CITY OF IDAHO FALLS

PERSONNEL POLICY

Approved: January 30, 2020

TABLE OF CONTENTS

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I. PURPOSE

The purpose of this Policy is to establish a safe efficient and cooperative working environment, to establish the responsibilities and level of performance expected of all City employees and to explain benefits provided to City employees. THIS POLICY IS NOT TO BE CONSTRUED AS 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, EXCEPT AS MAY BE AGREED IN WRITING AND EXPRESSLY APPROVED BY THE COUNCIL OR AS PROVIDED BY CITY CODE. THIS POLICY CREATES NO RIGHTS, CONTRACTUAL OR OTHERWISE, ON BEHALF OF EMPLOYEES OF THE CITY. The City may, at its sole discretion, alter or amend this Policy or portions thereof at any time without prior notice to or consent by its employees.

II. NATURE OF EMPLOYMENT:

ALL EMPLOYEES OF THE CITY ARE EMPLOYED AT THE DISCRETION OF THE MAYOR AND CITY COUNCIL AND SHALL HAVE NO RIGHT TO CONTINUED EMPLOYMENT OR EMPLOYMENT BENEFITS, EXCEPT AS MAY BE AGREED IN WRITING AND EXPRESSLY APPROVED BY THE ~~CITY~~ COUNCIL OR AS PROVIDED IN CITY CODE. All provisions of this Policy shall be interpreted in a manner consistent with this paragraph and in the event of any irreconcilable inconsistency; the terms of this paragraph shall prevail.

III. EQUAL EMPLOYMENT OPPORTUNITY:

The City of Idaho Falls intends to provide fair and impartial treatment to all individuals with respect to service, recruitment, hiring, training, promoting and all other programs without regard to race, color, national origin, religion, age, sex, disability, sexual orientation, gender identity/expression, and any other bases protected by law. The City also prohibits any form of harassment within the work place, sexual or otherwise.

IV. NEPOTISM POLICY:

A. No person will be employed by the City when the employment would result in a violation of provisions found in Idaho Code, including but not limited to I.C. § 74-401 et seq., and I.C. § 18-1359. Any such employment made in violation of the Idaho Code or this Section may be void.

B. In addition to the relevant provisions of the Idaho Code stated in this Section:
   1. No person related to the Mayor or a City Council member by blood or marriage within the second degree may be hired as a paid employee of the City, appointed to any compensated office, position or duty; and

2. No employee of the City will hire, participate in the hiring, supervise or otherwise exercise discretion concerning a paid employee who is related to that employee by blood or marriage within the second degree.

C. An employee whose relative is subsequently elected may be eligible to retain his/her position and pay increases as allowed by relevant provisions of Idaho law, including Idaho Code § 18-1359(5).

V. SCOPE:

This Policy applies to all regular, part-time, casual, seasonal, and temporary employees, including employees who are subject to a collective bargaining agreement, unless specifically designated otherwise. This Policy shall, to the extent possible, be interpreted in a manner consistent with the provisions of any collective bargaining agreement approved by the City Council or regulations adopted by ordinance or by statute, provided, however, in the event of any irreconcilable inconsistency, then such collective bargaining agreement, regulations or statutes shall prevail.

VI. CHANGES:

Changes may be made to this Personnel Policy by the Council, at the recommendation of a Department Director, Human Resources staff, or Elected Officials. Employees shall be given thirty (30) days advanced notification about proposed changes and given the opportunity, either orally or in writing, to offer comment regarding proposed changes to the Council.

VII. DEFINITION AND TERMS:

A. The terms and provisions used in this Policy shall have the meanings ascribed below, unless the context expressly indicates otherwise. All references to the masculine shall be deemed to include the feminine and all references to the singular form shall be deemed to include the plural.

B. Terms used within this Policy shall have the meanings ascribed below:

1. "Casual Employee" means any regular employee who is assigned to work nineteen and a half (19.5) or fewer hours per work week. A casual employee has an unlimited length of service as long as they remain under the nineteen and a half (19.5) hours per work week, and shall not eligible for benefits (see Table 1).

2. "Child" means a natural born child, a legally-adopted child or a child for whom an employee or his or her spouse has been appointed as guardian by a decree issued by a Court of Competent Jurisdiction.

3. "City" means the City of Idaho Falls."

4. "Continuous Tour of Duty" means a period of any consecutive 12 months during which a full or part-time employee is assigned to work a basic work week without interruption except for any kind of leave or excused absence authorized under this Policy.

5. "Employee" means a person who is employed by the City for compensation, but excluding elective officers, volunteers and independent contractors.

6. "Full-Time Employee" means any regular employee who is assigned to work thirty-five (35) to forty (40) hours during a work week and is eligible for full benefits.

7. "Immediate Family" means:

   a. A spouse of an employee.

   b. A father or mother of the employee or a father or mother of the employee's spouse; this includes the step-parent of an employee or spouse of an employee.

   c. A sister or brother of the employee or a sister or brother of the employee's spouse.

   d. A child of an employee or a child of an employee's spouse.

   e. A grandparent or grandchild of an employee or a grandparent or grandchild of an employee's spouse.

   f. A son-in-law or daughter-in-law of an employee.

   This definition shall not be applicable with respect to the provisions herein regarding Family Medical Leave benefit.

8. "Part-Time Employee" means any regular employee who is assigned to work between twenty (20) and thirty four (34) hours per work week. "Part Time 20" employees work between twenty (20) and twenty-nine (29) hours per work week and have the option to participate in health insurance benefits at a pro-rated rate (see Table 1). "Part Time 30" employees work between thirty (30) and thirty-four (34) hours per work week and have the option to participate in health insurance benefits at a pro-rated rate (see Table 1). Employees who perform work thirty five (35) or more hours during any work week shall not be deemed to be a full-time employee, unless a change in status is approved by written personnel action.

9. "Regular Employee" means any full or part-time employee who is assigned to work a continuous and indefinite tour of duty.

10. "Retirement" means a termination of employment while eligible to receive retirement benefits under the Idaho Public Employees Retirement System.

11. "Seasonal Employee" means any employee assigned a limited position that is weather-related (as defined by PERSI) and with a firm start and end date. Seasonal employees work no longer than eight (8) consecutive months (see Table 1). A Seasonal employee must be terminated before the end of the eight (8) months fixed term of service, but can be rehired after a break of not fewer than thirty-one (31) consecutive days.

12. "Stepchild" means a child of the spouse of an employee, but who is not the natural-born or adopted child of such employee.

13. "Temporary Employee" means any employee assigned a limited position that is not weather-related and with a firm start and end date. Temporary employees work no longer than five (5) consecutive months (see Table 1). A Temporary Employee shall be terminated before the end of the five (5) months fixed term of service, but can be rehired after a break of not fewer than thirty-one (31) days.

Table 1. Employment Definitions by Type.

Status Name	Hours/Week	Benefits	PERSI Implications	Notes
Regular Full Time	35-40	Full Benefits	Full Participation	No limitations
Regular Part Time: Part Time 20 Part Time 30	 20-29 30-34	 Pro-rated Benefits Pro-rated Benefits	 Full Participation Full Participation	 Employee pays 50% of benefits cost Employee pays 25% of benefits cost
Casual	19.5 or Less	No Benefits	No Participation	Unlimited length of service
Seasonal (weather-related)	Up to 40	No Benefits	No Participation*	Up to 8 months max **if weather-related** Must have firm start and end date Prior to the end of 8 month max, terminate After a 31-day break in service, can rehire
Temporary (**NOT** weather-related)	Up to 40	No Benefits	No Participation*	Up to 5 months max **if NOT weather related** Must have firm start and end date Prior to the end of 5 month max, terminate After a 31-day break in service, can rehire

*Employee may become PERSI eligible only when employee works outside the parameters listed in the table. See PERSI policy for full details or consult with the Human Resources Department.

VIII. ADMINISTRATION AND RECRUITMENT:

A. The Mayor may delegate his or her administrative authority to the Department Directors. The Department Directors may, pursuant to such delegation of authority, take such actions as are necessary to fully implement the terms and provisions hereof and to accomplish the objectives set forth herein. Actions of the Department Directors shall be consistent with the terms of this Policy.

B. Each Department Director is responsible for the hiring of employees within his or her department, subject to the pre-employment requirements stated in this Policy. Hiring of employees shall be in conformity with budgetary allocations, classifications and wage rates approved by the Mayor and City Council.

C. Subject to the pre-employment policy set forth herein, each Department Director assumes responsibility for the following:

1. Reviewing applications certified by the Department of Human Resources.

2. Interviewing applicants certified by the Department of Human Resources and hiring the applicant the Department Director deems to be the best qualified.

3. Prior to an employment offer, obtaining necessary approval as indicated on the Personnel Action request.

4. Submitting file of successful applicant and approved Personnel Action request to Department of Human Resources for payroll action and personnel records.

IX. DISCRIMINATION AND HARASSMENT POLICY:

A. Unlawful Discrimination and Harassment Prohibited. Unlawful discrimination and harassment are forms of misconduct that undermine the integrity of the employment relationship. Unlawful discrimination or harassment of any employee or member of the public by or against an employee of the City is absolutely prohibited. The City desires to maintain a working environment free from unlawful discrimination, harassment and disruptive behavior. Each employee has the right to work in an atmosphere that promotes equal opportunities and is free from all forms of discrimination or harassment. Unlawful discrimination or harassment by a non-employee against any person, whether or not an employee, within the workplace, is similarly prohibited.

B. Retaliation Prohibited. The City and its officers and employees shall not retaliate in any way against an individual who complains of unlawful discrimination or harassment participates as a witness or assists another employee in making a claim of discrimination or harassment.

C. Definition of Unlawful Discrimination and Harassment.

1. Unlawful harassment is unwelcome conduct toward a person because of a legally protected personal characteristic including race, color, national origin, religion, age, sex, sexual orientation, gender identity/expression, disability, veteran status, or any other basis protected by law and which creates an intimidating, hostile or offensive working environment, unreasonably interferes with work performance or negatively affects an individual's employment opportunities.

2. Unlawful discrimination occurs when an employee is treated less favorably in employment decisions because of a legally protected personal characteristic including race, color, national origin, religion, age, sex, disability, veteran status,

sexual orientation and/or gender identity/expression, or any other basis protected by law.

D. Forms of Unlawful Discrimination and Harassment

1. Sexual Harassment

a. No employee shall be subject to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical. 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 a basis for employment decisions affecting such individual; or

(3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work environment or creating an intimidating hostile or offensive working environment. Sexual harassment includes, without limitation, unwelcome propositions of a sexual nature or having sexual overtones, offensive touching of the body or display of sexually explicit images, or paraphernalia within the work place.

2. Race, color, national origin, religion, sex, sexual orientation and gender identity/expression discrimination.

a. No employee shall be subject to unlawful discrimination or harassment as a result of that employee's race, color, national origin, religion, sex, sexual orientation, or gender identity/expression.

b. No employee shall be unlawfully denied equal employment opportunity because of race, color, national origin, religion, sex, sexual orientation, or gender identity/expression. Equal employment opportunity cannot be denied because of marriage or association with persons of a particular race, color, religion, sex, sexual orientation, gender identity/express or national origin or because an employee has a surname associated with a national origin group.

3. Disability Discrimination (American with Disabilities Act)

a. The City will not discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment. Additionally, the Americans with Disabilities Act (ADA) requires employers to reasonably accommodate qualified individuals with disabilities. It is the policy of the City to comply with all Federal, state, and local laws concerning the employment of persons with disabilities.

b. The City will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of the job in question. An individual, who can be reasonably accommodated for the job in question, without undue hardship, will be given the same consideration for that position as any other employee or applicant.

c. All employees are required to comply with safety standards. Applicants who cannot meet such standards and who pose a direct threat to the health or safety of other individuals in the workplace, which threat cannot be eliminated by reasonable accommodation, will not be hired. Current employees who pose a direct threat to the health of safety of the other individuals in the workplace will be placed on appropriate leave until an organizational decision has been made in regard to the employee's immediate employment situation.

d. Definitions: In implementing this policy, the City will be guided by the applicable definitions of the ADA, lawful regulations promulgated with respect thereto and case law construing the ADA, and applicable state and local law. In the event of any conflict between such laws and regulations and the provisions of this policy, then such laws and regulations shall control. The following definitions are provided for general guidance of employees and applicants in understanding the policy of the City of Idaho Falls:

(1) "Disability" refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual. An individual who has such an impairment, has a record of such an impairment is also deemed a "disabled individual". An individual may also be deemed "disabled" if that person is *regarded as* having such impairment.

(2) "Major life activity" may include things such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating or working. A "major life activity" may also include bodily functions such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive systems.

