed to the employee to file such complaints is due to the sensitivities associated with conduct described as sexual harassment. It is the responsibility of any supervisor or Department Head to immediately notify the City Clerk/HRO and the Mayor upon receipt of a sexual harassment complaint. The Mayor in conjunction with the City Clerk/HRO will designate the process and person(s) responsible for investigating complaints of sexual harassment.

2) Confidentiality and Reporting:

a) Due to damage that could result to the career and reputation of any person falsely or in bad faith accused of sexual harassment, all investigations surrounding such matters will be designed to maintain confidentiality and to protect the privacy of the alleged offender as well as the complainant. Those persons responsible for investigating and enforcing civil rights matters will have access to communications resulting from the receipt and investigation of a complaint.

b) All employees, including those immediately involved in such investigation, are to maintain confidentiality of information regarding the investigation of an alleged incident of sexual harassment. The only acceptable exchange of information is that which is necessary for reporting the matter as described in this policy or required for investigation by the City's designated person. Breach of confidentiality will be reason for disciplinary action.

c) Any employee aware of the occurrence of sexual harassment will be expected to report the matter through the most confidential and direct means possible to preserve morale and discipline in the Department. The employee will be required to make a written statement of known facts to the City's designated person. Employees must avoid discussing the matter with co-workers not directly responsible or involved in the investigation.

3) Investigation Procedure:

When an allegation of sexual harassment is made concerning any employee, the City's designated investigating person will take immediate steps to:

- a) Obtain a statement or grievance from the complainant regarding the times, places, and circumstances surrounding the allegations;
- b) Discuss the matter with the alleged offender;
- c) Obtain statements from witnesses or possible witnesses of the incident, if any; and
- d) The designated investigator will prepare a report of the investigation and submit it to the appropriate authority.

4) Action and Resolution

Based on the report, steps will be taken for immediate and appropriate action for determining whether the alleged conduct constitutes sexual harassment. The Department Head, City Clerk/HRO and the Mayor will look at the record as a whole and at the totality of the circumstances, such as the nature of the alleged behavior and the context in which the alleged incidents occurred. The determination of the legality of a particular action will be made from the facts, on a case by case basis. Determination procedures include:

- a) If there appears to be no foundation to the allegation, other than the complaint:
 - I) No record will be made of the allegation in either the alleged offender's or informant's personnel file.
 - II) A reiteration of the policy against sexual harassment may be appropriate.
 - III) Bad faith allegations or use of this policy for purposes other than its intended use may result in disciplinary action against the complainant.
- b) If the allegations are substantiated, appropriate disciplinary procedures will be commenced against the offending employee. Any original and subsequent disciplinary action will be commensurate with the scope and severity of the occurrence, and may include, but is not limited to warnings or reprimands, demotion, suspension, or termination. Reasonable safeguards will be undertaken to protect the informant(s) and the victim.

What an Employee Should Do about Sexual Harassment

1. Do not ignore the harassment or blame yourself, even though that is a normal reaction.
2. Do not think sexual harassment is a joke or accident. The harassment will continue or increase if it is ignored.
3. Do confront the harasser. Indicate that the behavior or remark or action is unacceptable and unwanted. Any evidence that the employee willingly went along could lessen his or her chance of success in a formal complaint procedure.
4. Do report any incidents, including remarks and behavior, and note witnesses. If a formal complaint is filed, these records will aid in accurate testimony.
5. The employee may tell the harasser any repetition will be reported or if the employee feels the situation is serious enough, they may wish to report the incident at that time. If there is another occurrence, follow through -- do report the incident to the proper authority.
6. Do contact, your Supervisor, Department Head, Mayor or City Clerk/HRO, if you need to obtain advice on a sexual harassment problem. These individuals are prepared to talk to you about the problem before you may want to file a formal complaint.

This process is not designed to replace formal complaints but is a special preliminary step to accommodate sensitivities related to sexual harassment.

False Complaints

Discipline will result, up to and including termination, when it is conclusively determined that an employee made a complaint of discrimination, harassment or retaliation knowing it to be false and/or knowingly participated in the falsehood. This section is not intended to discourage employees from making complaints regarding unlawful employment-based behavior. An employee will not be disciplined for reporting actual behavior that in good faith the employee believed was unlawful employment-based behavior. However, false complaints adversely impact the workplace and the career of the accused, even when disproved, and will not be tolerated.

Retaliation

It is contrary to the City's policy for a supervisor or any other employee to retaliate against any employee who files a charge of harassment. Please report any retaliatory conduct immediately to your supervisor, Department Head, the City Clerk/HRO or the Mayor. Employees who bring forth good faith claims may not be subject to disciplinary measures by the City.

Harassment and/or retaliation are serious offenses and any employee found to have engaged in such conduct is subject to discipline, up to and including termination.

DRUG-FREE WORKPLACE POLICY

Illegal drugs in the workplace or any other location are a danger to us all. They impair safety and health, promote crime, lower productivity and quality, and undermine public confidence in the work we do. The City will not tolerate the illegal use of drugs anytime on or off the City's premises.

The City is committed to provide a safe workplace for its employees. Consistent with this commitment, the City is adopting this alcohol and drug-free worksite policy which prohibits the use, sale, distribution, manufacturing or possession of alcohol or drugs, paraphernalia, or the unauthorized use of prescription drugs, or any combination thereof, on the City's premises or in any City vehicle or any private vehicle parked on the City's premises. In addition, this policy forbids reporting to work or working while under the influence of alcohol, illegal drugs or impairing prescription medication. Any violation of this policy is grounds for disciplinary action, up to and including termination.

EXCEPTION: Law Enforcement and Fire personnel are occasionally required to come into contact with or possess illegal substances as a regular part of their job duties. In such circumstances, these employees are exempt from the "possession" component of this policy. All other prohibitions apply.

The City reserves the right to conduct drug and alcohol testing for specific incidents, pre-employment screening, probable cause for work and post-accident, and other lawful reasons. All test results will remain the property of the City and will be kept confidential. The employee will be provided a copy of the test results upon written request signed by the employee. An employee whom management reasonably suspects is impaired will not be permitted to return to work until test results are received.

If the drug or alcohol test is positive, the employee may immediately be suspended with pay pending investigation and a confirmation of the positive test result. A confirmed positive test result will be deemed a violation of this policy and cause for disciplinary action, up to and including termination.

Any employee convicted of violating a criminal drug or alcohol statute on or away from the workplace must inform the City of such conviction (including pleas of guilty and nolo contendere) within five days of the conviction. Failure to inform the City subjects the employee to disciplinary action up to and including termination.

An employee under a doctor's care who is required to take medication must consult with the attending physician to determine if the medication may tend to impair judgment or job performance and if so, must provide a written statement to his/her supervisor, discuss their situation with their supervisor, and obtain permission before beginning work. An employee taking medication under a doctor's care who is scheduled for a drug test will be responsible for writing that medication on the consent form. The City reserves the right to place an employee on a temporary leave of absence if the employee presents a serious risk to their own health and safety or the health and safety of third parties. (This temporary leave of absence will be without pay. If the employee has leave time, they may elect to use it to continue pay during the temporary leave.)

An employee does not have the right to refuse being tested. Refusal to submit to physical testing (e.g., urine sample, breath, blood or hair sample, physical examination) when requested is grounds for immediate termination of employment.

EMPLOYMENT DRUG SCREENING AND TESTING

Pre-employment

All City of Mountain Home job applicants including temporary and summer over-hire positions, must submit to a pre-employment drug screening during the application process. This drug screening test will take place at St. Luke's Elmore as provided on the instructions given at your

pre-employment meeting with the Payroll Department. The City of Mountain Home employs the services of an outside licensed company to complete the pre-employment testing process. Positive test results will automatically remove that applicant from the application process without further notice. Refusal to submit to a drug screening will also remove the applicant from the hiring process.

Department Heads have the responsibility to identify any volunteer positions that are in contact with the public on a regular basis, and as such will be subject to pre-employment drug screening if requested.

Random Testing

City employees who are required to have a Commercial Driver's License (CDL) will be subject to random drug and/or alcohol testing as a condition of employment or continued employment. Additionally, the City reserves the right to implement random drug testing for all employees who work in safety sensitive positions. For purposes of this policy, a safety sensitive position will be defined as a position in which the duties that are performed as a regular part of the job could reasonably expect to affect health, safety, security and/or acting as a city public officer in a court of law.

Safety Sensitive positions are those which:

1. authorize employees to carry firearms, and employees who carry firearms;
2. have custodial responsibility for illegal drugs;
3. have supervision over children in their care; and
4. have access to and work in City water treatment operations

These positions are identified and may be designated for random testing because they require the highest degree of trust and confidence.

In accordance with The Omnibus Transportation Employee Testing Act of 1991 and CFR, Title 40, Parts 40 and 382, pre-employment, random, reasonable belief and post-accident alcohol and drug testing shall be required for employees in positions that require a Commercial Driver's License.

A random test is a drug and/or alcohol test that is unannounced. Selection of employees for random testing will be done through an approved random selection method. This drug screening test will take place at St. Luke's Elmore as provided on the instructions given at the time of your random selection. The City of Mountain Home employs the services of an outside licensed company to complete the random selection and testing process. Employees who become subject to random testing will be so notified at the time of hire, transfer, or promotion, as appropriate. A positive test result under this program is treated in the same manner as a positive result under any other testing program.

Reasonable Suspicion Testing

A supervisor or manager may refer any City employee for drug or alcohol testing during an employee's work hours under "reasonable suspicion" that the employee is impaired and presenting possible risk to themselves and fellow workers, the public, and the City of Mountain Home. Only those supervisors who are formally trained by the City in reasonable suspicion drug

testing may refer an employee for testing, and only through the formal written request to and approval coordination and direction of the City Clerk. The approved supervisor shall escort the employee to the City's drug and alcohol testing contractor for testing. The employee shall immediately be terminated from employment for refusal to submit to a reasonable suspicion drug and alcohol test.

Post-Accident Testing

Any employee who is involved in a work-related motor-vehicle or equipment accident will be tested for the use of illegal drugs or alcohol as soon as possible (within 24 hours) after the accident. Failure to notify the supervisor of the accident may result in disciplinary action, up to and including termination. The City reserves the right to have an employee tested on other work-related accidents if evidence of alcohol or drug use is apparent or suspected. Work related accidents are those incidents that result in the following and are defined below:

1. The death of a person;
2. Bodily injury to the employee and/or another person requiring treatment away from the accident;
3. Damage to any city vehicle;
4. Damage to any city equipment that is estimated to be \$300 or greater.

An employee who is seriously injured and cannot provide a specimen for testing will be required to authorize the release of relevant hospital reports, or other documentation, that would indicate whether there were drugs or alcohol in their system at the time of the accident.

If it is determined by management that an employee's accident was definitely caused by the actions of another, and that there were no unsafe acts by the employee, the City reserves the right to waive post-accident testing of the employee if approved by the Mayor.

Adulteration or Submission of Concealed Specimen

If, during the collection procedure, the collection monitor detects an effort by an employee to adulterate or substitute a specimen, a second specimen will be requested. If a second specimen is provided, it will be tested. If the request for a second specimen is refused, the collector will convey to the City the employee's refusal to submit a true specimen. Such conduct will result in either a prospective employee not being offered employment, or a current employee being terminated from employment with the City.

In the event that a prospective or current employee submits a specimen that the laboratory later identifies as a diluted specimen, the City will advise the employee of that result and request that the employee submit a second specimen. Such donors will be advised by the City not to drink any fluids prior to the test.

Drug/Alcohol Testing and Confirmation

Any specimen that screens positive for the presence of illegal drugs will be confirmed through an appropriate process. Any employee who tests positive for illegal drugs or prescription medication may request the same specimen be re-tested at their own expense (unless those expenses are covered by the City insurance program). This request must be conveyed to the City within seven (7) working days of the employee being notified of the positive test result. In the event the employee requests to have a re-test other than a re-test of the same specimen,

the employee must have the re-test completed within 48 hours of the original specimen. There will be no exceptions to this additional re-test time period. If the re-test results in a negative test outcome, the City will reimburse the cost of the re-test and any lost compensation that is incurred as a result of the initial positive test results. Positive alcohol tests resulting from the use of a breath test will include a confirmatory breath test conducted no earlier than fifteen (15) minutes after the initial test; or the use of any other confirmatory test can be used that demonstrates a higher degree of reliability.

Notification of the Test Results

All results received from the laboratory will be forwarded to the City Clerk through the office of the accredited collection agency for the purpose of providing medical review officer services, other than the results for the Police Department which will be forwarded directly to the Police Chief. The staff of the agency will only report results to the City Clerk or their designated assistant authorized to receive them. When a test shows a positive result and after the employee has been provided an opportunity to consult with the Medical Review Officer, the City will be notified.

If, after consideration of the matter, the Medical Review Officer (contracted drug testing agency) determines that an employee's positive test result was due to their authorized use of prescription medication, they will immediately report a negative finding to the City and no further action will be taken. However, if an employee cannot provide a reasonable explanation for their positive test result, the City Clerk or his/her designated assistant will be notified of the positive test result and will then notify the employee's supervising Department Head who will take disciplinary action consistent with the terms of this policy up to and including termination.

Refusal

Any employee who refuses to be tested consistent with the terms of this policy will be terminated from employment with the City or in the case of a prospective employee will not be hired.

Effect of Testing Positive

Any prospective employee who tests positive for the presence of illegal drugs will not be offered employment with the City. Any introductory, temporary, seasonal summer over hire or paid on-call employee who tests positive for the presence of illegal drugs or alcohol will be terminated.

Any regular or part-time employee (as defined by this manual) that tests positive for illegal drugs or alcohol will be subject to disciplinary action, up to and including termination. If employment is continued, the employee will be referred to the City's Employee Assistance Program for evaluation, counseling and treatment as recommended (this benefit only applies to employees that qualify for city benefits.) Employees undergoing drug or alcohol rehabilitation will be expected to do so at their own expense (other than those expenses covered by the City insurance program), on their own time, or during a non-paid leave of absence, approved by the City. Arrangements may be made to allow an employee to use accrued vacation or sick leave during any such leave of absence.

Thereafter such employee, in consultation with the substance abuse counselor, will be subject to unannounced, reasonable belief or random drug or alcohol tests not to exceed twelve (12) months at the employee's expense. When the employee has completed both treatment and negative drug or alcohol tests, he/she may return to work upon presentation of a written release signed by a licensed physician or recognized rehabilitation professional. The release must include a statement to the effect that the employee's presence in the workplace will not

constitute a safety hazard to the employee, coworkers or others. In the event the employee receives a second positive test for illegal drugs or alcohol, the employee will be terminated.

IMMIGRATION REFORM AND CONTROL ACT

The City of Mountain Home must complete and retain a Form I-9 for each individual they hire for employment in the United States. This includes citizens and noncitizens. The Benefits Specialist will examine the employment eligibility and identity document(s) an employee must present to determine whether the document(s) reasonably appear to be genuine and relate to the individual and record the document information on the Form I-9. The list of acceptable documents can be found on the last page of the form. All required documentation must be presented to the payroll department within 3 days of hire date. If any person is unable to provide the required documentation within 3 days, proof of application for the documentation can be presented within 3 days, and then the actual documentation within 90 days. If the information is not received by the Payroll Department within 3 days of the hire date or within the 90 days from the proof of application date as stated above, the employee will be terminated. Any questions should be directed to the Payroll Department.

Citizenship Requirement Exception

Select city positions, such as law enforcement sworn officers, may require validated US citizenship to be eligible for hiring consideration.

Anti-discrimination Notice

The City does not discriminate against any individual in hiring, discharging, or recruiting or referring for a fee based on that individual's national origin or citizenship status or those with legal work authorizations. This notice does NOT apply to aliens not authorized to work in the United States.

LIFE THREATENING AND CONTAGIOUS DISEASE

The City recognizes that employees with life-threatening illnesses may wish to continue to work as long as their conditions allow them to continue to perform the essential duties of their job. As long as affected employees are able to meet acceptable performance standards, perform the essential duties of their job, and medical evidence indicates their conditions do not pose a health or safety risk to themselves, other employees or the public, the City may work to continue their employment while taking into account the best interest of the City. Supervisors and coworkers will be sensitive to their conditions and ensure they are treated consistently with other employees.

All information about an employee's health condition is personal and confidential and is kept in a separate lock-and-key file, safeguarded and accessible only by the Benefits Specialist and City Clerk. The employee can expect his/her medical situation and records to remain private and can only be released or disclosed by the employee's signed release to the Benefits Specialist or City Clerk. Any questions concerning release of information should be posed to the Benefits Specialist or City Clerk.

As with any disability, reasonable accommodation will be made within the scope of financial and business purposes, upon request, to enable an individual with a life-threatening illness to perform the responsibilities of the job.

PERSONNEL FILES AND RECORDS

Contents of Personnel Files

The official personnel files are maintained in the administrative offices of the City at City Hall and are held confidential. No one outside of the City Clerk, Payroll Department or HR Officer is authorized access to these files and the employee him/herself that the file pertains to may access their own file. Periodic performance evaluations, commendations and any disciplinary warnings or reprimands, etc. are to be maintained in these files only. Correspondence from clients, training programs, and all other pertinent accomplishments are filed within the employee's personnel file. Information about an employee's medical status, Immigration Reform and Control Act forms (I-9) and any documents pertaining to grievances are filed separately in locked, confidential files. Access to these files shall be limited as stated below. All of these records are the property of the City.

It is the employee's responsibility to notify the Payroll Department of any changes in name, telephone number, home address, marital status, number of dependents, beneficiary designations, scholastic achievements, individuals to notify in case of emergency, and so forth.

In conformance with good supervisory practices, a supervisor or manager may keep notes regarding an employee's performance. Typically, the supervisor or manager will discuss any performance issue with the employee, whether it is a commendation for a job well done or a discourse about performance improvement. Employees have access to their official records, both at city Hall and in their Department's administrative offices but shall not have access to the content of any information contained in supervisor's or manager's notes.

In accordance with the Idaho Public Records Law, only the following information relative to employees and former employees is available for public inspection at reasonable times and in accordance with such procedures as the City may prescribe: name, grade, title, longevity, and gross salary.

Employee personnel records are maintained separately from their medical files and both are kept safeguarded in a private office/cabinet in City Hall under lock and key, in accordance with federal laws. No one outside of the City Clerk, Payroll Department or HR Officer is authorized access to an employee's medical file at any time. Departments may keep employee records for supervision documentation purposes, but the only official personnel records are the records maintained and safeguarded at City Hall. Any employee records kept at a Department's central office must also be safeguarded in the same manner as all official employee files to comply with employee information privacy laws.

Access to Personnel Files

It is the policy of the City of Mountain Home to allow only limited access to an employee's personnel file. In addition to the limited access as listed above, those authorized to evaluate materials in a personnel file include the Mayor, the employee's supervisors or Department Head, the City Council when acting as a body in the course of its official business, attorneys for the City, and the employee him/herself. Based upon the general confidentiality of personnel files, access of others to such files shall be allowed only with authorization of the supervising official after consultation with the City attorney. Information regarding personnel matters will only be provided to outside parties with a release from the employee, or when deemed necessary by legal counsel for the City or pursuant to Court order, or pursuant to a proper subpoena. The City reserves the right to disclose the contents of personnel files to outside State or Federal agencies, to its auditor and/or insurance carrier or its agents for risk management purposes or when necessary to defend itself against allegations of unlawful

conduct. The City will not release such information to anyone who does not have the right or need to know.

Destruction of Records

Employee service records may be kept for a minimum of 3 (three) years after termination of employment. Such records may be kept in their original form or in any other duplicate form as the City Clerk deems appropriate. All other records, including correspondence, applications and examinations may be destroyed after 1 (one) year.

SMOKING, VAPING AND/OR TOBACCO USE POLICY

Smoking, Vaping and/or Tobacco Use is prohibited in all City buildings, vehicles, equipment and on City property, except in designated areas. Employees should refrain from smoking, vaping or tobacco use during work hours and in direct view of the general public or customers. Smoking, vaping or tobacco use should be done only during designated break times and in designated areas out of view of the general public or customers. Repeated violations of this policy will result in disciplinary action up to and including termination.

WORKPLACE VIOLENCE POLICY

The City endeavors to maintain a work environment free from intimidation, threats or violent acts. To that end, the City has adopted a zero-tolerance policy regarding violence in the workplace. This includes, but is not limited to, intimidating, threatening (whether joking or implied) or hostile behaviors, yelling, shoving, pushing or other physical abuse, vandalism, arson, sabotage, use of weapons, or any other act, which, in management's opinion, is inappropriate or disruptive to the workplace.

Employees who feel they have been subjected to any of the behaviors listed above are requested to immediately report the incident to their supervisor, Department Head, the Mayor or the City Clerk/HRO.

Complaints will be fully investigated. Based upon the results, disciplinary action may be taken against the offender, if appropriate. Employees who observe or have knowledge of any violation of this policy should immediately report it to the appropriate Department Head. Employees are empowered to contact the proper law enforcement authorities without first informing management if they believe a threat to their safety or others exists.

Note: The Idaho Attorney General states that "licensed concealed weapons are prohibited in a courthouse, juvenile detention facility, adult correctional facility, prison, jail, public school or private school."

