

# EMPLOYEE HANDBOOK



## CITY OF ABERDEEN

123 South Lincoln Street  
Aberdeen, SD 57401

Effective: January 2021

## Table of Contents

<b>INTRODUCTION</b> .....	<b>5</b>
Welcome to City of Aberdeen.....	5
History.....	5
Handbook Purpose.....	5
<b>EMPLOYMENT</b> .....	<b>7</b>
Equal Employment.....	7
Background Checks.....	7
At-Will Notice.....	8
Anniversary Date and Seniority.....	8
Immigration Law Compliance.....	8
No Strike or Lock Out.....	8
Employment Classifications.....	9
Personnel Records.....	9
Employee References.....	10
Job Transfers.....	10
Employment of Immediate Family.....	10
<b>CONDUCT AND BEHAVIOR</b> .....	<b>11</b>
General Conduct Guidelines.....	11
Management Rights.....	12
Sexual and Other Unlawful Harassment.....	13
Abusive Conduct.....	14
Complaint Procedure.....	15
Corrective Action.....	17
<b>COMPENSATION</b> .....	<b>18</b>
Pay Periods.....	18
Direct Deposit.....	18
Starting Salary.....	18
Salary Increases.....	18
Timekeeping.....	18

Call Back Pay .....	19
Overtime.....	19
Payroll Deductions .....	19
Pay Adjustments, Promotions and Demotions .....	20
Performance Evaluation .....	20
Work Assignments .....	21
Expense Reimbursement.....	21
Advances and Loans.....	22
<b>BENEFITS .....</b>	<b>23</b>
Official Holidays .....	23
Administrative Holidays .....	23
Paid Time Off (PTO).....	24
Extended Leave Bank (ELB) .....	25
Health and Welfare Benefits.....	25
South Dakota Retirement System .....	26
Continuation of Benefits .....	26
Employee Assistance Program (EAP).....	27
Family and Medical Leave Act .....	28
Military Leave .....	30
Jury Service Leave.....	30
Witness Leave.....	31
Voting Leave .....	31
Unpaid Leave of Absence (Non FMLA).....	31
Authorized Leave .....	31
<b>HEALTH, SAFETY, AND SECURITY.....</b>	<b>32</b>
Non-Smoking (Revised 12/2021) .....	32
Drug & Alcohol Free Workplace (Revised 12/2021).....	32
Infectious Disease Policy .....	39
Reasonable Accommodations.....	41
Workers' Compensation .....	42

Workplace Violence and Security.....	43
Driving Safety.....	43
Inclement Weather.....	44
<b>WORKPLACE GUIDELINES.....</b>	<b>45</b>
Hours of Work.....	45
Off-the-Clock Work.....	45
Driver’s License.....	45
Commercial Driver’s License (CDL).....	45
Lactation Accommodation.....	46
Attendance and Tardiness.....	46
Personal Appearance and Hygiene.....	46
Health Insurance Portability and Accountability Act (HIPAA).....	47
Gifts.....	47
Outside Employment.....	47
Reporting Irregularities.....	48
Inspections and Searches.....	48
Hardware and Software Use.....	48
Social Media.....	49
Media Policy.....	53
Use of City Owned Vehicles, Equipment, Property or Facilities.....	54
Personal Cell Phone Use.....	54
Personal Property.....	54
Parking.....	54
<b>EMPLOYMENT SEPARATION.....</b>	<b>55</b>
Resignation.....	55
Termination.....	55
Personal Possessions and Return of City Property.....	55
<b>EMPLOYEE HANDBOOK ACKNOWLEDGEMENT.....</b>	<b>56</b>

## INTRODUCTION

### **WELCOME TO ABERDEEN!**

We're very happy to welcome you to the City of Aberdeen. Thanks for joining us! The City would like you to feel that your employment with us will be mutually beneficial and enjoyable.

You have joined a team that is dedicated to improving the quality of life for our citizens through public service. As a City employee you have the opportunity to make a difference every day by providing quality customer service and working for the betterment of the community. We hope that you will take pride in your work and find your employment with the City of Aberdeen both satisfying and rewarding.

### **HISTORY**

The City of Aberdeen was incorporated in 1882. Aberdeen is the third largest city in South Dakota and also the county seat of Brown County. Aberdeen, called the Hub City for decades, serves as a regional hub for commerce, education, shopping, and medical services for Northeast South Dakota and Southern North Dakota.

### **HANDBOOK PURPOSE**

This employee handbook is presented as a matter of information and has been prepared to inform employees about the City's philosophy, employment practices, policies, and the benefits provided to our valued employees, as well as the conduct expected from them. While this handbook is not intended to be a book of rules and regulations or a contract, it does include some important guidelines which employees should know. Except for the at-will employment provisions, the handbook can be amended at any time.

This employee handbook will not answer every question employees may have, nor would the City want to restrict the normal question and answer interchange among us. It is in our person-to-person conversations that we can better know each other, express our views, and work together in a harmonious relationship.

We hope this guide will help employees feel comfortable with us. The City depends on its employees; their success is our success. Please don't hesitate to ask questions. Every manager will gladly answer them. We believe employees will enjoy their work and their fellow employees here. We also believe that employees will find the City a good place to work.

No one other than authorized management may alter or modify any of the policies in this employee handbook. No statement or promise by a supervisor, manager, or designee is to be interpreted as a change in policy, nor will it constitute an agreement with an employee.

Should any provision in this employee handbook be found to be unenforceable and invalid, such a finding does not invalidate the entire employee handbook, but only the subject provision. Nothing in this handbook is intended to infringe upon employee rights under Section 7 of the National Labor Relations Act (NLRA) or be incompatible with the NLRA.

This handbook shall be used in conjunction with active working agreements between the City and Local F.O.P. Lodge Union #4 and Local 446 of the International Association of Firefighters.

In any instance where these personnel practices and procedures conflict with applicable state or federal laws, union contracts, or civil service rules as applied to municipal employees, the provision contained in the applicable state or federal law, union contract or civil service rules shall supersede.

## **EMPLOYMENT**

### **EQUAL EMPLOYMENT**

It is the policy of the City to provide equal employment opportunities to all qualified individuals and to administer all aspects and conditions of employment without regard to the following:

- Race
- Color
- Age
- Sex
- Sexual orientation
- Gender
- Gender identity
- Religion
- National origin
- Pregnancy
- Physical or mental disability
- Military or veteran status
- Citizenship and/or immigration status
- Genetic information, including family medical history
- Any other protected class, in accordance with applicable federal, state, and local laws

The City takes allegations of discrimination, intimidation, harassment and retaliation very seriously and will promptly conduct an investigation when warranted.

Equal employment opportunity includes, but is not limited to, employment, training, promotion, demotion, transfer, leaves of absence, and termination.

### **BACKGROUND CHECKS**

The City will conduct a background check on any applicant or employee with their signed consent. The background check may consist of prior employment verification, reference checks, education confirmation, criminal background, credit history, or other information as permitted by law. Third-party services may be hired to perform these checks. All offers of employment and continued employment are contingent upon a satisfactory background check. Refusal to consent to a background check may result in discipline, up to or including termination.

### **AT-WILL NOTICE**

The employment relationship between the City and employees is at-will. This means that employees are not hired for any specified period of time and their employment may be terminated at any time, with or without cause, and with or without notice, by either the City or the employee. City policy requires that all employees are at-will; any implied, oral, or written agreements or promises to the contrary are void and unenforceable, unless approved by an officer with the power to create an employment contract. There is no implied employment contract created by this Handbook or any other City document or written or verbal statement or policy.

### **ANNIVERSARY DATE AND SENIORITY**

The employee's date of hire is their official employment anniversary date. Seniority is the length of continuous service starting on that date. Should an employee leave the City and then be rehired, previously accrued seniority will be lost and seniority will begin to accrue again on the date of rehire.

### **IMMIGRATION LAW COMPLIANCE**

All employees are required to complete Section 1 of USCIS Form I-9 on their first day of employment and produce, within three business days, acceptable proof of their identity and eligibility to work in the United States. Failure to produce the proper identifying documents within three days will result in termination.

### **NO STRIKE OR LOCKOUT**

The City and the employees recognize their mutual responsibility to provide for uninterrupted services, therefore:

- The employees recognize the validity of SDCL §§ 3-18-9 through 3-18-14.
- The employees agree that they will not, individually or collectively, authorize, instigate, cause, aid, condone, or take part in any strike, work stoppage, sit-down, stay-in, slow-down, picketing, or other concerted interruptions of operations by employees (*including purported mass resignations or sick calls*) or any similar and associated disruption or abstinence in whole or in part from the full, faithful and proper performance of the duties of employment by concerted actions with others.

The City shall discipline or discharge any employee who engages in such activity. There shall be no strikes or lockouts while employed with the City of Aberdeen.



## **EMPLOYMENT CLASSIFICATIONS**

The City has established the following employee classifications for compensation and benefit purposes only. An employee's supervisor or manager will inform the employee of their classification, status, and responsibilities at the time of hire, re-hire, promotion or at any time a change in status occurs. These classifications do not alter the employment at-will status.

### **Regular Full-Time Employee**

An employee who is scheduled to work no less than 100% of the scheduled work hours in a workweek on a fixed work schedule (*not less than 40 hours*). The employee may be exempt or non-exempt and is generally eligible for all employment benefits offered by the City.

### **Regular Part-Time Employee**

An employee who is scheduled to work less than 30 hours in a workweek. The employee will not be eligible for benefits unless specifically authorized in writing.

### **Temporary Employee (Seasonal)**

An employee who is scheduled to work on a specific need of the City. The employee will not be eligible for benefits unless specifically authorized in writing.

### **Exempt**

Employees whose positions meet specific tests established by the Fair Labor Standards Act (FLSA) and applicable state law and who are exempt from overtime pay requirements. The basic premise of exempt status is that the exempt employee is to work the hours required to meet their work responsibilities.

### **Non-Exempt**

Employees whose positions do not meet FLSA and state exemption tests and who are paid a multiple of their regular rate of pay for overtime hours worked. Unless notified otherwise in writing by management, all employees of the City are non-exempt.

## **PERSONNEL RECORDS**

The City maintains various employment files while an individual remains an employee of the City. Such files may include employee personnel files, attendance files, I-9 files, and files for medical purposes. Employees are required to notify their manager and Human Resources should any of their personal information change (*e.g., address, phone number, last name, marital status for benefit purposes*) so the appropriate updates can be made to the files. The City will take reasonable precautions to protect employee files and employees' personally identifiable information in its records.

Employee files are restricted based on who reasonably needs access to all or parts of the files. Employees may review their own personnel file by making a written request to their manager or Human Resources. The written request will become a part of the

employee's personnel file. Review of files must take place in the presence of the employee's manager or Human Resources.

### **EMPLOYEE REFERENCES**

All employee reference check requests should be forwarded to Human Resources. Only Human Resources may provide this information. When the City is contacted for a reference check or employment verification, generally only positions held and dates of employment will be confirmed. In some circumstances, past salary and eligibility for rehire may be provided as well.