(3) "Direct threat to safety" refers to a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

(4) A "qualified individual with a disability" refers to an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or has applied for.

(5) "Reasonable accommodation" refers to making existing facilities readily accessible to and usable by individuals with disabilities, including but

not limited to; job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, adjustment or modification of examinations, adjustment or modification of training materials, adjustment or modification of policies, and similar activities.

(6) "Undue hardship" refers to an action requiring significant difficulty or expense by the employer. The factors to be considered in determining an undue hardship include: (1) the nature and cost of the accommodation; (2) the overall financial resources of the facility at which the reasonable accommodation is to be made; (3) the number of persons employed at that facility; (4) the effect on expenses and resources or other impact upon that facility; (5) the overall financial resources of the City; (6) the overall number of employees and facilities; (7) the operations of the particular facility as well as the entire City; and (8) the relationship of the particular facility to the City. These are not all of the factors but merely examples.

(7) "Essential job functions" refers to those activities of a job that are the core to performing the job in question.

4. Age Discrimination

a. No employee shall be unlawfully discriminated against with respect to compensation, terms conditions, or privileges of employment because of the individual's age.

5. Veteran Status Discrimination

a. No employee shall be discriminated against with respect to compensation, terms, conditions, or privileges of employment because of that individual's veteran status.

E. Reporting a Complaint. All employees are strongly encouraged to report behavior which may constitute unlawful discrimination or harassment. Such reports shall be made in the manner set forth herein, so that appropriate, effective and timely action may be taken. Individuals who believe they are being discriminated against or harassed should, whenever possible, tell the offender that his or her behavior is unwelcome. However, such confrontation is not always feasible or productive and is not required. Any employee who believes he or she has been or is being unlawfully discriminated against or harassed should report the situation immediately to one or more of the following persons:

(i) his or her immediate Supervisor,

(ii) any Department Director of the City (preferably, the Department Director of the department in which the employee is employed);

(iii) the Director of Human Resources; or

(iv) the City Attorney.

Whenever any officer or employee of the City receives information that unlawful discrimination or harassment has occurred or is occurring in the work place, he or she shall report the matter to

(i) his or her immediate Supervisor;

(ii) any Department Director;

(iii) the Director of Human Resources; or

(iv) the City Attorney.

The officer receiving such report shall maintain a file documenting such report and shall ensure the matter is resolved appropriately. All such complaints and complaint resolutions must be reported to the Director of Human Resources within seventy-two (72) hours of receipt. All supervisory employees to whom a report of unlawful discrimination or harassment is made shall attempt to resolve the matter informally; however, if the matter cannot be resolved to the satisfaction of the complaining employee, a confidential investigation shall be made in accordance with the provisions of such Section F hereof.

F. Formal Complaint Resolution. When a discrimination or harassment complaint cannot be resolved, the matter may be referred to the City Attorney or the Director of Human Resources to conduct a confidential investigation. The City Attorney or the Director of Human Resources may use other employees or officers of the City to conduct such investigation, provided, however, in order to protect the individuals involved, such investigation shall be confidential and to the extent permitted by law, shall be protected by the attorney-client or work product privileges. Upon receipt of such complaint, the City Attorney or the Director of Human Resources may take the following immediate steps:

(i) have the complainant complete a written report describing the discrimination or harassment;

(ii) obtain a statement from the accused;

(iii) obtain statements from any witnesses;

(v) prepare a report and recommendation.

The investigation shall be completed and a written report prepared as soon as reasonably possible. Appropriate disciplinary action shall be taken if there is sufficient evidence to support the allegation, including the possibility of termination of anyone who is guilty of unlawful discrimination or harassment. If there is insufficient evidence to support the allegations, no record will be made in the complaining employee's personnel file or in

the personnel file of the accused. If the investigation discloses that the complaining employee has falsely accused another employee of discrimination or harassment, knowingly or in a malicious manner, the complaining employee may be subject to disciplinary action as appropriate to the circumstances. The investigation and all records of the matter shall, to the fullest extent permitted by law, be kept confidential and shall involve other officers or employees of the City only on a "need-to-know" basis.

G. Interpretation. The policy shall be interpreted in a manner consistent with the applicable federal, state, and/or local laws. Nothing herein shall be construed or otherwise interpreted as conferring any right, privilege, or protected status above and beyond the rights protected by these laws.

X. EMPLOYEE RECRUITMENT AND STATUS:

A. All employees of the City of Idaho Falls will be hired on the basis of qualifications, ability, attitude, aptitude, education and work ethic as determined at the sole discretion of the hiring officer. No supervisory employee shall hire or otherwise participate in the decision to hire any person, by blood or marriage, within the second degree of consanguinity to such supervisory employee.

B. The status of all employees (i.e., full-time, part-time, casual, seasonal, temporary) shall be determined at the time of hire and shall be reflected in a Personnel Action form. The status of all employees at any given time shall be based upon the most recent Personnel Action form signed by the Respective Department Director, Human Resources Director, and Controller, irrespective of whether the employee's work schedule, hours, assignment or duties shall be changed by his or her Division.

C. When a new position is created or other vacancy occurs and the possibility for advancement of qualified regular employees have been considered, a public announcement may be made by the Department of Human Resources soliciting applications from other interested and qualified persons. Residents of the City of Idaho Falls will be given preference for employment where their qualifications, ability, attitude, aptitude, education and work ethic as determined at the sole discretion of the hiring officer for a particular position are equal to those of applicants residing outside the City.

D. Every applicant shall, when an opening occurs, complete an Application for Employment in such form as may be determined by the Department of Human Resources. Any employee who willfully furnishes information in an employment application that is false in any material respect, may be subject to immediate discharge.

E. All applicants must provide employment references to the City. The names of former employers are preferred. Applicants who have previously worked for the City shall provide the name of their former supervisor(s).

F. All applicants for regular employment shall file their applications for employment with the Department of Human Resources. No person shall be hired unless their name has been placed on a qualified list by the Department of Human Resources.

G. Physical examinations shall not be administered to or required of any applicant prior to the extension of any offer of employment. However, an offer of employment may be made subject to successful completion of a physical examination, provided any physical condition or qualification shall be made only for bona fide conditions reasonably necessary to fulfill the essential functions of the position. No condition or qualification shall be imposed in contravention of the Americans With Disabilities Act. Nothing herein shall preclude the use of pre-employment testing for use of controlled substances by any applicant for any position which requires a commercial driver's license.

XI. PROMOTIONS AND HIRES:

A. All promotions or upgrading to an advanced classification will be made on the basis of qualifications, ability, attitude, aptitude, education, performance, and work habits.

B. Approval of promotions will be shown on Personnel Action request. Any increase in an employee's wage shall become effective at the start of a pay period and only when approved by the appropriate Department Director over such employee, the Department of Human Resources and the Division of Municipal Services.

XII. WORK WEEK AND DETERMINATION OF BENEFITS:

A. The administrative work week is a payroll term used to set the limits of a work week for payroll purposes and is generally considered as a period of seven (7) consecutive calendar days commencing at 12:01 a.m. Sunday and continuing until 12:00 midnight on Saturday. Generally, the administrative work week is identical to the calendar week. Each administrative work week must stand by itself with respect to any computation of payments to the employee for overtime and shift differential purposes. Public Safety Departments will set an administrative work week for public safety employees in compliance with the Fair Labor Standards Act, (FLSA).

B. The basic or regular work week is a period within the administrative work week, fixed in advance, during which the employee is regularly required to work. The basic work week will normally be any scheduled work period between thirty-five (35) and forty (40) hours in length. In accordance with the FLSA, Public Safety Departments may designate up to a 28 day administrative work schedule.

C. Employee insurance benefits for eligible employees, as determined by this Section will begin on the first day of the month after their hire date. In addition, if an employee changes status to a benefits eligible status, their benefit will begin on the first of the month following that status change. For example, if an employee's hire date is in January, their benefits will begin February 1. If an employee changes status from seasonal to full time in March, their benefits will begin on April 1. The insurance start date for new IBEW employees will be determined as outlined in the current labor agreement or as determined by the Power Department General Manager.

Benefits will end for a terminated employee at the end of the month of their termination whether the termination is voluntary or involuntary. For example, an employee with a termination date in June will no longer receive benefits after June 30.

D. Full-time employees shall receive full benefits in accordance with the terms of this policy. Part-time employees who are assigned to work thirty (30) hours or more per regular work week shall be entitled to receive benefits on a pro-rated basis, based upon the number of hours so assigned compared to a forty (40) hour regular work week. Part-time employees who are assigned to work twenty (20) hours or more per regular work week shall be entitled to receive benefits on a pro-rated basis, based upon the number of hours so assigned compared to a forty (40) hour regular work week. Casual, Seasonal, and Temporary employees who work less than twenty (20) hours per regular work week are not entitled to receive benefits.

XIII. CLASSIFCATION AND PAY GRADE POLICY

A. Purpose of Policy. This policy applies to all classified employees of the City of Idaho Falls, as defined hereafter. The purpose of this policy is to encourage a systematic, uniform and equitable method of establishing salaries and wages paid to the classified employees of the City. Nothing herein is intended to establish any right to continued employment, to limit the reasons for which an employee may be discharged or to otherwise create any contractual right of the employees of the City.

B. Employee Lists. The City Controller's Office shall maintain an up-to-date list of the names of employees and their title classification and title classification anniversary date, and other data as may be required for plan administration. The Department of Human Resources shall be responsible for maintaining a list of title classifications, designating pay grade in which the title classifications have been allocated and maintaining a pay grade and salary schedule which will designate the salary payable for the various grades and steps.

C. Administration of the pay plan. The following provisions shall govern the administration of the pay plan.

1. Salary on Employment. Placement to any position in any pay grade shall normally be made at the first step for the pay grade. Higher step placement may be effectuated commensurate with the applicant's qualifications as determined by the Department Director and Director of Human Resources.

    a. A person who was previously employed by the City of Idaho Falls and is rehired shall start in the pay grade and step level as any other new hire, unless the person's qualifications justify higher step level placement as determined by the Department Director and Director of Human Resources.

2. Salary step advancement and pay adjustments. Advancement to the next step in the salary schedule may be awarded to an employee upon a supervisory evaluation indicating adequate performance and after completion of the necessary service

requirement. Department Directors have the option of holding an employee in a step level should the employee's work performance so dictate.

a. Pay adjustments shall be effective on the first pay period following the employee's accumulation of the necessary service requirements.

b. The Personnel Action form is to be completed sufficiently in advance to secure the required signatures and for Human Resources and Payroll to receive the approved Personnel Action form prior to the effective date.

3. Salary on Promotion. In no event shall the step level rate of pay be equal to or lower than the step level rate of pay prior to promotion. The effective date of promotion becomes the new title classification anniversary date.

4. Salary on Demotion. An employee who is demoted to a lower classification shall be placed in an appropriately lower pay grade and at a step level rate of pay which is equal to or less than the employee's step level rate of pay prior to demotion, as determined by the Department Director and the Director of Human Resources. The effective date of demotion becomes the new title classification anniversary date.

5. Salary on Transfer. An employee transferred from one position to another in a classification to which the same pay grade is applicable shall continue to receive the same step level rate of pay and the effective date of the transfer becomes the new title classification anniversary date. An employee transferred to a lower classification shall be placed in the appropriate pay grade and at a step level rate of pay which is equal to or less than the employee's step level rate of pay prior to the transfer, as determined by the Department Director and Director of Human Resources.

6. Salary on Position Reclassification. An employee whose position is reclassified by the Department Directors from one pay grade to another, shall continue to receive the same compensation until he/she reaches the next pay period after the effective date, at which time he/she shall be placed in the approved pay grade and step level. If the position is classified to a lower classification the employee will remain at their current hourly rate until such time as the grade and step to which they are reclassified exceeds the current hourly rate at which time they will be eligible to receive a pay increase.

7. Job Descriptions. Every regular position of employment by the City of Idaho Falls shall have a job description. As and when new positions of employment are created, or existing classifications are re-evaluated, the Department of Human Resources, with the assistance of, and in collaboration with, the appropriate Department Director shall cause a job description for that position of employment to be prepared. Each job description shall be classified by the Department Directors and incorporated into the comprehensive salary plan.

D. Contents of the classification and pay grade schedule. The classification plan shall include:

1. An outline of the classifications arranged within the appropriate pay grade schedule.

2. Position descriptions for positions within the classified program, indicating the title and descriptive information concerning duties, responsibilities, and other employment requirements and standards in such form as the Department of Human Resources may prescribe.

E. Positions exempt from the classified pay grade. Non-classified positions shall consist of the following:

1. Mayor and members of the City Council and other elected officials and persons appointed to fill vacancies in these elected offices.