DOMESTIC VIOLENCE POLICY

The City of Mountain Home is committed to providing a workplace in which domestic violence is not tolerated or excused. The workplace should be a safe environment. This policy is intended to increase awareness of domestic violence and help in responding to the needs of victims.

Education and Support for Employees Who Are Victims of Domestic Violence.

The City of Mountain Home will make available upon request a list of resources for victims of domestic violence and abusers. The list may be posted in highly visible locations, such as bulletin boards, break rooms, rest rooms, etc. The City will make reasonable efforts to provide a safe environment for the victim employee. The City will not discriminate against a victim of domestic violence in hiring, staffing, or other terms, conditions or privileges of employment.

Leave Options for Employees Who Are Victims of Domestic Violence.

The City will make reasonable efforts to help victims who need time off for medical and legal assistance, court appearances, counseling, relocation, or to make other safety arrangements. To this end, the City will try to grant leave with or without pay or adjust work assignments.

Employee Payroll and Benefit Change Requests for Victims of Domestic Violence.

The City will make reasonable efforts to get company benefits in the victim-employee's own name when the victim-employee leaves a spouse or domestic partner. The City will process the victim-employee's requests for making changes to his/her electronic payroll transfers.

Performance Issues Related to Being a Victim of Domestic Violence.

The City is aware that victims may have performance problems such as chronic absenteeism or trouble concentrating as a result of domestic violence. The City will make reasonable efforts to consider all aspects of the employee's situation and, to the extent possible, utilize all reasonable options to attempt to resolve the performance or conduct problem, including use of the City's Employee Assistance Program. If reasonable attempts to resolve the performance problems are unsuccessful, the City may decide to terminate the employee, or the employee may decide to resign. In that event, the City will inform the employee that he/she may be eligible for unemployment insurance.

Employees Who Commit Acts or Threats of Domestic Violence.

Any employee who threatens, harasses or abuses a family or household member at, or from, the workplace will be subject to disciplinary action up to and including dismissal. This includes employees who use workplace resources such as phones, fax machines, e-mail, mail or other means to threaten, harass or abuse a family or household member.

Some job positions may give an employee access to certain types of information or resources. If he or she uses this access to enable an abuser to harm the victim, that employee will be subject to corrective or disciplinary action. Some employees may be licensed to possess firearms as a condition of employment. If such employee is arrested, convicted or the subject of an order of protection in a domestic violence related offense the employee's authority to possess a firearm may be unlawful under Federal law 18 U.S.C. Section 922(g)(8) & (9) or suspended/revoked under Idaho State Law. The City shall be notified by the employee in the event any of these circumstances occur.

C. CLASSIFICATION OF EMPLOYEES

DEFINITION OF EMPLOYEES

The classification of the position an employee holds with the City may affect the status of obligations or benefits associated with his/her employment. The primary classes of employees are as follows:

Elected Officials

Elected officials are not considered regular employees. Elected Officials receive employment benefits as identified in an ordinance adopted by the City Council.

Regular Full-Time

Employees who are scheduled to work forty (40) hours per week and sworn, non-exempt, uniformed patrol officers who fall under the 168 hour per month schedule are considered regular full-time employees. They accumulate continuous service credit and, if otherwise qualified, are eligible for all City benefits.

Some Regular Full-Time employees may be temporarily hired through an outside agency to be tested and given a chance to perform the job before being hired by the City as a Full-Time employee of the City. When that occurs, those Regular Full-Time employees are not considered employees of the City. They are employees of the outside agency assigned to work for the City on a temporary basis. Those employees are not eligible to receive the City's fringe benefits and may be terminated for any reason without notice at any time and are not subject to the terms and conditions of this policy.

Regular Part-Time

Employees who are not temporary and are normally scheduled to work less than forty (40) hours per week are considered regular part-time employees. Employees can become regular part-time employees only with the approval of the Mayor.

Regular part-time employees of the City who work 20 or more hours per week may receive reduced employee benefits as authorized by the City Council and as required by federal and state law. The scope of benefits received may vary proportionately with the number of hours typically worked for a regular part time employee. The number of hours worked may also affect the employee's obligation to participate in certain mandatory state benefit programs. Certain benefits may not be available because qualifying thresholds have not been reached.

Some Regular Part-Time employees may be hired through an outside agency. When that occurs, those Regular Part-Time employees are not considered employees of the City. They are employees of the outside agency assigned to work for the City. Those employees are not eligible to receive the City's fringe benefits and may be terminated for any reason without notice at any time and are not subject to the terms and conditions of this policy.

Paid on-call (Fire Fighters)

Employees who are assigned to official paid on-call status are required to leave their name, telephone number, pager code, or on-call cell phone number, with the dispatch center as designated by the Department Head. They are required to carry a pager or cell phone and respond immediately when dispatched if possible. Paid on-call employees are eligible to receive the City Wellness benefit but are not eligible for any other City fringe benefit. They shall not respond if they have consumed alcohol, any illegal drugs and/or other illegal substances when dispatched. They also shall not respond if they have consumed prescribed or over-the-counter medication, have an illness, fatigue or injury that will impair or influence their driving or decision making when dispatched.

Temporary/Seasonal

Employees who work full-time and/or part-time on an irregular, seasonal or temporary basis and/or are employed to complete a specific assignment are sometimes referred to as Temporary or Seasonal employees. They work for a specified or limited period of time, typically less than 125 calendar days or 1,000 hours annually. Temporary/Seasonal employees are not eligible to receive the City's fringe benefits, they are at-will and can be terminated for any reason without notice at any time and are not subject to the terms and conditions of this policy when it pertains to termination.

Some Temporary/Seasonal employees may be hired through an outside agency. When that occurs those Temporary/Seasonal employees are not considered employees of the City. They are employees of the outside agency assigned to work for the City. Those employees are not eligible to receive the City's fringe benefits and may be terminated for any reason without notice

at any time and are not subject to the terms and conditions of this policy.

A Temporary/Seasonal employee may be subsequently hired into regular full-time or regular part-time employment only after a 30 day break in work days within a calendar year and vacation and sick leave will begin to accrue upon that regular full-time or regular part-time employment date and will not be given retroactively back to the initial date of employment. **(See page 53 for eligibility requirements.) (If a circumstance was to arise whereby the 30 day break would not be practical and by waiting the 30 days it would cause an undue hardship to the City, the Department Head must appear before the City Council and after providing information on the hardship, can request that the 30 day waiting period be waived. At which time the PERSI payback would be required by both the City and the employee and the employment date would be retroactively set back to the initial date of temporary/seasonal employment and vacation and sick leave would retroactively accrue from that date.)** If the Temporary/Seasonal employee being hired into a regular full-time or regular part-time position was an employee of the outside or temp agency during their prior employment with the City the 30-day break stated above may not be required.

Department Heads or Appointed Employees

These are employees appointed by the Mayor and then confirmed by the City Council. They are FLSA exempt, salaried, and do not qualify for overtime, compensatory time, on-call time, or “double time” holiday pay.

The City Clerk, City Treasurer, and City Attorney are appointed pursuant to Idaho Code § 50-204 and any other officials designated by the City Council may also be appointed pursuant to that same code. They may only be removed pursuant to Idaho Code § 50-206. In all other respects of this policy, they are considered to be regular employees and may receive all employee benefits provided by the City of Mountain Home as such benefits now exist or may be subsequently changed. Although the above three positions listed are required by Idaho Code to be appointed, the City additionally also appoints the following positions, Chief of Police, Director of Public Works, Building Official, Fire Chief and Economic Development Director. The Library Director is appointed by the Library Board of Trustees pursuant to Idaho Code § 33-2608 and is required to follow all City policies and procedures, including policies and procedures of the library board.

All Department Heads including the Library Director are required to attend all City Council meetings and all Department Head meetings unless excused by the Mayor in advance.

Additionally, all appointed employees and department heads employed by the City of Mountain Home shall reside within Elmore County and preferably within the City limits of Mountain Home.

Other FLSA “exempt” Employees

There are other City employees who are also designated as FLSA “exempt” by their management-level position. They are salaried and do not qualify for overtime, compensatory time, on-call time, or “double time” holiday pay.

All Other Employees

All other City employees are non-exempt or “covered” and as such are entitled to overtime, if approved. In addition, and without limitation, temporary/seasonal employees can have their employment terminated at any time, without advance notice, when their services are no longer required.

Significance of Employee Classification

The procedures for hiring, promotion, and transfer of full-time employees will be subject to the provisions of this policy.

With the exception of requirements set by federal or state law, procedures for hiring, promotion, transfer and termination for part-time, temporary/seasonal or paid on-call employees are at the discretion of department supervisors based on the temporary or seasonal needs of that department.

FAIR LABOR STANDARDS ACT DEFINITIONS

The City will adhere to all provisions and regulations of the Fair Labor Standards Act (FLSA) as it applies to City employees. The FLSA governs compensation of hours worked for all covered positions. Some classifications are exempt under FLSA if specific criteria are met.

Exempt Employee

An employee in a position which is *not* covered by the FLSA, and who is not eligible for overtime, on-call pay or double-time holiday pay.

Non-Exempt (or Covered) Employee

A city classified employee in a position that is eligible for overtime as described in this policy.

Employees can review the requirements of the Fair Labor Standards Act and view the requirements for exempt status at www.dol.gov/whd/flsa

D. COMPENSATION PRACTICES

PAY PROCEDURES

Paychecks are issued on the last working day of each month. The city prefers that all paychecks be issued by direct deposit, occasionally under certain circumstances a paper paycheck may be issued on a case by case basis if approved through the payroll department with the concurrence of the City Clerk.

If the last day of the month falls on a Saturday, Sunday or holiday, payday will be on the last working day preceding the last day of the month.

If an error is discovered in a paycheck, employees are to notify their supervisor or the payroll department immediately. It is the obligation of each employee to monitor the accuracy of each paycheck received.

Information shown on the employee's paycheck stub is provided for information only. Actual practices respecting the issuance of paychecks and allocation of employee benefits must be consistent with state and federal law and the official policies of the City of Mountain Home.

Although it is the City's practice to not issue paper paychecks, if you still decide to select that option and are given a paper paycheck and it is lost or stolen, you must notify the Payroll Department immediately. Please be aware that if this happens, the City will be required to ask the employee to wait a reasonable amount of time to see if the check clears the bank before a replacement check can be issued. If it does not clear the bank, the City will issue a replacement check to the employee unless a written authorization instructs otherwise. Before a replacement check can be issued, the employee will be required to sign a statement advising that the original check has been lost or stolen and if found the employee will not cash it but will immediately turn

that original check into the payroll department.

Payroll Changes

A Department Head or other official may request the payroll department to add an employee to the payroll, or change an employee's salary or status only upon the payroll department receiving the properly completed personnel and payroll change forms designated and approved by the City Clerk and signed off by the Mayor and City Council President prior to the requested addition or change.

A payroll change request that will add to the staffing level of the department, such as a new position that was budgeted, but has never been filled or is in excess of the department's appropriated salary budget must be approved by the City Council prior to filling the position.

Timesheets

Regular attendance reports or time sheets are the direct responsibility of each employee and shall be prepared on the official electronic timesheet approved by the City Clerk and distributed by the payroll department and submitted electronically to their respective supervisor or Department Head, who will thereafter be responsible to approve and forward the completed electronic timesheets to the payroll department on the due date designated by the payroll department each month, any leave slips submitted by the employee shall be turned into the payroll department by the supervisor once the electronic timesheet has been submitted.

It shall be the responsibility of the employee to track hours worked and leave taken daily for each calendar month or pay period and submit this information on the official electronic time sheet to the employee's immediate supervisor who will forward it to the Department Head. For the purpose of record keeping, leave shall be reported in increments of the nearest quarter hour, i.e., .01 to .12 minutes = 0; .13 to .37 minutes = .25 or ¼ hour; .38 to .62 minutes = .50 or ½ hour; .63 to .87 = .75 or ¾ hour; .88 to .99 minutes = 1.0 or a full hour.

As our primary legal record of hours worked and leave time taken, official electronic timesheets should be completed by the employee on a daily basis. To verify this, periodic timesheet audits will occur.

Inaccuracies or incompleteness discovered in an audit may be considered cause for disciplinary action up to and including termination from employment.

It is the responsibility of the Department Head to make sure all electronic time sheets of their department employees are turned into the payroll department on or before the due date indicated each month.

Deductions

Deductions from employee wages are made in accordance with prevailing laws, contract, rules and regulations:

1. Deductions required by law and contracts: For example, Withholding Tax, Social Security Tax, Public Employees Retirement premium, garnishments, etc.
2. All other deductions shall be on the written authorization from each employee.

HIRE RATE

It is the policy of the City to hire all new employees at the minimum of the pay range for their assigned grade. However, under certain circumstances new employees may be hired at 85-90% of the assigned market rate or top of the hire range only after an evaluation of the applicant's prior experience, market conditions and internal equity with other employees holding the same job within the City have been determined and only if approved by the City Clerk and Mayor. Any consideration for hiring an employee above 90% of the market rate should only happen in rare cases, such as in the hiring of a Department Head, only with justification and must be approved by the Mayor, with concurrence of the City Clerk.

Annual Salary Increases

Annual Salary increases if approved by the City Council will be based off of the Compa-Ratio Salary Schedule adopted by the City as of October 1, 2016. If an annual salary increase is approved all regular full-time employees will be eligible to receive the increase as of the effective date, based on the compa-ratio scale.

Concurrence of the City Clerk

In cases of promotions, transfers, demotions and reclassifications, the City wishes to maintain as consistent and appropriate approach as possible from department to department. The City Clerk will maintain a centralized management of overall City job specification changes and compensation issues. Therefore, the following recommendations are provided as guidelines only, to address related pay and management issues and it is presumed that all employee status changes, i.e., in position or pay rate, would be made based on the City adopted Salary Plan Administrative Guidelines with the concurrence of the City Clerk and recommendations from the City contracted Human Resource Consultant.

Certification Pay (Requirement of the Job)

Because certification pay has been included in the market rate used to design the City's salary structure, no additional certification pay that results in an increase to base salary will be granted. Additionally, if all certification requirements of the job specification have been completed, the employee must be placed at the assigned grade for that job, likewise before an employee is placed at the assigned grade for a job, the employee must meet all of the required certification requirements listed in the job specification, however there may be instances where an employee may be given a specified time to meet all the required certification requirements at the discretion of the department head.

The City will pay for the employee to test for a required certification up to three times and will allow the employee to test on city time. After three attempts to obtain a required certification the employee will be responsible for any required testing fees and will be required to take leave time when testing for the required certification.

The Employee will be required to obtain the certifications as specified in their job specification or may be subject to disciplinary action up to and including termination.

Certification Pay (Additional not required for the Job)

A "certification" is often received for completing specific course work and passing a test. Generally, most certifications are required as part of a job, not unlike an educational requirement of a bachelor's degree for some positions or a license for an Engineer position. Jobs that require a certification have been given credit for such in the job valuation process and pay grade assignment (see above). Additional levels of certification (over and above those required of the job) do not impact the job's grade assignment or pay position in the range. At

the City Clerk and Mayor's discretion, full time employees earning an educational degree or specialized certification over and above the minimum job requirements may be given a one-time lump sum award of \$100, which by law must be included as part of the employees pay and therefore subject to all payroll deductions.

The certification and/or educational degree must have a high degree of relevance to the assigned job and be pre-approved by the Department Head, with notice to the City Clerk; and, the course work required for the certification or educational degree must be earned outside of the city's tuition reimbursement program, not paid for by the City and done outside of work time and not otherwise compensated with City payment.

Established Work Periods

The standard established work day for employees (with the exception of sworn uniformed patrol officers who may be assigned to work 12 hour shifts) is typically eight (8) hours and the established work period shall be forty (40) hours within the period beginning at 12:01 a.m. on Sunday and ending at midnight Saturday, unless a compressed work week schedule (4/10 hr. shifts) is needed for coverage of a department and that schedule has been approved by the Mayor, or as established for law enforcement pursuant to statute or as outlined in other sections of this policy. Every employee of the city is expected to be willing to work as required by their supervisor to fulfill the duties of the job. If and when special duties or work hours are scheduled by their supervisor, those hours are logged in as hours worked.

All are employees of the City, and as such are full time public servants and are subject to "Recall" and are expected to be willing to return to work as necessary and as required, particularly in times of emergency situations. No compensation is granted to any employee for being on recall status. If the employee is called back to work, those hours are logged in as actual hours worked. Recall will be decided by the Mayor or other designated official and will typically apply during a time of severe need or emergency.

Lunch Breaks

Employees are entitled to a one-hour lunch break during an 8-hour or longer workday or a period of time determined by the Department Head. The one-hour lunch break does not count as part of the 8-hour workday. Lunch breaks are scheduled at the discretion of the supervisor or Department Head subject to the requirements of each department. Exception: Sworn Uniformed Police Officers that are assigned to work Patrol are allotted a 45-minute paid lunch/dinner break and a 15-minute paid personal break, accounted for while on duty during and included as part of their 12-hour shift, all other Police Personnel positions are subject to the same time as listed above for regular employees.

ON-CALL ASSIGNMENTS AND RESPONDING TO CALLS

The City may assign employees to on-call status on a regular or sporadic basis. Employees who are assigned to official on-call status are required to leave their name, telephone number and pager code, or on-call cell phone number, with the dispatch center as designated by the Department Head. The on-call employee is required to carry a pager or an on-call cell phone, respond immediately and arrive within 30 minutes of being called. There shall be no alcohol use and/or use of illegal drugs or impairing prescription medications while in on-call status.

Compensation for on-call time for employees (other than Police Officers, who are addressed on Page #82 of this Policy. And also exempt employees and Fire Firefighters.) falls into these three categories:

1. On-call time served: Employees will be compensated for the inconvenience of on-call time at the rate of \$5.00/24-hour day for weekdays and \$40.00/24-hour day for weekends and holidays.
2. Routine service calls during on-call time: Employees who are on-call and required to make routine calls for service (routine maintenance, such as water and wastewater system checks, etc.) will be paid at the employee's standard rate of pay or overtime pay if applicable for hours as stated below. This compensation will be in addition to item (1), above.

Summer (April to October): Allowed 4 hours

Winter (November to March): Allowed 2.5 hours

3. Unscheduled callouts during on-call time: Employees who are on-call are required to respond to unscheduled callouts for service. Employees may receive a minimum of one hour of time for unscheduled call outs. Actual working time for calls to service exceeding one hour will be compensated at the employee's standard rate of pay up to 40 hours and paid at time and one-half for all hours worked over 40. This compensation will be in addition to item (1), above.

COMPENSATION FOR SCHEDULED WORK

Scheduled work is defined as any work that the employee is notified of, no later than the end of the previously worked shift and scheduled to perform outside of the regular work period. All compensation shall be computed at the straight time or overtime rate, whichever is applicable.

Employees who are required to work more than the regular work schedule in any given week (with the exception of sworn (non-exempt) uniformed patrol officers assigned to work patrol who fall under the 168 hour, 28 day scheduled as explained further in this policy) may be allowed compensatory time off, in accordance with the Fair Labor Standards Act and as stated further down in this policy. No employee may take compensatory time without prior approval of his or her department head. In no case will an employee be allowed to accrue more than eighty (80) hours compensatory time, unless specifically waived by the department head after discussion with the City Clerk on a case by case basis.

ADDITIONAL COMPENSATION

Bi-Lingual Employees (Spanish)

Full-time employees of the City who are fluent and proficient in speaking both the English and Spanish language, assigned to a customer service position in an office setting, which requires them to interact with customers in the office regularly on a daily basis and uniformed patrol officers will receive a flat rate of \$100.00 per month over and above their base pay due to their special ability and additional responsibilities which are a benefit to provide service to the community and essential to the successful performance of their department. If the Department Head or Supervisor has a question as to the proficiency of the employee, then a proficiency test may be required. If the employee is no longer assigned to a customer service position in an office setting or no longer a uniformed patrol officer, this additional pay will be removed from that individual employee's salary. The Department Head or Supervisor will be responsible to notify the payroll department when an employee is or is no longer eligible.

RIGHT TO CHANGE COMPENSATION AND BENEFITS

The City of Mountain Home reserves the right to change general compensation and/or city benefits provided for any reason deemed appropriate by the Mayor and City Council.

Compensation may also be adjusted in certain cases based upon job performance and the availability of funds to maintain a solvent city budget. Hours worked may be reduced or employees may be laid off as necessary to meet budgetary constraints or as workload changes.

EMPLOYEES REQUIRED TO WORK ON HOLIDAYS

Holiday pay is not to be confused with overtime pay. An employee is entitled to either paid time off or "holiday" pay for actual designated holiday hours worked. Any employee normally eligible for holiday benefits, who is required to work on a day designated as a holiday under the provisions of these rules or such other day as authorized by the Mayor, may be paid at their standard hourly rate of pay for actual hours worked in addition to eight hours of pay for regular employees, and twelve hours of pay for sworn (non-exempt) uniformed patrol officers or compensatory time off (CTO) for the holiday, thereby receiving double time or "holiday pay" for hours worked. If the Holiday falls on a weekend the City will only pay time and one-half on the observed Holiday day but will pay "holiday pay" for the actual Holiday day. (If the Holiday falls on a Saturday, then the observed Holiday will be the Friday before. If the Holiday falls on a Sunday, then the observed Holiday will be the following Monday).