### **JOB TRANSFERS**

The City aspires to promote qualified internal candidates to fill open positions whenever possible and practical. When job openings occur, current employees are encouraged to apply.

Management reserves the right to place an employee in whatever job it deems useful or necessary on a temporary basis. All job transfers, reassignments, promotions, or lateral transfers are at the discretion of the City.

### **EMPLOYMENT OF IMMEDIATE FAMILY (NEPOTISM)**

It is the City of Aberdeen's practice to hire and promote on the basis of an individual's experience, knowledge, skill and abilities. To avoid circumstances of perceived favoritism and discrimination, no applicant or regular employee may be hired, promoted, transferred or serve in a position within a department/division where a member of their immediate family is employed, without the specific approval of the City Manager. For the purpose of this policy, the immediate family is defined as: Spouse, children, step-children, parents, step-parents, brother, step-brother, sister, step-sister, grandparents and grandchildren.

## CONDUCT AND BEHAVIOR

### **GENERAL CONDUCT GUIDELINES**

Employees are expected to exercise good sense and courtesy at all times, for the benefit of the public, co-workers, and the City as a whole. Professionalism is expected, as is respect for the safety and security of people and property. Failure to meet these expectations may be grounds for discipline, up to and including termination. The following are examples of unacceptable conduct, but this is not an exhaustive list.

- Failure to follow the policies outlined in this handbook.
- Negligent, careless, or inconsiderate treatment of the public or their information.
- Theft, misappropriation, or unauthorized possession or use of any property that does not belong to the employee.
- Unauthorized removal of City property from the premises.
- Accessing, without authorization, confidential information pertaining to the public or employees.
- Falsifying or changing any type of City, public, or employee document or record without authorization.
- Willfully, negligently, or carelessly damaging, defacing, or mishandling property of the City, public, or an employee.
- Taking or giving bribes of any nature.
- Entering City premises without authorization.
- Violating security, safety, or fire prevention regulations, or tampering with safety equipment.
- Unauthorized use of a personal vehicle for City business.
- Conduct that is illegal under federal, state, or local law, or is a willful violation of administrative or department rules or regulations.
- Creating a disturbance on City premises.
- Use of abusive language.
- Any rude, discourteous, or un-businesslike behavior, on or off City premises, which is not protected by Section 7 of the National Labor Relations Act and that adversely affects the City services, operations, property, reputation, or goodwill in the community, or interferes with work.
- Insubordination or refusing to follow instructions from a supervisor or manager; refusal or unwillingness to accept a job assignment or to perform job requirements.
- Leaving during scheduled work hours without permission; unauthorized absence from assigned work area during regularly scheduled work hours.
- Sleeping during regular working hours.
- Recording time for another employee or having time recorded by another employee.

- Use or possession of illegal drugs on City premises at any time.
- Use of alcohol or illegal drugs during working hours, or working under the influence of intoxicants.
- Unauthorized possession of a weapon on City premises.
- Threaten or attempt to use personal or political influence for personal gain.
- Provisions made to pay for debts due, so as to maintain the integrity of the City and its employees.
- Illegal gambling on City premises.

### **MANAGEMENT RIGHTS**

The City Manager and City Administration reserve the right to operate and manage its affairs in accordance with its responsibility and the powers or authorities. These management rights include, but are not limited to, the following:

- To utilize personnel, methods and means in the most appropriate and efficient manner possible; to manage and direct the employees of the City; to hire, schedule, promote, transfer, assign, train, or re-train employees in positions with the City, and to reprimand, suspend, demote, discharge, or take other appropriate action necessary;
- To determine the size and composition of the work force, to eliminate or discontinue any job or classification, and to lay off employees for lack of work or lack of appropriated funds;
- To determine the objectives of the City and the method and means necessary to efficiently fulfill those objectives, including the transfer, alteration, curtailment, or discontinuance of any services; the establishment of acceptable standards of job performance; the purchase and utilization of equipment; and the utilization of seasonal, temporary, and part-time employees;
- To provide, establish, and enforce reasonable standards, rules, or guidelines for employees; and
- To determine the method of fulfillment of the objectives of the City, whether by its employees or by contracting or subcontracting with respect to all of the City's services.

## **SEXUAL AND OTHER UNLAWFUL HARASSMENT**

The City is committed to providing a work environment free of harassment in any form, including inappropriate and disrespectful behavior, intimidation, and other unwelcome conduct directed at an individual because of their inclusion in a protected class.

Applicable federal and state law defines harassment as unwelcome behavior based on someone's inclusion in a protected class. Sometimes language or actions that were not expected to be offensive or unwelcome actually are, so employees should err on the side of being more sensitive to the feelings of their co-workers rather than less.

The following are examples of harassment; behaviors not in this list may also be considered harassment:

- Unwanted sexual advances;
- Offering employment benefits in exchange for sexual favors;
- Retaliation or threats of retaliation for refusing advances or requests for favors;
- Leering, making sexual gestures or jokes, or commenting on an employee's body;
- Displaying sexually suggestive content;
- Displaying or sharing derogatory posters, photographs, or drawings;
- Making derogatory epithets, or slurs;
- Ongoing teasing about an employee's religious or cultural practices;
- Ongoing teasing about an employee's sex, sexual orientation, or gender identity;
- Physical conduct such as touching, assault, or impeding or blocking movements

Sexual harassment on the job is unlawful whether it involves co-worker harassment, harassment by a manager, or harassment by persons doing business with or for the City, such as patrons, customers, or vendors.

### **Retaliation**

Any form of retaliation against someone who has expressed concern about any form of harassment, refused to partake in harassing behavior, made a harassment complaint, or cooperated in a harassment investigation is strictly prohibited. A complaint made in good faith under no circumstances will be grounds for disciplinary action. Individuals who make complaints that they know to be false may be subject to disciplinary action, up to and including termination.

## Enforcement

All managers and supervisors are responsible for:

- Implementing the City's harassment policy;
- Ensuring that all employees they supervise have knowledge of and understand the City policy;
- Reporting any complaints of misconduct to the designated company representative or the Human Resource Director so they may be investigated and resolved internally;
- Taking and/or assisting in prompt and appropriate corrective action when necessary to ensure compliance with the policy; and
- Conducting themselves in a manner consistent with the policy.

## Addressing Issues Informally

Employees who witness offensive behavior in the workplace - whether directed at them or another employee - are encouraged, though not required, to immediately address it with the employee whose behavior they found offensive. An employee who is informed that their behavior is or was offensive should stop immediately and refrain from that behavior in the future, regardless of whether they agree that the behavior could have been offensive.

## Formal Harassment Complaint Procedure

Employees are encouraged to use the Complaint Procedure to report behavior that they feel is harassing, whether or not that behavior is directed at them. The Complaint Procedure provides for immediate, thorough, and objective investigation of claims of harassment. Appropriate disciplinary action will be taken against those who are determined to have engaged in harassing behavior.

## **ABUSIVE CONDUCT**

Abusive conduct means malicious conduct in the workplace that a reasonable person would find hostile or offensive and unrelated to an employer's legitimate business interests. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the sabotage or undermining of a person's work performance. A single act will generally not constitute abusive conduct, unless especially severe.

The City considers abusive conduct in the workplace unacceptable and will not tolerate it under any circumstances. Employees should initially report abusive conduct to their manager, and follow the complaint procedure. Managers are responsible for ensuring that employees are not subjected to abusive conduct. All reports will be treated seriously and investigated when appropriate. Employees who are found to have engaged in abusive conduct will be subject to discipline, up to and potentially

including termination. Retaliation against an employee who reports abusive conduct or verifies that it took place is strictly prohibited.

### **COMPLAINT PROCEDURE**

It is the City of Aberdeen's desire to provide an effective and expedient process for employees to bring their concerns, misunderstandings, or complaints about work-related situations to the attention of management. It is the City's intent to be responsive to our employees and their concerns. The purpose of the complaint resolution policy is to provide a just and equitable method of resolution of employee's concerns, misunderstandings, or complaints without discrimination, coercion, or reprisal. A complaint or concern must be work related and based on interpretation or application of existing policies, procedures, or regulations of the City of Aberdeen, as they apply to conditions of employment. Therefore, an employee who has a work related concern, problem, or complaint may use the following procedure.

#### **Procedure:**

1. Step One.
  - a. Employees should initially direct their concerns with their immediate supervisor. If the complaint involves the employee's supervisor, the employee should schedule an appointment with that supervisor to discuss the problem that gave rise to the complaint within five (5) working days of the date the incident occurred.
  - b. The immediate supervisor should respond to the employee regarding the complaint within five (5) days of the meeting held with the complainant employee.
  
2. Step Two.
  - a. If the discussion with the immediate supervisor does not resolve the situation or clarify the misunderstanding to the mutual satisfaction of the employee and the supervisor, or if the supervisor does not respond to the complaint, the employee may submit a written complaint to the employee's department head and a copy should be forwarded to Human Resources. The submission of the written complaint is due within five (5) working days of the response from the supervisor and must include:
    - (1) The problem and the date when the incident occurred.
    - (2) Suggestions on ways to resolve the problem.
    - (3) A copy of the immediate supervisor's written response or a summary of his/her verbal response and the date when the employee met with the immediate supervisor. If the supervisor provided no response, the complaint should state this.

- b. Upon receipt of the formal complaint, the department head must schedule a meeting with the employee within five (5) working days to discuss the complaint. Within approximately five (5) working days after the discussion the department head should issue a decision both in writing and orally to the employee filing the complaint.
3. Step Three.
- a. If the employee is dissatisfied with the decision of the department head, the employee may within five (5) working days, appeal this decision in writing to the Human Resources Department to investigate the complaint.
  - b. Human Resources may call a meeting with the parties directly involved to facilitate a resolution or may refer complaints to a review committee if Human Resources is of the opinion that the complaint raises serious questions of fact or interpretation of policy. Human Resources may gather further information from involved parties. All involved individuals, other than Human Resources, will be charged with the responsibility of not discussing the situation with any other employee or with the complainant employee.
4. Additional guidance
- a. If an employee fails to appeal from one level to the next level of this procedure within the time limits listed above, the problem shall be considered settled on the basis of the last decision and the problem submitted by the employee shall not be subject to further consideration.
  - b. Because problems are best resolved on an individual basis the conflict resolution procedure may only be initiated by individual employees and not by groups of employees.
  - c. The City of Aberdeen reserves the right to impose appropriate disciplinary action for any conduct it considers to be disruptive or inappropriate. The circumstances of each situation may differ and the level of disciplinary action may also vary, depending upon factors such as the nature of the offense, whether it is repeated, the employee's work record and the impact of the conduct on the City of Aberdeen.
  - d. No one will be retaliated against for filing a good faith complaint under this policy.