2. Department Directors.

3. Idaho Falls Power

4. The City Attorney

5. Golf Professionals and Assistant Golf Professionals.

6. Persons employed to make or conduct a special inquiry, investigation, examination or installation, if the Mayor and City Council certifies that such employment is temporary, and that the work should not be performed by employees in the classified program.

7. Employees covered by formal collective bargaining agreements that dictate a different compensation policy.

8. Temporary employees.

XIV. OVERTIME, COMP-TIME, AND TIME KEEPING FOR EXEMPT EMPLOYEES:

A. Overtime work and comp-time is work officially ordered or approved in excess of the basic or regular work week. Overtime/comp-time in excess of established daily or weekly working schedules should generally be avoided.

1. Unscheduled overtime/comp-time or overtime/comp-time ordered to meet emergency work situations should be ordered and approved by the Department Director or manager with delegated authority.

2. Scheduled overtime or comp-time, resulting in an extended work week consisting of the basic or regular work week plus scheduled overtime/comp-time, must have prior approval of the respective Department Director or manager with delegated authority.

3. Employees shall not work overtime or comp-time of any kind without the approval of his or her Supervisor, Department Director or the Mayor.

B. Overtime and comp-time will be paid to qualifying employees pursuant to the Fair Labor Standards Act and in accordance with the provisions below.

1. Overtime and comp-time will be computed in multiples of not less than one-half (½) hour.

2. Standby time shall be any time an employee must be available for emergency work in addition to the basic work week and overtime.

3. Employees who are scheduled on standby time shall be guaranteed a minimum of sixteen (16) hours pay at the straight time base hourly rate. Any scheduled work performed on standby, outside of regular work hours, shall be paid at the rate of one and one- half (1½) times the base hourly rate.

4. The pay for call-out shall be paid at the rate of one and one-half (1½) times the base hourly rate, and the hours worked shall be credited against the standby guarantee on an hour-for-hour exchange.

C. Any employee required to take an emergency call out, except those on standby, shall be guaranteed two (2) hours at one and one-half (1½) times the base rate per call, unless two (2) calls fall within one (1) two (2) hour time period.

D. Overtime and Time Keeping for Exempt Employees.

1. Employees who are designated as Exempt in accordance with the Fair Labor Standards Act are ineligible for overtime and comp time.

2. For public accountability purposes, exempt employees shall take vacation time and sick time in half-day (four (4) hours) or full day increments.

3. The exempt employee's supervisor must approve flexible working schedules and other arrangements that differ from the standard workweek or working schedule.

XV. SHIFT DIFFERENTIAL COMPENSATION

A. The City of Idaho Falls shall pay a shift differential premium to employees, (excluding those under separate labor contracts) for full regularly scheduled working shifts that fall outside the hours of 4:00 AM and 2:00 PM. The rate of compensation will be $.25 per hour for employees who start and work their regularly scheduled shift at or after 2:00 PM and $.50 per hour for employees who start and work their regularly scheduled shift at or after 7:00 PM.

B. Shift differential will not be paid for employees whose regularly scheduled shift starts in the non-eligible time of 4:00 AM to 2:00 PM. Employees who are regularly scheduled in non-eligible time who enter the eligible time in an overtime status are not eligible for shift differential. Holidays, sick leave, and vacation hours will not be considered for shift differential.

XVI. HOLIDAYS:

A. Except as set forth in Section E below, Regular Employees who are not generally required to work on holidays, shall be paid their established wage for such holiday.

B. Ten (10) state-designated annual holidays and one special holiday will be observed. State-designated holidays are: New Year's Day, Human Rights Day, President's Day, Memorial Day, Fourth of July, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day and Christmas Day. No other holiday designated by the State will be observed unless specifically approved by the Council.

1. Whenever any State-designated holiday falls on Saturday, the preceding Friday shall be a holiday and whenever any State-designated holiday falls on Sunday, the following Monday shall be a holiday.

2. The special holiday shall be determined as follows: The Monday preceding Christmas Day when the latter falls on Tuesday or the Friday following Christmas Day when the latter falls on a Thursday, or if no such holiday occurs during the year, then the Friday following Thanksgiving Day. Library personnel will celebrate the special holiday on the 24th of December. If December 24th falls on a Sunday, Library employees will be granted another day off during the Christmas week for the special holiday.

C. Whenever a recognized holiday falls on an assigned day off within an administrative work week, the nearest working day will be declared a holiday.

D. An employee who is required to work on a holiday, in addition to holiday pay will receive pay for hours worked at employee's base rate and for hours actually worked in excess of basic work day will be paid at time and one-half (1½) rate for such excess.

E. Holidays falling within vacation (See Holidays During Vacation, Section XV.D.).

XVII. VACATIONS:

A. Calculation of Vacation. Regular employees will be eligible for paid vacation in accordance with the following schedule and according to Section X of this Personnel Policy. Accrued hours will be pro-rated for regular employees that work less than Full-Time:

Completed Years of Service	Vacation Hours	Days	Accrued Hours Per Pay Period
Date of Hire-4 years	140	17.5	5.38
5 years	160	20	6.15
10 years	180	22.5	6.92
15 years	220	27.5	8.46
20 or more	240	30	9.23

1. Maximum vacation accrual is 240 hours. The maximum eligibility for accumulated vacation pay at termination or retirement shall not exceed 240 hours or (30) days.
2. Employees are not permitted to use more than 3 days of vacation after their last full week on the job.

B. Scheduling of Vacation. Eligible employees may take their vacations in accordance with the following:

1. First Vacation: New employees shall become eligible for vacation following the first complete month of their employment without a break in service.

2. Employees with a balance above 240 hours must request approval for rollover. Under extenuating circumstances and subject to recommendation from the Department Director, Director of Human Resources, and Director of Municipal Services and final approval from the Mayor, the excess amount (hours over 240), may be rolled over to the next year. If such request is approved, the overage amount must be used within the immediately succeeding year, after which no accrued vacation totals will exceed the 240 hour maximum.

3. An employee returning to the employ of the City following a termination of employment for a period greater than ninety (90) days will re-enter the work force as a new employee with respect to vacation privileges and all other benefits described in this Policy.

C. Minimum Amount of Leave. Vacation leave will be used in increments of fifteen (15) minutes.

D. Pay During Vacations. Vacation pay shall be calculated in accordance with the employee's regular job classification rate and work schedule, exclusive of any shift differential where applicable.

E. Pay in Lieu of Vacation in Event of Termination. An employee whose employment is terminated (whether voluntarily or involuntarily) and who is eligible for vacation benefits shall receive a lump-sum payment in lieu of such vacation. Vacation benefits will not exceed 240 hours (30) days. For members of IAFF Local No. 1565, refer to the current union contract.

F. Voluntary Shared Leave Policy. An employee may donate vacation hours to benefit another employee who has or who will exhaust all leave time due to a serious illness or injury to the employee or immediate family member.

1. An employee requesting additional leave must exhaust all available leave (i.e., vacation, sick, comp time) before requesting donated leave.
2. Upon approval, Human Resources will notify City employees of the need for donated hours.
3. Donated vacation hours will be transferred on an hour-for-hour basis. Employees receiving donated hours will be paid for such hours based on their work schedule and their own base hourly rate.
4. Maximum amount of donated leave an employee can use is 240 hours annually.
5. Once a donation is made, it cannot be withdrawn. The requesting employee cannot carry unused donated hours forward. All unused donated hours will be returned to the donors.
6. All donor names and contributions will be kept confidential.

XVIII. RULES GOVERNING CONTINUOUS SERVICE:

Continuous service is an unbroken period of actual performance of assigned duties for the number of hours per week designated as the basic or regular work week for an employee's job classification, except that the following absences shall not be construed as a break in continuous service:

A. Paid or unpaid absences due to personal sickness and sickness or death in family or absences which qualify for leave under the Family Medical Leave Act.

B. Excused off-duty period without pay for fifteen (15) calendar days or less.

C. Off-duty periods covered by the provisions of the Military Leave of Absence Policy.

D. After one (1) year of continuous service, a layoff for lack of work which does not exceed ninety (90) days.

XIX. SICK LEAVE

A. Sick Leave Benefit.

Regular full-time employees will be eligible to accrue and use sick leave. The City recognizes that there are times when employees have health problems that require time away from work. An employee is allowed to use sick leave for:

1. Personal medical needs including:
    - Medical, dental, or optical examinations or treatments
    - Physical or mental illness, injury, pregnancy, childbirth, or adoption-related purposes
    - Possibly jeopardizing the health of others by his or her presence on the job because of exposure, as determined by a health care provider.

2. Care of an immediate family member
3. Bereavement

Description	Accrued Hours Per Pay Period	Total Hours Per Year
Full-time employees	3.69	96
Part-time 30 employees	2.77	72
Part-time 20 employees	1.85	48

B. Sick Leave Accrual

1. Sick leave may accrue up to a maximum of 1,040 hours total.
2. Employees with five (5) or more years of service may choose to convert sick leave annually into a 457(b) deferred compensation plan, transfer hours to vacation hours, or cash out hours. Annual selection to convert sick leave must be made between April 1st and April 30th and shall be converted in the October of the same year. A balance of at least 120 hours must be left in the employee's sick leave bank. Sick leave will be converted/cashed out at 33% of the employee's regular hourly rate of pay not to exceed a maximum of $2,500.
3. If the employee meets the requirements for PERSI retirement, one-third (33%) of the sick leave balance is converted to an HRA VEBA plan upon retirement.
4. Upon the death of an active employee, sick leave benefits will be paid 100% to the employee's estate, in the form of cash.

C. Notification Requirements.

A department may require employees to request advanced approval for sick leave for their own medical, dental, or optical examination or treatment. To the extent possible, an employee may be required to request advanced approval for sick leave to attend to a family member receiving medical, dental, or optical examination or treatment, to care for a sick immediate family member or with a serious health condition, for bereavement purposes, and for adoption-related proceedings. If the employee complies with the department notification and medical evidence requirements, the department must grant sick leave.

D. Denial of Sick Leave.

For absences in excess of 3 days, a department may require a medical note. If the employee fails to provide the required medical note within 15 calendar days after the department's request, he or she is not entitled to sick leave. Any employee who is on Occupational Injury (OI) leave or on sick leave who is found to be working at another job, using sick leave for something other than recuperation from a qualifying illness or

injury or otherwise abusing sick leave, is subject to immediate disciplinary action, up to and including dismissal.

E. Minimum Amount of Leave. Sick leave will be used in increments of fifteen-minutes.

F. Grandfathering Clause: Sick

1. Any employee who currently has more than 1,040 hours of sick leave accrued can choose to remain on the sick leave policy on or before November 21, 2017 (previous sick leave policy) or to move to the sick leave policy in effect adopted on or after November 21, 2017 (the new sick leave policy). If the employee chooses to stay on the previous sick leave policy, that employee will be subject to the previous sick leave policy guidelines (see #3 below), will continue to accrue sick hours and (if they meet the requirements for PERSI retirement), that employee's sick leave balance will be converted to an HRA VEBA at the employee's retirement.

2. Any employee who has over 940 hours of accrued sick leave under the previous sick leave policy can choose (only during December of 2017) to sell up to 96 hours of such accrued sick leave at 33% of the total number of accrued sick leave hours converted, and can continue to accrue sick leave during the first year of the policy change. Any employee who has accrued sick leave over 1,040 hours under the previous policy and chooses to be governed by the new policy will lose all accrued sick leave in excess of 1,040 hours and can also choose to sell up to 96 hours of accrued sick leave at 33% in order to continue to accrue this first year of the policy change.