Employees who are scheduled to work on any city observed holiday have one of two options. They may take the holiday for pay, essentially meaning they earn double time or "holiday pay" for the holiday worked or they may take another day off sometime within the same pay period as compensation for working on the holiday. Employees who are called out to work or are scheduled to work less than 8 hours (or 12 hours for sworn (non-exempt) uniformed patrol officers), will receive OT/comp time for the hours worked. (If an employee is scheduled to work on both the observed Holiday and the actual Holiday, such as a Friday/Saturday or Sunday/Monday as stated above, the employee will be paid compensatory time on the observed Holiday and holiday pay on the actual Holiday or will be paid compensatory time on the observed Holiday and may choose to take another day off sometime within the same pay period as compensation for working on the actual Holiday).

OVERTIME POLICY

It is the policy of the City to avoid the necessity for overtime work. When overtime is necessary and consistent with protection of the lives and property of the citizens of Mountain Home and the efficient operation of the various Departments, such overtime may be authorized by the Department Head, but shall be kept at a minimum. FLSA exempt employees are not eligible for overtime compensation.

Overtime work for all FLSA non-exempt (covered) employees shall be defined as any time worked beyond the hours designated in the work period. A minimum of forty (40) hours per week must be physically worked before the overtime rate applies (for instance, annual, sick, compensatory and holiday leave time are not included as hours physically worked and therefore do not count as hours worked when figuring overtime hours). (Sworn, non-exempt, uniformed patrol officers are working a 168-hour, 28-day schedule and are therefore exempt from this overtime policy and subject to the Mountain Home Police Department Overtime Policy.) If an employee works longer than the normal eight (8) hour day or is called back to work, it will be up to the Department Head to adjust the employee's hours for the rest of the work week to avoid overtime whenever possible. Employees will typically receive compensatory time off for overtime hours worked but may occasionally be paid for overtime hours at one and half times their regular rate of pay when approved by the Department Head in concurrence with the City Clerk and the budget allows it.

Reporting and Recording Overtime

An employee, in order to earn compensation for overtime, must have his/her supervisor's and Department Head's prior approval. Overtime work required to meet an emergency situation does not require advance approval but must be certified by the immediate supervisor for payroll purposes.

Department Heads are responsible for ensuring that overtime hours are kept at an absolute minimum. Department heads are also responsible for ensuring that regular and overtime hours are accurately reported on an employee's time sheet and that accurate records for compensatory time are maintained.

Overtime - Conditions of Civil or Local Disaster

In the case of civil disaster, state of extreme emergency or local peril, the overtime procedures herein established shall not be in effect and compensation procedures for such conditions shall be determined by the Mayor.

Use of Compensatory Time (FLSA Non-Exempt Employees)

Before earning, Compensatory time must be preapproved (except during emergency situations) and may be credited to an employee who works over their scheduled work hours in a work week. An employee is not allowed to carry hours over from one week to the next in order to complete regular scheduled work hours. The time sheet must reflect the actual hours worked in a week. If an employee works less than their regularly scheduled hours in a work week, they may use compensatory time (if they have compensatory time already earned) to complete the hours for that week, in order to receive a full paycheck. They cannot work fewer hours in one week and make it up in the next week by working over their regularly scheduled hours. Also, they cannot work more one week and use it the next week, compensatory time is not credited until the end of the pay period and therefore is not usable unless it is being used in the same week it is earned. The Department Head may require the employee to take compensatory time off so that the time is not accumulated. (Example: If an employee works 9 hours on Thursday, the Department Head may require that employee to work 7 hours on Friday, so that no compensatory time will be accumulated during that week.)

If approved by the Department Head an employee may accumulate Compensatory time up to a maximum of eighty (80) hours. No more than eighty (80) hours of compensatory time can be carried over from one pay period to the next, unless specifically requested to be accrued by the employee and approved by the department head on a case by case basis. If no accrual has been requested and an employee has more than eight (80) hours accrued, any overage must be taken by the employee within that pay period or it must be paid out to the employee at the end of that pay period. In the event of resignation or dismissal from employment any compensatory time earned will be paid out to the employee in their final paycheck. No compensatory time can be lost or taken away from an employee.

It is the responsibility of the supervisor or Department Head to manage work schedules in such a manner as to minimize the accumulation of compensatory time. Typically, an employee's request for use of compensatory time will be made at least seven (7) days in advance. The request for time off may be granted unless the absence would cause undue disruption to the City.

Typically, compensatory time must be used before vacation time is taken. If, however, at the beginning of the fiscal year an employee is within 40 hours of reaching maximum vacation accruals (200 hours), they may use vacation hours before using their accumulated

compensatory time.

BREAK PERIODS

Subject to the approval of your Department Head, employees may be allowed a fifteen (15) minute break period within every 4 hours worked. This time must be used as designated by the Department Head and cannot be saved or counted as time worked if missed or to leave work early.

E. EMPLOYEE BENEFITS (Subject to Change without notice)

The City of Mountain Home, through the Mayor and City Council, reserves the right to change, any condition, or terminate any benefits set forth in this policy at any time without prior notice to, and or consent of, city employees. No employee may acquire any rights in any current or future status of benefits except as the law otherwise requires. Every effort will be made to notify employees of any changes, but there is no requirement to do so.

FRINGE BENEFITS

All regular full time or part-time employees who work twenty (20) hours or more a week are eligible for the following benefits from the City:

Public Employees Retirement System of Idaho (PERSI)

For employees whose normal work schedule averages twenty (20) hours or more per week over a period of more than five consecutive months, there is a mandatory membership in the Public Employees Retirement System of Idaho. In PERSI, there is a sixty (60) month vesting period with a lifetime annuity upon retirement or permanent disability. Both the City and the employee contribute to the plan based on a formula set by the State. Please contact the Payroll Department for contribution levels required. Seasonal or casual employees whose employment is dependent on weather or the growing season must have more than eight months of consecutive employment to be eligible for PERSI. For detailed information regarding eligibility requirements for retirement and payment of benefits, visit the PERSI website at www.persi.state.id.us or call 334-3365. (This benefit is regulated by State Law and employees who work twenty (20) hours or more per week are not authorized to opt-out of this benefit.) (Pursuant to IC 59-1311, IDAPA Rules 59.01.03.100-175)

Health/Dental/Vision/Prescription Drug Insurance

Employees are eligible for health benefit coverage as adopted by City Council on the first day of the month following one full month of employment. (These benefits are provided to all employees who work twenty (20) hours or more per week. To prevent any unfairness or inequity between employees, it is the City's policy that no employee is allowed to opt-out of receiving these benefits, collect cash in lieu of the benefit or transfer benefits to a family member or another employee. Exception: In the event an employee becomes eligible for Medicare Part A and/or Part B, the employee is encouraged to remain on the city's group health plan since an employee may be enrolled in both a group health plan as well as Medicare Parts A, B and sometimes D. However, if the employee prefers (over the city's group health plan) to enroll in Medical Part C supplemental coverage, i.e. private Medical Advantage or Medigap (that also includes Parts A, B and sometimes D), an employee may opt out of the City's plan after offering proof of enrollment in the supplemental coverage along with a written request to opt out of the City's plan. However, there is no cash in lieu or any opt out benefit of any kind.)

Employee Assistance Program

The City offers an Employee Assistance Program (EAP) which provides short-term, confidential counseling for the employee, their household members, and dependent children at no out-of-

pocket cost to the employee. The decision to use the EAP benefit is voluntary and confidential.

Additional information, brochures, etc. are available from the Payroll department.

Pool Passes

One-Day Pool passes in an amount equivalent to one (1) free summer swimming pass are available to all regular full-time and permanent part-time City employees, all current paid on-call fire fighters, and all current Reserve Police Officers. The employee must request the one-day swimming passes from the Recreation Department.

Library Card

All regular full-time and permanent part-time City employees, all current paid on-call fire fighters, and all current Reserve Police Officers and members of their household are entitled to free library cards.

Golf Course Fees

All regular full-time City golf course employees and all golf course part-time or summer over hire employees, who work a total of 19 ½ hours or more per week, may have green fees and/or daily use fees waived at the Mountain Home Municipal Golf Course during the time they are employed with the city. In addition, all other regular full-time and permanent part-time City employees, all current paid on-call fire fighters, and all current Reserve Police Officers will receive a 50% discount on green fees and/or daily use fees at the Mountain Home Municipal Golf Course upon the showing of their City Employee Identification Card. This does not include a golf cart or trail fees. If the employee wishes to use a city golf cart or a personal golf cart, they will be required to pay the appropriate fee. The employee is required to check with the Golf-Pro for an available tee-time before golfing.

CDL Licensing and Reimbursement

Certain positions within the City require the employee to obtain a CDL license. If obtaining a CDL license is a requirement of the position, pursuant to the job specification, the City will reimburse the employee the initial cost to obtain a CDL license and upon renewal will reimburse only that portion associated with the CDL renewal, not the total driver's license renewal amount. The medical portion of the CDL is not required to drive City vehicles and therefore the City will not pay for any cost associated with the medical portion of any CDL license.

Employees will be given two attempts to obtain their CDL license. Employees who do not pass the CDL test after the 2nd attempt will be required to pay for future tests and must use available leave time for testing purposes.

Uniforms and Clothing Allowance

Uniforms or clothing approved by the Department Head are furnished to Police, Animal Shelter, Recreation, Public Works and Parks maintenance employees at City expense. Other City departments may provide city-related clothing items at the department heads' discretion. Receipt copies of all uniform or clothing allowance purchases will be made available by the accounts payable department to the City Council for their review and any questionable purchases will be subject to justification by the Department Head.

Retirement Benefit – Health Insurance Premiums (Employee's hired prior to October 1st, 2013 only)

Upon retirement, the City of Mountain Home will pay the retired employee's health, vision and dental insurance premiums for six (6) months plus one (1) month's premium for every ten (10)

days of sick leave accrued until all sick leave has been exhausted. Employee's must have been hired to work for the City of Mountain Home prior to October 1, 2013 and also must have reached their full Rule of 90 retirement points (Rule of 80 for Police and Fire) or have worked for the City for at least 5 years and must be filing for retirement benefits through PERSI to qualify for this benefit. An employee who qualifies for the Health Insurance Premium option may choose to receive the Payout option as stated below in place of the Health Insurance Premium option if they wish to do so but cannot receive both the Health Insurance Premium option and the Payout option. (Retirement party and gift requirements are covered in a separate City purchasing policy)

Retirement Benefit – Sick Leave Payout

Upon retirement, the City of Mountain Home will pay the retired employee for ½ of their amount of accrued sick leave, compensated at ½ the employee's present hourly rate, up to a maximum of 600 hours. (Example: If the employee has 1,000 hours at the time of retirement the payment will be for 500 hours. If the employee has 1,200 hours at the time of retirement the payment will be for 600 hours. If the employee has 1,400 hours at the time of retirement the payment will be for 600 hours.) There will be no cap on the amount of sick leave hours the employee can accrue but the payment at the time of retirement will be for a maximum of 600 hours only.

Employee's must have reached their full Rule of 90 retirement points (Rule of 80 for Police and Fire) or have worked for the City for at least 5 years and must be filing for retirement benefits through PERSI to qualify for this benefit. Employees who were hired after October 1st, 2013 do not qualify for the Health Insurance Premium option as listed above and do not have the option to choose that benefit. (Retirement party and gift requirements are covered in a separate City purchasing policy)

Tuition Assistance Program

The City recognizes the need for employees to continually grow and enhance their skills and knowledge. Therefore, the Council may annually appropriate a specific amount, to be used on a "first come, first served" basis for the reimbursement of expenses for classes related to any existing job within the City. Full-time, regular employees, at the completion of one full year of employment and who have satisfactory employment performance, may apply to the Mayor for reimbursement. An employee may apply for reimbursement of the actual amount paid for the class up to a maximum amount of \$500.00 per fiscal year and must provide proof of enrollment and receipt showing amount paid. Proof of completion of class with a grade of C or higher is required. Class must be taken between October 1st and September 30th of each year. (Exception: If more than two employees apply at the same time and the first two have received the reimbursement in the past, but the next employees have never received a reimbursement, the Mayor may elect to allow an employee to move to the front of the line and receive the reimbursement.)

HOLIDAYS

The City observes the following holidays: New Year's Day, Martin Luther King Jr. Day, Presidents' Day, Memorial Day, Independence Day (July 4), Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day and the Friday following, and Christmas Day. Other days may be declared holidays by the Mayor at his/her discretion. Holidays which occur during personal leave may not be charged against personal leave. Temporary/Seasonal employees may be paid only for holidays worked. (If the Holiday falls on a Saturday, then the observed Holiday will be the Friday before. If the Holiday falls on a Sunday, then the observed Holiday will be the following Monday). (See page #28, Employees Required to Work on Holidays for payment clarification.)

WELLNESS PROGRAM

The City believes in healthy, productive and fit employees. Each eligible employee may receive an amount, determined annually by the Council, for fitness-related, health-enhancing activities and expenses subject to requirements set by the City and approved by the Mayor. The Wellness Program will apply to all regular, part-time and full-time City employees, Reserve Police Officers, who have served for at least 1 year and are still serving and the Fire Department, to be paid out in March and August of each year after the submission and review of all required documentation has been completed. However, in order to participate in any of the wellness challenges you must be a part-time or full-time employee of the City. The wellness benefit is considered income and is subject to payroll taxes.

Additional information and requirements are available from the payroll department/benefits specialist at City Hall.

TRAINING FACILITY

Use of Training Facility

The City takes pride in our first responders and in conjunction with the Wellness Program the City has provided a training facility to encourage all first responders (Fire & Police) to maintain their fitness. The City also believes that healthy and fit employees make productive employees, and in an effort to help facilitate that, the Training Facility is open to be used by all regular full-time and permanent part-time City employees during their non-working hours, as well as all current paid on-call fire fighters, and all current Reserve Police Officers. No family members will be allowed the use of the training facility. Employees are not allowed to bring their children while they are using the facility.

Maintenance of Training Facility

City employees who use the Training Facility will be required to treat the equipment with respect. Cleaning supplies will be provided, and employees are required to wipe off each machine after they are finished using it. Employees are required to return weights or equipment back to the racks or location provided for that item and keep the facility in a clean and orderly fashion. Other rules or policies may be posted on signage in the building for you to follow.

WORKER'S COMPENSATION

State law provides for compensation in the event you suffer an industrial injury or occupational illness as defined by the worker's compensation law.

Coverage under the Worker's Compensation Act:

1. An employee who is temporarily disabled because of an injury or illness sustained directly in the performance of his/her work may be covered by the provisions of the State Worker's Compensation Act.
2. If an employee is disabled temporarily by an on-the-job accident, he/she may be eligible for worker's compensation after a five (5) day waiting period. The first five (5) workdays will be paid by the City, thereafter any additional work time off will be compensated to the employee by the insurance company contracted by the City to cover their worker's compensation. Because these benefits paid to the employee by the worker's compensation insurance company are tax free, no other compensation will be provided to the employee from the City and the employee will not be required to take any leave time to cover the time they are off during a work related injury (this applies to current

claims only, does not apply to reopened claims). However, if the employee has supplemental benefits, that are not paid by the City, being taken out of their pay check on a monthly basis, the employee would be required to take leave time in order for their supplemental benefits to continue or they will be required to pay for their supplemental benefits out of their own pocket or their supplemental benefits will be terminated by the City. (see below for return to work requirements.)

3. An employee who is out on workman's compensation leave and is unable to return to work will cease to accrue vacation and sick leave during the time they are off on worker's compensation leave or their time will be pro-rated based upon the amount of worker's compensation leave hours taken.
4. Once an employee has returned to work from a work-related injury, any follow-up appointments pertaining to that injury (within the first year) will not be subject to leave time being taken.
5. An employee who is on extended worker's compensation leave and is eligible for FMLA leave will be required to take concurrent FMLA leave with their worker's compensation leave.
6. For sworn law enforcement officers, injured in or on the job accidents, the City will handle worker's compensation claims pursuant to Idaho Code, Title 72, Chapter 11 (specific to law enforcement).

In the event of an industrial injury or occupational illness:

1. Notify your supervisor immediately.
2. Seek treatment at the Occupational Health Clinic located within St. Luke's Elmore, if needed. (If you choose to go to your Regular Physician, the City will not cover the cost of the visit or the medical treatment. Except in the case of extenuating circumstances and it is approved by the Mayor prior to the treatment.)
3. Avoid emergency services whenever possible, but if the Occupational Health Clinic is closed proceed to the emergency room at St. Luke's Elmore for treatment and advise them it is a workman's compensation claim at the time of check in.
4. Supervisor must immediately complete a Supervisor Accident Report Form and submit it to the City Clerk, no later than 24 hours after the accident.
5. As soon as the injured employee is able, the Supervisor will meet with the employee to discuss the incident and ways to prevent it from happening in the future. The main purpose for this meeting will be to look for the facts and listen to the employee comments, not to assign fault.

Unless inpatient hospitalization occurs, worker's compensation benefits in the form of earnings for time lost from work do not begin until five (5) calendar days after injury.

Medical fees and weekly loss of time benefits are paid as provided in the state Worker's Compensation Law. One hundred percent (100%) of the premium cost is paid by the City.

If an employee is absent from work for any period of time greater than 24 hours due to an occupational illness or injury, the City may require a written statement from the attending physician that the employee is capable of and released to return to the performance of all duties of his/her position.

Unemployment Insurance

State law provides for unemployment compensation benefits if you lose your job through no fault of your own, such as a layoff due to lack of work. This benefit will provide you with a temporary income until you find other employment. State law determines the eligibility requirement and waiting period. The City pays all costs of unemployment insurance.

LIGHT DUTY POLICY

Light Duty Requirements

Temporary modified or light duty assignments may be available to employees who have incurred a duty-related illness or injury and, due to restrictions or limitations, are unable to perform their regular assigned duties. Non-duty related illnesses or injuries may also be considered for eligibility in accordance with this policy. Eligibility for modified or light duty assignment is subject to the approval of your Supervisor or Department Head.

Temporary modified or light duty assignments will be evaluated on a case by case basis and allowed only if there is modified or light duty that can be performed in that department, and upon the approval of the Department Head. To maintain or reduce the City Worker's Compensation Rates, Department Heads are encouraged to make every effort to bring the injured employee back during modified or light duty authorization. Modified or light duty is not an entitlement and should not be considered as one by the employee.

Modified or light duty assignments are intended to provide an employee with the ability to continue working within the limits of his or her restrictions and limitations on a temporary basis (6 months or less), while providing the City with a productive employee during the interim period.

An injured employee may be offered a modified or light duty assignment outside of his or her normal assignment or duties if it becomes available and the employee has obtained a release from their doctor to do so.

If it is discovered that the employee cannot adequately perform in a modified or light duty assignment, such assignment may be terminated. A change in priorities may also result in the employee's removal from a modified or light duty assignment.

Light duty assignments are temporary assignments only (6 months or less) and are not available to employees on a permanent basis. This temporary light duty assignment does not in any way guarantee that light duty will be available at any given time or for any employee who requests it.

A doctor's release will be required for an employee to return to full duty.

Light Duty Procedures

Employees will submit a written request for a modified or light duty assignment accompanied by a signed statement from their health care provider stating they are released to perform a modified or light duty assignment and listing any restrictions, limitations or expected duration of

assignment to the City Clerk/HR Department. The statement should also indicate if the employee requires any workplace accommodations, mobility aids or medical devices.

The City Clerk/HR Department will work with the requesting employees Supervisor or Department Head to determine what, if any, temporary light duty assignments may be available in the department based on the limitations of the employee and needs of that particular department.

If a temporary light duty assignment can be accommodated, the City Clerk/HR Department will prepare a written Offer of Light Duty Acceptance Letter and meet with the employee. The employee will be required to acknowledge that the light duty assignment has been explained with any required restrictions and indicate they accept the temporary light duty assignment.

If an employee is required to attend physical therapy or doctor appointments, during a light duty assignment, they should notify their supervisor or department head in advance.

If an employee cannot adequately perform in a light duty assignment, such assignment may be modified or terminated.

The lack of Department needs or change in priorities may result in the employee's removal from or modification of a light duty assignment.

The employee's supervisor or department head may place conditions as deemed appropriate upon any light duty assignment.

FITNESS FOR DUTY POLICY

Fitness for Duty Purpose

The City is committed to maintaining a safe work environment for all employees as well as customers and visitors. In order for the City to maintain a safe working environment, every employee is required to be free from any physical, emotional, or mental condition which might adversely affect the performance of their job functions and must be able to perform his or her job duties in a safe, secure, and effective manner in order to ensure their health and safety as well as to ensure that the health and safety of those around them is not jeopardized.

This policy does not limit the City's right to take employment action under its normal disciplinary policies and procedures. Employees who fail to perform his/her job functions and/or engage in misconduct may face disciplinary action up to and including termination notwithstanding a referral for a fitness for duty evaluation.

Employees who refuse to undergo a fitness for duty evaluation may face disciplinary action, including suspension or termination. Additionally, the employee's participation in a recommended treatment or rehabilitation program does not guarantee continued employment and may not necessarily prevent disciplinary action for violation of City policies.

Fitness for Duty Requirements of Evaluation

Fitness or Fit for Duty is an employee's ability to perform safely all essential job functions of his or her position from the time the employee reports to work and throughout the entirety of the employee's scheduled work shift.