### **CORRECTIVE ACTION**

A high level of job performance and professionalism is expected from each employee. In the event that an employee's job performance does not meet the standards established for the position, they violate company policies or procedures, or their behavior is otherwise unacceptable, corrective action may ensue. Corrective action may include, but is not limited to: coaching, oral or written warnings, performance improvement plans, paid or unpaid suspension, demotion, and termination. The type and order of actions taken will be at management's sole discretion and the City is not required to take any disciplinary action before making an adverse employment decision, including termination.

## **COMPENSATION**

### **PAY PERIODS**

Pay Period: Sunday morning at 12:00 a.m. shall be considered the beginning of the pay period for the work week, and Saturday midnight shall be considered the end of the pay for the work week. When an employee's scheduled shift starts prior to 12:00 a.m. and ends after midnight, all hours of that shift shall be recorded on the date the employee begins that shift. Employees shall be paid every two weeks on the same day of the week.

### **DIRECT DEPOSIT**

All regular full time, part time, temporary/seasonal, appointed, or elected employees paid through the City of Aberdeen payroll system will be required to set-up a direct deposit account (checking and/or savings) through the City Human Resource Office. Money can be distributed to three (3) accounts (one or more financial institutions).

### **STARTING SALARY**

Starting salary for a new employee of the City shall be on the basis of the schedules of salary ranges prescribed for the respective classes of positions. The City shall assign salary levels to each classification based on the level of responsibilities, skills, working conditions of the position, economic conditions, City's ability to pay, and comparable salary levels for similar positions in other governmental jurisdictions and private business and other appropriate data.

### **SALARY INCREASES**

Cost of living increases will be reviewed each year and the amount and percentage will be based on the City of Aberdeen revenues.

Step increases will be reviewed every other year and steps will occur based on the City of Aberdeen revenues. In order to be eligible for a step increase an employee will need to have completed two (2) full years of employment by January 1<sup>st</sup> of the year the step occurs. Step increases normally occur on even years.

### **TIMEKEEPING**

All non-exempt employees are required to use the timekeeping system to record their hours worked. For the purpose of this policy, all forms of timekeeping will be referred to as clocking in or out.

Employees should clock in no sooner than seven (7) minutes before their scheduled shift and clock out no later than seven (7) minutes after their scheduled shift. Additionally, employees are required to clock in and out for their designated lunch periods. The length of the lunch period will be designated by the employee's manager; alteration or wavier of the lunch period requires manager approval. Lunch periods are

unpaid time when employees are relieved of all duties. Under no circumstance may the waiver of the lunch period result in overtime work.

Accurate timekeeping is a federal and state wage and hour requirement, and employees are required to comply. Failing to enter time into the timekeeping system in an accurate and timely manner is unacceptable job performance. Employees may not ask another employee to clock in or out for them. Should an employee miss an entry into the timekeeping system, they must notify their manager as soon possible for correction.

Non-exempt employees are not permitted to work unscheduled time without prior authorization from their manager. This includes clocking in early, clocking out late, or working through scheduled break or lunch periods.

### **CALLBACK PAY**

In the event an employee reports for work on their regular shift without previously having been notified not to report to work or in the event an employee is called in to work outside of their regular shift or schedule, then they shall be given at least two (2) hours of work or two (2) hours of pay at their regular rate of pay. Duties performed less than two (2) hours prior to the beginning of their shift or employee held over at the end of their shift, will be paid for actual hours worked.

### **OVERTIME**

The City complies with all applicable federal and state laws with regard to payment of overtime work. Non-exempt employees are paid overtime at the rate of one and one-half times (1 ½) the regular rate of pay for all hours worked over 40 in a workweek.

Employees are required to work overtime when assigned. Any overtime worked must be authorized by a supervisor or manager, in advance. Working unauthorized overtime or the refusal or unavailability to work overtime is not acceptable work performance, and is subject to discipline, including but not limited to termination.

### **PAYROLL DEDUCTIONS**

The City complies with the salary basis requirements of the Fair Labor Standards Act (FLSA) and does not make improper deductions from the salaries of exempt employees. There are, however, certain circumstances where deductions from the salaries of exempt employees are permissible. Such circumstances include:

- When an exempt employee is absent from work for one or more full days for personal reasons other than sickness or disability
- When an exempt employee is absent for one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide sick leave plan that provides compensation for salary lost due to illness
- To offset amounts received as witness or jury fees, or for military pay

- For disciplinary suspensions of one or more full days imposed in good faith for serious workplace policy violations
- For penalties imposed in good faith for serious safety infractions
- When an employee is on unpaid leave under the Family Medical Leave Act
- During an employee's first and last week of employment, if they work less than a full week

If an employee believes that an improper deduction has been made, they should immediately report this to their manager or the person responsible for payroll processing. Reports will be promptly investigated and if it is determined that an improper deduction has occurred, the employee will be promptly reimbursed.

### **PAY ADJUSTMENTS, PROMOTIONS AND DEMOTIONS**

There may not be an automatic annual cost of living or salary adjustment. Employee pay also may be adjusted downward. Salary decreases may take place when there is job restructuring, job duty changes, job transfers, or adverse business economic conditions. Demotion is a reduction in responsibility, usually accompanied by a reduction in salary. If demotion occurs, employees will maintain their seniority with the City.

### **PERFORMANCE EVALUATION**

Employees will generally receive an appraisal of their job performance annually. This evaluation will be in writing. Such evaluation may not occur at exactly the same time each year, but thereabout, at the discretion of the employee's manager.

If the employee receives an evaluation sheet or other written document, they will be required to sign it. An employee's signature does not necessarily indicate that the employee agrees with all the comments, but that they have been given the opportunity to examine the evaluation and discuss it with their manager. The completed and signed evaluation form will be placed in the employee's personnel file and the employee will receive a copy of the performance evaluation.

In addition to performance evaluations, informal counseling sessions may be conducted from time to time.

New employees will receive their first performance evaluation at six (6) months of employment and annually thereafter.

## **WORK ASSIGNMENTS**

On occasion employees may be required to perform duties that are not part of their job description or usual tasks. This may happen because a co-worker is absent, a position is temporarily vacant, or the department is particularly busy, or for other reasons. Employees are expected to perform these additional duties in a timely fashion and to the best of their ability. Should questions about process or procedure arise, employees should speak with their manager. Unless informed otherwise, employees will be paid at their regular rate of pay.

## **EXPENSE REIMBURSEMENT**

The City will cover all reasonable, business-related expenses. Any travel cost must be approved by the appropriate manager *before* the expense is incurred. Employees may not be reimbursed for expenses that were not approved in advance and are deemed unnecessary or extravagant.

The following types of expenses may be reimbursable under this policy:

- Lodging
- Travel expenses including airfare, reasonable airline luggage fees, train fare, bus, taxi, and related tips
- Meals, as outlined on the travel request form
- Car rental, parking fees, and tolls
- Mileage on a personal vehicle at the current state rate
- Conference and convention fees

The following expenses are examples of expenses not reimbursable under this policy:

- Airline club dues
- Traffic fines
- Tips in excess of 20%
- In-flight movies, mini-bar expenses, and other forms of personal entertainment
- First-class airfare

No policy can anticipate every situation that might give rise to legitimate business expenses. Reasonable and necessary expenses not listed above may be reimbursable. When prior approval is required, managers should use their best judgment to determine if an unlisted expense is reimbursable under this policy.

### Credit Cards

City-issued credit cards are to be used for purchases on behalf of the City and for any travel expenses incurred while traveling on company business only. At no time may an employee use a City credit card for purchases intended for personal use; such expenses will require that the City be reimbursed and may lead to revocation of credit card privileges and other discipline. Credit card expenses require the same reimbursement documentation as other expenses.

### Documentation

Requests for reimbursement of business expenses must be submitted. In order to comply with IRS regulations, all business expenses must be supported with adequate records; employees are responsible for keeping these records as expenses are incurred. These records must include:

- The amount of the expenditure
- The time and place of the expenditure
- The business purpose of the expenditure

Requests for reimbursement lacking this information will not be processed and will be returned to the employee. Original receipts are required for all expenses. Requests for exceptions to this policy should explain why the exception is necessary and be approved by management.

### Approvals

Required documentation must be submitted to the employee's manager for review and approval. Once the expense reimbursement has been approved, it should be submitted for processing no more than 30 days after the expenses occurred. Managers approving expense reports are responsible for ensuring that the expense report have been filled out correctly with the required documentation and that the expenses submitted are allowable under this policy.

### **ADVANCES AND LOANS**

The City does not give advances or loans to employees.

## **BENEFITS**

### **OFFICIAL HOLIDAYS**

Regular full-time employees are entitled to the following paid holidays observed by the City:

- New Year's Day
- Martin Luther King, Jr. Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Native American Day
- Veteran's Day
- Thanksgiving
- Christmas Day

Whenever any of the foregoing holidays fall on Sunday, the Monday following shall be observed as the holiday. Whenever any of the foregoing holidays fall on a Saturday, the previous Friday shall be observed as the holiday.

If a shift starts on a holiday, the whole shift will be considered as being on the holiday. If a shift does not start on the holiday then none of the shift hours will be considered to be on the holiday even though the shift may actually end on the holiday.

No holiday pay will be paid to an employee who is on an unpaid status.

Regular full-time employees shall receive the number of regularly scheduled hours of pay at their regular rate of pay for each holiday recognized. Eight (8) hours for an 8 hour day, ten (10) hours for a 10 hour day, and twelve (12) hours for a 12 hour day etc.

If an employee performs work on the ten (10) recognized holidays, they shall receive pay at time and one half for all hours worked.

### **ADMINISTRATIVE HOLIDAYS**

The City Manager shall have the right to declare two (2) Administrative Holidays each year. These hours will be paid at regular rate.

Additional Administrative Holidays may be authorized by City Council action. These hours will be paid at regular rate.

Eligibility for pay for Official Holidays and Administrative Holidays

- The employee must be active and in full-time employment when the holiday occurs.
- The employee must have performed the required work on their last scheduled shift prior to the holiday and the first scheduled shift after the holiday, or be on approved paid leave.
- If the employee is scheduled to work on the holiday and refuses to do so, no payment will be made for the holiday. This will be considered insubordination.

**PAID TIME OFF (PTO)**

In order to help employees foster a work-life balance, the City offers Paid Time Off (PTO). PTO should be scheduled with the appropriate manager with as much notice as is possible so as to not disrupt the workplace.

PTO is a system of providing time off with pay. PTO combines vacation, personal, and short-term sick leave. These hours of PTO are accrued each pay period based on an employee's years of service. Regular full-time employees accrue PTO.

PTO is intended to cover absences from regular work hours and can be used for any reason. If PTO benefit time is available, it must be used to fill the regularly scheduled hours. Requests for time off to be used as PTO will be granted whenever possible, if it does not conflict with the functioning of your department. Request for leave should be submitted through the electronic timekeeping system. Time off is arranged following departmental guidelines and at the approval of your supervisor.