3. Previous Sick Leave Policy

   a. Definition of Qualifying Illness. Regular Employees will be granted sick leave whenever they are incapacitated due to qualifying illness, non-occupational injury or enforced quarantine. The term "qualifying illness" means any illness, disability, physical or mental, or impairment of any kind, including disability due to pregnancy or child birth, which (i) renders an employee substantially incapable of performing the essential functions of his or her job, or (ii) for which the healing process would be substantially impaired by the performance of such functions. Qualifying illness shall not include (i) physical or mental impairment voluntarily induced by the employee, including, but not limited to, impairment arising from illegal or immoral conduct, (ii) unjustified fighting, (iii) illness or injuries suffered in or arising from military service or other gainful employment, (iv) injuries suffered while on excused or educational leave, and (v) impairment due to use of any intoxicating beverage or any controlled substance.

b. Serious Sickness in Family. Regular employees may be allowed leave with pay at their customary hourly rate on account of a serious illness of an emergency nature of a member of the employee's Immediate Family in accordance with the following provisions: Not to exceed three (3) work days at any one time, or ten percent (10%) of accumulated sick leave, whichever is greater. Such leave is to be deducted from accumulated sick leave

c. Sickness In Family. Regular employees are allowed up to five (5) work days with pay per calendar year for Sickness in Immediate Family. Such leave is not cumulative and will be deducted from accumulated sick leave.

d. Death In Family. Regular employees may be allowed leave with pay at their base rate for a period not exceeding three (3) work days, when authorized by the Department Director, for death in their Immediate Family. The Department Director may authorize two (2) additional work days whenever, in the opinion of the Department Director the employee needs additional time to travel to and from his or her destination. Such additional travel time will be deducted from accumulated sick leave.

e. Conversion Benefit for Qualified Retirees. Conversion benefit is computed as follows: Actual time currently on books plus any additional accumulated time minus sixty (60) working days for regular employees or minus thirty (30) working shifts for Fire Fighters of ineligible time (i.e., time that could be paid at one hundred percent (100%) if taken when sick, minus any unrecorded time used). The balance of these hours multiplied by the hourly rate equals eligible dollar amount.

i. First sixty (60) working days or thirty (30) shifts for Fire Fighters exempt.

ii. Forty percent (40%) of all hours remaining over the deductible in 3.e.

XX. BEREAVEMENT LEAVE

A. Bereavement Leave for regular employees may be allowed at their base rate for a period not exceeding three (3) work days, for a death in their immediate family. The Department Director may authorize two (2) additional work days whenever, in the opinion of the Department Director, the employee needs additional time to travel to and from his or her destination. Such additional travel time will be deducted from accumulated sick leave.

XXI. FAMILY MEDICAL LEAVE

A. The City of Idaho Falls will comply with the Family and Medical Leave Act implementing Regulations as revised effective January 16, 2009. The City posts the mandatory FMLA Notice and upon hire provides all new employees with FMLA information as required by the U.S. Department of Labor (DOL). The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be

afforded all rights required by law. If employees have any questions, concerns, or disputes with this policy, they should contact the Director of Human Resources.

B. General Provisions. Under this policy, the City of Idaho Falls will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

C. Eligibility. To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

1. The employee must have worked for the City for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the employer's intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.

2. The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave are not counted in determining the 1,250 hours eligibility test for an employee under FMLA.

D. Type of Leave Covered. To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

1. The birth of a child and in order to care for that child.

2. The placement of a child for adoption or foster care and to care for the newly placed child.

3. To care for a spouse, child or parent with a serious health condition (described below).

4. The serious health condition (described below) of the employee.

    a. An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

b. A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider.

c. This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

d. Family members as defined by the Act are as follows: a spouse, parent, a biological, adopted or foster child, a stepchild, or a legal ward. The child must be under 18 years of age, or incapable of self-care due to a mental or physical disability regardless of age.

e. Employees with questions about this FMLA policy or how it affects the City's sick leave policy should consult with Human Resources.

5. Qualifying exigency leave for families of members of the National Guard and Reserves when the covered military member is on active duty or called to active duty in support of a contingency operation.

a. An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to active military duty or who is already on active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: 1) short-notice deployment, 2) military events and activities, 3) child care and school activities, 4) financial and legal arrangements, 5) counseling, 6) rest and recuperation, 7) post-deployment activities and 8) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

b. The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.

6. Military caregiver leave (also known as covered service member leave) to care for an ill or injured service member. This leave may extend to up to 26 weeks in a single12-month period for an employee to care for a spouse, son, daughter,

parent or next of kin covered service member with a serious illness or injury incurred in the line of duty on active duty. Next of kin is defined as the closest blood relative of the injured or recovering service member.

E. Amount of Leave. An eligible employee can take up to 12 weeks for the FMLA circumstances (1) through (5) above under this policy during any 12-month period. The City will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the City will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time. An eligible employee can take up to 26 weeks for the FMLA circumstance (6) above (military caregiver leave) during a single 12-month period. For this military caregiver leave, the City will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

F. If a husband and wife both work for the City and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for the City and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave.

G. Employee Status and Benefits During Leave. While an employee is on leave, the City will continue the employee's health, dental, and life insurance benefits during the leave period at the same level and under the same conditions as if the employee had continued to work; however, the employee will not accrue vacation or sick leave if the employee is not using paid leave while on Family Medical Leave.

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

2. Under current City policy, some employees pay a portion of the health care premium. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Payroll Department by the 12th day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. The employer will provide 15 days' notification prior to the employee's loss of coverage.

3. If the employee contributes to a life insurance or disability plan, the employer will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums either in person or

by mail. If the employee does not continue these payments, the employer may discontinue coverage during the leave.

H. Employee Status After Leave. An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from the health care provider. This requirement will be included in the employer's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one which is substantially similar in terms of pay, benefits and working conditions. The City may choose to exempt certain key employees from this requirement and not return them to the same or similar position.

I. Use of Paid and Unpaid Leave. An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use all paid vacation, personal or sick leave prior to being eligible for unpaid leave. Sick leave shall be run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established sick leave policy.

1. Disability leave for the birth of the child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA. For example, if an employer provides six weeks of pregnancy disability leave, the six weeks will be designated as FMLA leave and counted toward the employee's 12-week entitlement. The employee may then be required to substitute accrued (or earned) paid leave as appropriate before being eligible for unpaid leave for what remains of the 12-week entitlement. An employee who is taking leave for the adoption or foster care of a child must use all paid vacation, personal or family leave prior to being eligible for unpaid leave.

2. An employee who is using military FMLA leave for a qualifying exigency must use all paid vacation and personal leave prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must also use all paid vacation or sick leave (as long as the reason for the absence is covered by the City's sick leave policy) prior to being eligible for unpaid leave.

J. Intermittent Leave or a Reduced Work Schedule. The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period).

1. The City may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

2. For the birth, adoption or foster care of a child, the City and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

3. If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with the City before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave intermittently or by a reduced hour schedule is medically necessary.

K. Certification for the Employee's Serious Health Condition. The City will require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the Department of Labor Certification of Health Care Provider for Employee's Serious Health Condition, (DOL form WH-380-E).

1. The City may directly contact the employee's health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official. The City will not use the employee's direct supervisor for this contact. Before the City makes this direct contact with the health care provider, the employee will be a given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the City will obtain the employee's permission for clarification of individually identifiable health information.

2. The City may require a second opinion if it has reason to doubt the certification. The City will pay for the employee to get a certification from a second doctor, which the City will select. The City may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the City will require the opinion of a third doctor. The City and the employee will mutually select the third doctor, and the City will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

L. Certification for the Family Member's Serious Health Condition. The City will require certification for the family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the Department of Labor Certification of Health Care Provider for Family Member's Serious Health Condition, (DOL form WH-380-F).

1. The City may directly contact the employee's family member's health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official. The City will not use the employee's direct supervisor for this contact. Before the City makes this direct contact with the health care provider, the employee will be a given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the City will obtain the employee's family member's permission for clarification of individually identifiable health information.

2. The City may require a second opinion if it has reason to doubt the certification. The City will pay for the employee's family member to get a certification from a second doctor, which the City will select. The City may deny FMLA leave to an employee whose family member refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the City will require the opinion of a third doctor. The City and the employee will mutually select the third doctor, and the City will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

M. Certification of Qualifying Exigency for Military Family Leave. The City will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave, (DOL form WH-384).

N. Certification for Serious Injury or Illness of Covered Service member for Military Family Leave. The City will require certification for the serious injury or illness of the covered service member. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the Department of Labor Certification for Serious Injury or Illness of Covered Service member, (DOL form WH-385).

O. Recertification. The City may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30

days and only when circumstances have changed significantly, or if the employer receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the City may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence. The City may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

P. Procedure for Requesting FMLA Leave. All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to the HR Director or their Department Director; employees will be asked to complete an FMLA leave request form. Within five business days after the employee has provided this notice, the Department of Human Resources will complete and provide the employee with the Department of Labor Notice of Eligibility and Rights, (DOL form WH-381). When the need for the leave is foreseeable, the employee must provide the employer with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the City's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

Q. Designation of FMLA Leave. Within five (5) business days after the employee has submitted the appropriate certification form, the Department of Human Resources will complete and provide the employee with a written response to the employee's request for FMLA leave using the Department of Labor Designation Notice, (DOL form WH-382).

R. Intent to Return to Work from FMLA Leave. On a basis that does not discriminate against employees on FMLA leave, the City may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

XXII. PAYMENT OF BENEFITS:

A. Regular employees may receive salary and employment benefits during periods of absence only for those reasons specified herein.

B. The Sick Leave, Sickness in Family, Serious Sickness in Immediate Family, and Death in Immediate Family benefits are separate and distinct. Absence due to one cause shall not be charged against the benefit period of the other except leave taken for Sickness in Family, Serious Sickness in Immediate Family and Family Medical Leave will be charged against accumulated sick leave as provided in Paragraph XVII and authorized travel time for Death in Immediate Family will be charged against accumulated sick leave as provided in Paragraph XVII. The determination of which of these benefits against which leave time may be charged shall be at the sole discretion of the City.

C. Benefits for Death in Immediate Family, Sickness in Family and Family Medical Leave are not cumulative from one calendar year to another.

D. Paid absences not otherwise allowed in this Policy may be approved by the Department Director; however, such Excused Absence With Pay ("EAWP") will be recorded as such on the individual time sheet of employee being granted such leave.

XXIII. PHYSICAL EXAMINATION:

A. A Department Director may, as a condition for returning to duty, require an employee who was absent because of occupational injury, non-occupational injury, serious illness or disease, surgery or other similar situations, to obtain a release from his or her personal physician. A Department Director may also require such employee be examined by the City Physician and be certified as being able to return to work.

B. Regular employees may be required to have an annual physical examination by a City Physician for the purpose of determining their ability to perform the essential functions of their position.

XXIV. OCCUPATIONAL INJURY:

A. If an employee is injured in the performance of his or her assigned duties, he or she must report such injury as soon as reasonably possible to his or her immediate Supervisor.

B. The Supervisor will immediately report each injury verbally to the Department Director and give all particulars such as:

1. Time and place.

2. Exact cause and circumstances of injury.

3. Witnesses.

4. Nature and location of injury.

5. Name of attending physician.

The Supervisor shall also complete a Supervisor Accident Report.

C. The Department Director shall ensure the injured employee reports to the Department of Human Resources for purposes of completing the necessary reports to be forwarded to the insurance company carrying the Worker's Compensation and Liability Insurance Policy for the City of Idaho Falls.

D. An employee receiving leave with pay due to occupational injury or disease under the City's Worker's Compensation insurance shall, during the period of such leave, receive Occupational Injury benefit which will equal the difference between his or her regular straight time wages, excluding shift differential, and his or her time loss workers

compensation income. Such leave ("O.I. Leave") shall be limited to fifty (50) calendar days or a period equal to the employee's accrued Sick Leave, whichever is the greater, but in no event more than one hundred twenty (120) working days. An employee who has exhausted all of his or her occupational injury time and has returned to work may be granted additional employee paid time for any medical appointments associated with their occupational injury. As a condition for receipt of this benefit, employees authorize the Controller's office to deduct a sum equal to all workers compensation time loss benefits from related paychecks. Failure on the part of the employee to cooperate with the Controller's Office in making any necessary adjustments for the proper processing of this benefit may result in the loss of further O.I. benefits and the deduction of such excess compensation from the employee's accumulated sick leave or vacation leave.

E. Limitations. Occupational Injury benefits shall be used prior to Sick Leave benefits as describe in section XVII Sick Leave. Benefits under Occupational Injury will provide for leave equal to employee's accumulated eligibility up to one hundred twenty (120) workdays under sick leave without being charged against accumulated sick leave. O.I. (Occupational Injury) leave can be used only once for the same injury except in situations where serious complications arise after the employee has returned to work provided it is taken within one (1) year of the date of the initial injury. Exceptions may be granted with the approval of both the Department Director and the Department of Human Resources, only after consulting with the City Physician for a recommendation. Any exception granted under the O.I. policy shall be charged against the maximum O.I. benefit of the initial injury.

F. Supplementation of Occupational Injury Benefit. The City may allow an employee who has used all Occupational Injury benefits to supplement his or her Worker's Compensation Benefit, by using accumulated sick leave/vacation benefits to supplement the difference between Worker's Compensation payments and the employee's regular salary. This extended benefit, if granted, shall terminate one (1) year following the initial accident or the expiration of sick leave/vacation benefits, whichever comes first. This benefit is provided upon the following conditions:

1. To use sick leave/vacation benefit to supplement Worker's Compensation, the employee must provide evidence of Worker's Compensation benefits received.