The purpose of a fitness for duty evaluation is to address whether an employee has a medical or psychological condition that may pose a potential threat to the employee or others in the workplace.

An employee may be required to undergo a fitness for duty evaluation (either medical or psychological) when an employer has objective evidence that an employee either:

- is unable to perform the essential functions of his or her job due to a medical or psychological condition, or
- Poses a direct threat to himself/herself or others.

The grounds for seeking a fitness for duty evaluation may come from a supervisor's or department heads own observations and/or receipt of a reliable report of the employee's possible lack of fitness for duty from a third party. Examples of the types of impairments that may warrant the City's request for a fitness for duty evaluation include:

- Use, possession, or influence of alcohol or illegal drugs;
- Use of legal drugs that adversely affect the employee's ability to perform his/her job functions safely;
- Slurred or incoherent speech;
- Observed problems with vision, awareness, coordination or dexterity;
- Aggressive or threatening behavior;
- Unpredictable mood or behavioral changes;
- Drowsiness, sleepiness or other signs of fatigue; or
- Any other physical or psychological condition or behavior that affects the employee's ability to practice his or her job functions successfully and safely.

Any employee who feels unable to perform his/her duties or any employee who has reasonable concern regarding a co-worker's fitness for duty must report that concern to their supervisor, department head or City Clerk/HR Department immediately. The City will maintain the confidentiality of the reporting employee's identity to the fullest extent possible consistent with applicable law.

Supervisor Responsibilities of Fitness for Duty Evaluation

A department head or supervisor observing an employee or receiving a report of an employee who is perceived to be unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to address the situation.

Whenever feasible, the department head or supervisor should make a preliminary determination of the level of inability of the employee to perform the essential functions required of the job.

In the event the employee appears to be in need of immediate medical or psychiatric treatment, the department head or supervisor shall notify the City Clerk/HR Department immediately so that all reasonable efforts can be made to obtain sufficient information regarding the nature of the concern to enable the City to assess options and react responsibly to assure the safety of the employee, other employees of the City and the public, while complying with the employee's legal rights. In conjunction, a determination should be made regarding whether the employee should be temporarily relieved from his/her job duties.

Relief from Duty

Employees who are relieved from duty for medical reasons will be required to use sick leave or other paid time off if they have the time accrued and may be eligible for workers' compensation benefits if the reason is work related.

Any employee suffering from a work or non-work related condition which warrants a temporary relief from duty may be entitled to be placed on family medical leave under federal law. Family medical leave requirements are covered under a separate city policy.

Independent Medical Evaluator and Payment of Fitness for Duty Evaluation

Whenever circumstances indicate that an employee is unfit for duty, the City Clerk/HR Department may serve that employee with a written order to undergo a physical and/or psychological examination to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.

Any employee ordered to receive a fitness-for-duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline, up to and including termination.

The fitness for duty evaluation, if required by the City, will be referred to and conducted by an independent, licensed health care practitioner ("Independent Medical Evaluator") chosen by the City and may be through the local Occupational Health Clinic. The Independent Medical Evaluator will not be a treating physician of the employee. The City is responsible for paying the cost of any fitness for duty evaluation(s) required by the City. If the employee wishes to get a second opinion, or an additional evaluation from another provider, the employee is responsible for paying the cost of any additional evaluations.

Results of Fitness for Duty Evaluation and Confidentiality

The Independent Medical Evaluator will perform the evaluation of the employee, and any necessary testing, and will provide the City with a written report indicating his or her medical opinion as to if the employee is either fit for duty or, if not, will list any functional limitations that limit the employee's ability to perform the job functions. The scope of the requested fitness-for-duty report shall be confined to the physical or psychological condition that prompted the need for the examination. The City may use the fitness for duty evaluation results to make decisions regarding the employee's future employment status with the City, including, without limitation, and as applicable, whether employee maintains his/her employment, will be terminated or provision of some sort of reasonable accommodation will be considered. Once determination has been made a written notice shall be served on the employee indicating the decision of the City.

If the employee places his/her condition at issue in any subsequent or related administrative action or grievance, the examining physician or therapist may be required to disclose any and all information that is relevant to such proceedings.

When conducting a mandated fitness for duty evaluation, the City may ask the employee to sign consent forms that permit production of confidential medical health information to the Independent Medical Evaluator. If the employee releases confidential medical health information to the Independent Medical Evaluator, the employee may opt to not have that confidential medical health information released to the City.

In order to facilitate the examination of any employee, the City will provide all appropriate documents and available information to assist in the evaluation and/or treatment. All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.

To the extent allowed by law, the City shall protect the confidentiality of the evaluation and the results. Employee medical information provided by the employee to the City is maintained on a confidential basis in accordance with applicable law.

Return to Work if cleared by Fitness for Duty Evaluation

Once an employee has been deemed fit for duty and the examining health care provider has provided the Department with a written report to that effect, the employee will be notified to resume his/her full duties.

(Employees who are assigned to work as Police Officers for the Mountain Home Police Department should also review a separate Fit for Duty Policy for Police Personnel.)

RETURN TO WORK POLICY

Return to Work Procedures

All employees must be referred to the City Clerk/HR Department for a Return to Work Medical Release by their Physician in each of the following instances:

- If employee was released from duty under the Fitness for Duty section of this policy;
- If employee is returning to work after an absence of thirty days or more (other than vacation);
- If the employee has suffered a work-related injury;
- If the employee is returning from an absence related to the use of the City's EAP program that was ordered by the City due to a policy issue;
- If the employee is returning after starting treatment for prescription medications;
- If the employee has undergone major surgery;
- If the employee has been hospitalized for any reason (including birth of a child);
- If the employee has suffered an off-duty injury.

Employees may be referred to the City Clerk/HR Department for a Return to Work Medical Release requested at the City's discretion in any situation where, in the opinion the employee's department head or supervisor, the particular facts of an employee's situation suggest that a Return to Work Medical Release may be necessary or beneficial.

The above-mentioned situations and criteria should not be regarded as a comprehensive list of situations requiring a Return to Work Medical Release. The City reserves the right to require a Return to Work Medical Release or Return to Work Physical or any other examinations it deems necessary for any employee in connection with any absence to ensure that the employee is fit to return to work and can fully complete all the required functions of his/her job.

Reinstatement to service

Upon completion of the required Return to Work Medical Release the physician will inform the City Clerk/HR Department in writing whether the employee is released to perform his/her job duties free and unrestricted. The City Clerk/HR Department will then notify the appropriate department head or supervisor that the employee has been released to return to work under full

duty.

LEAVE TIME

Vacation Leave

Regular full-time and regular part-time employees are eligible to accrue vacation leave. Vacation leave is earned beginning at the rate as stated below with increases based on the longevity of service of the employee at their employment anniversary date. Leave time will be accumulated and taken based on the calendar year.

Hours of Vacation Leave Earned per Month are as follows:

<u>Work Schedule</u>	<u>Monthly Accrual in Hours</u>		
	<u>0 to 3 Years of Service</u>	<u>4 to 10 Yrs.</u>	<u>11 + Yrs.</u>
Less than 20 hours per week	No Accrual		
20 Hour Week	4.00	6.00	9.00
25 Hour Week	5.00	7.00	10.00
30 Hour Week	6.00	8.00	11.00
35 Hour Week	7.00	9.00	12.00
40 Hour Week	8.00	10.50	13.50

No more than two hundred (200) hours of earned vacation leave time may be carried over from one calendar year to the next. Any vacation leave in excess of two hundred (200) hours at the end of any calendar year will be forfeited. Employees will be given until January 31st, of each year to use any excess vacation leave time accrued in the prior year, before it is forfeited. Service time is any period during which an employee is carried on the City's roster, including work time, sick leave, vacation leave or leave of absence without pay, as long as the employee has not quit or been terminated. No leave time will be accrued during leave of absence without pay, including during family medical leave taken under the provisions of the Family Medical Leave Act or time taken under worker's compensation.

(Note: If an employee leaves employment with the City their vacation would have been paid out at the time, they left employment. If they return within the same month, they will start with zero vacation, but their years of service will be reinstated and count toward vacation accrual amounts. If the employee is gone longer than one (1) month and the employee returns to employment with the City they will be required to start over with a new hire date and their vacation accrual amounts will start over at 8 hours or in an amount applicable to their hours worked as reflected in the chart above.)

Accrual Rate of Vacation Leave

Eligible regular full-time and regular part-time employees begin to accrue vacation leave as follows:

1. Vacation leave will begin to accrue immediately, beginning upon date of hire.
2. Vacation leave may not be used until the employee has completed one month's service and has accrued the amount of vacation leave time requested.
3. Accrual rate shall be based on the number of hours in a work week, as shown in the chart listed above in this policy.
4. Once an employee submits a letter of resignation or is terminated from employment, no further vacation time will accrue, unless a full pay period has been completed.

Use of Vacation Leave

A request for leave must be submitted to the employee's appropriate supervisor or Department Head prior to the leave being taken, in the case of a Department Head, the leave slip shall be submitted to the Mayor prior to the leave being taken. Leave may be taken on a first come, first served basis only after approval by the supervisor or Department Head or in the case of a Department Head the Mayor, so that, insofar as practicable, the Department can function without interruption of work schedules. If an employee needs to use leave for unscheduled occasions, he/she must notify and request approval from the appropriate supervisor or Department Head or in the case of a Department Head the Mayor at least one-half (½) hour prior to the time set for reporting to work.

Unscheduled requests for use of leave must be kept to a minimum and only be requested for unforeseen circumstance.

In order to take leave time (Vacation, Sick or Compensatory), the time must have been accrued in the prior month. If there is no leave time accrued the time cannot be taken. Employees will not be allowed to fall into the negative on any leave time in any given month.

Leave time may be granted on a first come, first served basis only after the appropriate leave slip has been completed and approved by the Supervisor or Department Head or in the case of a Department Head the Mayor and shall be submitted to the payroll department at the end of the pay period. Leave slips are to be completed before the time is taken or in the case of unexpected leave, immediately upon the employee's return to work. An employee cannot wait until the end of the month and fill out one leave slip for all days taken within that month. Department Heads and/or the Mayor are responsible for making sure all leave slips are completed and turned in at the end of the pay period.

When an employee is separated from service with the City, he/she will be paid for all accumulated vacation and compensatory leave at the prevailing hourly rate at the time of separation.

Transfer of Vacation or Compensatory Leave to Another Employee to use as Sick Leave

With the approval of the Department Head for both the transferring and receiving employee, an employee may transfer accrued vacation or compensatory leave to another employee when requested through the Benefits Specialist in the event the receiving employee or a family member suffers from a serious illness or injury. Because of HIPPA regulations the identity of the requesting employee cannot be disclosed by the Benefits Specialist, but the Benefits Specialist if requested to do so by you, can notify the requesting employee that you have requested this information and the requesting employee may release their identity to you themselves if they wish to do so, but they are not required to do so. The amount transferred will be converted to sick leave. An employee will not be allowed to receive more than one hundred sixty (160) hours of transferred leave per fiscal year, and a transfer may not occur until the receiving employee has exhausted all of his or her sick, vacation and compensatory leave. Such transfers are to be made from employee to employee by the Benefits Specialist. Vacation or compensatory leave donated will be retained by the donating employee until it is converted to only the amount of sick leave required by the receiving employee. (Exception: If the receiving employee or a family member suffers from a terminal illness the (160) hour maximum per year amount can be waived upon approval of the Department Head and the Mayor).

Sick Leave
Statement of Policy

Regular full-time and regular part-time employees are eligible to accrue sick leave. Sick leave is a privilege not a right, and may only be requested in cases of actual sickness or disability or other medical and health reasons necessitating the employee's absence from work, or in situations where the employee's personal attendance is required or desirable because of illness, disability, or death of an immediate family member. In the event of an emergency situation, the employee or a member of his/her immediate family should contact the employee's supervisor immediately to explain the reason for the employee's absence. Employees requesting to use sick leave claiming a mental health condition, and intending to not remain at home for the day as sick, will be required to present a written notice from a doctor advising that the employee needs to be released from work for such condition, prior to the sick leave being approved, and sick leave conditions and restrictions as listed below will still apply. (See example below for clarification.)

Sick leave will not accrue to any employee on leave of absence without pay, suspension without pay, or lay-off and cannot be transferred from one employee to another. The employee requesting sick leave must meet and comply with the provisions of these Rules and Regulations and his/her Department Head must approve such request. Call-back time, scheduled work (as herein defined), on-call status and requests to return to work while in an on-call status shall not be covered under sick leave provisions.

Any employee who is absent from work on sick leave as provided for in this Chapter or who is absent after requesting such leave may not engage in work, play or other activities at any time which would be in conflict with his or her inability to report for work, return to work, and/or perform his/her duties. (Example: An employee who is out after requesting sick leave cannot then use that sick leave to go on a vacation or partake in other activities that are not related to the sick leave that they requested. You will be expected to be at home, in the hospital or going to and from a doctor's appointment or pharmacy. Exceptions to this policy would be if you are recovering from a medical procedure, such as a surgery or birth of a child and have not yet been released by the doctor to return to work, at that time you will be free to leave the house and engage in daily activities, so long as those activities do not hinder your recovery to return to work once released by the doctor or if you have a note from a doctor stating you need to take time off for mental health.)

Any reduced work or "light duty" considerations that might be given to accommodate an employee who has a temporary medical-limiting condition and is granted reduced job duties are not an entitlement, are considered on a case-by-case basis and are covered and explained further in the Light Duty Section of this policy, for any employee who requests consideration due to a temporary medical-limiting condition as verified by a physician's statement.

The abuse of sick leave privileges may be considered cause for disciplinary action up to and including termination.

Hours of Sick Leave Earned per Month are as follows:

<u>Work Schedule</u>	<u>Monthly Accrual in Hours</u>
Less than 20 Hours per week	None
20 Hours per week	4.00
25 Hour Week	5.00
30 Hour Week	6.00
35 Hour Week	7.00
40 Hour Week	8.00

Sick leave may be accumulated indefinitely and cannot be transferred to another employee.

(Note: If an employee leaves employment with the City they lose their accumulated sick leave at that time (except in the case of retirement as listed in another section of this policy). If they return to work for the city, they will be required to start over with zero sick leave and will earn it as indicated above.)

Accrual Rate of Sick Leave

Eligible regular full-time and regular part-time employees begin to accrue sick leave as follows:

1. Sick leave will begin to accrue immediately, beginning upon date of hire.
2. Sick leave may not be used until the employee has completed one month's service and has accrued the amount of sick leave time requested.
3. Accrual rate shall be based on the number of hours in a work week, as shown in the chart listed above in this policy.
4. Once an employee submits a letter of resignation or is terminated from employment, no further sick leave will accrue, unless a full pay period has been completed. (#4 pertains only to retiring employees who may be eligible to be paid for sick leave upon leaving employment. All other employees will not accrue any sick leave after their date of resignation or termination.)

Use of Sick Leave

Sick leave is to be used only in cases of actual sickness or disability or other medical and health reasons necessitating the employee's absence from work, or in situations where the employee's personal attendance is required or desirable because of illness, disability, after the birth of a child (spouse) or death of an immediate family member. Any employee who is absent from work on sick leave as provided for in this Chapter or who is absent after requesting such leave may not engage in work, play or other activities at any time which would be in conflict with his or her inability to report for work, return to work, and/or perform his/her duties, after they have been released by their doctor to do so. Employees requesting to use sick leave for a mental health condition (i.e. a mental health day), and intending to not remain at home for the day as sick, will be required to present a written notice from a doctor advising that the employee needs to be released from work for such condition, prior to the sick leave being approved, and sick leave conditions as listed prior will still apply. (Exceptions to this policy would be if you are recovering from a medical procedure, such as a surgery or birth of a child and have not yet been released by the doctor to return to work, at that time you will be free to leave the house and engage in daily activities, so long as those activities do not hinder your recovery to return to

work once released by the doctor or if you have a note from a doctor stating you need to take time off for mental health or may be off due to an illness, disability or death of an immediate family member.) (**Note: Immediate family** is defined as the employee's spouse, life-partner, children, stepchildren, parents, grandparents, stepparents, siblings, and corresponding mother's or father's in-law.)

If an employee knows in advance that sick leave is going to be taken (such as a scheduled doctor's appointment or medical condition), a request for sick leave shall be submitted to the employee's appropriate supervisor prior to the sick leave being taken, in the case of a Department Head, the sick leave slip shall be submitted to the Mayor prior to the sick leave being taken. Sick leave may be taken only in the case of an illness, disability, medical appointment or procedure, after the birth of a child, illness of an immediate family member or death of an immediate family member or for mental health with restrictions as listed above and only after approval by the Supervisor, Department Head, or in the case of a Department Head the Mayor so that, insofar as practicable, the Department can function without interruption of work schedules. If an employee needs to use sick leave for unscheduled occasions (such as an illness), he or she must notify and request approval from the appropriate Supervisor, Department Head, or in the case of a Department Head the Mayor at least one (1) hour prior to the time set for reporting to work.

Unscheduled requests for use of sick leave must be kept to a minimum and only be requested for unforeseen circumstance.

In order to take sick leave time, the time must have been accrued in the prior month. If there is no sick leave time accrued, sick time cannot be granted, and any time missed from work would be leave without pay if the employee had no other time (such as Vacation or Compensatory) to draw from. Employees will not be allowed to fall into the negative on any leave time in any given month.

In the event of scheduled appointments or medical conditions, sick leave time may be granted only after the appropriate sick leave slip has been completed and approved by the Supervisor, Department Head, or in the case of a Department Head the Mayor and shall be attached to the time sheet and submitted to the payroll department at the end of the pay period. Sick leave slips are to be completed before the time is taken or in the case of unexpected sick leave, immediately upon the employee's return to work. An employee cannot wait until the end of the month and fill out one leave slip for all days taken within that month. Department Heads are responsible for making sure all leave slips are completed on time and turned in at the end of the pay period.

Unused Sick Leave

When an employee is separated from service with the City any unused/accrued sick leave is lost and he/she shall **not** be paid for any unused/accrued sick leave (other than in the case of retirement, as previously stated in this policy). Sick leave cannot be transferred from one employee to another.

Certification by Physician Required

For the following reasons and to substantiate a request for sick leave the City will require a written statement from the attending physician that the employee is or was incapacitated and unable to perform his or her duties:

1. Any period of absence consisting of four (4) or more consecutive working days.

2. Leave of any duration if absence from duty recurs frequently or habitually.
3. Any request stating mental illness or mental wellness as the reason for needing to take sick leave and not intending to remain at home for the day as sick.
4. Exposure to a contagious disease, if in the opinion of the Department Head, the employee's attendance on duty would jeopardize the health of fellow employees.

Also, before an employee is allowed to return to work in the case of serious illness, disability, mental illness, major surgery or injury, the City shall require a written statement from the attending physician (or from a physician designated by the City) that the employee is capable of and released to return to the performance of all duties of his/her position.

(Please see Return to Work requirements listed in a separate section of this policy.)

Medical Appointments are defined as appointments or exams for mental health, medical, dental or vision.

Requirement for Leave Slips by Department Heads

Department Heads shall only be required to turn in leave slips for vacation or sick time used if they are requesting to be absent from work for one-half day (4 hours) or more in any given day. Due to the fact that Department Heads are required to work extended hours or from time to time at the request of the Mayor, they will not be required to turn in leave slips for vacation or sick leave when absent less than 4 hours during a day. Department Head absences less than 4 hours in a day are still required to be approved by the Mayor and indicated on the Department Head calendar. Hourly leave requests should be kept to a minimum.

Maternity Leave and Maternity-Related Conditions Non-Discrimination Protection

The City of Mountain Home complies with the Pregnancy Discrimination Act and Title VII of the Civil Rights Act of 1964 regarding pregnancy and sex discrimination, as follows:

The City does not discriminate on the basis of pregnancy, childbirth, or related medical conditions. Female employees or job applicants who are pregnant or affected by related conditions are treated in the same manner as other employees or applicants with similar abilities or limitations. Further, the City does not discriminate in its hiring process with pregnant applicants on the basis of being pregnant or having a pregnancy-related condition, or because of prejudices of co-workers, supervisors, clients, or customers.

Maternity/Family Leave

The City allows pregnant employees four (4) weeks, or 160 hours, of paid leave to be used (if the employee has the four (4) weeks of leave accrued), immediately prior to twelve (12) weeks of leave allowed under FMLA provisions. Any accrued paid leaves (sick, annual vacation leave and compensatory time) shall be used simultaneously with any approved Family and Medical Leave Act (FMLA) leave. (Please see the City FMLA Policy for instructions to apply for FMLA leave). Leave time in excess of the first four (4) weeks shall be inclusive within the twelve (12) weeks of (FMLA) leave available under this section. (For clarification purposes this would allow the employee to be absent from work on Maternity/Family Leave for up to a total of sixteen (16) weeks, unless the employee has both additional accrued leave and extenuating circumstances exist.)

The City allows pregnant employees to perform their regular job duties as long as the employee is able to perform the essential functions of the job. Any reduced work or “light duty” considerations that might be given to accommodate a pregnant employee are the same as for any City employee who has a temporary medical-limiting condition and is granted reduced job duties. Reduced work situations are not an entitlement and are considered on a case-by-case basis for any employee who requests consideration due to a temporary medical-limiting condition as verified by a physician’s statement and as outlined in the Light Duty Section of this policy.