Paid Time Off (PTO) Accrual Rates

All PTO must be taken in whole hour blocks.

<b>Years of Service</b>	<b>PTO Per Pay Period Accrual</b>	<b>Max Accrual</b>
0 through 6 years	5.54 hours	160 hours
7 through 13 years	7.08 hours	200 hours
14 plus years	8.62 hours	240 hours

No employee may waive PTO leave and draw double pay by working during the time allowed. An employee may elect to accumulate up to, but not exceed the maximum accrual. The date the employee commenced working for the City shall be their anniversary date, and all service periods provided for in this policy shall be determined from that date.



If an employee is out 14 or more consecutive calendar days with no pay and does not receive a paycheck the employee will stop accruing PTO.

In the event an employee leaves their employment with the City, they shall receive their accrued PTO based on their last full pay period.

**EXTENDED LEAVE BANK (ELB)**

Extended Leave Bank (ELB) is intended to cover lost work time of a more extended nature for illness or injury of the employee, or their immediate family member. ELB accrues each pay period to a maximum of 480 hours. Regular full-time employees accrue ELB.

The first 24 hours per illness or non-work related injury will be deducted from PTO. If there is not enough PTO in your bank to cover the full 24 hours then that time will be at no pay. If the illness/injury extends beyond 24 hours, then you may be eligible for and placed on FMLA and that deduction may be from your ELB balance.

Immediate notification to your supervisor and Human Resources along with written verification of the illness or non-work related injury by a physician will be required for the use of all ELB.

**Extended Leave Bank (ELB) Accrual Rate**

All ELB must be taken in whole hour blocks.

<b>ELB Per Pay Period Accrual</b>	<b>Max Accrual</b>
1.96 hours	480 hours

Extended Leave Bank accrues at 1.96 hours biweekly (*per pay period*) while actively working.

If an employee is out 14 or more consecutive calendar days with no pay and does not receive a paycheck the employee will stop accruing ELB.

If an employee quits or is discharged from employment, any unused accumulation of ELB shall be cancelled.

**HEALTH AND WELFARE BENEFITS**

The City complies with all applicable federal and state laws with regard to benefits administration. All regular employees scheduled and generally working at least 30 hours a week are entitled to health insurance and other company-sponsored health benefits, when in effect. The City reserves the right to change or terminate health plans or other benefits at any time.

New qualifying employees will be eligible for coverage the 1<sup>st</sup> of the month following 30 days. New employees may elect not to be covered, with the permission of the City, provided the percentage of employees not covered is within the benefit plan specifications.

City Council members may also participate in the employee health benefits program. Any Council member may voluntarily elect to participate, however the Council member will be responsible for paying 100% of the premium for the coverage they receive. Council members may receive single, two-party, or family coverage. Any Council member electing for coverage must do so by December 1 each year with coverage becoming effective annually on January 1.

### **SOUTH DAKOTA RETIREMENT SYSTEM**

All full time employees are required to participate in the South Dakota Retirement System (SDRS). Your membership in SDRS begins with your first paycheck.

### **CONTINUATION OF BENEFITS**

Under the federal Consolidated Omnibus Budget Reconciliation Act (COBRA), or a state mini COBRA law, employees may be allowed to continue their health insurance benefits, at their own expense, for a set number of months after experiencing a qualifying event. Length of coverage may be dependent upon the qualifying event.

To qualify for continuation of health benefits, the covered individual must experience a qualifying event that would otherwise cause them to lose group health coverage. The following are qualifying events:

#### **For Employees**

- Voluntary or involuntary termination of employment for reasons other than gross misconduct
- Reduction in number of hours worked

#### **For Spouses**

- Loss of coverage by the employee because of one of the qualifying events listed above
- Covered employee becomes eligible for Medicare
- Divorce or legal separation of the covered employee
- Death of the covered employee

#### **For Dependent Children**

- Loss of coverage because of any of the qualifying events listed for spouses
- Loss of status as a dependent child under the plan rules

See Human Resources for additional information.

## **EMPLOYEE ASSISTANCE PROGRAM (EAP)**

### **Purpose**

The City of Aberdeen cares about the health and well-being of its employees and recognizes that a variety of personal problems can disrupt their personal and work lives. It is generally understood that a wide range of concerns not directly associated with one's job functions can have an effect on an employee's job performance. In most instances, the employee will overcome such personal concerns independently and the effect on job performance will be negligible.

### **Scope of Policy**

All regular full-time, active employees and their immediate family are eligible for benefits under this policy.

### **Statement of Policy**

The City Manager and Council acknowledge the importance of providing an Employee Assistance Program (EAP) because it recognizes that issues such as the illness of alcoholism, drug abuse, mental or emotional illness, marital or family distress, grief, and financial problems can and should be treated by professional counselors. Therefore, the City has established an EAP to contract with professional counseling services to address these needs. It is the policy of the City of Aberdeen to address such concerns within the following framework:

1. The City recognizes that most concerns can be successfully treated provided they are identified in the early stages and referral is made to an appropriate agent or agency for care. This applies whether the problem is one of physical illness, mental or emotional illness, financial, legal, marital or family distress, chemical abuse or other concerns.
2. Employees that realize they have personal concerns and feel they may benefit from the Employee Assistance Program are encouraged to seek assistance on their own.
3. Information regarding employee's personal concerns is protected and governed by the ethical standards of confidentiality of the EAP provider.
4. When an employee's job performance, attendance pattern, safety record, or attitude is unsatisfactory and is not corrected with normal supervisory attention, the employee may be formally referred to the Employee Assistance Program (EAP).
5. The charges for the first three (3) sessions provided by the counseling resource are paid by the City. Any costs beyond these that are not covered by insurance will be the responsibility of the employee.

## **FAMILY AND MEDICAL LEAVE ACT**

### **Leave Entitlements**

Under the Family and Medical Leave Act (FMLA), an eligible employee can take up to 12 weeks of unpaid, job-protected leave in a 12-month period. To be eligible, an employee must meet the following three criteria:

- Have worked for the City for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave; and
- Work at a location where the City has at least 50 employees within 75 miles of the employee's worksite.

Eligible employees can take leave for the following reasons:

- The birth of a child and to bond with the newborn child within one (1) year of birth;
- The placement with the employee of a child for adoption or foster care and to bond with the newly placed child within one (1) year of placement;

**\*\*The above two (2) eligible reasons cannot be taken intermittently.**

- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform their job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered service member's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the service member with a serious injury or illness.

The City of Aberdeen uses the rolling 12 month method for tracking FMLA time.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

### **Using Leave**

An employee does not need to use leave in one block. When it is medically necessary or the City otherwise approves, employees may take leave intermittently or on a reduced schedule.

Employees on FMLA leave may be required to report periodically to the City regarding their status and intent to return to work. An employee who fails to return to work at the expiration of the leave without an approved extension will be considered to have resigned.

Employees must inform the City if the need for leave is for a reason for which FMLA leave was previously taken or certified.

The city will require use of any applicable paid leave while taking FMLA leave.

Employees must give 30 days' advance notice of the need for FMLA leave. If it is not possible to give 30 days' notice, an employee must notify their manager as soon as possible.

### Documentation

The City may require a certification from a health care provider, and periodic recertification, supporting the need for leave. If certification is requested, employees will have 15 days to provide it. If we determine that the certification is incomplete, we will provide a written notice indicating what additional information is required.

Employees do not have to share a medical diagnosis but must provide enough information so that the City can determine if the leave qualifies for FMLA protection. Sufficient information could include a doctor's note informing the City that the employee is or will be unable to perform their job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary.

If we become aware that an employee's need for leave is for a reason that may qualify under the FMLA, we will notify the employee if they are eligible for FMLA leave and, if eligible, provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, we will provide a reason for ineligibility. The City will notify employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

### Benefits

While employees are on FMLA leave, health insurance coverage will continue as if the employees were not on leave. Employees are responsible for their portion of the medical insurance premium cost, if any. Failure to pay the employee portion of the health insurance premiums in advance (or on the schedule established by the payroll department) may result in the termination of coverage. If eligible, the employee will receive notification of continuation of benefits.

The City reserves the right to seek reimbursement from the employee for the medical insurance premiums paid by the City while the employee was on FMLA leave if the

employee fails to return from FMLA. The City will not seek reimbursement if the failure to return is due to continuation, recurrence, or onset of a serious health condition of the employee or the employee's family member that would otherwise qualify for FMLA leave, or other circumstances beyond the employee's control.

The City will not interfere with an employee's FMLA rights or retaliate against them for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

Employees who believe they have not received the benefits to which they are entitled under FMLA are strongly encouraged to speak to another member of management or Human Resources for clarification or resolution. Failing that, an employee is able to file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private action. FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

### **MILITARY LEAVE**

The City of Aberdeen supports military obligations of all employees and grants leaves for uniformed service in accordance with applicable federal and state laws. The City will adhere to the provisions of the Military Selective Service Act and any amendments in regard to the re-employment rights of veterans. Employees who are subject to Reserve or National Guard obligations will be given time off to fulfill these obligations in accordance with federal requirements.

After one (1) year of service the employee shall be entitled to compensation at their regular rate of pay or salary for forty (40) hours annually while absent from city employment for military training or active duty service.

Upon return from military leave, employees will be granted the same seniority, pay, and benefits as if they had worked continuously. Failure to report to work within the prescribed time after completion of military service will be considered voluntary termination.

### **JURY SERVICE LEAVE**

An employee that serves on a jury shall receive full pay from the City, provided, however, that all pay received from such jury duty during a regular workday shall be given to the City. The employee must furnish the City with a certified statement from the Court setting forth the dates of jury service and remuneration received therefore. When not engaged in actual jury service, the employee is expected to report to work to their assigned duties. Any City employee summoned as a juror shall notify their immediate supervisor at once, so that work assignments can be made.

### **WITNESS LEAVE**

Employees who need to attend court as a witness, to appear with a minor, or because they are the victim in a criminal case, will be granted leave in order to appear in court. The City may require proof of the need for leave. This leave is unpaid, though employees will be allowed to use accrued paid time off, if any is available. Exempt employees will be paid in accordance with the Fair Labor Standards Act.

### **VOTING LEAVE**

If an employee cannot vote because of their scheduled work hours, then the employee will be given up to two (2) consecutive hours to vote in any state or federal election. The two (2) hours will be compensated at the employee's regular rate of pay. The City may specify the time during the day that leave can be taken.

### **UNPAID LEAVE OF ABSENCE (Non FMLA)**

Unpaid leave of absence option is not available until all applicable paid leaves are exhausted:

- a. The department head may approve an unpaid leave up to ten (10) working days per calendar year. Except in emergency situations, this must be submitted in writing at least five (5) working days in advance of time requested.
- b. Unpaid leave of absences in excess of ten (10) working days, except in emergency situations, must be submitted in writing at least ten (10) working days in advance of time requested to the City Manager. Conditions and stipulations of the number of days approved must be in writing and signed by the employee. Failure to comply with City Manager's decision shall be considered as a resignation and a voluntary quit.