2. The employee will be paid the difference in his or her salary the next pay period following proof of compensation.

3. Total compensation not to exceed one hundred percent (100%) of employee's regular salary (Example: If Worker's Compensation pays employee sixty percent [60%] of regular salary, employee would use sick leave/ vacation benefit to make up additional forty percent [40%]).

4. Employee will accrue benefits based upon the percentage that benefits are expended to maintain employee at one hundred percent (100%) salary (Example: If forty percent [40%] were used, the employee would only accrue forty percent [40%] benefits).

5. Employee must, on a monthly basis, provide his or her Department Director, a written medical update and prognosis from the attending physician at no expense to the City.

6. Employee must keep Department Director informed on a weekly basis of existing conditions and circumstances regarding extended leave.

7. The employee must provide an appropriate written release from the attending physician before employee is allowed to return to work. The City may require a release from the City Physician as well.

G. Conditions for O.I. Benefit. An employee who is eligible to receive O.I. leave may, as a condition for receipt of O.I. benefits, be required to report to work to perform portions of his or her job duties to the extent his or her physical condition does not impair his or her ability to safely perform such functions. When serious sickness in immediate family requires the employee to leave the job, he or she will be charged with sick leave in accordance with Paragraph XIX, FAMILY MEDICAL LEAVE.

XXV. EDUCATION:

A. Education Assistance:

1. Purpose: The Education Assistance Program shall be a concerted effort to invest and contribute to City of Idaho Falls Employees' education relative to their existing job position.

2. Policy: Education assistance is available for regular, full-time employees. Recognizing the constraints of budgetary resources, the amount approved for educational assistance shall be determined by each Department's Director. The employee's Department Director shall also evaluate whether a class/education program is **relevant to the employee's current job position**.

3. Requirements and Procedures: Regular full-time employees with at least one (1) year of service may be eligible to be reimbursed for tuition expenses incurred for classes that are work-related as determined by the employee's Department Director.

   a. Education programs must be reviewed to determine **relevance to their job** and approved by the employee's Department Director **prior** to registration.
   b. A final grade of "C" or better for the class must be achieved in order to receive reimbursement. The employee must fully complete a class and receive a final grade before reimbursement will be considered. Withdrawal from a class will not be reimbursed.
   c. Transcripts and receipts must be submitted to the employee's Director following the completion of the course to receive reimbursement.

Employees are expected to schedule class attendance and the completion of study assignments outside of the employee's regular working hours. If it is necessary to schedule a class during normal working hours, the employee and his/her supervisor

will mutually agree on a plan to make up the lost work time. It is expected that educational activities will not interfere with the employee's work, and unsatisfactory job performance during enrollment may result in forfeiture of educational assistance and termination of employment.

B. Education Leave:

Regular employees interested in further professional training applicable to City business may, with the consent of the Mayor and Council, obtain educational leave. Such leave is without pay. A single leave may not be for more than twelve (12) months. Employees will not be eligible to earn or receive any benefits of any kind during the education leave period. The absence will not be considered as part of the employee's continuous service.

XXVI. LEAVE OF ABSENCE WITHOUT PAY:

Department Directors may grant a leave of absence without pay, provided the employee has no other leave benefits available. The Mayor and Council must approve any request for more than fifteen (15) working days and stipulate the effect upon the employee's eligibility for benefits and his or her continuous service period.

Department Director may grant a leave of absence without pay for an employee serving on military leave even if the employee has other leave benefits available.

XXVII. MILITARY LEAVE:

A. Purpose. The Uniformed Service Employment and Reemployment Rights Act of 1994 ("USERRA") prohibits employers from discriminating against employees who fulfill non-career military obligations in the Uniformed Services and requires employers to provide a leave of absence within the parameters described below to allow employees to perform military obligations. The purpose of this Military Leave Policy is to provide military leave as required by law and to comply with the other relevant provisions of USERRA.

B. Eligibility. This Military Leave Policy applies to all full-time and part-time employees of the City who are also members of one of the Uniformed Services.

C. Definitions. For the purposes of this Military Leave Policy, the following definitions apply:

1. "Benefit," "Benefit of Employment," "Rights and Benefits," or any variation of these—Any advantage, privilege, or gain (other than wages or salary for work performed) that accrues by reason of employment.

2. "Calendar Year"—January 1 through December 31 of each year.

3. "Military Service"—The performance of military duty on a voluntary or involuntary basis in a Uniformed Service.

4. "Partial Pay"—Partial pay is the difference between the employee's regular salary

and the employee's full-time military salary, excluding expenses, Basic Allowance for Substance (BAS), Basic Allowance for Housing (BAH), or combat pay where the employee's City salary is more than the employee's full-time military salary.

5. "Seniority"—Longevity in employment together with any benefit(s) that accrue with or are determined by longevity.

6. "Uniformed Service(s)"—The Armed Forces of the U.S. Army, Navy, Marine Corps, Air Force, and Coast Guard; the reserve components of the Armed Forces; the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty; and any other category of service designated by the President of the United States in time of war or national emergency.

7. "Working day(s)"—A working day for a City employee is comprised of:

   (a) an eight (8) hour day, a ten (10) hour day, or other alternate work days for a thirty-five (35) to forty (40) hour per week employee;

   OR

   (b) a twenty-four (24) hour shift for a fifty-six (56) hour per week employee;

   OR

   (c) any combination of shifts that comprise seventy (70) to eighty (80) hours in a bi-weekly pay period

   (d) part-time employees will be evaluated on a case by case basis.

D. Requests for Military Leave: All requests for military leave shall comply with the following:

1. Every employee requesting military leave shall notify their supervisor either verbally or in writing of the orders requiring military service as soon as they have knowledge of upcoming military service or as soon as practicable thereafter.

2. All military leave requests shall be accompanied by a copy of the order, directive, notice, or other documentation requiring absences from scheduled work. Employees shall complete the Military Leave Request Form.

3. An employee in a reserve program often has some discretion on dates for annual training exercises. The City may request that the employee select dates that will least interfere with the City's objectives or may lessen the impact of the employee's absence. If the employee has a choice, it shall be the employee's responsibility to discuss scheduling of the training with his/her supervisor and will be up to the military unit to accept agreed upon or recommended dates.

4. An employee returning from military service retains all rights to reemployment and certain seniority entitlements, as provided for by USERRA and this Policy. The employee must report back to work or request reemployment pursuant to USERRA by contacting the Human Resources office and the employee's Department Director in advance of returning to work.

E. Benefits:

a. Continuation of insurance benefits is available in accordance with USERRA based on the length of leave and subject to the terms, conditions, and limitations of the applicable plans for which the employee is otherwise eligible. While the employee is on military leave, accrued non-seniority based leave (such as vacation, sick leave, or holiday pay) will continue to accrue at the rate the employee was accruing when the employee was called to active duty.

b. The employee who is a member of the Uniformed Services and called to active duty can continue regular employee insurance benefits for thirty (30) calendar days for military service pursuant to this Policy. The City will pay the City's portion of the employee's insurance premium during such thirty (30) calendar days. The employee will pay the employee's portion of the insurance premium during those thirty (30) calendar days.

c. Should the employee's active duty continue longer than thirty (30) calendar days, the employee will pay the full premium if they decide to remain on the city insurance. If the employee's City paycheck is not substantial enough to cover the cost of the insurance premiums or other automatic deductions the employee participates in, the employee may make arrangements to pay to the City those premiums by personal check through the Human Resources office.

F. Leave(s) of Absence for Military Service:

1. An employee who is a member of the Uniformed Services will be granted up to fifteen (15) working days of paid leave per calendar year for days during which the employee is engaged in authorized training or duty ordered or authorized by the proper authority to be calculated as follows:

a. Up to a total of one hundred twenty (120) hours for an employee who normally at a rate of eight (8) hours or ten (10) hours per day or works other alternate work days that equal thirty-five (35) to forty (40) working hours within a pay week or seventy (70) to eighty (80) hours in a bi-weekly pay period;

OR

Up to a total of one hundred sixty-eight (168) hours for an employee who normally works fifty-six (56) hours in a pay week at a rate of eleven and two tenths (11.2) hours per day.

2. If leave(s) of absence for military service exceed the fifteen (15) working days of paid military leave, an employee shall be permitted upon request to use any accrued vacation and/or compensatory time during military leave past the fifteen (15) working days of paid military leave. The employee must provide a written request to their supervisor prior to the use of such time.

3. If leave(s) of absence for military service exceeds more than thirty (30) consecutive calendar days of military leave, then after the first thirty (30) day period of active duty, the City will pay to the employee partial pay during the remainder of

active duty service up to a maximum of two (2) years from the first day when partial pay for active duty began. Partial pay during this period will be paid on the same schedule that the employee would be paid if they were not on active duty.

4. An employee called for active duty shall, upon their return to City employment, receive credited service hours for regularly-scheduled hours away from work while on federal active duty. In other words, there will be no break in the employee's City employment that may disrupt benefits that are based on continuous employment.

XXVIII. JURY DUTY AND OTHER REQUIRED APPEARANCES:

A. Jury Duty. If, during regular scheduled work days, a regular employee is summoned for jury duty, he or she shall receive compensation for the hours off, but not to exceed the number of hours he or she would normally have worked on his or her scheduled shift. Any time paid for under this rule shall not be considered as time worked for the City and as such shall not be considered as time worked in computing any overtime pay.

B. Other Required Appearances. If, during regular scheduled work days, a regular employee must appear before a court, administrative tribunal or other quasi-judicial body as a witness in proceedings or actions in which the employee is not a named party or a party appearing in a representative capacity and in response to a subpoena or other direction by proper authority he or she shall receive his or her regular pay, but not to exceed the amount he or she would normally have received if he or she had worked his or her scheduled shift. Any time paid for under this rule, shall not be considered as time worked for the City and as such shall not be counted as time worked in computing any overtime pay. All off-duty appearances, occasioned in connection with official duties, and required by subpoena or other direction by proper authority, shall be paid at the rate of time and one-half (1-½) the base hourly rate with two (2) hours and a maximum of hours commensurate with employee's normal shift.

C. Fees and Allowance. All court, witness fees, and other appearance allowances, except travel, meals, lodging, and other incidental expenses received by the City employee while receiving City compensation under Sections A and B above, shall be immediately paid over to the City.

XXIX. DISCIPLINARY ACTIONS AND TERMINATIONS:

A. Employee Performance. All employees shall maintain high standards of cooperation, efficiency, and economy in their work for the City of Idaho Falls. Department Directors and Supervisors shall organize and direct their work to achieve such objectives. Whenever work habits, attitudes, or conduct of an employee falls below a desirable standard, Supervisors should point out the deficiencies to the employee at the time they are observed. Disciplinary action taken against an employee should be noted in the employee's personnel file.

B. Progressive Discipline. The City encourages the use of progressive discipline to address performance problems, when feasible.

Progressive discipline is a tool used to counsel and to discipline employees for poor or inadequate performance or for inappropriate behaviors by increasing the level of the discipline to meet the need for change in performance. It provides opportunities for an employee to correct an issue before it becomes too severe and provides the City, the supervisor, and the employee with performance-related documentation. The purpose of any discipline imposed is to encourage better performance, not simply to punish unwanted behavior.

C. General Guidelines. Progressive discipline is the responsibility of the supervisor, with review by the Department Director, and as needed, Human Resources. Generally speaking, employees should be provided with an opportunity to correct deficiencies in performance or behavior, when deemed appropriate by management. Some infractions of City policies/Code of Conduct will be cause for immediate termination.

1. Factors which may be considered when determining a course of disciplinary action:

   a. Whether the employee had reasonable notice of what is expected;
   b. The extent to which the employee has been given an opportunity to correct the deficiency;
   c. The degree to which the employee had advance notice of the potential consequences of not meeting the expectations;
   d. An evaluation of the employee's explanation (if any) of why expectations were not achieved;
   e. The relationship between the failure of performance and the discipline imposed or "proportionality" (e.g. seriousness of the offense, employee's past performance, circumstances surrounding the particular event, Department practice in similar events).

D. Discipline Process. Progressive discipline may include any of the following steps:

1. Informal Verbal Coaching/Warning
   In most cases, informal coaching should be an ongoing part of the supervisor/employee relationship so that problems can be addressed as they arise (rather than putting them off). Informal coaching may be carried out by the supervisor verbally discussing the problem with the employee and explaining that this is (usually) the first step in the improvement process. The supervisor should keep a written record of discipline-related discussions.