All new City employees with less than 1250 actual work hours on the job are ineligible for FMLA. Under this one situation, if the pregnant employee has not yet accrued the four (4) weeks of paid leave as stated above, the employee is entitled to four (4) weeks, or 160 hours, of unpaid Maternity/Family Leave, upon approval of the appropriate Department Head. By law, the City will hold open the pregnant employee’s job position throughout the four (4) weeks of maternity/family leave and their authorized twelve (12) weeks of FMLA leave as stated above, depending on their FMLA leave eligibility.

Upon the birth or adoption of a child the City may allow the non-pregnant employee two (2) weeks, or 80 hours, of paid leave to be used immediately prior to twelve (12) weeks of leave allowed under FMLA provisions. (If the employee has the two (2) weeks of leave accrued.) Any accrued paid leaves (sick, annual vacation leave and compensatory time) shall be used simultaneously with any approved Family and Medical Leave Act (FMLA) leave. (Please see a separate City FMLA Policy for instructions on how to apply for FMLA leave). Leave time in excess of the first two (2) weeks shall be inclusive within the twelve (12) weeks of FMLA leave available under this section. (For clarification purposes this would allow the non-pregnant employee to be absent from work on Maternity/Family Leave for up to a total of fourteen (14) weeks, unless the employee has both additional accrued leave and extenuating circumstances exist.)

Lactation Break Policy

Purpose and Scope

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee’s infant child.

It is the policy of the City of Mountain Home to provide a reasonable amount of break time and appropriate facilities to accommodate any employee desiring to express breast milk for the employee’s infant child.

Any employee needing these accommodations should notify their department head, supervisor or the City Clerk/HR Department so that the following special arrangements can be made.

Lactation Break Time

Employees wishing to express breast milk for their infant child during their workday shall be permitted to do so during any authorized break. While reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding fifteen minutes will be considered unpaid. Employees shall notify their supervisor prior to taking such a break. Such breaks may be reasonable delayed if they would seriously disrupt City operations.

Private Location

The City will make reasonable efforts to provide lactating employees with the use of a room or

other location, other than a toilet stall, in close proximity to the employee's work area, for the employee to express milk in private. Employees occupying such private areas shall either secure the door or otherwise make it clear to others (such as a sign on the door) that the area is occupied with a need for privacy. All other employees should avoid interrupting a lactating employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area, which if it is located within city limits, may be the employee's residence.

Storage of Expressed Milk

Any employee storing expressed milk in any authorized refrigerated area within the department shall clearly label it as such. No expressed milk shall be stored in a City facility beyond the employee's workday.

OTHER LEAVE

Special Leave Authorized by the Mayor

From time to time the Mayor may authorize the City departments to close for a special event, i.e. Christmas Party or Retirement Party etc. In this case an employee who attends the special event will list that time in the regular column on their time sheet with a comment added indicating the event attended and the time will not affect the employees leave time. If an employee elects to be off on the day of the event and not attend the event, then that employee will be required to claim paid leave for the time they are off work and will not receive credit for any time allowed to attend the event.

The Mayor may also authorize the City departments to close early from time to time for a specific reason, such as the day before Thanksgiving, Christmas Eve or New Year's Eve etc. In this case employees will list that time in the regular column on their time sheet with a comment added indicating specific reason and the time will not affect the employees leave time. If an employee elects to be off for the entire day, the employee will only be required to claim the amount of time their office was open on that day against their paid leave.

Leave Without Pay

When an employee is absent from duty, including any absence for a single day or part of a day and the employee has no accrued leave time, that time must be taken without pay, additionally no leave without pay time may be granted unless or until all of the employee's paid leave time has been exhausted. Without pay time must be approved by the Department Head or in the case of a Department Head the Mayor prior to being taken. Department Heads are limited to approve only 40 hours of leave without pay per employee, per calendar year. In addition, any vacation or sick time that would have been accumulated during the leave without pay time may be pro-rated based on the number of leave without pay hours taken.

The employee is still required to fill out a leave slip for this time and indicate that it is leave without pay. The Department Head or in the case of a Department Head the Mayor shall sign the leave slip if approved and it shall be turned into the payroll department before the end of the pay period. Leave without pay time over 40 hours per employee, per calendar year will not be allowed and subject to disciplinary action up to and including termination. (Except as listed in the note below).

The payroll department will maintain records of all leave without pay time taken by employees and the cost associated therewith and shall forward that on a quarterly basis to the Mayor and City Council for their information.

(NOTE: If the leave without pay time is due to a medical condition, the employee may qualify for leave under the FMLA and therefore not limited under this paragraph, see FMLA section for more information) (The 40 hour cap on leave without pay above does not apply to employees who may be absent due to serving their time as reservists of the Armed Forces or members of the National Guard.)

Unauthorized Leave of Absence

An absence of an employee from duty, including any absence for a single day or part of a day that is not authorized by a specific grant of leave of absence under the provisions of these policies may be deemed to be an absence without leave. Any such absence may be without pay and may be subject to disciplinary action, up to and including termination.

Paid Administrative Leave

An employee may be involuntarily placed on non-disciplinary leave for a period of time, with pay, pending the investigation of any charges against him/her, or for workplace safety and security reasons. This special leave is called Paid Administrative Leave. An employee placed on Paid Administrative Leave is entitled to full regular pay but shall not accrue personal vacation or sick leave for the duration of the Paid Administrative Leave period.

Administrative leave is a discretionary management action, not a benefit or entitlement of employment, and is not intended in any way to alter the at-will status of city employees. Any employee may be placed on paid administrative or non-disciplinary leave, with pay pending the completion of an investigation concerning alleged employee misconduct, the employee's competency or ability to perform his or her duties, or for other just cause as determined by the Department Head or the Mayor. The employee may receive written notice of the paid administrative leave and shall cooperate in any investigation.

If an employee is placed on paid administrative leave pending the outcome of a formal investigation, the duration is open-ended until the investigation is completed, and the results delivered to the Mayor. If formal legal charges are brought against the employee, the employee is removed from paid administrative leave and may be dismissed by the City for violation of policy (Code of Conduct). Moreover, once the official investigation is complete and determination of guilt or innocence is established, the employee is either returned to work with no loss of pay or leave, or disciplined, up to and including termination, as appropriate, at that time.

Paid Administrative Leave, for reasons other than pending investigation, must be selectively used for a short term, only in the City's best interests, and only in circumstances where:

1. The short term and validated health or safety of an employee or any City of Mountain Home employee or property entrusted to the employee's care could be adversely affected;
2. When the City is required under the Americans with Disabilities Act to determine if the employee has the ability to perform the job with or without reasonable accommodation;

3. To determine the employee's competency or ability to perform his or her duties; and
4. When the employee's claimed or perceived medical and/or mental limitations necessitate a fitness for duty evaluation.

Department Heads may determine that an employee be placed on paid leave for the reasons stated above and forward that notification to the City Clerk/HRO and the Mayor. The City should attempt to resolve the issues which led to an employee being placed on paid administrative leave as quickly as possible. Typically, for reasons other than formal investigation for misconduct, policy violations, or criminal charges, paid administrative leave may be directed for up to ninety (90) days and the Mayor may extend the ninety (90) days paid administrative leave period if circumstances warrant – except for formal investigations, and may be revoked by the Mayor at any time.

Paid Administrative Leave is not to be construed as an employment contract or as a guarantee of continued employment.

Compensatory Leave

A request for leave shall be submitted to the employee's appropriate supervisor. Leave may be taken only after approval by the employee's supervisor so that, insofar as practicable, the Department can function without interruption of work schedules. The Department Head may, from time to time, require an employee to take time off using their accumulated compensatory time. (Use of Compensatory Leave and maximum allowed amounts are explained on page 27 of this policy). When an employee is separated from service with the City, he/she shall be paid for all accumulated Compensatory leave at their hourly rate at time of separation.

In order to take leave time (Vacation, Sick or Compensatory), the time must have been accrued in the prior month. If there is no leave time accrued the time cannot be taken. Employees will not be allowed to fall into the negative on any leave time in any given month.

Bereavement Leave

Paid bereavement leave, up to a maximum of five (5) days in hours as noted below, may be granted in the event of the death of an immediate family member of the employee. Immediate family is defined as the employee's spouse, life-partner, children, stepchildren, parents, grandparents, stepparents, siblings, and corresponding mother's or father's in-law. (employees working 8 hours shifts would total 40 hours, 10 hour shifts would total 50 hours and 12 hour shifts would total 60 hours of bereavement leave for the five (5) days maximum period.)

At the discretion of the Department Head bereavement leave may be granted on an hourly basis for an employee to attend a local funeral service, that may or may not be the funeral of a family member.

Military Leave

1. Procedures concerning reinstatement of veterans shall conform to Title 65, Chapter 5, Idaho Code, providing that equal preference be awarded such veterans as exists under Federal Civil Service Statutes.
2. Regular full-time employees who are reservists of the Armed Forces or members of the National Guard engaged in active duty, training, or military aid to enforce the law are

entitled to up to eighty (80) hours of paid leave in any one calendar year and any unused time does not roll over from year to year. Any additional leave time requested over and above the eighty (80) hours shall be leave without pay. (Unless the employee has accrued vacation or compensatory time and wishes to utilize that time for the additional leave. There shall be no cap on the amount of leave without pay time that can be requested while fulfilling military duties.)

3. Part-time employees who are reservists of the Armed Forces or members of the National Guard are entitled to leave without pay, with no cap on the amount of leave without pay hours they can request while fulfilling military duties.

Uniformed Services Employment and Reemployment Rights Act (USERRA)

The City of Mountain Home is proud of its employees in the uniformed services in defense of our country, and fully complies with the Uniformed Services Employment and Reemployment Rights Act (USERRA), as follows:

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

1. You ensure that your employer receives advance written or verbal notice of your service;
2. You have five years or less of cumulative service in the uniformed services while with that particular employer;
3. You return to work or apply for reemployment in a timely manner after conclusion of service; and
4. You have not been separated from service with a disqualifying discharge or under other than honorable conditions.

An employee may be entitled to be restored to his/her previous position with the same status, pay and seniority. Such absence for military training may not affect the employees' right to accrue normal vacation and sick leave. The employee may use vacation or compensatory time during this military leave time.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military. Any cost to continue this benefit would be the responsibility of the employee.

Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

Jury Duty/Civil Leave

An employee will be given time off with pay when performing jury duty or when subpoenaed to appear before any public body or commission. (Excluding Police Officers who are subpoenaed as a part of their employment, which is covered under another section of this policy). If such employee receives payment for such service, he/she shall be required to endorse such payment over to the City, or an equivalent deduction will be made from his/her rate of pay.

Leave of Absence

A full-time regular employee may request a leave of absence without pay for a specified period of time, after all sick leave, vacation leave, compensatory time accruals and leave under the Family and Medical Leave Act of 1993 (FMLA) have been exhausted. The request must be in writing and must be approved by the Department Head, City Clerk/HR Department and the Mayor. The Department Head, City Clerk/HR Department and Mayor will consider, among other things, the following in granting or denying a request for leave of absence: purpose of the requested leave; length of leave; Department work schedules; need to fill the vacated position; frequency of requests for leave of absence, etc. An employee who receives approval and who is in a short or long-term leave of absence status shall not accrue vacation or sick leave.

1. Short Term Leave of Absence: A short term leave of absence will be defined as leave of absence for a period not to exceed thirty (30) calendar days. Employees who are in a short term leave of absence status will be provided all benefits except that he or she shall not accrue vacation or sick leave and if the employee has supplemental benefits, that are not paid by the City, being taken out of their pay check on a monthly basis, the employee will be required to pay for their supplemental benefits out of their own pocket or their supplemental benefits will be terminated by the City. The position will be held for the employee for the thirty (30) day period. If an employee in this status does not return to work within the approved time, he/she may be dismissed as being absent without leave and the position may be filled.
2. Long Term Leave of Absence: A long term leave of absence shall be defined as any leave of absence of more than thirty (30) calendar days but less than twelve (12) months. No leave of absence shall be granted for more than a continuous 12-month period. Employees who are in a long term leave of absence status may not be provided benefits and may not be guaranteed a job with the City upon their return; however, before a position is filled the employee on leave of absence will be notified, if possible, and given the opportunity to return to work. If a position is unavailable upon an employee's return, he/she may request in writing to be placed on a preferred reemployment register.

Family and Medical Leave Act of 1993

The City provides for Family Medical Leave (FMLA) for eligible employees pursuant to federal law. FMLA request procedures are covered in a separate FMLA Manual. Eligibility Requirements are listed below, if you feel you are eligible for FMLA you must see the Benefits Specialist as stated below.

To be eligible for FMLA benefits, prior to any leave request, the employee must meet the following Eligibility Requirements:

1. must have worked for the City of Mountain Home for at least 12 months;

2. must have worked at least 1,250 hours for the City of Mountain Home during the previous 12 months; and
3. the City of Mountain Home must employ at least 50 employees.

The employee must meet all of the above eligibility requirements before FMLA benefits will be extended him/her.

If you feel you are eligible and need FMLA, you must see the Benefits Specialist as soon as possible for an interview to determine your eligibility and receive further assistance.

Remote Work or Telecommuting

Because there are a variety of diverse job functions within the City which would make it difficult to be fair and equitable to all employees, it will be the policy of the City that no remote work or telecommuting within the City will be granted for any position at any time. (Temporary work taken home occasionally is allowed if approved by the Department Head prior to the work being taken home.)

F. EMPLOYEE HIRING, PROMOTION, DEMOTION, RESIGNATION OR TERMINATION

The City is committed to a fair, equal employment opportunity, and open competitive process in the filling of vacancies in order to obtain the best-qualified candidate for the position. Employment decisions will be based on “fully qualified” factors, and at no time will gender, race, ethnicity, age, marital status, or religion be part of the hiring, promotion, or demotion process.

The City may from time to time review its operating structure and work distribution. Some positions may be reconfigured, some positions may be added, and in rare cases, some positions may be eliminated. The City will make these decisions based on the best interest of the City and what is necessary for its efficient operation or available funding. The City may implement established layoff procedures and notify those classified employees impacted by a layoff plan. When reconfiguring a department, the City may also move an employee to a lower grade, but that employee may remain frozen at the same salary as their prior grade until the market catches up with their new grade assignment. Continued employment rights and options can be discussed with the Benefits Specialist at that time. Appointed, exempt employees do not have layoff rights, and can be released by the appointing official at any time their position is removed from the City structure.

All open positions will be posted as stated below through the Payroll Department at City Hall and all applications, with the exception of the Police Patrol positions, shall be received by the Payroll Department at City Hall. After the closing date for the position, the Payroll Department will then provide all applicant information to the appropriate department head or supervisor so that interviews can be completed. Department heads or supervisors will be responsible for setting up their own interviews. If a department head or supervisor is unclear of questions they can or can't ask during an interview, they should contact the City Clerk/HR Department prior to the interviews for clarification. After the interviews the department head or supervisor is required to notify all applicants, who were not chosen for the position (including any who were not interviewed), in writing or by email that they were not chosen and a copy of that written notification should be attached to the application. All applications with written notices attached should then be returned to the Payroll Department to be kept on file for the appropriate amount of time and destroyed once the time limit has ended in accordance with the City's Records Retention Manual. The Police department may receive their applications for Patrol positions directly and may keep those on file at the Police Department until they are destroyed, but the

balance listed above must be followed.

Vacant or new positions may be announced and candidates will be selected based on three levels of opportunity: 1) the position may be offered to the internal employees of that department, providing opportunity for advancement within the City, and if the position is not filled, 2) the City may announce the opening for a period of three (3) days to all internal employees of the City including employees working for the City through an outside employment agency, who possess the requisite job qualifications of knowledge, skills, and abilities, per established job specification, however as stated below this does not mean that a City Employee will be hired to fill the position, merely because they are a City Employee. They must still meet the requirements of the position and be the best fit for the position as decided by the Department Head. If the position is still not filled, 3) the City may announce the job as an open public announcement for all applicants who meet the job qualifications. Job vacancies may be open to all City employees equally, including the application and interview process, before selection is made for the position.

Exceptions: Although the City would prefer that the position be opened internally for 3 days before opening externally, at the discretion of the Department Head, a vacant position may be simultaneously opened internally and externally if desired. Also since the Department Head positions work directly for and are appointed by the Mayor, when filling a Department Head position, at the discretion of the Mayor, the position may be simultaneously opened internally and externally at the same time if desired or need not be posted at all and filled by the Mayor with an appointment of his choosing upon recommendation to the City Council and after their approval.

It is the City's policy, whenever possible, to consider current employees for vacant positions. Because the hiring process may require qualifications and expertise not available among current employees, the decision to go outside of current City employees and open the position for outside recruitment rests with the Department Head. Hiring managers are not required to hire current City employees because the City must be allowed to hire the best qualified applicant; internal employees must meet the same "best qualified" requirements, including both "fully qualified" per the job specification, and "best fit", based on behavioral and personality traits as seen by the interview process. This same process applies to employees who may have worked for the City in the past or in a different department of the City and left that department or employment with the City and may be reapplying for a position that they are already trained or certified to do. The decision to hire such an employee again will be up to the hiring managers or the Department Head based on the "best fit" requirements as stated above, and they will not be required to hire a prior employee back to their department or to the City just because they already know how to do the job or hold a particular certification.

To be eligible to apply for a posted vacant position, all applicants must meet the minimum hiring qualifications for the position and be capable of performing all essential functions of the job, with or without a reasonable accommodation. In addition, a City employee who desires to apply for a posted position must be a regular full time, regular part time or paid on-call employee or an employee currently working for the city through the outside employment agency and an employee in good standing in terms of his or her overall work record. Temporary/Seasonal employees are not eligible to apply during the 3-day internal posting but may apply when the position is open to the public.

An employee with the desired qualifications but with less than six months in their current position may be promoted into a posted position with the approval of the receiving Department

Head. City employees are responsible for monitoring job vacancy notices and for completing and submitting an employment application form during the specified recruitment period.

Finally, any new employee found through fair and firm evidence to have provided fraudulent information on their job application or lied to city hiring officials at any time during the job selection process, shall be immediately terminated from City employment.

ANNOUNCEMENT AND FILLING OF TEMPORARY/SEASONAL POSITIONS

The payroll department shall be notified in writing or via e-mail prior to filling a Temporary/Seasonal position (sometimes referred to as summer over-hire). These positions may be hired by the City through an outside employment or temp agency by the payroll department. If these positions are not filled through an outside employment or temp agency, the payroll department will announce these positions on the jobs posting section of the City website and may but are not required to coordinate with the local Commerce and Labor office for posting any Temporary/Seasonal position openings.

These positions will be filled in the same manner as any other city position.

ANNOUNCEMENT OF ALL OTHER VACANT POSITIONS

The payroll department shall be notified in writing or via e-mail prior to posting a vacant, non-seasonal position and they will maintain the jobs posting section of the City website and may but are not required to coordinate with the local Commerce and Labor office regarding non-seasonal position openings.

Except for department head positions appointed by the Mayor, all vacancies for positions with the City will typically be communicated via e-mail to City department heads and then posted for a period of three days (3 days) in order to give City employees the first opportunity to apply (**see Section F, paragraphs 4 & 5 above for clarification and exception on 3 day posting and paragraph 7 for eligibility requirements**). If only one current City employee applies for an open position, the hiring manager is not required to hire that person based on the definition of meeting “total qualifications” criteria of the hiring manager, but the employee can be grouped into the larger applicant pool from publishing the vacancy outside of the City. The decision to hire internally or continue to seek outside applicants, at any time, will be at the discretion of the department head and dependent upon the total qualifications of the city employees applying. In regard to a Department Head position the Mayor will make that decision.

If not filled after being internally posted as provided above, and not filled through an outside employment or temp agency, the vacancy will be announced according to either of the following requirements:

1. Publicized on the City’s website and may be, but not required at the local Commerce and Labor Office with the assistance of the Deputy City Clerk/Benefits Specialist, and in other places and by such means as the department head deems advisable; OR,
2. When the opening occurs within one-hundred and eighty (180) days of a previous and similar opening within that department, the department head may forego publicizing and select from the applicants from the previous opening.

Application Forms

Application shall be made on forms provided by the Payroll Department. Such forms shall require information covering training, experience, and other pertinent information in

conformance with Equal Employment Opportunity guidelines. All applications must be signed by the applicant. Applicants may also be required to complete a Release of Information form allowing the city to be informed of the applicants' previous education and employment performance, criminal background history and driving record.

Veteran's Preference

The City of Mountain Home will grant a preference to employment of veterans of the U.S. Armed Services in accordance with provisions of Idaho Code Title 65, Chapter 5, or its successor. In the event of equal qualifications for an available position, a veteran or family member who qualifies for preference pursuant to Idaho Code 65-502 or its successor will be employed.

Employment Requirements

All positions will be open only to persons who meet the requirements as listed on the announcement or as previously stated above. Such requirements may include but shall not be limited to experience and training. The applicant who is the "best fit" for the position as determined by the Department Head may be hired.

Receipt and Duration of Applications

Applications received will remain on file for six months. The City may reject an application which indicates that the applicant is deficient in any or all of the requirements as specified in the announcement of the vacancy. An applicant may also be rejected for the practice or attempted practice of fraud or deception in the completion of his/her application, or if his/her past record of employment, criminal background history or driving record is determined to be unsatisfactory.