### **AUTHORIZED LEAVE**

Authorized leave will be used when an employee is offsite for City of Aberdeen job specific education, training, meeting, conference, or seminar.

## **HEALTH, SAFETY, AND SECURITY**

### **NON-SMOKING**

It is the policy of the city that smoking, vaping (of tobacco and medical marijuana (THC)) and the use of chew shall not be permitted in City buildings, facilities, grounds, vehicles or enclosed equipment, except that tobacco may be smoked in designated areas, and in accordance with local ordinances.

### **CITY'S COMMITMENT TO DRUG AND ALCOHOL FREE WORKPLACE**

The City of Aberdeen has a strong commitment to its employees and the public to provide a safe, healthful, and productive work environment and to promote high standards of employee health. Consistent with the spirit and intent of this objective the City will act to eliminate any substance abuse which could impair an employee's ability to safely and effectively perform a particular job and which increases the potential for accidents, absenteeism, substandard performance, and tends to undermine public confidence in the City's workforce. The City's goals are to establish and maintain the reputation and integrity of the City by preventing unacceptable behavior by its employees that discredits the City and its employees. A zero tolerance standard for drugs and alcohol shall prevail in the work force.

While the City has no intention of unreasonably intruding into private lives of its employees, the City does expect employees to report to work in a condition to perform their duties, make the work environment safe for other employees, and represent a proper image to the citizens. It is clear that employee off-the-job, as well as on-the-job, involvement with drugs and alcohol can have an impact on the City's goals.

The City complies with the Drug-Free Workplace Act of 1988, the State's administrative rules, Department of Transportation (DOT) Federal Omnibus Transportation Employee Testing Act of 1991, and the City's policies. The unlawful possession, use, distribution, dispensation, sale or manufacturing of controlled substances including alcohol is prohibited while employee are on the City's property and while conducting business-related activities off the City's premises. The legal use of prescribed drugs (including but not limited to medical marijuana (THC)) is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace. Notwithstanding, certified law enforcement officers, employees fulfilling duties related to federal contract, employees in DOT positions, and employees in safety sensitive positions are prohibited from using or possessing medical marijuana (THC) under any circumstances regardless of valid prescription. Any employee found to be in violation of this policy or any of the provisions set forth in the plan below will be subject to disciplinary action, up to and including termination of employment.



The City has established an Employee Assistance Program (EAP) designed to help all employees and their family members recognize and overcome drug and alcohol related problems that interfere with the performance of their assigned duties. The objectives of the EAP include, but are not limited to:

- a. Early identification of medical/behavioral/substance abuse problems.
- b. Referral of employees to qualified counseling resources.
- c. Confidential handling of employee records.

The City will provide access to confidential controlled substance and alcohol abuse counseling and rehabilitation through the Employee Assistance Program (EAP) for all regular full-time City employees. City employees are encouraged to voluntarily seek assistance whenever necessary to overcome a drug or alcohol abuse problem. Conscientious efforts to voluntarily seek such assistance will not jeopardize an employee's job. While the City is supportive of those employees who seek help voluntarily, the City is equally firm in identifying and disciplining those who continue to abuse drugs and alcohol and do not seek assistance.

#### General Policies

The following are the policies of the City regarding drug and alcohol abuse:

1. The unlawful manufacture, distribution, dispensing, possession or use of controlled drugs or substances, or the use of alcohol while on duty, on or off business property owned or leased by the City is proper cause for disciplinary action, up to and including termination of employment.
2. Any illegal controlled drug or substance possessed while on duty by employees will be turned over to the appropriate criminal justice agencies and may result in criminal prosecution. This does not apply to public safety officers who are in possession of an illegal controlled drug or substance while acting in the line of duty.
3. It is not permitted for an employee to be under the influence of controlled drugs or substances or alcohol on the job, except as provided for in item four (4).
4. The legal use of controlled drugs or substances prescribed by a licensed physician is not prohibited, but employees in positions where side effects of the prescribed medication could affect performance and safety on the job are required to make such use known to their supervisor.
5. Certified law enforcement officers, employees fulfilling duties related to a federal contract, employees in DOT positions, and employees in safety sensitive positions are prohibited from using or possessing medical marijuana (THC) under any circumstance regardless of valid prescription.
6. The illegal use, sale, and possession of controlled drugs or substances while off duty and off City premises which results in a criminal conviction is unacceptable. Off-duty, alcohol-related, criminal convictions are also unacceptable. They may affect the job performance and the confidence of the public in the City's ability to meet its responsibilities.

7. Whenever disciplinary action is used in this policy, it shall include but not be limited to: oral reprimand, written reprimand, suspension, demotion or termination of employment.

#### Employee Responsibilities

1. An employee must not report to work while his/her ability to perform his/her job duties is impaired due to on or off duty alcohol or drug (including medical marijuana) use. Employees called in for emergency duty to work outside their regular work schedule must not report to work impaired by off-duty alcohol or drug (including medical marijuana) use.
2. An employee must not possess or use alcohol or illegal drugs or prescription drugs without a prescription during working hours or while subject to duty, on breaks, or during meal periods.
3. An employee must notify his/her supervisor, before beginning work, when taking any medication or drugs (including medical marijuana (THC)), prescription or nonprescription, which may interfere with the safe and effective performance of duties or operation of City equipment.
4. An employee must notify his/her immediate supervisor of any drug or alcohol related criminal statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

#### Management Responsibilities and Guidelines

1. Supervisors and department heads shall not physically search the persons of employees nor shall they search the personal possessions of employees without the freely given consent of, and in the presence of, the employee.
2. Supervisors and department heads shall notify the appropriate law enforcement agency when they have reasonable suspicion to believe that an employee may have illegal drugs in his or her possession or in an area jointly or fully controlled by the City.
3. Any supervisor or department head encountering an employee who refuses to consent to a drug and/or alcohol analysis when "reasonable suspicion" has been identified, shall remind the employee of the requirements of the policy and that he or she may be subject to disciplinary action, up to and including termination of employment. The reason(s) for the refusal shall be considered in determining the appropriate disciplinary action, up to and including termination of employment. Where there is reasonable suspicion that the employee is under the influence of alcohol or drugs, the manager or supervisor should direct the employee to remain at work for a reasonable time until the employee can be safely transported home.

## Testing for Drugs or Alcohol

### Post Offer/Pre-Employment.

The City may require an individual post offer but pre- employment, as well as employees transferring to certain positions, to undergo controlled substance testing and if so, work in such position shall not be permitted until testing is completed and results are given to the Human Resource Director.

### Reasonable Suspicion.

The City may request that the employee undergo drug and alcohol testing if there is a "reasonable suspicion" that the employee is under the influence of alcohol, controlled substance, prescriptive medication, over the counter medication or medical marijuana (THC) during work hours. Reasonable suspicion tests should be administered as soon as practical following the determination of reasonable suspicion. If the alcohol test is not administered within 2 hours of the determination of reasonable suspicion, the attending supervisor will document the reason for the delay. If the alcohol test is not administered within 8 hours of the determination of reasonable suspicion all attempts to conduct the alcohol test will cease and the attending supervisor will document the reasons for the failure to test. If the controlled substances test is not administered within 8 hours of the determination of reasonable suspicion, the test should still proceed. The attending supervisor must document the reasons for the delay. If the controlled substances test has not been administered within 32 hours of the determination of reasonable suspicion, all attempts to conduct the controlled substances test will cease and the reasons will be documented by the attending supervisor.

"Reasonable suspicion" means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence of drugs or alcohol. Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:

1. A pattern of abnormal or erratic behavior that is so unusual that it warrants summoning a supervisor, department head or other individual for assistance.
2. Information provided by a reliable and credible source with personal knowledge.
3. Direct observation of drug or alcohol use.
4. Presence of the physical symptoms of drug or alcohol use; (i.e. glossy or blood-shot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes).
5. Possession of substances in violation of the City's drug and alcohol policy.

The employee, where "reasonable suspicion" exists, may be asked to submit to blood and/or urine testing by a qualified medical physician or hospital at the City's expense. Prior to testing, the proper authority shall secure a signed release statement from the employee to have the hospital/physician release medical information to the City. An employee who refuses to consent to a drug and alcohol test when reasonable suspicion exists may be subject to disciplinary action, up to and including termination

of employment. A positive result from the drug and/or alcohol test confirming the reasonable suspicion may result in disciplinary action, up to and including termination of employment. The proper authority is required to detail in writing the specific facts, symptoms, or observations that led to the reasonable suspicion. This documentation, which includes the results of the drug or alcohol test as confirmation of the use of drugs or alcohol on the job, shall be given to the Human Resource Director and placed in the employee's file only if confirmed by the drug and/or alcohol test.

#### Post-Accident.

Any City employee involved in a work-related vehicular accident causing serious property or physical injury may be subject to post-accident testing where reasonable suspicion exists. Nothing in this section, however, will be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

#### Random Testing.

Any employee whose job duties involve operation of heavy equipment, equipment requiring a CDL, safety sensitive positions, and/or equipment that may cause serious injury to the employee, coworkers or the public may be subjected to unannounced alcohol and/or controlled substance testing.

#### Follow-Up Testing.

If a medical provider determines that an employee is in need of assistance in solving problems with alcohol use and/or controlled substances use, an employee may be subject to unannounced follow-up alcohol and /or controlled substances testing if they are allowed to continue their employment with the City. Follow-up testing will not exceed 60 months from the date of the employee's return to duty, so long as the employee remains drug and alcohol free. It is preferred that the employee will have no less than 6 unannounced follow -up alcohol and controlled substances tests within the first 12 months following the employee's return to work, provided the employee remains employed and drug- and alcohol-free for that period.

#### Procedures and Substances to be tested for

- A. Alcohol Tests: Alcohol testing will be done by a certified Breath Alcohol Technician (BAT) using an Evidential Breath Testing device (EBT). Location of test will be conveyed to the employee. Completion of BAT forms with employee signature and participation/cooperation by employee will be required. Failure by employee to cooperate, participate, or sign BAT forms will be considered a "refusal". Refusal of any test or part thereof is grounds for disciplinary action, up to and including termination of employment.

B. Controlled Substance Tests: Controlled substances for which tests will be conducted are

- 6-acetylmorphine
- amphetamine/methamphetamine
- benzoylecgonine-cocaine METABC
- codeine/morphine
- hydrocodone/hydromorphone
- marijuana metabolite (THC)
- MDMA/MDA
- oxycodone/oxymorphone
- phencyclidine

Urine specimens will be used to test for these drugs. Location of tests will be conveyed to the employee and identification of employee at collection site is required. Procedures will include "chain of custody" and split sample collection. One of the two parts will be tested. After review by a medical review officer (MRO) and a verified positive test occurs, the employee has the option, within three (3) days to have the second part of the specimen tested at a different conforming laboratory at their expense. Cooperation and participation, including required signatures by the employee is required. Refusal and/or positive controlled substance test will be grounds for disciplinary action, up to and including termination of employment.