2. Written Warning
   If improvement in an employee's performance or behavior is not apparent after the informal coaching/verbal warning, a formal written warning could be

given. The purpose of a written warning is to impart to the employee the gravity of the situation and to document performance expectations and the need for improvement. This should be a written document with verbal discussion that is delivered by the employee's supervisor. A copy of the warning should be provided to the employee and the supervisor. The original warning letter should be signed by the employee and placed in the employee's personnel file. Acknowledgement by the employee in this case means that the employee received the written warning, not necessarily that the employee agrees with the written warning. If the employee fails to sign an acknowledgement of written warning receipt, the supervisor should note delivery of the written warning.

3. Work Improvement Plan (WIP)

   If the performance or behavioral problem continues despite verbal and written warnings, a formal WIP may be appropriate. The purpose of the WIP is to document a formal plan to improve employee performance, which should include a specified timetable by which the employee must meet acceptable performance or be subject to behavioral standards and consequences for not doing so. A copy of the WIP should be provided to the employee and supervisor. The original WIP should be acknowledged by the employee and placed in the employee's personnel file. Acknowledgement by the employee in this case means that the employee received the WIP, not necessarily that the employee agrees with the WIP. If the employee fails to sign an acknowledgement of WIP receipt, the supervisor should note delivery of the WIP.

4. Meets Performance Standards OR Demotion / Suspension / Termination

   If the employee's performance or behavior improves enough by the target date of the WIP to meet all performance standards for the employee's position, the employee can be removed from the Plan. If the performance or behavior does not improve sufficiently enough to meet performance standards, the next discipline step may include a job demotion, a suspension, or termination from employment. The employee's Department Director and the Human Resources Department should be contacted before a demotion, suspension, or termination occurs.

E. Management Discretion. These progressive discipline steps merely provide a framework for approaching a performance issue. Because no two disciplinary situations will be the same, strict adherence to these steps may not be appropriate. For instance, some performance issues may require immediate suspension or termination. Other situations may allow for multiple incidents of verbal and/or written warnings. The course of action to correct deficiencies in job performance or inappropriate behavior will depend on how management views the nature or severity of the problem. Management has discretion to determine what steps of the progressive discipline process, if any, are appropriate in a particular case.

The Human Resources Department is available to assist in constructing a discipline plan. If an issue is raised to the level of demotion, suspension or termination, the Department Director and Human Resources should be contacted prior to taking the action.

All employees of the City are employed "at will" and at the discretion of the Mayor and City Council, except as may be agreed in writing or in an approved collective bargaining agreement.

F. Involuntary Termination of Employment. Regular employees may be terminated only by a Department Director or by the Mayor. A Supervisor may, with the concurrence of a Department Director, suspend an employee without pay for a period not to exceed five (5) working days. Prior to the termination of an employee's employment for any reason other than a reduction in force and prior to the termination or suspension of any benefit of employment, the Department Director shall notify the employee involved, in writing, of his or her intent to do so. The notice must set forth in general terms the basis for the proposed action and give the employee an opportunity to be heard before the Department Director prior to such termination or any suspension of any benefit of employment.

G. Disciplinary Suspensions. An employee who is exempt from payment of overtime compensation under the Fair Labor Standards Act ("FLSA") may not be suspended without pay unless allowed by the FLSA.

H. Code of Conduct. All employees are expected to adhere to the following "Code of Conduct." Listed below are examples of conduct generally recognized as detrimental to the best interests of the City. THESE EXAMPLES ARE SET OUT FOR PURPOSES OF ILLUSTRATION ONLY AND THIS LIST IS NOT INTENDED TO BE ALL-INCLUSIVE. A violation of any of the provisions of this Code of Conduct may result in disciplinary action or termination, depending upon the circumstances. Examples of conduct for which disciplinary action or termination may be taken are as follows:

1. Theft of City property, the use of City property for personal purposes or the unauthorized removal of City equipment or property from the work place, including the inappropriate use of information systems as described in Section XXVIII (City Information Systems Usage) of this Policy.

2. Violation of the Idaho Ethics in Government Act or other similar statutes prohibiting conflicts of interest.

3. Acceptance of a bribe or gift or using one's public position for personal gain in violation of Chapter 13, Title 18, Idaho Code.

4. Commission of a misdemeanor while on duty or the commission of a felony either on or off duty.

5. Willful or malicious damage to City property or property under the control or in the custody of the City.

6. Intoxication, possession of, drinking or ingesting alcoholic beverages or any controlled substance without a valid prescription while on duty, or reporting to work when under the influence of such beverages or substances. This prohibition also applies to employee breaks and lunch periods and also includes controlled substances which are illegal in the State of Idaho, even if the substance was purchased legally in another state or prescribed legally in another state.

7. Horseplay, fighting, intimidation or coercion of other employees.

8. Willful insubordination, including, but not limited to failure to discontinue job duties or failure to leave the work place when directed to do so by the employee's supervisor.

9. Violation of safety regulations and practices, including, but not limited to, failure to use safety equipment, willful failure to adhere to safety regulations, failure to report on-the-job injuries or accidents or failure to follow instructions regarding medical treatment.

10. Falsification or unauthorized destruction of public records or reports.

11. Dereliction of duty, unsatisfactory performance of assigned duties, failure to perform assigned duties or sleeping while on duty.

12. Reckless or negligent driving of a City vehicle or failure to promptly report vehicle accidents or other violations or regulations incident to the operation of City vehicles, whether or not the employee was directly involved.

13. Tardiness or unexcused absence from work. (Absences without prior notification to an employee's Supervisor of an intent to use paid leave benefits hereunder will be considered to be unexcused, absent exigent circumstances.)

14. Gambling on duty.

15. Engaging in patently offensive or immoral activity while on duty.

16. Possession of weapons or explosives while on duty without proper authorization.

17. Failure to cooperate with fellow employees in a manner which impairs performance of job duties.

18. Engaging in or conspiring to commit espionage, sabotage or criminal conspiracy.

19. Abuse of sick leave or other paid leave benefits hereunder.

20. Dishonesty while in the performance of job duties.

21. Unlawful discrimination and harassment of another employee, or member of the public, or failure to report such conduct by another employee, or failure to follow adopted procedures for the reporting of unlawful discrimination and harassment.

22. Knowing submission of materially false information in an employment application.

XXX. CITY INFORMATION SYSTEM USAGE

A. This policy applies to all users of City information resource systems, including but not limited to full and part-time employees, subcontract personnel, temporary staff, and anyone else who is given access to City computer systems.

B. City information system equipment may be used for official business only. City information resources are municipal property and, as such, are subject to City policy and federal and state laws pertaining to the proper use, protection, accountability, and disposition of municipal property. Information resources include all City-owned or municipal–funded data communication equipment and services, located on- or off-site, including, but not limited to personal computers, laptop computers, workstations, networking services, mainframes, minicomputers, telephones, cell phones, personal digital assistants (PDAs), pagers, radios, associated peripherals and software, copiers, fax machines, and municipal provided access to electronic mail, the intranet, and the internet/web.

C. City information resource systems and the equipment used to operate these systems are to be used for the purpose of conducting official business only. That is, activities that pursue and fulfill the mission, vision and strategic goals of the City. Official Use, for the purpose of this policy means a use that is in support of, or related to the conduct of City-related business. Incidental use, which should be done sparingly, is considered to be official use and includes activity or use that does not (a) directly or indirectly interfere with the operation of City resources, (b) create additional cost, (c) interfere with the user's employment duties or reduce employee productivity, or (d) violate other established rules. Playing games, surfing the internet/web, visiting chat rooms, blogging, and performing other non-productive, non-work related activities are not appropriate. Additionally, it is not appropriate to use City information systems and equipment to solicit or proselytize for commercial ventures, religious or political causes, outside organizations, or other non-job related solicitations.

D. Using City information systems or services to intentionally access, download, or otherwise transmit any sexually explicit material; sending obscene, threatening, or harassing e-mails; using City computer resources for personal or financial gain (i.e., running a private business, trading stocks other than maintenance of a City-sponsored retirement plan, or other similar activities); transmitting or disclosing classified or other protected information without authorization; or the forwarding of sensitive material to an address with an outside internet service provider (ISP) will not be tolerated and will result in discipline up to and including discharge.

E. There is no personal privacy on City information resource systems. Use of City computers and systems may be intercepted, monitored, recorded, copied, audited, inspected, and disclosed by authorized officials. It is understood that employees may unintentionally come across non-work-related material; however, if this happens they

are to exit the site or terminate access immediately and notify their manager or supervisor as soon as possible of the circumstances that led to the situation.

XXXI. GRIEVANCE PROCEDURES:

A. Purpose.

The purpose of this grievance procedure is to maintain a productive, cooperative, efficient and experienced work force, thereby enhancing the public welfare; to not unjustifiably terminate or treat employees inappropriately; to afford the City administrative staff and employees opportunity to resolve errors, disputes, without the need for judicial intervention. This grievance procedure is the exclusive procedure to be applied to all City employees other than an employee who is a member of a collective bargaining unit, a Police Department employee covered by the Police Department grievance procedure, or a Department Director. NOTHING HEREIN SHALL BE CONSTRUED TO GRANT AN EMPLOYEE ANY RIGHT OR EXPECTATION OF CONTINUED EMPLOYMENT, TO LIMIT THE REASONS FOR WHICH AN EMPLOYEE MAY BE DISCHARGED, TO SPECIFY THE DURATION OF EMPLOYMENT OR TO IMPLY AN EMPLOYEE MAY ONLY BE TERMINATED FOR CAUSE.

B. Grievance Defined.

"Grievance" is any complaint by a regular employee who is subject to this Grievance Procedure and related to the following:

1. A disciplinary action applied to an employee,
2. Action taken by an employee which results in unfair or discriminatory treatment, inequity, or arbitrary or capricious action relative to another employee, based on a legally protected status,
3. Any interpretation or dispute regarding the terms and conditions of the City Personnel Policy, or
4. Retaliation or recrimination as result of any action by a superior that violates public policy or law.

C. No Retaliation.

An employee who files a grievance shall be free from restraint, interference, discrimination or reprisal by the City, its officers or employees, for having filed a grievance.

D. Privacy.

All documents, records and information generated, compiled or kept in conjunction with a grievance shall be exempt from disclosure to the public to the extent allowed by the Idaho Code (especially Title 74, Chapter 1, commonly known as the "Idaho Public Records Act"). An employee who files a grievance may obtain copies of records related to a grievance pursuant to the Idaho Public Records Act.

E. Commencing a Grievance.

Every employee is encouraged not to file a grievance until after he or she has made a reasonable effort to resolve the subject matter of the grievance with his or her

immediate supervisor or other person against whom the grievance could be filed. Examples of reasonable effort include: meeting informally with the person(s) affected to discuss the matter; engaging a supervisor to assist in resolving a matter; suggesting a compromise or resolution; self-assessment; reviewing a policy with a peer or supervisor to clarify expectations; and/or meeting with the Human Resources Department Director.

A grievance shall be commenced by filing the grievance with the Director of the Department out of which the grievance arises. Such grievance shall be in writing and shall contain the following:

1. The name and job classification of the grievant;
2. The date of the alleged action(s) or omission(s) which form the basis of the grievance;
3. A statement of the facts, materials, and arguments supporting the grievance;
4. A list of all articles, sections, or rules of the Department, City policy, or law which are alleged to have been violated; and
5. The remedy or resolution sought.

Failure of the City to comply with the time limits specified in this grievance process shall automatically and immediately advance the grievance to the next Step in the grievance process. Failure of a grievant to comply with the time limits specified in this grievance policy automatically and immediately results in the denial of the grievance.

"Day" as used in this Policy, shall mean one (1) twenty-four (24) hour calendar day beginning at midnight and ending twenty-four (24) hours later, whether or not the City is open for business.

When time is calculated for a deadline, counting begins on the day following the date a document is required to be submitted or an event is due to occur. Where a due date falls on a day that the City is officially closed for business (e.g., a weekend or official or declared holiday), the document is due or the event must occur on the first date that the City is open for business following the due date.

The time limits herein stated may be extended only by prior written mutual agreement of the parties.

F. Grievance Process:

Step 1. Department Director's Review. The grievance process shall be initiated by submitting the written grievance to the Department Director within fourteen (14) days following the disputed grieved action or inaction or the date that the employee knew or should have known of the action or inaction, whichever is earlier. This requirement is meant to encourage prompt reporting and resolution of the matter grieved.

Within fourteen (14) days following the Department Director's receipt of the written grievance, the Department Director shall meet with the grievant to discuss the grievance. The Department Director shall provide a written response to the grievant within fourteen (14) days following such meeting.

Step 2. Mayor's review. If the grievant does not agree with the Department Director's response in Step 1, the grievance and Director's response may be submitted by the grievant to the Mayor within fourteen (14) days following the Department Director's response.