EMPLOYMENT OF RELATIVES (Nepotism Policy)

1. No person related to a mayor or member of a city council by blood or marriage within the first or second degree shall be hired or appointed to any clerkship, office, position, employment or duty with the mayor's or city council's city when the salary, wages, pay or compensation of such appointee or employee is to be paid out of public funds. (See Idaho State Code Section 18-1359(3)). (Exception see Idaho Code 18-1359(5)(a)).
2. Relatives, as defined above, of any employee shall not be hired, appointed to, transferred to, promoted to or demoted to the same section of a Department where that employee works.
3. Employees of the City cannot supervise a member of their immediate family. At no time shall a Department Head or an employee in a supervisory position hire or employ a relative in his or her Department. If employees working in the same section of a Department become married to each other every effort shall be made to transfer one or the other to another Section.

PROMOTIONS

A promotion is typically defined as 1) an increase in at least one pay grade, or 2) movement from one level in the organization to the next and usually results in movement to a vacant job with significantly different job content, accountability and/or responsibility. If the position is filled internally, and the employee selected for the position has all the necessary job qualifications, their new salary amount will be calculated pursuant to the Salary Plan Administrative Guidelines previously adopted by Council. If the employee is new to the job but is acquiring a significant increase in duties and responsibilities in the new position, the current salary may be adjusted pursuant to the Compa-Ratio Scale and the Salary Plan Administrative Guidelines.

Positions opened for promotion will be announced and selected based on three levels of opportunity at the Department Heads discretion: 1) the position will be offered to the internal employees of that department, providing opportunity for advancement within the City, 2) the City may announce the opening to all internal employees of the City or an employee currently working for the city through the outside employment agency who possess the requisite job qualifications of knowledge, skills, and abilities, per established job description, or 3) the City may announce the job as an open public announcement for all applicants who meet the job qualifications.

It is the City's policy, whenever possible, to consider current employees for promotions. Because the hiring process may require qualifications and expertise not available among current employees, (such as Department Head positions) the decision to go outside of current City employees and open the position for outside recruitment rests with the Department Head or in the case of an appointed Department Head position the Mayor. Hiring managers are not required to hire current City employees because the City must be allowed to hire the best qualified applicant; internal employees must meet the same "best qualified" requirements, including both "fully qualified" per the job classification, and "best fit", based on behavioral and personality traits as seen by the interview process.

Review Criteria

The following administrative review criteria should be considered for promotional increases in conjunction with the Salary Plan Administrative Guidelines:

1. Employee's placement in the new pay grade range in relation to the market rate, pursuant to the Salary Plan Administrative Guidelines;
2. Pay grade difference between the old and the new position;
3. Internal equity balance of the respective department.

Implementation Guideline

Internal equity needs to be reviewed in conjunction with the Salary Plan Administrative Guidelines in consultation with the City Clerk and Benefits Specialist and appropriate adjustments made so that the newly promoted employee is not receiving more than someone who was promoted earlier or who has held the job for more years. In some cases, the promotional increase may be to a lower salary in the new grade due to internal equity.

DEMOTIONS

A demotion is movement from the current job to a job in a lower pay grade. Situations that may result in a demotion include employee requests to be moved back to a lower-graded job due to personal reasons, inability to perform current job or merely a preference for the type of work, or City acknowledgement of the employee's poor performance in the current job. Demotion of the employee to a lower level job is implemented with the purpose that the employee can perform adequately or better than in their previous position.

Review Criteria

The following administrative review criteria should be considered for demotions, in conjunction with the Salary Plan Administrative Guidelines:

1. The specific reason(s) for the demotion;
2. Employee placement in the new pay range in relation to the market rate, pursuant to the Salary Plan Administrative Guidelines;
3. Pay grade difference between the old and new position;
4. Internal equity balance of respective department.

Implementation Guideline

As a result of a demotion, salary will typically be adjusted to a lower salary in the new (lower) grade, which will be retroactive back to the beginning of the present pay period or started at the beginning of the next pay period, whichever is closest to the demotion date.

TRANSFERS

A transfer occurs when an employee moves from one job to another job in the same salary grade. In this case, there is typically no pay adjustment, salary increase, or salary decrease because the two jobs are valued at the same level and have similar internal worth to the organization. It usually is not necessary to change the pay because the employee is not changing the level or complexity of job responsibilities.

Intra-Departmental Transfers

The appropriate Department Head, with the approval of the Mayor, may transfer an employee within his/her department from one position to another in the same grade as long as that employee meets the minimum specifications of the new position.

Inter-Departmental Transfers

To serve the best interests of the City, a transfer of an employee from one Department to another may be accomplished after such transfer has been requested by the Department Head in writing and received the approval of the Mayor and the other Department Head concerned. Requests for such transfer shall show how the employee concerned meets the qualification requirements of the position to which the transfer is proposed.

In the case of both intra and inter-departmental transfers, and there is a salary adjustment, the transferring Department may immediately pay out all overtime (including comp time) accrued by the transferring employee in cash to balance payroll obligations. Vacation accrual shall transfer to the gaining Department at an adjusted amount based on salary at the time of accrual.

RECLASSIFICATIONS

Typically, a job reclassification occurs when the duties and responsibilities assigned to a position have changed substantially in degree of difficulty, level of accountability, and/or qualification requirements to warrant a change in the job's salary grade assignment and alignment within the internal organizational structure. A reclassification may be upward or downward and may result in a new or revised job specification. All reclassification issues would typically be discussed with the City Clerk and referred to the City's outside human resource consulting firm in advance of any reclassification action being taken. An employee occupying the position which has been reclassified downward through no fault of his/her own, should maintain their current salary in the new range. An employee whose position is reclassified to a higher level/grade may receive a salary adjustment, pursuant to the Salary Plan Administrative Guidelines.

Review Criteria

The following administrative review criteria in conjunction with the Salary Plan Administrative Guidelines should be considered for a reclassification salary adjustment:

1. Employee's placement in the new pay range in relation to the market rate, pursuant to the Salary Plan Administrative Guidelines;
2. Pay grade difference between old and new position;
3. Internal equity balance of department.

Implementation Guideline

Reclassification pay increases will normally be made to the salary in the new grade pursuant to the Compa-ratio Scale in conjunction with the Salary Plan Administrative Guidelines. Internal equity needs to be reviewed in consultation with the City Clerk and Benefits Specialist and appropriate adjustments made so that the newly promoted employees are not receiving more than someone promoted earlier or who has held the job for more years. In some cases, the job reclassification may result in a lower salary in the new grade due to internal equity.

DISCIPLINARY ACTION

The City of Mountain Home adopts the following framework for actions to be taken in the event that any employee subject to this policy violates employment policies or fails to perform adequately. Progressive steps may be implemented in order to encourage improved performance or attitude but **are not required**. The City reserves the right to take any of the prescribed steps in order in the event that a supervisor deems a policy violation or action of the employee to be serious enough to warrant a certain step or may not do any steps and go right to dismissal or termination.

The following actions are among the disciplinary steps that may be taken, but are **not required** to be taken, by the supervisor and Department Head in response to personnel policy violations. These steps are suggestions and can be taken in order or some of the steps may be skipped:

- Oral Warning
- Written Reprimand
- Suspension Without Pay
- Demotion
- Dismissal/Termination

Dismissal/Termination

Dismissals are separations made for misconduct, violation of City policy, inefficiency or inability to perform the essential functions of the job, inappropriate behavior, or other disciplinary reasons. Dismissal of an employee shall be effective only after the reasons for such discharge have been specifically stated and discussed with the City Clerk/Human Resource Officer, Mayor and/or City Attorney if applicable. The reasons will be filed with the City Clerk/Human Resource Officer by the Department Head in writing within 2 days of when the dismissal is issued to the employee.

Violation of any of the rules set forth in this policy will be grounds for disciplinary action up to

and including termination. While not all inclusive, the following list provides examples of impermissible conduct or performance that may lead to disciplinary action, possibly including immediate termination. This list is illustrative and not all inclusive and other behaviors and acts of misconduct not specifically set out below may be grounds for disciplinary action including dismissal as well. Nothing contained herein is intended to change the at-will nature of this employee's employment with the City or limit the reasons for which the employee may be disciplined, including termination of employment. The most important of these rules are those addressing attitude and cooperative behavior.

1. Unauthorized leave, excessive tardiness or abuse of sick leave or participation in a scheme designed to create incorrect personnel records or to claim benefits that are not deserved in accordance with City policy.
2. Violation of the rules regarding the reporting of work hours and failure to comply with the City's procedures for approval of time-keeping records including the scheduling and taking of vacation and sick leave.
3. Violation of rules concerning absence from the workplace without proper authorization.
4. Engaging in prolonged visits with co-workers, children, friends or family members that interfere with work in the office/department in which the employee services.
5. Comply with dress standards established by the Department Head in the office/department for which the employee works and as listed in an earlier section of this policy. In the absence of any office/departmental dress standards, clothing will be appropriate for the functions performed and will present a suitable and professional appearance to the public.
6. Violation of the substance abuse policy.
7. Abuse, misuse, unsafe or reckless use of any City property, vehicles or equipment, either on or off duty, at any time or location.
8. Violations of Federal or State Law, City ordinances, administrative regulations, Department rules or safety policies. (No employee will be required to follow the directive of a supervisor that violates laws of any local jurisdiction, the state or nation.)
9. Drinking of alcoholic beverages while on duty, working under the influence of alcohol, illegal drugs, narcotics or impairing prescription medications (see Drug-Free Workplace Policy).
10. Smoking, Vaping and/or Tobacco use in any City Building, Vehicle or Equipment.
11. Engaging in criminal conduct of any kind while on or off duty. City employees are expected to behave in a lawful manner and failure to do so is a violation of the trust placed in such employees by the public and the appointing official.
12. Adhere to any code of ethics in his/her profession.
13. Discovery of a false statement in an application, job performance report or any other related personnel document or paper which had not been detected previously.

14. Avoid conflicts of interests in appointments and working relationships with other employees, contractors and potential contractors in the City and related agencies.
15. Acceptance of gratuities in conflict with City policy as outlined within these rules and regulations.
16. Refusal to be examined by a fully licensed physician when so directed.
17. Engaging in Political activity in conflict with the Personnel Policy. (This rule will not apply to elected officials.)
18. Insubordination (refusal to obey reasonable orders, insolence, unwillingness to submit to authority, an uncooperative or defiant attitude, yelling at supervisor or co-workers, etc.).
19. Failure to work cooperatively and constructively with fellow workers and/or members of the public to provide public service of the highest quality and quantity.
20. Be subject to the administrative authority of the officials who supervise the office/department where the employee works and put forth best efforts to accomplish the work of the City for the public benefit in accordance with policies and procedures adopted by the Mayor and City Council while displaying an attitude of cooperation and constructive participation.
21. Initiating a fight, failure to get along with co-workers or creating a disturbance among fellow employees, resulting in an adverse effect on morale, work production, unpleasant work environment or maintenance of proper discipline.
22. Sleeping on duty, engaging in sexual relations while on duty or absent from the employee's workstation when on duty. Employees must be attentive to their work at all times.
23. Refusal to testify in a properly authorized inquiry or investigation except where such refusal is based upon the grounds of self-incrimination. (Witnesses shall be assured freedom from restraint, discrimination, or reprisal in presenting their testimony).
24. Failure to report criminal convictions and, when the position requires the employee to drive a City vehicle, traffic violations.
25. Maintain a current appropriate driver's license when work for the City requires the employee to drive a vehicle as part of his/her responsibilities. Each such employee must report any state-imposed driving restrictions or suspensions to his/her immediate supervisor and notify his/her supervisor if his/her driving abilities are impaired.
26. Conduct which reflects unfavorably on the City as an employer, which includes conduct away from work that, although not criminal, may reflect adversely upon the City or its officials or otherwise impair the employee's ability to perform.
27. Threatening, intimidating, coercing or interfering with the duties of fellow employees or supervisors at any time.

28. Abusive language, insulting or offensive behavior toward any employee, supervisor, or the public. Abusive language will include profanity and loud, threatening or harassing speech.
29. Carelessness, errors, or inefficiency on the part of the employee relative to work assignments.
30. Failure to perform assigned job duties.
31. Failure to follow chain of command.
32. Personal business conducted on City time.
33. Excessive use of personal phone on City time or in a manner that disrupts workplace activities.
34. Use of city phones or computers in violation of city policy or in a manner that disrupts workplace activities.
35. Unapproved operation of machines, tools, equipment, or vehicles.
36. Causing loss of tools, parts, equipment or other City property due to carelessness or stealing.
37. False statements: This may include the making of a false oral or written statement including any statements solicited by the City and making false or malicious statements which harm or destroy the reputation, authority, or official standing of any individual or organization.
38. Falsification of official records, time sheets, or other records.
39. Breach of confidentiality and/or false charges regarding City policies or procedures.
40. Unavailability for work due to incarceration.
41. Unsatisfactory performance, including unwillingness or inability to get along with co-workers.
42. Engaging in malicious gossip, spreading rumors, engage in behavior designed to create discord and lack of harmony, willfully interfere with another employee's work output or encourage others to do the same.
43. Discriminating in the treatment of fellow employees or members of the public on the basis of race, religion, gender, age, disability or national origin.
44. Theft of City property or utilities or the theft of property belonging to a third party.
45. Failure to comply with or disregard of employment-related guidelines, policies and prohibitions, including this personnel policy.

THIS LIST IS NOT ALL-INCLUSIVE

Other Types of Disciplinary Action

The following provisions may be used when administering disciplinary action. Please note that these actions are guidelines only and may not always be followed.

Suspensions without Pay

An employee may be suspended without pay for a period of up to 80 hours, for violation of City policy. Suspensions without pay are part of the process of progressive discipline used to encourage a change in employee behavior. Suspensions without pay are approved by the Department Head with concurrence of the Mayor and review by the City Clerk/HRO.

Demotions

If a Department Head determines that a demotion shall take place, he/she may demote the employee for cause to a lower grade with fewer responsibilities, lower qualifications, and lower maximum rate of pay. A demotion will be supported by appropriate documentation.

Performance Improvement Plan (Optional)

A supervisor may if they choose, but is not required, to establish a Performance Improvement Plan (PIP) to highlight an employee's lack of satisfactory job performance and expected improvement areas, with measurement points, for a defined period of time.

SEPARATIONS

An employee may be separated from the service of the City by any one of the methods as described below.

Resignation in lieu of Dismissal

If the employee wants their formal records to indicate "voluntary resignation" in lieu of a dismissal or termination, they must do so in writing to their supervisor, department head or City Clerk/HR Department prior to any formal dismissal or termination being completed. Oral resignations will not be accepted.

Evidence of acceptance of a written resignation should be provided to the ex-employee if possible. The supervisor or department head must notify the City Clerk/HR Department before the "voluntary resignation" can be accepted.

Voluntary Resignation/Retirement

Resignations to voluntarily leave employment or retire will generally be made in writing and filed with your supervisor or department head at least two weeks prior to leaving employment. The supervisor or department head shall notify the City Clerk/HR Department as soon as possible to allow for documentation to be prepared accepting the resignation. Oral resignations are not encouraged but will be documented in writing by the supervisor after consultation with the City Clerk/HR Department and department head in charge. Evidence of acceptance of an oral resignation should be provided to the employee if possible.

Employees who have an unexcused, unauthorized absence or fail to report to work for two consecutive workdays without notifying the City will be deemed to have voluntarily resigned their employment with the City.

At the time of separation from employment with the City the employee shall be paid any worked hours accrued from the beginning of the pay period through the last day worked, along with any remaining accrued vacation or compensatory time they may have, within ten (10) working days of their separation date.

Reductions in Force (RIF) or Lay Offs

Employee assignments may be affected by reductions in force made due to economic conditions or to changes in staffing and workload. When financial circumstances or changes of workload require, the City of Mountain Home reserves the right to make any changes in work force or assignment of resources deemed to be in the organization's best interests to maintain the effective functioning of City services. Decisions about the functions or positions to be reduced, reassigned or terminated to make more efficient use of resources or to accommodate budgetary needs pursuant to this section are not subject to a hearing by the City of Mountain Home. However, any employee who believes that he/she has been terminated or reassigned from his/her position as a result of unlawful discrimination may utilize the Opportunity for Name-Clearing Meeting – Assertions of Unlawful Discrimination procedure as set out in this policy.

Loss of Job Requirements

Any employee who is unable to perform his/her job adequately because of a necessary license or other requirement, may be eligible for another vacant position where he/she can meet the necessary job specifications or shall be laid off or terminated from City employment.

PROCEDURE BEFORE AFFECTING PAY

All City employees are At-Will employees however, before you proceed with any decision that may affect the employees pay, i.e. suspension, demotion or termination, please contact the City Clerk/HR Department and the Mayor.

OPPORTUNITY TO BE HEARD – ASSERTATIONS OF UNLAWFUL DISCRIMINATION AND RETALIATION AND “NAME-CLEARING MEETING”

All employees are at-will employees. However, at-will employees may from time to time experience adverse consequences of unlawful discrimination or retaliation. In addition, a public employee who is being demoted with a reduction in pay or terminated from employment based upon allegations of dishonesty, immorality or criminal misconduct is constitutionally entitled to a name-clearing meeting when one is requested.

This policy establishes an opportunity for a meeting before a designated official in the event of a discharge, demotion or lay-off when the employee asserts that the discharge, demotion or lay-off is the consequence of unlawful discrimination by the City or if the allegation involves dishonesty, immorality, or criminal misconduct that would entitle the employee to a “Name-Clearing” meeting. The designated official will be selected on a case by case basis by the City Clerk/Human Resource Officer, Mayor and City or ICRMP assigned Attorney. (If desired, a member of the City Council or City Attorney may be selected to serve as the designated official, if they may do so without any prejudice to the employee or the City.)

Unlawful discrimination addresses actions that are alleged to involve decisions based upon age, sex, race, religion, national origin or disability that is not a bona fide occupational qualification.

Issues involving job performance or employee attitude, without allegations of discrimination, retaliation, dishonesty, immorality or criminal misconduct, are not the proper subject of this meeting procedure and will not be heard. The City of Mountain

Home does not condone discrimination on the basis of the foregoing unlawful categories. Unlawful retaliation addresses actions that are taken against an employee for initiating a charge of discrimination or harassment, or for assisting in any way in an investigation of such charges.

FAILURE TO PURSUE A MEETING PURSUANT TO THIS POLICY MAY CONSTITUTE A FAILURE TO EXHAUST REMEDIES UNDER THIS POLICY AND CONSTITUTES A WAIVER OF THIS OPPORTUNITY.

The elements of procedure to be followed in any such meeting are as follows:

1. The employee may, within fourteen (14) days of his/her termination, demotion or lay-off, submit a written allegation of unlawful discrimination or retaliation, or the basis for entitlement to a name-clearing meeting, stating with particularity the basis for the requested meeting. Meetings filed untimely or failing to state a particular, legally recognized basis for the meeting will not be heard. An employee will be promptly notified if a requested meeting is denied.
2. An employee alleging unlawful discrimination or retaliation, or who is legally entitled to a name – clearing meeting, will be heard before the designated official with the oral meeting to last no longer than one hour.
3. There will be a record maintained as part of the personnel record, including an audio recording of the meeting.
4. The employee's supervisor may provide a brief, written statement at least twenty-four (24) hours prior to the meeting in response to the particular allegation of discrimination or retaliation. The designated official may request that the employee's supervisor participate in the oral meeting.
5. The employee will be provided an opportunity to present evidence upon which the alleged discrimination is based.
6. The designated official may ask questions during this process.
7. The employee may question participants during this process.
8. The Idaho Rules of Evidence do not apply to this opportunity to be heard or name-clearing meeting.

Every such meeting may take place as soon as it can be accommodated by the schedules of those involved. Additional time may be granted at the request of the employee upon a showing that additional time is needed to provide facts necessary to respond to the allegations.

After conducting the meeting, the designated official will consider the information submitted and such other information as might be in the city's records, to arrive at a decision concerning the allegations. Said decision will set forth in writing the reasons for the designated official's determination and will be submitted to the City Clerk/HR department for review by the City Attorney before being sent out to the employee or their attorney. A copy of the final document will be provided to the employee and filed in the official personnel record on file at City Hall.

Additionally, if applicable, any time used by an employee to prepare paperwork for this meeting is the employee's personal time, and at no time will work time or City supplies be authorized for employees to prepare this paperwork. Conversely, any time used by management to receive and review documents or prepare for this meeting is to be accomplished as part of a manager's normal work time and responsibilities.

GENERAL COMPLAINTS

Generally, when an employee fails to comply with the City's policies and procedures or is not meeting performance expectations, the employee's supervisor and/or Department Head will counsel the employee in order to increase their performance to acceptable levels. A meeting

with representatives from the City's employee assistance program may be recommended. Any and all matters will be kept as private and confidential as possible. This policy applies to issues affecting an individual's employment relationship with the City.

Any employee who disagrees with the result of an action impacting employment, other than those affecting pay or termination, may have the right to file a formal complaint with their supervisor and/or Department Head to discuss the matter, but the original personnel action will be final. **Concerns with salaries or salary increases are not grievable under this section.**

Additionally, any time used by an employee to prepare paperwork for this complaint is the employee's personal time, and at no time will work time or City supplies be authorized for employees to prepare complaint papers. Conversely, any time used by management to receive, review, and act upon employee complaints is to be accomplished as part of a manager's normal work time and responsibilities.