Consequences for Violations

- A. Positive Test for Controlled Substance: After confirmation from the Medical Review Officer (MRO) of a positive test result, the employee will be removed from duty. The employee will be given the opportunity to have the "split" sample tested. If the employee chooses not to have the "split" sample tested, or if there is a positive result from the split sample, the employee will be subject to disciplinary action, up to and including termination of employment.
- B. DUI Conviction on the Job: Employees convicted of driving under the influence while performing duties for the City will be subject to disciplinary action, up to and including termination of employment. A DUI conviction off the job resulting in loss of job required license, or the inability to obtain the required license and/or work permit (CDL or other) where the position requires such license as a condition of employment, will be subject to disciplinary action, up to and including termination.
- C. Refusal: Refusal to take a required controlled substance or alcohol test, failure to report for test, failure to cooperate with testing official, will result in removal from assigned work which, in turn will result in disciplinary action, up to and including termination.
- D. Adulteration or Specimen Substitution: Any report from the City's Medical Review Officer (MRO), or any representative from the medical provider employing the MRO, which indicates a urine specimen has been adulterated, or an attempt has been made to adulterate a urine specimen, will be treated as a positive test and appropriate disciplinary action, up to and up to and including termination of employment. This

- provision will also apply to any situation wherein an employee attempts to or actually provides a substitute or dilute specimen.
- E. Employee Arrested for Using, Possessing/Manufacturing or Distributing any Controlled Substance: An employee arrested for using, possessing/manufacturing or distributing must notify their supervisor prior to commencing their safety sensitive duties. An arrest will be considered as reasonable suspicion and the employee will not be able to commence work without a negative test result.
  - F. Criminal Conviction of any Drug Statute: An employee convicted of any drug statute, must notify their supervisor no later than five (5) days after such conviction.

#### Return to Work Following Positive Results

- a. If an employee has been found to have violated the requirements of this policy, such as testing positive for the presence of alcohol and/or controlled substances while on duty, the employee may in certain circumstances be permitted to return to his or her position. This decision is entirely at the discretion of the City.
- b. If an employee is permitted to return to work following a positive drug or alcohol test, his or her continued employment may be conditional upon very specific requirements including but not limited to certain testing and treatment requirements.

#### Confidentiality of Records

Laboratory or medical reports regarding the results of alcohol or controlled substance testing will not appear in an employee's official personnel file. Information of this nature will be contained in a separate confidential medical file that will be securely kept under the control of the Director of Human Resources.

#### Drug and Alcohol Misuse/Abuse Policy & Testing Procedure for Commercial Driver's License (CDL) and Safety Sensitive Positions

The City of Aberdeen in keeping with its commitment to provide a safe, healthful and proactive drug free work environment recognizes that the misuse and/or abuse of alcohol and/or controlled substances by drivers of commercial vehicles present a significant threat to the safety and health of our employees and the general public. Safety sensitive employees and employees that are required to possess and maintain a Commercial Driver's License (CDL) to operate commercial vehicles and shall be free of any drugs and alcohol as a condition of employment. In keeping in compliance with the Omnibus Transportation Employee Testing Act of 1991, the City of Aberdeen has implemented an alcohol and controlled substance testing program which is designed to help reduce and avoid traffic accident injuries to our employees and the public, to eliminate substance and alcohol abuse, and to reduce absenteeism, workplace accidents, health care costs and other drug and alcohol related problems.

Any drug or alcohol violations will be reported to the Federal Motor Carrier Safety Administration Clearing House (FMCSA).

## **INFECTIOUS DISEASE POLICY**

### Purpose

The purpose of this policy is to outline the responsibilities of employees and of the City of Aberdeen in the management of infectious disease in order to minimize the spread of infectious disease among the workplace.

### Definitions

Infectious disease refers to persistent conditions which are communicable in nature and able to produce serious illness in another person. Such diseases include but are not limited to: influenza, novel coronavirus, and H1N1 virus. This policy is only intended to apply to short-term infectious diseases not chronic conditions such as HIV/AIDS.

### Policy

It is the responsibility of City of Aberdeen to provide a safe environment for our employees and our patrons. Employees with infectious disease present a health risk to other employees. City of Aberdeen bases its procedure for how to handle infectious disease on the current recommendations of the Center for Disease Control ("CDC"). If these recommendations change, depending on the severity of an outbreak of an infectious disease, these updated recommendations will be communicated to employees.

- Employees with infectious disease are subject to the same working conditions and performance standards as any other employee. All decisions regarding employment will be made on job-related criteria, and no qualified employee who is able to perform the essential functions of the job will be discriminated against in employment decisions based upon the diagnosis of an infectious disease. If the condition affects an employee's ability to perform the essential functions of his or her job, the employee will be treated in accordance with the Americans with Disability Act.
- Employees with an infectious disease are also subject to the same sick and leave standards and requirements as other employees. Be sure that you are familiar with sick leave policies and ask questions if you are not.

### Policy Requirements

Unless otherwise directed:

Sick employees must stay home

- Employees must be alert to any signs of fever and any other signs of influenza-like illness or other infectious disease before reporting to work each day. Employees must not come to work if ill, and should stay home to recuperate. Employees must contact their supervisor consistent with the sick leave policies if staying home because they are ill. Employees should not travel while they are ill.

- The employee must not return to work until completely recovered from any influenza-like illness. The City of Aberdeen follows the recommendations of the CDC, and employees with influenza-like illness must not return to work and should stay home until at least 24 hours after they are free of fever (100° F [37.8° C] or greater), or signs of a fever, without the use of fever-reducing medications.
- If an employee has influenza, novel coronavirus, or H1N1, City of Aberdeen expects that the employee will be absent from employment for 3 to 10 days in most cases, even if antiviral medications are used. City of Aberdeen understands, however, that each case is unique, and employees must not return to work until they are fully recuperated from any influenza-like illness.
- Employees who are well but who have an ill family member at home with an influenza-like illness can go to work as usual. However, these employees should monitor their health every day, and they must notify their supervisor and stay home if they become ill.

#### Sick employees at work will be sent home

- Any employee who appears ill with an influenza-like illness will be promptly separated from other employees and sent home from work by the City of Aberdeen. The department head, City Manager or Human Resources Director shall decide whether an employee will be asked to go home because of illness, and if requested to do so, the employee must go home. The department head, City Manager or Human Resources Director has reasonable discretion in deciding whether to send an employee home for illness, and the department head, City Manager or Human Resources Director should consider the appearance of the employee, any outward signs of illness, the employee's general demeanor, and any statements by the employee in exercising this discretion.
- An employee sent home for an influenza-like illness must not return to work and should stay home until at least 24 hours after he or she is free of fever (100° F [37.8° C] or greater), or signs of a fever, without the use of fever-reducing medications.
- If an employee becomes ill at work, the City of Aberdeen should inform fellow employees of their possible exposure in the workplace to an influenza-like illness without disclosing who specifically was the cause of the exposure.



- If a department head, the City Manager or Human Resources Director has reasonable cause to believe that an employee is unable to perform duties or is endangering the health and safety of others because of infectious disease, the department head, City Manager or Human Resources Director may request a medical exam or fitness for duty exam to clarify the employee's status. The result shall be strictly confidential and available only to the department head, City Manager or Human Resources Director.

#### General health standards—Cover coughs and sneezes

- Influenza and other viruses are thought to spread mainly from person to person in respiratory droplets of coughs and sneezes. Employees should cover coughs and sneezes with a tissue or, in the absence of a tissue, one's sleeve.

#### General health standards—Improve hand hygiene

- Influenza and other viruses may be spread via contaminated hands.
- Employees should wash their hands often with soap and water or use an alcohol-based hand cleaner, especially after coughing or sneezing.

#### General health standards—Bodily fluids

- All blood and body fluids should be considered infectious and persons coming in contact with these fluids should take recommended precautions.

#### Failure to Comply with Policy

The City of Aberdeen reserves the right to impose disciplinary action upon employees who violate this Infectious Disease Policy.

#### **REASONABLE ACCOMMODATIONS**

If the City is made aware of an employee's disability and resulting need for accommodation, Human Resources or the employee's manager will engage with them in the interactive process. This process will determine what, if any, accommodations are necessary and reasonable in order to assist the employee in doing the essential functions of their job.

Whether an accommodation is reasonable will be determined based on a number of factors, including whether it will effectively assist the employee in doing the essential functions of their job, the cost, and the effect on business operations. In most cases, employees will be required to provide documentation from an appropriate healthcare provider. Human Resources will provide employees with the necessary form.

All employees are required to comply with safety standards. Employees who pose a direct threat to the health or safety of themselves or others in the workplace may be temporarily moved into another position or placed on leave until it is determined if a reasonable accommodation will effectively mitigate the risk.

### **WORKERS' COMPENSATION**

The City carries insurance that covers work-related injuries and illnesses. The workers' compensation insurance carrier governs the benefits provided. These benefits will not be limited, expanded, or modified by any statements of City personnel or City documents. In the case of any discrepancy, the insurance carrier's documents will control.

All work-related injuries must be reported to your supervisor immediately.

On the initial day of a work related injury, time spent by an employee in waiting for and receiving medical attention on the premises or at the direction of the City during the employee's normal working hours will be paid.

If an employee is required to be absent after the initial date of injury the employee will be required to use ELB or Sick leave to make up any time lost.

For work related injuries where time loss is compensated by worker's compensation, upon filing "First Report of Injury" the employee must:

Sign all work compensation checks over to the City and have leave deducted at 1/2 rate (example: four (4) hours for each eight (8) hour work day).

Upon exhaustion of all leaves the employee will accept work compensation check. If this option (leave without pay from the City) is taken the employee would be responsible for paying the employees portion of insurance premiums normally made through payroll (health, dental, vision, AFLAC, etc.).

Upon returning from leave the department head or other appropriate official may request a physician's statement concerning such absence at any time. Worker's compensation benefits (paid or unpaid) will run concurrent with FMLA leave, if applicable, where permitted by state and federal law.

Any employee that willfully violates or misuses this leave policy or who misrepresents any statement or condition under said policy shall be subject to reprimand or disciplinary action.

## **WORKPLACE VIOLENCE AND SECURITY**

The City expects all employees to conduct themselves in a non-threatening, non-abusive manner at all times. No direct, conditional, or veiled threat of harm to any employee, patron, or City property will be acceptable. Acts of violence or intimidation of others will not be tolerated. Any employee who commits, or threatens to commit, a violent act against any person while on City premises, will be subject to discipline, up to immediate termination.

Employees share the responsibility of identifying and alleviating threatening or violent behaviors. Any employee who is subjected to or threatened with violence, or who is aware of another individual who has been subjected to or threatened with violence, should immediately report this information to a manager. Threats will be investigated and appropriate remedial or disciplinary action will be taken.