Within fourteen (14) days following receipt of the grievance and materials from Step 1, the Mayor shall provide a written response to the grievant.

Step 3. Independent Review. If the grievant does not agree with the Mayor's response in Step 2, the grievance may be submitted for independent third-party review in the following manner:

Within twenty-one (21) days following the grievant's receipt of the Mayor's response in Step 2, the grievant shall deliver a written request for independent review to the City Human Resources (HR) Director. The grievant and the HR Director shall meet to select an independent reviewer from a list of qualified reviewers within fourteen (14) days following the receipt of the demand from the grievant for such review.

The HR Director shall maintain a list of not less than five (5) qualified independent reviewers. If the parties are unable to agree upon an independent reviewer, the HR Director and grievant shall alternately strike a name from the list (the first to strike a name shall be determined by coin flip) until the name of only one (1) individual from the list remains. The remaining person shall be the independent reviewer for the grievance.

The independent reviewer shall be selected and engaged within fourteen (14) days following a meeting between the grievant and HR Director to select a reviewer. The review will commence within fourteen (14) days following the reviewer's receipt of grievance material provided by the HR Director. The failure of the reviewer to commence and to complete review within the time periods established shall result in selection of a new reviewer, who will proceed with the process outlined in this Step 3 until a review is completed.

The scope of review by the independent reviewer in Step 3 shall be limited to whether the action taken against the grievant was or resulted in something unfair, discriminatory, inequitable, arbitrary, or capricious, based upon 1. a legally protected status, or 2. whether any Department or City policy was vague, subject to misinterpretation, or erroneously or wrongly applied to the grievant. The reviewer shall have no authority to rule contrary to, expand upon, or eliminate any terms or conditions of a Department policy or City Personnel policy.

The grievant and the City may submit materials and/or testimony in support of their relative positions, the weight, materiality, and persuasiveness of which shall be determined solely by the reviewer. The reviewer may request additional information or clarification of any party or person and may independently research the matter; however, the reviewer shall have no authority to compel production of any information nor have the authority to compel the presence or testimony of any person. The reviewer shall not attribute any adverse motive or inference to materials not proffered by the grievant or the City.

The reviewer shall be requested to provide the parties with a written statement of relevant criteria and standards and a decision justifying the reviewer's decision regarding the grievance within thirty (30) days of commencement of the review.

An informal group comprised of the Department Director, a representative from the HR Department and from the City Attorney's office will meet to confer about the reviewer's decision within fourteen (14) days following the City's receipt of the decision (to consider it and to take action, if any, deemed appropriate).

XXXII. POLITICAL ACTIVITY:

Employees may join any political organization, attend political meetings, express their views on political matters and vote in any election without retaliation, restraint or interference by the City or any of its officers or employees. However, while employed by the City, employees are prohibited from holding any City of Idaho Falls elective office, from using their official City position to publicly influence any public election campaign and from campaigning or circulating political petitions or otherwise engaging in political activities within the work place or while on duty.

XXXIII. SPECIAL PROVISIONS--FIRE DEPARTMENT:

This section sets forth special provisions for shift Fire Fighters assigned to an extraordinary tour of duty.

A. All shift Fire Fighters are to be paid for eighty-eight (88) hours holiday pay at their hourly rate for compensation for holidays worked during a one (1) year period, payable the second payday in November.

B. Unused vacation time to which a shift Fire Fighter is entitled in any calendar year may be used by him/her in any subsequent calendar year; provided, however, no shift Fire Fighter may use more paid vacation time in any calendar year than the amount of his or her annual entitlement as set forth in the Bargaining Contract, unless the Fire Chief shall determine that such extended vacation will not curtail normal working schedules; and provided further, no shift Fire Fighter may accumulate more than twenty-six (26) shifts of unused paid vacation. A shift Fire Fighter may, however, use accumulated vacation time to extend Sick Leave and Death in Family benefits.

C. The minimum charge for vacation leave is one (1) hour and additional leave is charged in multiples of one (1) hour. Absences for shorter periods may not be accumulated from day to day for the purpose of charging units of hours. (For example, an absence from work for one and one-half (1-1/2) hours before the close of business one day and absence one and one-half (1-1/2) hours the following morning may not be combined to make a total charge of three (3) hours. In such case, two (2) hours will be charged for each day.) A total of fifty-six (56) hours constitute a calendar week.

D. Shift Fire Fighters will accumulate sick leave at a rate of one-half (1/2) shift for each complete month of service with unlimited accumulation.

1. Occupational Injury benefits as outlined in paragraph XX, Item D, shall be used prior to sick leave benefits. Benefits under Occupational Injury shall be limited to fifty (50) calendar days or a period equal to accumulated eligibility under sick leave up to sixty-five (65) working shifts, whichever is the greater. Additional leave beyond sixty-five (65) working shifts for Occupational Injury will be charged against employee's accumulated sick leave.

2. The provisions of Chapter XVII, Paragraphs A, B, C, D, E, F, and G, and Chapters XX, concerning Sick Leave and Occupational Injury shall be applicable to all shift fire fighters.

3. The minimum charge for sick leave is one-half (1/2) hour and additional sick leave is charged in multiples of one-half (1/2) hour. Absences for shorter periods may not be accumulated from day to day for the purpose of charging units of hours.

E. Shift fire fighters may be granted leave with pay at their base rate for a period not exceeding forty-eight (48) shift hours, when authorized by the Fire Chief, for deaths in immediate family. The Fire Chief may authorize twenty-four (24) additional shift hours travel time when he or she deems it necessary for the employee to reach his or her destination and return. Such additional travel time will be deducted from accumulative sick leave.

F. Overtime will be paid for hours worked in excess of the administrative work week as defined by the Fire Department and in compliance with the FLSA. Rates will be based on total scheduled annual hours in ratio to annual salary.

G. Shift Fire Fighters may be allowed leave with pay at their base rate on account of a serious illness of an emergency nature of a member of employee's immediate family in accordance with the following provision: not to exceed two (2) scheduled work shifts at any one time, or ten percent (10%) of accumulated sick leave, whichever is greater. Such leave is to be deducted from accumulated sick leave.

XXXIV. GENERAL WAGE INCREASES:

Any general increases in salary, other than for temporary replacement shall become effective on the first day of the bi-weekly pay period immediately following completion of the applicable period of service.

XXXV. ASSOCIATION BUSINESS:

Regular employees elected to an office within an employee association or selected by an employee’s association for the purpose of any grievance meeting or presentation of new recommendations, upon notification of their Department Director, shall be granted time off to perform such duties with no loss of pay to the employee, provided such meetings or duties shall not require the employee to leave the City or indulge in any other meetings or business not to exceed a maximum of four (4) people at any one time.

XXXVI. LONGEVITY COMPENSATION:

A. The longevity compensation for all eligible regular employees (excluding those under separate labor contracts) shall be paid as an addition to the eligible employee's hourly rate, commencing in the first payday of the month, in which the employee reaches his or her anniversary date.

The schedule for longevity pay is found in Appendix A.

B. If an employee hired before January 1, 2020, terminates his or her employment, longevity will be prorated based on the employee's anniversary date and payment will be computed on the basis of the last complete month of service.

C. A regular employee that has been rehired following a termination and break in service will be eligible for longevity compensation based on the date of rehire; previous years of service will not be factored into longevity compensation following a break in service.

XXXVII. REDUCTION IN FORCE:

A. Definition of Reduction in Force. For the purposes hereof, the term "Reduction in Force" means any involuntary termination without cause due to budget limitations, reduction in workload, efficiency enhancements, departmental reorganizations or other similar reasons. The guidelines set forth below will be followed whenever a reduction in force becomes necessary however nothing herein shall be interpreted to limit or otherwise restrict the ability of the City to terminate employment under the at-will provision hereof.

A Reduction in Force shall not be used to address employee performance or behavioral problems. For employee disciplinary issues follow Section XXIX DISCIPLINARY ACTIONS AND TERMINATIONS in the Personnel Policy Manual.

B. Reduction Factors. When, for any reason, it becomes necessary to reduce the working force in a Department or Division not covered by a collective bargaining agreement or governed by Civil Service Rules, employees will be selected for termination based on:

1. The City's skill requirements;

2. Employee's potential; and

3. Employee's work performance.

When the first three factors are equal, the employee with the greatest seniority will be retained.

C. Seniority Defined. Seniority is defined as length of continuous full-time service. Seniority is based on the following factors:

1. Departmental service

2. Division service

3. City service

The Department Director and Director of Human Resources will determine the definition of Department as it applies to a Division.

D. Notification. A formal notice of separation signed by the Department Director will be provided to the employee at least ten (10) working days prior to separation. This notice will specify the separation date.

E. Recall. As job vacancies occur, qualified and eligible former employees will be given preference for re-employment over other qualified applicants, provided the job vacancy occurs within one (1) year from date of separation. No further preference will be given if an employee fails to return to work within fifteen (15) calendar days from the date the employee has been notified to return to work. All employees who were affected in the Reduction in Force must be given the opportunity to return to work before other candidates may be considered.

XXXVIII. DRUG FREE WORKPLACE POLICY:

A. The City of Idaho Falls has a longstanding commitment to providing a safe, quality-oriented and productive work environment consistent with the standards of the community in which we operate. Alcohol and drug abuse pose a threat to the health and safety of City employees, citizens, and visitors and to the security of our equipment and facilities. For these reasons, the City of Idaho Falls is committed to the elimination of drug and/or alcohol use and abuse in the workplace as well as outside of the workplace to the extent it impacts the work of the City. This Drug Free Workplace Policy outlines the practice and procedure designed to address and/or correct these impacts on the City.

B. This policy applies to all employees and all applicants for employment with the City of Idaho Falls. This policy, shall, to the extent possible, be interpreted in a manner consistent with the provisions of any collective bargaining agreement approved by the City Council or civil service regulations adopted by ordinance or by statute. Provided, however, in the event of any irreconcilable inconsistency, then such collective bargaining agreement or civil service rules, regulations or statues shall prevail.

C. Policy Rules. The following rules represent the City's policy concerning drug and alcohol use and abuse. Compliance with these rules is a condition of employment for all City employees.

1. The unlawful sale, possession, transfer, manufacture, distribution, dispensation, purchase, or use of alcohol or any controlled substance, or being under the influence of such substances by any employee of the City of Idaho Falls is prohibited at all times when an employee is working, operating any City vehicle, is

present on City premises, or is conducting City related work off-site. Violation of this rule may subject the employee to disciplinary action, up to and including termination.

2. An employee whose off-duty use or abuse of alcohol or any controlled substance results in excessive absenteeism or tardiness, or is the cause of accidents or poor work performance may face disciplinary action, up to and including termination.

3. Any illegal drugs or drug paraphernalia found at the work place or in the possession of an employee while on duty will be turned over to an appropriate law enforcement agency.

4. An employee must notify his/her Department Director in writing of any on-duty or off-duty criminal drug or alcohol related incident or violation that adversely impacts or could impact the employee's ability to drive, work, or perform a major life function of the employee or that arose out of activity in the employee's work place, no later than five (5) calendar days after such incident or violation. Any such incident or violation may be grounds for disciplinary action, up to and including termination.

5. The use of drugs/medicines prescribed by a licensed medical practitioner will be permitted provided that it will not and in fact does not affect work performance, nor will it impair the employee's ability to safely operate equipment or machinery. The City reserves the right to have a licensed medical practitioner who is familiar with the employee's medical history and assigned duties determine if use of the prescription drug will produce effects which will increase the risk of injury to the employee or others while working. If such a finding is made, the City may limit or suspend the work activity of the employee during the period that the medical practitioner advises that the employee's ability to perform his or her job safely may be adversely affected by such medication. Any employee who has been informed by his/her physician or by information provided by a pharmacy, drug manufacturer or on the label of the medication that the prescription drug could cause adverse side effects while working must inform his/her supervisor prior to using the medication on the job.

6. Use of a legally prescribed controlled substance or medication which may adversely affect an employee's ability to safely perform the job must be disclosed by the employee to his or her supervisor. Any accommodations for the use of that prescription must be approved by the supervisor and only in a manner that provides for the safe performance of the employee's job.

7. An employee in violation of any of these rules may be subject to immediate disciplinary action, up to and including termination, and/or referral to the City's employee assistance program (EAP) for rehabilitation, and could face additional disciplinary action if he/she rejects the program or fails to satisfactorily participate.

D. Drug Testing. As a condition of employment, all employees holding U.S. Department of Transportation (DOT) regulated positions required to be tested for drugs and

alcohol as set forth in 49 CFR Parts 40 and 382 of the U.S. DOT regulations and will abide by the conditions set forth in Sections XXXVIII.E-M of this policy. The term "DOT regulated positions" as used herein for the City of Idaho Falls means any position that requires a commercial driver's license ("CDL") to perform any functions of the position. All other employees not in DOT regulated positions are covered under Section XXXVIII.N of this policy.