G. EMPLOYEE STANDARDS OF CONDUCT

Each City employee is expected to conduct him or herself in a manner that is helpful and productive, and which does not reflect adversely upon the City of Mountain Home. Each employee must recognize that public employees are subject to additional public scrutiny in their public and personal lives because the public's business requires the utmost integrity and care. Each employee is expected to scrupulously avoid personal behaviors that would bring unfavorable public impressions upon the City and its officials.

Any conduct, behavior, or attitude inconsistent with these principles may result in a need to evaluate an employee's willingness to act responsibly and demonstrate a commitment to this City through his or her behavior. Further, violation of any of the rules set forth in City policy shall be grounds for disciplinary action including possible dismissal from employment.

ABSENCE FROM WORK OR TARDINESS

Employees are expected to report to work on time. If, for any reason, you are unable to report for work at your scheduled time, you are expected to notify your supervisor as far in advance as possible, but not later than one-half hour before his/her scheduled starting time so that arrangements can be made to cover your responsibilities. Unless there is an emergency, relatives and friends are not to call on behalf of the employee.

Excessive tardiness or absenteeism causes problems in providing an adequate, qualified work force to meet the organization's workload. The City may make reasonable efforts to find alternative solutions to this problem including possible eligibility for a leave of absence, but it may become necessary to reassign, demote, or terminate and replace an employee so that dependable help is available. The City will afford reasonable accommodation to qualified employees with disabilities. This policy is not applicable to employees on designated state or federal military, family, medical leave or jury duty.

Additionally, nothing in this policy should be construed to change the City's at-will relationship with all employees.

Employees who have an unexcused, unauthorized absence or fail to report to work for two consecutive workdays without notifying the City will be deemed to have voluntarily resigned their employment with the City.

USE OF COMMUNICATION SYSTEMS

City Desk Phones

The use of City owned, and installed desk phones is for the specific purpose of carrying out official City duties and responsibilities. Employees may make local personal calls, in guarded moderation and not during customer service times or in front of customers. Any excessive use of City desk phones for personal use may be subject to disciplinary action up to and including termination.

Facsimile

The primary purpose of the City's facsimile machine is to conduct official City business. Employees may occasionally use the facsimile machine for individual, nonpolitical purposes on their personal time, if such use does not violate the terms and conditions of this policy or interfere with City business.

Use of City and Personal Cellular Phones

The City may issue cellular telephones to employees as necessary for the efficient conduct of City business. The City will allow City Cell phones to be used for personal business if approved by the Department Head and in so far as the personal business does not interfere with the daily work requirements of the employee or workplace and no charges to the City occur. Department Heads will be required to oversee the personal use and can limit the amount of personal use by the employees in their department. Department Heads will also be required to review billing statements regularly and confirm that any personal charges appearing are paid by the employee accruing those charges. The City Clerk's office will provide copies of the monthly billing statements to the Department Heads and will also review the billing statements on a monthly basis to confirm that reimbursements of personal charges are being obtained by the City.

Use of any cellular phone, personal or city-issued, including texting, is expressly prohibited while operating and driving any city vehicle, including heavy duty and special duty vehicles, at any time for any reason. If use of cell phones is required while in a city vehicle, the operator must pull off to a safe parking location, and completely stop/park the vehicle. Violation of this policy will result in disciplinary action up to and including termination.

Exception to this policy is the Mountain Home Fire Fighters and Police Department patrol officers' use of cell phones in the proper conduct of their duties while driving City fire trucks and/or City Police vehicles, and in the best discretion of the situation for the safety of the public. To the maximum extent possible, unless emergency situations call for using cell phones while driving, fire fighters and police officers shall pull off the road and safely use their cell phones, setting the example to the public in safe driving practices. If responding to an emergency situation in their private vehicle the City would expect the same example in safe driving practices to be followed.

Interpretation of these provisions rests with the Department Head or the Mayor.

Limited use of personal/private cell phones, including texting or social media use, on City property or in City buildings or facilities is allowed as long as it is approved by their Department Head, kept to a minimum, does not affect the employee's work or workplace, and does not take place in front of customers. City property includes any facility or job site where City work is being performed. Any excessive use of personal cell phones may be subject to disciplinary action up to and including termination. Compliance with this policy is the responsibility of the Department Head, supervisor, foreman, or job site crew leader.

COMPUTER USE POLICY

The primary purpose of the personal computer is to conduct official City business. Personal computers are defined as any desktop, laptop, tablet, handheld/PDA or mobile computer purchased or leased by the City and assigned to an individual employee or department.

Employees may occasionally use these devices for individual, nonpolitical purposes on their personal time, if such use is approved by their Department Head, does not violate the terms and conditions of this policy or interfere with City business. Employees are required to disclose their computer password(s) to their Department Head or Supervisor, to be kept on file in the office, to always allow access to an employee's computer if they are absent for any given time and shall notify their Department Head or Supervisor if they change their password. Users shall not have any expectation of privacy as to the use of City computers.

City May Monitor Computer Usage

The personal computer is a tool for meeting the needs of the City. It is City property and the City shall have the right to monitor the use of such property at any time. As stated above, users shall not have any expectation of privacy as to the use of City computers.

All passwords must be provided to the department supervisor at all times as stated above.

Compliance with Laws Regarding Computer Use

Use of personal computers must comply with all federal, state, and local laws and regulations, and City adopted policies, procedures, standards and guidelines.

Prohibited Uses

1. Users of personal computers or cell phones shall not access, load, download or distribute pirated software or data from any source, nor any inappropriate images.
2. Users shall not access, load or download entertainment software or games of any type on City owned or leased personal computers or cell phones.
3. Users shall only load or download approved software necessary for conducting City business and shall take all necessary actions to have such software properly licensed and registered as required. Downloaded software shall be used only under the terms of its license.

Remember there is a reason why the City security software may provide warnings. Never allow or say "yes" to any action, unless you know that it is safe.

City May Inspect Files

The City has the right to inspect any and all files stored in secured areas of City networks, on computing devices owned or leased by the City, or on any other storage medium provided by the City for City business (including but not limited to floppy disks, tapes, thumb drives, and Compact Disks) in order to monitor compliance with this policy.

Penalties for Violations

A City employee may be held accountable for unauthorized or illegal use of City owned or leased personal computers or cell phones. Violations of this policy may result in criminal prosecution, and/or disciplinary action up to and including termination.

Employee Responsibilities

Personal computer and cell phone users are to ensure that access is secure and limited to City employees for official business or occasional personal use as previously stated and make every effort to keep the equipment clean and in good working order.

INTERNET USE POLICY

City Authority to Monitor Employee Internet Usage

Access to the Internet is a tool for meeting the needs of the City. Internet access is considered City property and the City has the right to monitor the use of such property at any time.

Therefore, users shall not have any expectation of privacy as to their Internet usage through City computers, cell phones and networks.

Purpose of Individual Internet Use

The primary purpose of Internet use is to conduct City business. Employees may occasionally use the Internet for individual, nonpolitical purposes on their personal time, if such use does not violate the terms and conditions of this policy or interfere with City business.

Prohibited Internet Uses

1. Users may not download, store, transmit, or display any kind of image or document on any City system or cell phone that violates federal, state or local laws or regulations, or that violate any City adopted policies, procedures, standards or guidelines.
2. If a user accidentally connects to a site that contains sexually explicit or otherwise offensive material, he/she shall disconnect from the site immediately and report the incident to his/her supervisor.
3. Use of the Internet as described below is strictly prohibited, **except where required for performance of job duties (example: law enforcement)**.
 - Viewing or distributing obscene, pornographic, profane or sexually oriented material;
 - Violating laws, rules and regulations prohibiting sexual harassment.
 - Encouraging the use of controlled substances for criminal or illegal purposes.
 - Engaging in any activities for personal gain.
 - Obtaining or distributing copyrighted information without permission.
 - Obtaining and distributing advertisements for commercial enterprises, including but not limited to goods, services or property.
 - Violating or infringing upon the rights of others.
 - Conducting business unauthorized by the City.
 - Obtaining or distributing incendiary statements which might incite violence or describe or promote the use of weapons.
 - Obtaining or exchanging proprietary information, trade secrets, or any other privileged, confidential or sensitive information that is not authorized.
 - Engaging in any political activity prohibited by law.
 - Using the system for any illegal purpose.
 - Knowingly or willfully create or propagate any virus, worm or other destructive program code.

- Users shall not access internet radio (such as Pandora for example), the use of internet radio ties up the internet connection and reduces the speed for all departments. (Locally cached media services are approved, so long as they are not constantly streaming music, iTunes for example would be approved).
- Users shall refrain from streaming media and shall not access social media sites, such as Facebook, twitter, youtube, pinterest, etc., except for work purposes, such as updating a city Facebook page, a City website or for official City business.

Internet Downloads

1. Users shall not download or distribute pirated software or data from any source nor any inappropriate images.
2. Users shall not download software unless it is necessary for conducting City business and shall take all necessary actions to have such software properly licensed and registered as required. Downloaded software shall be used only under the terms of its license.

Remember there is a reason why the City security software may provide warnings. Never allow or say “yes” to any action, unless you know that it is safe.

City May Inspect Files

1. The City has the right to inspect any and all files stored in secured areas of City networks, on computing devices owned or leased by the City, or on any other storage medium provided by the City for City business (including but not limited to floppy disks, tapes, thumb drives, and Compact Disks) in order to monitor compliance with this policy.
2. Authorized individuals, as part of their job responsibilities, may investigate and monitor Internet “links” appearing on City owned web sites to ensure linkage to inappropriate or unauthorized web sites does not exist. Discovery of any such violation shall result in the immediate deletion of the “link” and a report to the appropriate supervisor(s) for further action.

Penalties for Violation

An Internet user may be held accountable for any breaches of policy, security or confidentiality resulting from their use of the Internet. Violations of this policy may result in disciplinary action up to and including termination.

Employee Responsibilities

Users shall schedule, wherever possible, communications-intensive operations such as large file transfers, video downloads, and similar activities for off-peak usage times.

ELECTRONIC MAIL AND MESSAGING USE

Definitions

Electronic Mail (E-mail) is any electronic communication between two or more individuals and may contain any form or combination of text, audio, video, drawings, or photographic representation.

Electronic Mail Usage

Electronic Mail is a tool for government communication. Users have the responsibility to utilize this resource in an efficient, effective, ethical, and lawful manner. Electronic Mail communications shall comply with all applicable federal, state and local laws and regulations; City adopted policies, procedures, standards and guidelines; and generally accepted business etiquette.

The primary purpose of Electronic Mail is to conduct official business. Employees may occasionally use Electronic Mail for individual, nonpolitical purposes on their personal time, if such use does not violate the terms and conditions of this policy or interfere with City business.

City Email Addresses

All City employees will be assigned a City email address at the time of employment which will consist of the first initial of their first name and their complete last name followed by @mountain-home.us. (Example jsmith@mountain-home.us). This email address belongs to and is the property of the City of Mountain Home and cannot be transferred to or used by the employee once that employee no longer works for the City as an Employee. (Exception: In addition to the mountain-home.us email address, employees of the Police Department and Animal Shelter may also be assigned email addresses that end with @mhpd.net and the same rules as stated above will apply. These addresses will be linked so that all emails will be received at the appropriate address).

City Authority to Monitor Electronic Mail

All Electronic Mail accounts maintained on City systems are the sole property of the City. The City will have the right to monitor any employee's Electronic Mail account. Any unauthorized or inappropriate use discovered during such monitoring activities shall be formally reported to the appropriate supervisor for determination of appropriate action.

Electronic Mail Messages Constitute City Property and Public Records

Users shall not expect their Electronic Mail communications, documents, or other information on City Computers to be private and shall not use the Electronic Mail system for matters that are not intended for public disclosure. Confidential matters, permitted by law, shall be so marked and shall include a warning regarding accidental transmission to a third-party. Electronic Mail messages shall be considered City property, constitute official records of the City, and are subject to existing documents retention and public records policies. Sending data via Electronic mail shall be considered the same as sending correspondence on official memo or letterhead.

Prohibited Uses of Electronic Mail

Use of the Electronic Mail system as described below is strictly prohibited. Users who receive such information shall not forward or respond to it but shall immediately report its receipt to their supervisors for proper disposition.

1. Knowingly or intentionally creating, publishing, transmitting, and/or exchanging messages that are inappropriate, offensive, harassing, obscene, or threatening.
2. Creating or distributing Electronic Mail containing defamatory, false, inaccurate, abusive, threatening, racially offensive or otherwise biased, discriminatory or illegal material.
3. Viewing or distributing obscene, pornographic, profane or sexually oriented material.
4. Violating laws, rules and regulations prohibiting sexual harassment.

5. Encouraging the use of controlled substances for criminal or illegal purposes.
6. Engaging in any activities for personal gain.
7. Distributing copyrighted information without permission.
8. Distributing advertisements for commercial enterprises, including but not limited to goods, services or property, unless such advertisements are part of requested vendor information to be used in carrying out City business.
9. Violating or infringing upon the rights of others.
10. Conducting business unauthorized by the City.
11. Transmitting incendiary statements which might incite violence or describe or promote the use of weapons.
12. Conducting any non-City supported fund-raising or public relations activities.
13. Exchanging proprietary information, trade secrets, or any other privileged, confidential or sensitive information that is not authorized.
14. Creating or exchanging solicitations, chain letters, and other unsolicited Electronic Mail.
15. Registering to list servers unrelated to City business, without proper authorization.
16. Lobbying elected officials on issues not sanctioned by the City or engaging in any political activity prohibited by law or using the Electronic Mail system for any illegal purpose.

Penalties for Violation

Individual use of the Electronic Mail messaging system is subject to monitoring by the City. Violations of this policy may result in disciplinary action up to and including termination, reassignment, revocation of Electronic Mail privileges, and/or legal action.

Employee Responsibilities

Employee using the Electronic Mail system shall be deemed to have accepted the responsibilities and obligations imposed by federal, state and local laws, as well as City policies, procedure, standards and guidelines.

1. Users shall not pursue, obtain exchange, or distribute any non-authorized information that could cause congestion or disruption to Electronic Mail systems such as screen savers, audio or video clips, or in violation of any licensing agreement.
2. Users shall not access another's Electronic Mail system without authorization from that user or that user's supervisor.

3. Users shall not compromise the privacy of their password by giving it to others or exposing it to public view. You may be required to change your password on a regular basis. (Exception: All passwords must be provided to the department supervisor at all times as previously stated).
4. Users shall schedule, wherever possible, communications-intensive operations such as large file transfers, video downloads, mass Electronic Mailings and similar operations for off-peak usage times.

SOCIAL MEDIA USE

Purpose

This document defines the social networking and social media policy for the City of Mountain Home, Idaho, and all departments thereunder. To address the fast-changing internet landscape and the way residents communicate and obtain information online, the City encourages the use of social media to further the goals and missions of its departments, where appropriate. This policy establishes guideline for social media use for all City Employees on both official and personal platforms.

Social Media Venue

A Web site that leverages Social Media and communications tools for its visitors. Examples include but are not limited to, YouTube, Flickr, Facebook, Linked-in, Yelp, Google+, Pinterest, Path, Picasa, Wikipedia, Twitter, Instagram, Snapchat, my-space, forums, message boards, chat rooms, etc. Social Media also comes in various forms which include but are not limited to, internet forums, blogs, online profiles, wikis, podcasts, pictures, video, email, instant messaging, music sharing, and voice over IP.

Social Media Acceptable Usage

Social Media communications on official City sites, shall comply with all applicable federal, state and local laws and regulations; City adopted policies, procedures, standards and guidelines; and generally accepted business etiquette. It also provides guidelines for employees' personal use of social media both at work and off duty.

All official posts and interactions on official social media outlets should remain professional in nature and should always be conducted in accordance with the City's communication policy, practices and expectations. Only individuals authorized by the City may create posts or release information to the public via official City social media platforms. City Employees should be aware that all published social media content on City sites is subject to monitoring. Users have the responsibility to utilize this resource in an efficient, effective, ethical, and lawful manner. The primary purpose of City social media or social networking sites is to conduct official City business. City employees must not use City social media or social networking sites for political purposes, to conduct private commercial transactions, or to engage in private business activities. City employees should be mindful that inappropriate usage of City social media or social networking sites can be grounds for disciplinary action up to and including termination.

City employees should refrain from using or posting to their private social media or social networking sites during working hours.

Accurate Information

City Employees must not knowingly communicate inaccurate or false information on a City site. All reasonable efforts should be made by the City Employee to provide only verifiable facts on City sites—not unverifiable opinions.

Posting to City Social Media, Websites or Blogs

City employees that are tasked with maintaining the City social media sites, social networking sites, blogs and websites, or establishing a social media presence on behalf of the City, should refrain from stating their personal opinions in regard to a City position or opinion. You may be expected to create a dialogue. Unfortunately, people won't always agree on an issue. When confronted with a difference of opinion, express points in a clear, logical way. Provide relevant facts and context; don't pick fights. When making a correction, be sure to make it clear that you have done so. Sometimes, it's best to ignore a comment and not give it credibility by acknowledging it with a response. If you feel the issue is something that you are not qualified to answer, or you would rather not respond to a comment please turn the issue over to the City Communications Specialist to take care of the matter.

Remember there is a reason why the City security software may provide warnings. Never allow or say "yes" to any action, unless you know that it is safe.

Posting to Private Social Media, Websites or Blogs

All City Employees may have personal social media or social networking sites. These sites should remain personal in nature and may be used to share personal opinions about non-work related information. Following this principle helps ensure a distinction between sharing personal views and having one's view interpreted as an official City standpoint.

City Employees must not use their City email address in conjunction with personal social media sites.

City employees that post to private social media sites, social networking sites, blogs and websites, should refrain from sending or posting discriminatory, harassing or threatening messages or images. Sending or posting messages or material that could damage the image or reputation of the City or City Officials. Sending or posting messages that defame or slander other individuals. Passing off personal views as representing those of the City. Employees should encourage family members to abstain from the above as well.

Employees may access social media while at work within the parameters of the City's policies. They must limit use to personal time, such as breaks, lunch periods and when off-duty. It must not interfere with or be disruptive to City business or the employee's job duties.

If an employee speaks about job-related content on personal social media, or makes reference to the City, people may perceive that the employee is acting on behalf of the City. When making such statements, the employee must clearly state that the statements are the employee's personal views and are not the views of the City. An example of such disclaimer is "The views, opinions, ideas and information expressed are my own and do not reflect the views of my employer and are not in any way attributable to the City of Mountain Home."

Participation in social media, whether through the City or non-City internet resources, and whether made while on or off duty, must not violate the privacy rights of other city employees, customers, citizens or business partners.

When participating in social media, employees must not violate any city policy.

Employees may be disciplined, up to and including termination, for engaging in inappropriate social media activity while either at work or away from work that impacts the work of the city, the employee or any other city employee. Examples of inappropriate social media activity includes, but is not limited to, any of the following:

1. Promoting or taking part in activities which violate federal, state or local laws;
2. Making false or misleading statements about any city employee, the city, city customer, business partner, vendor or supplier;
3. Making disparaging remarks toward or about any city employee, the city, city customer, business partner, vendor or supplier that are based on race, color, religion, sex, age, national origin, citizenship, physical or mental disability, genetic information, veteran status, sexual orientation, gender identity/expression or any other characteristic protected by law;
4. Using social media to bully, threaten harm, harass, discriminate or retaliate against any city employee, city customer, business partner, vendor or supplier;
5. Posting content or making comments that purport to express the opinion of the city.

Nothing in this policy grants an individual right to, or may be construed to provide, an expectation of privacy, including while engaged in personal social media:

1. Persons who use social media should be mindful that once content is placed online, it is no longer under their control and content shared through private social media does not always stay private;
2. Employees have no expectation of privacy while using city digital equipment or facilities for any purpose, including the use of email or other electronic communications of any kind, to download, transmit, post, comment or store information;
3. Regardless of password use and privacy settings, and without notice to the employee, the city may retrieve, review, monitor or log internet usage and content found on city systems and digital equipment.

Employees are free to express themselves as private citizens on social media sites about matters of public concern as long as their speech does not impair working relationships within the city, impede the performance of duties, impair harmony among co-employees or negatively affect the public perception of the city.

Employees are cautioned that speech on or off duty, made pursuant to their official duties, is not protected speech under the First Amendment and may form the basis for discipline if deemed harmful to the city.

Failure to abide by these rules or to consent to any interception, monitoring, copying, reviewing and downloading of any communications or files is grounds for discipline, up to and including termination.

CONFLICTS OF INTEREST

Employees shall avoid conflicts of interests in appointments and working relationships with other employees, contractors and potential contractors in the City of Mountain Home and related agencies. No employee shall engage in conduct which violates the laws of the State of Idaho, including but not limited to I.C. 18-1356 (accepting gifts that exceed a value of \$50), I.C. 74-401 et seq. (Ethics in Government Act), I.C. 74-501 (Prohibitions Against Contracts) and I.C. 18-1359 (Using Public Position for Personal Gain).