## **DRIVING SAFETY**

Employees who drive on City business are expected to drive safely and responsibly and to use good sense and courtesy. Employees are also subject to the following rules and conditions:

1. A valid driver's license must be maintained as a condition of continued employment for positions that require driving. The company may request to see an employee's license at any time.
2. Employees may not use a City vehicle without express authorization from management.
3. If City vehicles are generally used for City business, employees must receive authorization from management to use their personal vehicle instead.
4. Employees who drive their own vehicles for work must maintain the minimum amount of insurance required by state law as a condition of continued employment. The City may request proof of insurance at any time.
5. Employees must wear seat belts at all times, whether they are the driver or a passenger.
6. With the exception of a phone being used only for navigation purposes, employees are required to turn off cell phones or put them on silent before starting their car. Employees are permitted and encouraged to communicate to patrons the reason why calls may not be returned immediately.
7. Employees who are using a device for navigation purposes should complete all set up before starting the vehicle.
8. Use of electronic devices for purposes other than navigation is strictly prohibited. This includes, but is not limited to, making or receiving phone calls, sending or receiving text messages or e-mails, browsing the internet, reading books, and downloading information from the web. If an employee needs to engage in any of these activities while driving, they must pull over to a safe location and stop the vehicle prior to using any device.

9. Employees should not engage in other distracting activities such as eating, shaving, or putting on makeup, even in stopped or slow-moving traffic.
10. The use of alcohol, drugs, or other substances that in any way impair driving ability is prohibited. This includes, but is not limited to, over-the-counter cold or allergy medications and sleep aids that have a residual effect.
11. Employees must follow all driving laws and safety rules, such as adherence to posted speed limits and directional signs, use of turn signals, and avoidance of confrontational or offensive behavior while driving.
12. No one other than a City employee is allowed in City owned vehicles.
13. Employees must not allow anyone to ride in any part of the vehicle not specifically intended for passenger use or any seat that does not have a working seat belt.
14. Employees must promptly report any accidents to their direct supervisor.
15. Employees must promptly report any moving or parking violations received while driving on City business or in City vehicles.

### **INCLEMENT WEATHER**

It is the City's intent that all City operations will continue to function regardless of weather conditions, however at the City Manager's discretion some operations may close. Employees unable to report to work will not jeopardize their position. Two options are available to account for your time if you are unable to report:

1. Paid Leave
2. Unpaid Leave (No pay)

## **WORKPLACE GUIDELINES**

### **HOURS OF WORK**

Employees are expected to be at their work area and ready to work at their scheduled time. Employees will be given their work hours upon hire and at the time of any change in position. If the normal work hours are changed or if the City changes its operating hours, employees will be given notice.

### **OFF-THE-CLOCK WORK**

Non-exempt employees must accurately record all time worked, regardless of when and where the work is performed. Off-the-clock work (doing work that is not reported in the timekeeping system) is prohibited. No member of management may request, require, or authorize non-exempt employees to perform work without compensation. Any possible violations should be reported promptly to a member of management.

### **DRIVER'S LICENSE**

All employees who operate vehicles as part of their work shall be required to have a valid South Dakota driver's license, or a SD Commercial Driver's (CDL) license with endorsements as required by the City as a condition of their employment. If an employee's driving privileges are revoked and they are not given a driving work permit, the employee may be allowed to take their accumulated leave during the revocation period at the pay for their regular classification. If the unsuspended portion of the revocation exceeds the leave, then the employee will have to apply for unpaid leave.

### **COMMERCIAL DRIVERS LICENSE (CDL)**

The Commercial Vehicle Safety Act of 1986 requires each State to meet the same minimum standards for commercial driver licensing. The standards require commercial motor vehicle drivers to get a Commercial Driver's License (CDL).

City employees must have a CDL to operate the following Commercial Motor Vehicles (CMV's).

- a. A single vehicle with a gross vehicle weight rating (GVWR) of more than 26,000 pounds.
- b. A trailer with a GVWR of more than 10,000 pounds if the gross combination weight rating is more than 26,000 pounds.
- c. A vehicle designed to transport 16 or more persons including the driver.

To be in compliance with the state and federal laws, the City is directing all regular employees, in accordance with job descriptions, to obtain and maintain CDL status.

### **LACTATION ACCOMMODATION**

The City provides a supportive environment to enable breastfeeding employees to express breast milk during work hours for up to one year following the birth of a child. Accommodations under this policy include a place, other than a bathroom, that is shielded from view and free from intrusion from co-workers and the public which may be used by an employee to express breast milk. Discrimination and harassment of breastfeeding mothers in any form is unacceptable and will not be tolerated.

### **ATTENDANCE AND TARDINESS**

Employees are expected to be at work and ready to go when their scheduled shift begins or resumes. If an employee is unable to be at work on time, or at all, they must notify their manager. If an employee's manager is not available, the employee should contact another member of management. If an employee is physically unable to contact the City, they should ask another person to make contact on their behalf. Leaving a message with a co-worker or answering service is not considered proper notification. Excessive tardiness or absences are unacceptable job performance.

When an employee calls in absent, they should provide their expected time or date of return. The City reserves the right to require proof of the need for absence, if allowed by law. If an employee is absent for three consecutive days and has not provided proper notification, the City will assume that the employee has voluntarily quit their position and will proceed with the termination process.

If an employee becomes ill during their scheduled work day and feels they may need to leave before the end of their shift, they should notify their manager immediately. If an employee is unable to perform their job at an acceptable level, they may be sent home until they are well enough to work.

Absences should be arranged as far in advance as possible. When an employee needs to be absent during the workday, they should attempt to schedule their outside appointment or obligation so that their absence has the smallest impact possible on business operations.

### **PERSONAL APPEARANCE AND HYGIENE**

Employees are expected to present a professional image, both through behavior and appearance. Accordingly, employees must wear work-appropriate attire during the workday or any time they are representing the company. Clothing does not need to be expensive, but should be clean and neat in appearance. Employees should consider their level of customer and public contact and the types of meetings they are scheduled to attend in determining what attire is appropriate.

All employees are expected to maintain appropriate oral and bodily hygiene. Hair (including facial hair) should be clean and neat. Accessories should not interfere with an employee's work. The excessive use of perfume or cologne is unacceptable, as are odors that are disruptive or offensive to others or may exacerbate allergies.

Managers are responsible for enforcing dress and grooming standards for their department. Any employee whose appearance does not meet these standards may be counseled. If their appearance is unduly distracting or the clothing is unsafe, the employee may be sent home to change into something more appropriate.

Reasonable accommodation will be made for employees' sincerely held religious beliefs and disabilities when such accommodations do not cause an undue burden. If you would like to request an accommodation or have other questions about this policy, please contact your supervisor.

### **HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)**

The City is not a covered entity as defined by HIPAA. The City does, however, maintain certain health information that is subject to HIPAA requirements. Thus, the City will follow HIPAA privacy and security provisions with respect to that protected health information (PHI). HIPAA regulations will be followed in administrative activities undertaken by assigned personnel when they involve PHI in any of the following circumstances: health information privacy, health information security, and health information electronic transmission. The City will consider any breaches of privacy and confidentiality with respect to PHI to be serious, and disciplinary action will be taken in accordance with the corrective action policy.

### **GIFTS**

Employees are prohibited from requesting any gift. Employees are prohibited from accepting, directly or indirectly, a gift that has a value of \$25 or more and is not also offered or given to other co-workers in their department. An employee who is offered or given anything of value from any patron, prospective vendor, vendor, or business in connection with their duties with the City should immediately notify their manager about the gift.

### **OUTSIDE EMPLOYMENT**

Employees may engage in additional outside employment with the prior written approval of their immediate supervisor. Such approval will only be granted if the additional employment does not interfere, conflict with or adversely affect the employee's municipal duties and responsibilities. The City reserves the right to rescind prior approval if the additional outside employment begins to interfere with the employee's municipal duties. Employees of the City may not engage in outside business or personal activities while on duty, nor may city property be used for anything but City purposes.

## **REPORTING IRREGULARITIES**

Employees should immediately report any actual or suspected theft, fraud, embezzlement, or misuse of City funds or property, as well as suspicious behavior. An employee who is aware of such activity but does not report it will be considered part of the problem and disciplined accordingly.

## **INSPECTIONS AND SEARCHES**

Any items brought to or taken off of City premises, whether property of the employee, the City, or a third party, are subject to inspection or search unless prohibited by state law. Desks, lockers, workstations, work areas, computers, USB drives, files, e-mails, voice mails, etc. are also subject to inspection or search, as are all other assets owned or controlled by the City. Any inspection or search conducted by the City may occur at any time, with or without notice. Failure to submit to a search will be grounds for discipline.

## **HARDWARE AND SOFTWARE USE**

The following guidelines have been established for using the Internet and email in an ethical and professional manner. For the purpose of this policy, City Internet includes productivity software, instant messaging applications, the City cloud and networks, the intranet, and any other tool or program provided by or through the City or its internet connection.

- City Internet and email may not be used for transmitting, retrieving or storing any communications of a defamatory, discriminatory, harassing, or obscene nature.
- Telephones should only be used for company business. Employees should be professional and conscientious at all times when using City phones or when using a personal phone for company business.
- Use of personal cell phones or other devices should be held to a reasonable limit. Reasonableness will be determined by management.
- Disparaging, abusive, profane, and offensive language are forbidden.
- Employees must respect all copyrights and may not copy, retrieve, modify, or forward copyrighted materials, except with permission or as a single copy for reference only. Almost every piece of content is or could be copyrighted (a notice of copyright is not required), so employees should proceed with caution when using or reproducing materials.
- Unless necessary for work, employees should avoid sending or receiving large files, watching videos, mass-forwarding emails, or engaging in other activities that either consume large amounts of bandwidth or create electronic clutter.
- Employees may not download any programs, applications, browser extensions, or any other files without prior approval or upon request of a manager.



- Each employee is responsible for the content of all text, audio, or images they place on or send over the City's internet and email system. Employees may not send messages in which they are not identified as the sender.
- Email is not guaranteed to be private or confidential. The City reserves the right to examine, monitor, and regulate email messages, directories, and files, as well as internet usage.
- Internal and external email messages are considered business records and may be subject to discovery in the event of litigation.

All company-issued hardware and software, as well as the email system and Internet connection, are City-owned. Therefore, all City policies are in effect at all times when they are in use. Access to the internet through the City's network is a privilege of employment that may be limited or revoked at any time.

### **SOCIAL MEDIA POLICY**

This Social Media Policy is adopted to provide guidance and information regarding an employee's use of social media.

*"Social media"* means internet and mobile-based applications, websites and functions, other than email, with a focus on immediacy, interactivity, user participation, and information sharing. These venues include social networking sites, forums, weblogs (blogs, vlogs, and microblogs), online chat sites, and video/photo posting sites or any other such similar output or format. Current examples include Facebook, Instagram, Twitter, and YouTube. This policy includes emerging new web-based platforms generally regarded as social media or having many of the same functions as those listed.