E. Drug Testing Policy for Employees in DOT Regulated Positions. Employees who are required to have a CDL as a condition of employment will be tested:

1. Prior to beginning duties in a DOT regulated position; or

2. Randomly and unannounced; or

3. Upon observation of behaviors that create "reasonable suspicion" of the possession or use of alcohol, controlled substances or drug-related paraphernalia; or

4. Following a significant accident; or

5. Prior to and after return-to-duty after failing a drug test and/or after completion of rehabilitation treatment.

No employee shall use or be under the influence of alcohol or controlled substances while on duty or while performing DOT regulated position functions related to his or her job. No employee shall have used alcohol or controlled substances within four hours of reporting for duty. No employee shall use alcohol or controlled substances during the hours that they are on call. No employee should report for duty or remain on duty when his/her ability to perform assigned functions is adversely affected by alcohol or controlled substances or when his/her blood alcohol concentration is two tenths (0.02) or greater. Violation of these provisions is prohibited and punishable by disciplinary action up to and including termination.

F. Pre-Employment Testing

1. Prospective employees for any DOT regulated positions will be tested for drugs after a contingent offer of employment is made. A confirmed positive test will disqualify applicants from employment. This also applies to current employees who are transferring from a non-DOT regulated position to a DOT regulated position for the first time within the same employer.

2. A drug and alcohol testing history check will be conducted on all hires for DOT regulated positions, including current employees who transfer from a non-DOT regulated position to a DOT regulated position within the City. Such history check shall consist generally of a signed authorization form that will be sent to each of the prospective employee's previous DOT-regulated employers from the prior three (3) years requesting any drug and alcohol history documentation they might have on the prospective employee.

G. Random Testing

1. All employees occupying DOT regulated positions will be subject to urine drug testing and breath or saliva alcohol testing at any time without prior notice.

H. Reasonable Suspicion Testing

1. An employee may be required to submit to drug and alcohol testing if reasonable suspicion is established regarding the employee's possession, use of, or being under the influence of, drugs or alcohol while on duty. The following represent conditions under which reasonable suspicion may be established:

   a. Direct observation of drug use or possession.

   b. Direct observation of the physical symptoms of being under the influence of drugs or alcohol, such as impairment of motor functions or speech.

   c. A pattern of abnormal conduct or erratic behavior.

   d. Arrest or conviction for a drug-related offense or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or distribution.

   e. Information that is provided by reliable and credible sources or that can be independently corroborated.

2. Supervisors should document all behaviors that lead to the reasonable suspicion conclusion, shall complete a "Report of Reasonable Suspicion" form, and return this form to Human Resources prior to submitting the employee for testing when possible. If not possible prior to testing, the form should be returned to HR as soon as possible.

I. Post-Accident Testing

1. Employees will be required to undergo urine drug testing and breath or saliva alcohol testing if they are involved in a serious accident on duty if:

   a. The accident results in a fatality or

   b. The employee receives a citation under State or local law for a moving traffic violation arising from the accident AND either: (a) an accident results in injuries requiring transportation to a medical treatment facility or (b) one or more vehicles incurs disabling damage that requires towing.

2. Employees who are not on duty but are in an accident meeting the above requirements while driving a City owned vehicle will also be tested.

3. Following an accident, the employee will be tested as soon as possible, but not more than eight (8) hours following an accident for alcohol testing or more than

thirty-two (32) hours for drug testing. Any employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test. Any employee involved in an accident must not leave the scene of an accident (unless emergency medical attention is warranted) and must contact their supervisor as soon as reasonably possible. Any employee who leaves the scene of the accident without appropriate supervisory authorization prior to submission to drug and alcohol testing will be considered to have refused the test and their employment may be terminated.

4. 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 alcohol or drugs in his/her system at the time of the accident. Any employee required to be tested under this section must remain readily available for such testing and the employee may not consume any alcohol or illegal drugs.

J. Return-to-Duty Testing

1. Employees will be tested prior to and after return-to-duty after failing a drug test and/or after completion of rehabilitation treatment.

K. Testing Procedures

1. When an employee is notified of his/her selection for a test, he/she must proceed immediately to the collection site and/or collection representative. Tests for alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved evidential breath testing device (EBT) operated by a trained breath alcohol technician (BAT) or by saliva. If the initial test indicates an alcohol concentration of two-tenths (0.02) or greater, a second test will be performed to confirm the results of the initial test. An employee who has confirmed alcohol concentration of greater than two-tenths (0.02) but less than four-tenths (0.04) will result in removal from his/her position duties for twenty-four (24) hours unless a retest results in a concentration measure of less than two-tenths (0.02). An alcohol concentration of four-tenths (0.04) or greater will be considered a positive alcohol test and in violation of this policy.

2. Tests for drugs will be conducted utilizing urine specimens and must be conducted by a drug testing laboratory certified by the Department of Health and Human Services (DHHS). DOT urine specimens are analyzed for the following drugs or drug metabolites (This list is not definitive. All current illegal substances and any that may become illegal after this policy is enacted are considered to be within the scope of this policy.):

- Marijuana metabolites/ THC
- Cocaine metabolites
- Phencyclidine (PCP)

- Amphetamines, Methamphetamine, and Methylenedioxymethamphetamine (MDMA)
- Opiate metabolites (Codeine, Morphine, and Heroin)

3. A positive drug test is a violation of this policy and requires removal of the employee from his/her position duties immediately and may lead to disciplinary action up to and including termination. Any employee who questions the results of a required drug test may request that an additional test be conducted. The employee's request for a re-test must be made to the City Human Resources Director within seventy-two (72) hours of notice of the initial test result. Requests after seventy-two (72) hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee. This test must be conducted at a different certified testing DHHS laboratory. The test must be conducted on the split sample that was provided at the same time as the original sample. All costs for such testing shall be paid by the employee unless the second test invalidates the original test. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40 regulations.

4. Any employee who refuses to comply with a request for testing, who provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be removed from duty immediately and their employment may be terminated. Refusal can include, but is not limited to, an inability to provide a specimen or breath sample without a valid medical explanation as well as verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test.

L. Confidentiality

1. Any testing, test-related documents and test results will be kept confidential and will be released only to City officials with a need to know and to the applicant or employee tested. Any breach of confidentiality by City officials or employees will be cause for disciplinary action up to and including termination.

M. Testing Results

1. All results received from the laboratory will be forwarded to the office of the accredited collection agency for the purpose of their providing medical review officer services. When a test shows a positive test result the employee or applicant will be contacted by the Medical Review Officer (MRO) and will be given the opportunity to provide an explanation for the positive results. The MRO may choose to conduct employee medical interviews, review employee medical history, or review any other relevant biomedical factors. After the employee or applicant has been provided an opportunity to consult with the MRO and the MRO

determines that the test is positive, the City will be notified. The collection agency will only report results to the Human Resource Director or his/her designee.

2. Any employee who tests positive for the presence of illegal drugs or alcohol above the minimum thresholds set forth in 49 CFR Part 40 may be evaluated by a Substance Abuse Professional (SAP) as defined by DOT regulations. If used, the SAP will evaluate an employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited substance abuse or misuse. Assessment by an SAP does not shield an employee from disciplinary action or guarantee employment or reinstatement with the City.

3. All employees who previously tested positive on a drug or alcohol test may be provided an opportunity to re-enter the work force by the City. To do so, the employee must agree to re-entry conditions that ensure the employee is drug and alcohol free. Such conditions may include (but are not limited to):

   a. A release-to-work statement from an approved SAP.
   b. A negative test for drugs and/or alcohol.
   c. An agreement to submit to unannounced follow-up testing.
   d. A statement of expected work-related behaviors.
   e. An agreement to follow specified after-care requirements with the understanding that violation of the re-entry contract is grounds for termination.

4. The cost of any treatment or rehabilitation services will be paid directly by the employee or their insurance provider. Employees will be allowed to take accumulated sick leave and vacation leave to participate in the prescribed rehabilitation program.

5. All employees are encouraged to make use of the available resources for treatment for alcohol and substance abuse problems. All regular employees of the City of Idaho Falls have access to an employee assistance program (EAP) that can help with providing information concerning the effects of the use of alcohol and controlled substances, as well as identifying and recommending a course of treatment, if needed.

6. Under certain circumstances, employees may be required, as a condition of continued employment, to undergo treatment for substance abuse. Successful completion of such treatment shall not be construed to provide such employee with any right to continued employment. Any employee who refuses or fails to comply with the requirements for treatment, after-care, or return-to-duty shall be subject to disciplinary action including suspension without pay or termination.

N. Drug Testing for Employees in Non-DOT Regulated Positions

1. It is not permissible for City of Idaho Falls employees or applicants who do not hold DOT regulated positions to be required to undergo pre-employment or random drug or alcohol testing. It is permissible for City of Idaho Falls employees or applicants who do not hold DOT regulated positions to be required to submit to drug and alcohol reasonable suspicion testing, post-accident testing and return to duty testing.

2. Allowable testing for employees who do not hold DOT regulated positions, as described in this Section XXXVIII.N, will follow the testing guidelines and minimum thresholds established by the DOT as set forth in Sections XXXVIII.E-M.

XXXIX. SOCIAL MEDIA:

A. Purpose. The City supports the use of social media to enhance communications from the City and inform the public about the missions of its Departments.

Social media accounts provide general interest information to the community about City services, issues, news, programs, and activities. City social media accounts are also an important tool in providing emergency communications.

This policy establishes guidelines for City use of social media including guidelines and procedures that govern the creation, use, and administration of all official City social media accounts.

B. Limited Public Forum. City social media accounts are limited public forums under the First Amendment; therefore all content published is subject to monitoring and is considered a public record. City social media accounts shall provide notice to site visitors regarding the City's standards of use. The City social media account administrator must post the City's standards of use prominently on all of the City social media accounts. Social media sites are generally third-party owned. User-generated posts may be reported and/or rejected when the content violates legal standards of use. Prior to rejecting or removing user-generated posts, the City's social media account administrator shall consult with the City Attorney's Office.

C. Creation of City Social Media Accounts. City social media accounts may be created only with approval from the Office of the Mayor and, for Departmental sites, the appropriate Department Director. All City social media accounts shall follow the City's Graphical Standards Manual and must include the City's standards for use statement.

Guidelines for administration and posting on City social media accounts are governed by the established Social Media Guidelines and Procedures administered through the

Office of the Mayor and the Public Information Officers a copy of which may be obtained from any Public Information Officer.

City social media accounts will be regularly maintained by a site administrator who is approved by the Office of the Mayor and appropriate Department Director. Additionally, site administrator privileges shall be granted to the City's Public Information Officers to serve as secondary administrators.

Only administrators or spokespeople officially authorized by the City may make official posts to City social media accounts. City's social media accounts are to be used for City and Department business purposes only.

City posted information shall follow professional standards for good grammar, spelling, brevity, clarity, and accuracy. Jargon, obscure terminology, or acronyms should be avoided when possible. City employees or authorized social media administrators recognize that the content and messages they posted on social media accounts are public and may be cited or considered to be official City statements.

City social media accounts may not be used for political purposes, to conduct private commercial transactions, or to engage in private business activities.

Social media should not be used to circumvent other City communication policies, including the news media policy. City employees who are administering official City social media accounts may not publish information on those accounts that include:

1. Confidential information;

2. Profanity, racist, sexist, or derogatory content or comments;

3. Partisan political views; or

4. Commercial endorsements or "spam".

APPENDIX A. LONGEVITY SCHEDULE

Regular Employees, Excluding Sworn Police Officers

Completed Years of Service	Lump Sum Amount	Hourly Amount
3 Years	$ 398.00	$ 0.20
5 Years	$ 848.00	$ 0.41
7 Years	$ 1,396.00	$ 0.68
9 Years	$ 1,788.00	$ 0.86
11 Years	$ 2,092.00	$ 1.01
13 Years	$ 2,337.00	$ 1.13
20 Years	$ 2,541.00	$ 1.23
25 Years	$ 2,691.00	$ 1.30

Sworn Police Officers

Completed Years of Service	Lump Sum Amount	Hourly Amount
3 Years	$ 196.00	$ 0.10
5 Years	$ 297.00	$ 0.15
7 Years	$ 494.00	$ 0.24
9 Years	$ 590.00	$ 0.29
11 Years	$ 791.00	$ 0.39
20 Years	$ 985.00	$ 0.48
25 Years	$ 1,134.00	$ 0.55