GIFTS AND GRATUITIES

It is against the law for employees to accept gifts, gratuities or loans from organizations, business concerns, or individuals with whom he/she has official relationships regarding City business. These limitations are not intended to prohibit the acceptance of articles of negligible value (less than \$50.00) which are distributed generally, or to prohibit employees from accepting social courtesies which promote good public relations, or to prohibit employees from obtaining loans from regular lending institutions.

Employees shall not accept gifts or gratuities in any personal or professional capacity which could create the impression that the giver was seeking a favor from the employee or official in violation of I.C. 18-1356 and I.C. 18-1357.

It is particularly important that inspectors, contracting officers and enforcement officials guard against relationships which might be construed as evidence of favoritism, coercion, unfair advantage or collusion.

OUTSIDE EMPLOYMENT

Outside employment is any paid employment performed by an employee in addition to his/her employment with the City. The following criteria shall apply to outside employment:

1. Such employment shall not interfere with the efficient performance of the employee's duties. Phone calls, written correspondence, or any other means of communication concerning the outside employment will not be tolerated on City time or property.
2. Such employment shall not involve a conflict of interest or conflict with the employee's duties.
3. Such employment shall not involve the performance of duties which the employee should perform as part of his/her regular City employment.
4. Prior to accepting outside employment, the employee must notify their Department Head and obtain prior approval. The City is the primary employer, full time employees are public servants, and as such the City is entitled to knowledge of possible employee conflict of interests with outside employment.
5. All Mountain Home Police Department employees must request approval from the Mountain Home Chief of Police for all outside employment. The MHPD is a public safety agency and employees must be readily accessible at all times for emergencies and other public safety needs. Actual or perceived conflicts of interest, created by outside employment, can significantly impact the reputation and credibility of the MHPD and its officers and staff.

TRAVEL TIME

Travel expenses will be paid to any employee to travel on official business, based upon prior approval of the Department Head. Department Head travel will be authorized by the Mayor. The Mayor's travel will be authorized by the City Council. The City desires its employees to travel and conduct business in comfort. However, they are expected to exercise good judgment in distinguishing between comfort and extravagance. All employees traveling or incurring business expenses on behalf of the City of Mountain Home and those responsible for the approval of these expenses are expected to use thriftiness in maintaining control over travel expenses and meal reimbursement.

Once an employee has been authorized to travel, the following compensation practices will apply for all non-exempt employees:

1. All Travel time for meetings/classes/trainings in the local area (within reasonable driving distance i.e. between Caldwell and Twin Falls) will be compensated for both the driver and the passenger/s, regardless of whether or not that time falls within normally scheduled workdays or hours.
2. Out-of-town/overnight travel-time spent as a passenger on an airplane, train, boat, bus, or as a driver or passenger in an automobile will count towards hours worked from the time you leave Mountain Home until you arrive at your destination and again on your return trip from your destination until you arrive back in Mountain Home, regardless of whether or not that time falls within normally scheduled workdays or hours.
3. Additionally, employees will be compensated for all time spent attending class, as directed by the City, regardless of the class start and stop times and scheduled days.
4. Any time spent other than travel time or class time is not counted as hours worked and will not be compensated, unless this time falls within normally scheduled workdays or hours.

Out of Town Travel Expenses

Employees that are required and have received prior authorization to travel on business for the City will be paid a sufficient amount to cover all pertinent expenses incurred. The following limitations are set forth:

1. The City will provide round trip transportation to the training event.
2. Travel will be accomplished by the most expeditious means; whether it by air, bus, train, City or private automobiles. The use of City owned vehicles should have a high priority over use of private vehicles. If a private car is used the current IRS mileage reimbursement rate which is adopted by the City will be paid to cover travel costs. If by commercial carrier, the full cost of the ticket will be paid. In all cases, the cost paid will be based on the most practical mode of travel and least expensive route.
3. All expenses must be accounted for and verified by **itemized** receipts showing in detail the specific items purchased. Only expenses of a reasonable nature will be considered for reimbursement. **Expenses not accompanied by an itemized receipt will be the responsibility of the employee.**

4. Meals will be reimbursed based on actual cost, not to exceed \$50.00 for a full day of meals while away from home. For a partial day, cost should not exceed \$12.00 for breakfast, \$15.00 for lunch and \$23.00 for dinner. If a City credit card is used the same limitations apply.
5. Alcoholic beverages will **not** be reimbursed and shall not be charged on City credit cards.
6. It is the employee's responsibility to separate charges so only allowable costs are charged to the City and non-allowable costs (such as alcohol, personal telephone calls, movies, etc.) are paid by the employee at the point of purchase. If the establishment does not have the ability to separate these costs, then only allowable items should be purchased.
7. For other than overnight travel, Department Heads and staff should plan travel so that meal costs are avoided whenever possible.
8. If meals are furnished as part of a conference registration fee, the employee will be reimbursed only for meals not provided.
9. If overnight lodging is required and more than one employee of the same sex are traveling together, the Department Head may require two (2) employees to share one (1) room to limit the cost charged to the City. At no time will employees of the opposite sex be required or allowed to share accommodations, unless the two employees are married to each other.
10. Reimbursement will not be made to an employee for expenses of meals and lodging while staying with friends/relatives unless the friends/relatives are in the business of providing such services and advertise such to the general public.

Local Travel Expenses

Department Heads and staff should conduct business, so meal and travel costs are not incurred within the city limits. Unless specifically approved by the Mayor, meal costs for local department staff meetings or training will not be reimbursed. Meals for community meetings or training scheduled outside the control of the department may be reimbursed under the same conditions as Item 3, above, when attended as part of the employee's job requirements.

The use of City vehicles should have priority over use of private vehicles. If private vehicles are used, the use must be restricted to City business and the employee will be reimbursed at the current IRS mileage reimbursement rate which is adopted by the City.

CREDIT CARD POLICY

The City maintains a limited number of bank credit cards. All employees using City Credit Cards will be subject to the following rules: (Also see City Purchasing Policy)

1. Department Heads will be held responsible for all charges on their department's cards.
2. Each card should be kept in a locked, secure location until checked out for use. If you prefer, they can be kept in the City Hall vault until needed by your department.

3. Cards must be checked out in writing from the Department Head or their designee prior to use by an authorized employee and checked back in when completed. Cards should not be carried by any employee on a day to day basis.
4. **Itemized Receipts are required** for all charges made on the city credit cards. Itemized receipts shall be provided by the employee when the card is checked back in. The Department Head or their designee shall write on the receipt that a credit card was used and turn those itemized receipts into the Accounts Payable Department as soon as turned in by the employee. Accounts Payable will provide those receipts to the Deputy Treasurer monthly for reconciling of the account statements.
5. If no itemized receipt is provided the employee shall be held personally responsible for those charges.
6. Department Heads or their designated employee are expected to know the location of each card at all times.
7. Cards should be used only when absolutely necessary, and every effort should be made to avoid the use of a City Credit Card when a vendor charge account is available.
8. Extreme caution should be used when providing the City's credit card number by phone or by the internet.
9. **The cards are NEVER to be used to purchase alcohol, for personal charges or to obtain cash.**
10. The accounts payable department will review all statements for compliance with City and statutory rules and regulations. However, the primary responsibility for the propriety of the expenditure rests with the Department Head who used or released the card. Every time a card is used it is a matter of public record and a commitment of City funds. Make certain that all charges are reasonable and cost effective and would pass the public's scrutiny if printed in the newspaper.
11. Periodic on-site reviews may occur by the City Treasurer to verify that all cards are still in the City's possession.
12. If your department's cards are lost or stolen, or if you suspect someone has obtained the card number notify the City Clerk immediately. Lost or Stolen cards are the responsibility of the Department Head. The City Clerk will notify the credit card provider to lock and cancel the card and a replacement card will be ordered. Prompt action in these cases is expected.
13. Abuse of the card by a Department Head or their staff may result in disciplinary action, up to and including termination.

POLITICAL ACTIVITY

All employees have the freedom of choice and expression in politics and no inquiry will be made regarding political affiliations. Employees are encouraged to exercise their right to vote and, as citizens, have definite rights including:

1. Freedom to belong to a political organization.
2. Right to make voluntary contributions to political parties or individuals.
3. Right to attend political gatherings.

In each of the above rights, it must be understood that such participation by an employee is strictly a personal participation, and no one is entitled to connect the City of Mountain Home with any political activity or function.

No political picture, sticker, badge or button may be displayed on City equipment or buildings.

Also, the display of political or candidate preference badges on one's person during working hours is prohibited. The use of public facilities by City employees for political activity shall be prohibited.

Any classified employee may, on personal off-duty time, campaign for or against elected officials or ballot measures, provided he or she does not disturb or disrupt work schedules of any on-duty employees. Any employee running for a political office shall not be allowed to campaign while on duty or among any on-duty employees.

SAFETY POLICY

All City employees should be familiar with the general safety policy and departmental safety procedure manual where applicable. Accident prevention shall be an integral part of each employee's job. Department Heads and Supervisors may review safety topics, at regular monthly department or staff meetings and the City may provide safety training on a regular basis. Accidents resulting in injuries to employees or damage to public or private property must be reported promptly to the employee's immediate supervisor or Department Head, the City Clerk and, in the case of accidents involving vehicles, to the Police Department.

NEAR-MISS, PROPERTY DAMAGE AND INJURY REPORTING POLICY

Workers Compensation Insurance is required by Idaho law and is part of the City of Mountain Home's Employer insurance program cost.

The City of Mountain Home complies with the specific language for law enforcement employee compensation pursuant to I.C. Title 72, Chapter 11.

Overall workers compensation insurance costs can be drastically reduced by controlling the frequency and severity of job-related injuries occurring in our operations. This control is important, not only from a financial standpoint, but also from a humanitarian standpoint, i.e., preventing suffering of our employees and loss of their earning capacity.

In view of the above, and to control the effects of job-related injuries, the following procedures apply to all employees:

1. Employees shall immediately report all near-miss, property damage, and injury incidents to their supervisor or Department Head. All injuries will be documented even though a physician's attention may not be deemed necessary. Forms are available through Supervisors or Department Heads. This is for the employee's personal protection.
2. Obtain information/authorization from your supervisor before seeking medical or hospital treatment, whenever possible. This is for the employee's own protection to speed up the claim payments.
3. Because the Mayor and Council are vitally interested in the best medical treatment and follow up care for any injured employee, any injured employee must seek treatment at the Occupational Health Clinic located within St. Luke's Elmore, but if the Occupational Health Clinic is closed they may proceed to the emergency room at St. Luke's Elmore for treatment.

4. Supervisor must immediately complete a Supervisor Accident Report Form and submit it to the City Clerk, no later than 24 hours after the incident.
5. As soon as the injured employee is able, the Supervisor will meet with the employee to discuss the incident and ways to prevent it from happening in the future. The main purpose for this meeting will be to look for the facts and listen to the employee comments, not to assign fault.

These procedures are in no way intended to curtail medical attention for valid job-related injuries, but rather, to aid and protect employees, provide best care, and hasten payment of medical bills and/or compensation.

Supervisors, with the full cooperation of all employees, may be directly responsible for monitoring and enforcing safe operating procedures, work methods, and working conditions, protecting the safety and welfare of fellow employees, investigating all accidents whether or not they result in injuries, and correcting all unsafe work conditions and practices. Supervisors should be aware that they may be held accountable for the accident not just the injured employee.

SOLICITING

No peddling, solicitation or sale for charitable or other purposes shall be allowed in City offices or on City property during working hours without the specific approval of the Department Head involved.

EMPLOYEE RESIDENCE

The City extends equal opportunity of employment to all qualified persons regardless of their place of residence provided the employees are capable of meeting their job schedules and as stated below.

Public safety positions requiring quick response time may have special requirements as stated in the additional Police Department Specific Policies below. Additionally, all appointed employees and department heads employed by the City of Mountain Home must reside within Elmore County and preferably within the City limits of Mountain Home. The City encourages all employees to live within the Mountain Home area.

CITY VEHICLES

City vehicle use is covered under a separate City Vehicle Use Policy. In addition to this policy all employees are required to read and be familiar with that policy as well.

ABUSE OF CITY PROPERTY

Each employee is expected to take care of and to not abuse any City property at any time, either on or off duty, and at any location. Any abuse, misuse, unsafe or reckless use of City property, including vehicles and equipment shall be subject to disciplinary action, up to and including termination.

SURRENDER OF CITY PROPERTY

Whenever any employee separates from City services he/she shall be responsible to surrender all property that was issued to him/her in the performance of the position. It is expected that the property will be returned in the same condition in which it was received, normal wear and tear from the ordinary and careful use thereof excepted.

H. ADDITIONAL POLICE DEPARTMENT SPECIFIC POLICIES

INTRODUCTORY PERIOD

The introductory period for certified officers will typically be one year in length or as defined at time of employment, but this introductory period in no way limits the at-will status of the employee.

HOURS OF WORK

Sworn, non-exempt, Uniformed Patrol Officers will fall under a 168 hour per 28-day work schedule. Hours worked beyond 168 hours in a 28-day work period may be considered overtime. All other sworn, non-exempt, personnel will fall under a 40 hour per week work schedule. Hours worked beyond 40 hours in a weekly work period may be considered overtime. Sick leave, holiday, vacation and compensatory time shall not be counted as hours worked. The City requires supervisor and/or manager approval prior to any overtime work. Any City employee working overtime without prior approval is subject to disciplinary action.

Sworn Law Enforcement Officers and Firefighters may be subject to the special exception for their respective professions under 29 U.S.C. § 207(k), which allows City Council to establish a flexible work period up to twenty-eight (28) days. Overtime compensation at one and one-half (1 ½) times the hours worked is to be paid for qualifying law enforcement officers' or for qualifying firefighters' hours beyond those established by the 29 U.S.C. § 207(k) schedule. For these special exception employees, compensatory time will accrue on the paycheck which follows the conclusion of each work period.

Over-time – Eligible Sworn Police Personnel

Overtime compensation for the employees of the Mountain Home Police Department may only be authorized by the Chief of Police or his designee. In the case of an emergency situation, overtime must be submitted for approval to an immediate supervisor within twenty-four (24) hours of the incident involved.

Reimbursable Overtime

All reimbursable overtime shall be paid at one and one-half (1 ½) times the regular rate of pay. Reimbursable overtime is overtime funded by sources outside the City of Mountain Home budget. (An example of reimbursable overtime would be traffic enforcement overtime funded by the Idaho Transportation Department Office of Highway Safety or a similar program.)

ADDITIONAL COMPENSATION

Detective

Detective positions within the Mountain Home Police Department will receive a rate of 5% over and above their base pay. When an officer is no longer assigned to a Detective Position, the 5% pay rate will be removed for that individual employee. **The Department Head or Supervisor will be responsible to notify the payroll department when an officer is removed from the Detective Position.** (If the Detective is also a K-9 Handler, the K-9 Handler care, and maintenance pay only as stated below will be paid in addition to this 5% for being a Detective.)

School Resource Officer (SRO)

School Resource Officer positions within the Mountain Home Police Department will receive a rate of 3% over and above their base pay. When an officer is no longer assigned to a School Resource Officer Position, the 3% pay rate will be removed for that individual employee. **The Department Head or Supervisor will be responsible to notify the payroll department when an officer is removed from the SRO Position.** (If the SRO is also a K-9 Handler, the K-9 Handler care, and maintenance pay only as stated below will be paid in addition to this 3% for being an SRO. If the SRO is also assigned to be a Detective only the 5% pay rate will apply.)

Polygraph Examiner

Polygraph Examiner positions within the Mountain Home Police Department will receive a rate of 3% over and above their base pay. When an officer is no longer assigned to a Polygraph Examiner, the 3% pay rate will be removed for that individual employee. **The Department Head or Supervisor will be responsible to notify the payroll department when an officer is removed from the Polygraph Examiner Position.** (If the Polygraph Examiner is also a K-9 Handler, the K-9 Handler care, and maintenance pay only as stated below will be paid in addition to this 3% for being a Polygraph Examiner. If the Polygraph Examiner is also assigned to be a Detective only the 5% pay rate will apply.)

Field Training Officer (FTO) and Officer in Charge

Field Training Officer (FTO) and Officer in Charge positions within the Mountain Home Police Department will receive a rate of 3% over and above their base pay only for the actual hours worked performing those duties. It will be the responsibility of the employee who is assigned to one of these positions to annotate on their time sheet when they perform these duties.

On-Call/Call-Out Pay

Positions within the Mountain Home Police Department will be compensated for the inconvenience of on-call/call-out time at the rate of \$5.00/24-hour day for weekdays and \$40.00/24-hour day for weekends and holidays over and above their base pay. In order for the payroll department to issue this compensation, it will be the responsibility of the employee to notate in the comment section of their official timesheet when they were scheduled for on-call service. (Not applicable to Detective or K-9 Handler positions because those positions are already receiving an additional percentage and the 24-hour responsibility is part of those positions.)

K-9 Handler Pay

When an Officer is assigned to be a K-9 Handler, the Officer will receive compensation over and above their base pay for the care and maintenance of the K-9 in a flat rate amount based on the following formula: This amount is based on a court ruling and figured as .5 hours per day x 7 days a week = 3.5 hours per week x 52 weeks in a year = 182 hours a year ÷ 12 months in a year = 15.17 hours per month x the overtime rate of the Officer, to obtain a flat rate amount to be added each pay period. In addition, a K-9 Handler will also receive a rate of 3% over and above their base pay as long as they are a K-9 Handler. When an officer is no longer assigned to a K-9 Handler Position, both the care and maintenance pay, and the 3% pay will be removed for that individual employee. **The Department Head or Supervisor will be responsible to notify the payroll department when an officer is removed from the K-9 Handler Position.** (If the K-9 Handler is also assigned to be a Detective, this 3% will increase to 5% to be the same as the other Detective positions, but they will not receive both the 3% and 5%.)

Call back

If an eligible sworn employee is called back to work, the employee will receive a minimum of one (1) hour pay or the actual hours worked at one and one-half (1 ½) times the regular rate of pay. In lieu of payment, an employee may elect to receive compensatory time.

Court time

If an eligible sworn employee is called to appear in court or at a meeting, and said appearance does not run in conjunction with his or her regularly scheduled work shift, the employee will receive a minimum of two (2) hours or the actual hours worked, whichever is greater. An employee is entitled to court time pay only if requested to appear in court to fulfill a responsibility that arises from his/her employment with the City. The amount of time compensable under this paragraph shall include the total amount of time actually spent pursuant to the subpoena or call to testify.

Employees shall call the Prosecutor no later than 5 p.m. the day before the scheduled court appearance to verify that their attendance is required. If any employee is called off after 5 p.m. the day before the scheduled court appearance and prior to the employee arriving at the courthouse, the employee shall be paid for one (1) hour at the overtime rate, if applicable. Court time shall be paid only once in a calendar day.

If any compensation for court appearance is received, it must be signed over to the City.

Training

All training received on the job will be compensated as actual hours or time spent in training and subject to the provisions of this policy.

Compensatory time will be allowed for eligible sworn employees required to attend classes outside the employee's regular working hours, and for required out-of-town travel time, except as indicated below. The department may elect to pay overtime in lieu of compensatory time for any out-of-town travel. Travel hours worked shall be determined as follows:

1. The City will provide round trip transportation to the training event.
2. All Travel time for meetings/classes/trainings in the local area (within reasonable driving distance, i.e. between Caldwell and Twin Falls) will be compensated for both the driver and the passenger/s, regardless of whether or not that time falls within normally scheduled workdays or hours.
3. If the employee is authorized to drive his/her private automobile to a training site, mileage will be paid to the employee at the current IRS mileage reimbursement rate which is adopted by the City.
4. Out-of-town/overnight travel-time spent as a passenger on an airplane, train, boat, bus, or as a driver or passenger in an automobile will count towards hours worked from the time you leave Mountain Home until you arrive at your destination and again on your return trip from your destination until you arrive back in Mountain Home, regardless of whether or not that time falls within normally scheduled workdays or hours.
5. Additionally, employees will be compensated for all time spent attending class, as directed by the City, regardless of the class start and stop times and scheduled days.

6. Any time spent other than travel time or class time is not counted as hours worked and will not be compensated, unless the time falls within normally scheduled workdays or hours.

EMPLOYEE CONDUCT

Employees are not to engage in conduct which reflects unfavorably on the City as an employer, which includes conduct away from work that, although not criminal, may reflect adversely upon the City or its officials or otherwise impair the employee's ability to perform. (Example of this type of conduct would be engaging in adultery or similar type of behavior while employed with the City on or off duty.)

LAW ENFORCEMENT CODE OF ETHICS

All Law enforcement officers will be required to sign the Law Enforcement Code of Ethics as stated below at the time they are hired with the City and again on a yearly basis. They will be expected to adhere to this code as long as they are employed with the City.

"As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all; and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities, or friendships to influence my decisions. With no compromise for crime and the relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of law enforcement service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other law enforcement officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement."

EMPLOYEE RESIDENCE

The City extends equal opportunity of employment to all qualified persons regardless of their place of residence provided the employees are capable of meeting their job schedules. Sworn law enforcement positions are required to live in Elmore County and within a fifteen (15) mile radius of the Police Department offices and are encouraged to live within the City limits of Mountain Home.

Police Department Employees are also subject to a separate Police Department Policy Manual and should also familiarize themselves with those policies as well.

This Policy was Approved and Adopted by the City Council on the 23rd day of September 2019 to be Effective as of October 1, 2019.