#### **The Guiding Rule**

City employees have qualified First Amendment rights. As public employees, speech – whether on-duty or off-duty – made pursuant to official duties is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the efficient operations of the City of Aberdeen. Any social media activity of an employee that negatively affects the employee's job performance, the job performance of fellow employees, or the City's legitimate functions, operations, or interests, including its reputation, may result in disciplinary action up to and including termination.

#### **Personal Use of Social Media**

This policy provides guidelines for City employees who communicate on social media sites as a private party and requires employees, when they are speaking as a private party, to clearly communicate their status in doing so and to not violate laws and rules of employment designed to protect and maintain the stability and integrity of the workplace, to protect confidential information, to adhere to the rules of ethics, public records laws, and open meetings law requirements, among other compelling governmental interests.

The City respects each employee's private right to post and maintain personal websites, blogs, and social media pages and to use and enjoy social media on their own personal devices during non-work hours. The following guidelines apply to personal communications using various forms of social media:

1. Employees, while on any social media, are expected to be truthful, courteous, and respectful toward supervisors, co-workers, officials, and other persons or entities associated with the City.
2. When a person can be identified on social media as a City employee, the employee must not engage in name-calling or personal attacks or other such demeaning behavior if the conduct would adversely affect their duties or workplace for the City. This limitation applies when the action of the employee adversely affects the employee's work, job duties, or ability to function in the employee's position, or creates a hostile work environment.
3. Employees must not use a City brand, logo, or other City identifier on their personal sites, nor post information that purports to be the position of the City without prior authorization or unless authorized by federal, state, or local law or the specific terms of an applicable collective bargaining agreement.
4. Employees are discouraged from identifying themselves as City employees when responding to or commenting on blogs with their personal opinions or views. Employees must not use their City title when engaging in personal use of social media. If an employee chooses to identify him or herself as a City employee, and posts a statement on a matter related to City business, a disclaimer similar to the following must be used:  
*"These are my own opinions and do not necessarily represent those of the City."*
5. There may be times when personal use of social media (even if it is off-duty or using the employee's own equipment) may affect or impact the workplace and become the basis for employee coaching or discipline. Examples of situations where this might occur include but are not limited to:
  - Friendships, dating, or romance between co-workers
  - Cyber-bullying, stalking, or harassment
  - Release of confidential or private data
  - Unlawful activities
  - Misuse of City-owned social media
  - Inappropriate use of the City's name, logo, or the employee's position or title
  - Using City-owned equipment or City-time for extensive personal social media use
  - Violation of federal, state, or local law, or a City policy.

6. Personal or private business venture social media account names must not be tied to or connected with the City. For example, “AberdeenCop” or “KOLeeLibrarian” would not be appropriate personal account names.
7. If commenting on City business in their personal capacity, employees must use a disclaimer which establishes that their comments represent their own opinions and do not represent those of the City.
8. Employees must not attribute personal statements or opinions to the City when engaging in private blogging or postings on social media sites. Where confusion or doubt is likely to arise regarding the personal nature of social media activities, an employee must include a disclaimer clarifying that the social media communications reflect only the employee’s personal views and do not necessarily represent the views of the City or the employee’s department, as applicable. A clear and conspicuous disclaimer will usually be sufficient to dispel any confusion that may arise.
9. Employees must not use nonpublic information to further their own private interest or that of another, whether by engaging in financial transactions using such information, through advice or recommendation, or through unauthorized disclosure. Further, employees shall not disclose non-public information unless the disclosure is authorized by law. Unauthorized disclosures can include, but are not limited to, the dissemination of confidential, proprietary, or privileged information.

#### Avoiding Harassment

Employees must not use statements, photographs, video, or audio that could reasonably be viewed as malicious, obscene, threatening, or intimidating toward patrons, City employees or officials, or other people or organizations affiliated with the City. This includes, but is not limited to, posts that could contribute to a hostile work environment on the basis of race, sex, sexual orientation, disability, religion, national origin, or any other status protected by state or federal law.

#### Avoiding Defamation

Employees must not post anything they know or suspect to be false about the City or anyone associated with it, including fellow employees and patrons. Writing something that is untrue and ultimately harmful to any person or organization is defamation and can lead to significant financial liability for the person who makes the statement.

#### Representation

Employees must not represent themselves as a spokesperson for the City unless requested to do so by management. If the City is a subject of the content being created – whether by an employee or third party – employees should be clear and

open about the fact that they are employed with the City but that their views do not necessarily represent those of the City.

#### Accounts

Employees must not use City email addresses or passwords to register for social media accounts, or in conjunction with a personal social networking site, unless doing so at the request of management.

Employees who manage social media accounts on behalf of the City should ensure that at least one member of management has all the login information needed to access the account in their absence.

#### No Expectation of Privacy

An employee's use of City resources or equipment, including the Internet or a City social media site, is not private and an employee has no expectation of privacy while using the Internet or the City's social media site. An employee's use may be investigated and monitored at any time.

#### Violation of Social Media Policy by Employees

Violations of this policy are considered misconduct and may result in discipline up to and including indefinite suspension or termination as authorized or permitted by law or policy.

Employees should also be aware that some conduct discussed in this policy may violate other laws for which there are criminal or civil penalties. Adoption of this policy should not be seen nor is it intended to vary the terms or requirements of other laws governing behavior in the workplace or behavior outside the workplace but which affects the workplace.

## **MEDIA POLICY**

From time to time during the course of your service for the City of Aberdeen, you may receive unsolicited contact from representatives of the media including but not limited to newspaper reporters, television and radio reporters, news people, and others. The purpose of this policy is to inform you of the proper steps to follow when such contact occurs.

1. The City Manager is the designated spokesperson for the City of Aberdeen in the event of communications with the media. The City Manager depending upon circumstances may elect to assign a department head to be designated spokesperson with the media. If you receive contact from the media, advise them that you cannot comment and refer them to the City Manager. The telephone number is 626-7025 for the City Manager.
2. In addition to referring members of the media to our designated contact person, notify your immediate supervisor immediately of any media contact.
3. Media representatives will understand that you cannot comment. They will appreciate a referral to someone who may or may not be able to answer their questions.
4. When an incident occurs that could give rise to a claim against you or others of your fellow employees, please notify everyone that they may receive contact from the media and that they must be aware of and follow this media policy – e.g. not comment on any occurrence and refer the media to the designated contact person.
5. Never give into what is a natural urge to be helpful if you are contacted by the media. You must follow this policy and the procedures described herein.
6. You should be friendly and not defensive or evasive when advising members of the media that you are not able to comment. As noted above, they will understand this position.
7. No comment means no comment. Do not explain or discuss any occurrence or event with the media unless you are authorized to do so as the designated spokesperson.
8. Keep in mind that whatever you say will be viewed as an official statement on behalf of your employer and your co-workers. This is yet another reason to follow the policy, make no comment, and direct the media representatives to the designated contact person.
9. If you are present during an Executive Session, keep in mind that executive sessions are privileged, that no record is made of these discussions, and that

anyone present is absolutely forbidden to discuss the content of conversations which occur during the course of executive session.

If you have any questions about the application of this policy, please contact your immediate supervisor.

### **USE OF CITY OWNED VEHICLES, EQUIPMENT, PROPERTY OR FACILITIES**

Due to the potential liability and for the protection of employees, employees are prohibited from using city-owned vehicles, equipment, property, and facilities for personal use or for community purposes except under circumstances involving the advancement of City business, as specifically required and authorized by City Manager. Non-city employees are not permitted to ride in City-owned vehicles except when conducting City business.

City employees assigned standby duty by their department will be permitted to use a city-owned vehicle during the scheduled standby period only for purposes of commuting directly between home and work for scheduled work hours and for responding to standby calls.

City employees who fail to comply with any of these conditions or requirements when using a City-owned vehicle may no longer be permitted to use a City-owned vehicle and/or may be subject to disciplinary action, including termination.

### **PERSONAL CELL PHONE USE**

The use of personal cell phones, or work cell phones for personal matters, should be held to a reasonable limit during work hours and not interfere with an employee's productivity or the productivity of their coworkers. Reasonableness will be determined by management.

### **PERSONAL PROPERTY**

The City is not liable for lost, misplaced, or stolen property. Employees should take all precautions necessary to safeguard their personal possessions. Employees should not have their personal mail sent to the City, as it may be automatically opened, and should check with their manager before having larger items delivered to the workplace.

### **PARKING**

All parking is at an employee's own risk. Employees and visitors should lock their vehicles and take appropriate safeguards to protect their valuables, including removing them from the vehicle if appropriate under the circumstances. Employees are not to park in areas reserved for visitors.

## **EMPLOYMENT SEPARATION**

### **RESIGNATION**

The City requests that employees provide at least two weeks' written notice of their intent to resign. This notice should be submitted to an employee's manager. Dependent upon the circumstances, an employee may be asked to not work any or all of their notice period. An exit interview may be requested.

Employees cannot use Paid Time Off to extend their final two (2) week notice period. The last day of employment will be the last physical day worked.

### **TERMINATION**

All employment with the City is "at-will." This means that either the City or the employee can terminate the employment relationship at any time, with or without notice, and for any reason allowed by law or for no reason at all.

### **PERSONAL POSSESSIONS AND RETURN OF CITY PROPERTY**

All City property, such as computer equipment, keys, tools, id badges, or City credit cards, must be returned immediately at the time of termination. Employees may be responsible for any lost or damaged items. When leaving, employees should ensure that they take all of their personal belongings with them.

# EMPLOYEE HANDBOOK ACKNOWLEDGEMENT

## CITY OF ABERDEEN

I acknowledge receipt of the City's Employee Handbook and agree to follow the guidelines within it. I also acknowledge the following:

1. I understand that it is my responsibility to read, understand, and abide by these policies and procedures.
2. Receipt of this handbook does not create a contract of employment or in any way alter my at-will employment status; the City or I can end the employment relationship at any time, with or without notice, and with or without cause.
3. I am not entitled to any particular sequence of disciplinary measures prior to termination.
4. With the exception of the at-will employment policy, this handbook may be modified at any time.
5. Violation of any policy in this handbook, or any policy included as an addendum, may be grounds for discipline, up to and including termination.
6. This handbook does not include every process, policy, and expectation applicable to employees, or my position specifically; I may be counseled, disciplined, or terminated for poor behavior or performance even if the behavior or performance issue is not addressed in the handbook.
7. Should any provision in this handbook be in conflict with federal, state, or local law, that provision only will be considered ineffective, while the rest of the handbook remains effective.
8. I have received a copy of the City of Aberdeen Safety Manual and will abide by the requirements.
9. If I have questions regarding any policy in this handbook, or other expectations related to my behavior or performance, it is my responsibility to speak with my manager or Human Resources.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

**Please return this page to your Human Resource Department for filing purposes.**