

## CITY OF DOVER PERSONNEL POLICY

THIS PERSONNEL POLICY IS NOT A CONTRACT. NO CONTRACT OF EMPLOYMENT WITH THE CITY OF **CITY OF DOVER** WILL BE VALID UNLESS IT IS EXPRESSLY APPROVED BY THE GOVERNING BOARD AND UNLESS IT IS SIGNED BY AND CONTAINS THE NAME OF THE SPECIFIC EMPLOYEE WHO WOULD BE BENEFITED/OBLIGATED BY THE CONTRACT. NOTWITHSTANDING ANYTHING SAID BY A SUPERVISOR, NO CONTRACT OF CONTINUED EMPLOYMENT SHALL BE IMPLIED. LEGAL COUNSEL EMPLOYED BY CITY OF DOVER SERVES AT THE PLEASURE OF THE CLIENT REPRESENTED, AND SUCH REPRESENTATION MAY BE TERMINATED AT THE PLEASURE OF THE CLIENT.

CHANGES TO THE POLICIES AND BENEFIT OFFERINGS OUTLINED IN THIS POLICY ARE SUBJECT TO CHANGE AT ANY TIME, WITHOUT PRIOR NOTICE. CHANGES MAY BE MADE IN THE SOLE DISCRETION OF THE GOVERNING BOARD.

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The relationship between the LEGAL COUNSEL for CITY OF DOVER and the City is governed by the Idaho Rules of Professional Conduct. Employed legal counsel serves at the pleasure of the client. Nonetheless, no legal counsel employed by CITY OF DOVER shall be dismissed from employment or demoted with an attendant reduction in pay for unlawful discriminatory reasons as noted in Section V of this policy. Legal counsel believing that he/she faces dismissal from employment or demotion with an attendant reduction in pay for unlawful discriminatory reasons or because of allegations requiring the opportunity for a “name-clearing hearing” shall be entitled to an opportunity to be heard as provided for in Section V entitled, “Opportunity to be Heard—Assertions of Unlawful Discrimination and “Name-Clearing Hearing”.

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### PURPOSE

The purpose of this Policy is to establish a safe, efficient and cooperative working environment, to establish the responsibilities and level of performance expected of all City employees and to explain benefits provided to City employees. **THIS POLICY IS NOT TO BE CONSTRUED AS A CONTRACT OF EMPLOYMENT AND IS NOT INTENDED TO SPECIFY THE DURATION OF EMPLOYMENT OR LIMIT THE REASONS FOR WHICH AN EMPLOYEE MAY BE DISCHARGED. THIS POLICY CREATES NO RIGHTS, CONTRACTUAL OR OTHERWISE, ON BEHALF OF EMPLOYEES OF THE CITY.** The City may, at its sole discretion, alter or amend this Policy or portions thereof at any time without prior notice to or consent by its employees.

## NATURE OF EMPLOYMENT

ALL EMPLOYEES OF THE CITY ARE EMPLOYED AT THE DISCRETION OF THE MAYOR AND CITY COUNCIL AND SHALL HAVE NO RIGHT TO CONTINUED EMPLOYMENT OR EMPLOYMENT BENEFITS, EXCEPT AS MAY BE AGREED IN WRITING AND EXPRESSLY APPROVED BY THE CITY COUNCIL. All provisions of this Policy shall be interpreted in a manner consistent with this paragraph and in the event of any irreconcilable inconsistencies, the terms of this paragraph shall prevail. **Except as otherwise provided herein, or as required by law, employees of the City are AT-WILL employees. Only a written contract expressly authorized by the City Council can alter the at-will nature of employment by the City.**

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## I. GENERAL POLICIES

### A. THE ORGANIZATION IN WHICH YOU WORK

Working for **CITY OF DOVER** may be somewhat different from any employer for which you may have worked in the past. **CITY OF DOVER** is a political subdivision of the State of Idaho, though it is not a part of state government. The City Council serves as the governing body for **CITY OF DOVER**, carrying out local legislative duties and fulfilling other obligations as provided by law. The City Council is the general policymaker for **CITY OF DOVER**, and as such, has primary authority to establish terms and conditions of employment with **CITY OF DOVER**. The Mayor may appoint personnel to help carry out administrative responsibilities.

As with all elected public officials, the Mayor and the City Council are ultimately responsible to the voters of **CITY OF DOVER**. The terms set forth herein reflect city policy at the time of its printing, but they are subject to change at any time, without prior notice, and at the sole discretion of the City Council.

While the City Council has authority to establish general policy for **CITY OF DOVER** employees, the Mayor has the authority to establish administrative policy. Each employee should recognize that although he/she may serve as an employee supervised by the Mayor or a Department Head, he/she remains an employee of **CITY OF DOVER**, not of the official who supervises his/her work. The terms and conditions set forth in this policy, and in the resolutions and policy statements which support it, cannot be superseded by any other official's pledge, without the express action of the City Council. That is particularly true for terms or conditions which would establish a financial obligation for **CITY OF DOVER**, now or in the future. You may work for a department with an operational policy that provides additional direction to employees on expectations and procedures unique to that department.

### B. EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

All selection of **CITY OF DOVER** employees and all employment decisions, including classification, transfer, discipline, and discharge, will be made without regard to race, religion, sex, age, national origin, or non-job-related disability. No job or class of jobs will be closed to any individual except where a mental or physical attribute, sex, or age is a bona fide occupational qualification. All objections to application of **CITY OF DOVER** policy in this regard shall be brought to the attention of the office of the Mayor or Department Head, or in the case of objection to actions undertaken by that person, to legal counsel for the City.

### C. VETERAN'S PREFERENCE

**CITY OF DOVER** will accord a preference to employment of veterans of the U.S. Armed Services in accord with provisions of Idaho Code § 65-502 or its successor. In the event of equal qualifications for an available position, a veteran or family member who qualifies for preference pursuant to Idaho Code § 65-502 or its successor will be employed.

### D. CONFLICT OF INTEREST

No person shall be employed by **CITY OF DOVER** when said employment would result in a violation of provisions found in Idaho Code § 59-701 et seq., §18-1359 or their successors. Any such appointment may be void. An employee whose relative is subsequently elected may be eligible to retain his/her position as allowed in Idaho Code §18-1359(5).

### E. PREFERENCE FOR HIRING FROM WITHIN

Qualified individuals who are already employees of **CITY OF DOVER** may be given preference over outside applicants to fill vacancies in the work force. Employees may be selected for transfer to positions without following the selection procedures normally required for hiring of new employees.

### F. PERSONNEL POLICY SUBJECT TO CHANGE WITHOUT PRIOR NOTICE

The rules contained in this Personnel Policy are subject to change, without prior notice, at any time in the sole discretion of the City Council.

## II. EMPLOYMENT START-UP

### A. EMPLOYMENT FORMS TO BE COMPLETED

The following pre-employment forms must be completed before the employee may begin work for **CITY OF DOVER**:

1. Employment application form.
2. W-4 Form.
3. Immigration form (I-9).
4. Background Check
5. Pre-employment Drug Screen
6. Insurance information about dependents (if coverage is available)

7. Any other benefit forms necessary for employee information.

## B. PAYROLL REPORTING SYSTEMS

Reports of hours worked and time on and off the job must be completed in a timely manner in accord with procedures established by the payroll officer. Each report of employee time should be signed by both the supervisor and by the employee and should contain a certification that it is a true and correct record of the employee's time and benefit usage for the time period covered. Any employee with concerns about his/her compensation, rate of pay, payroll status, deductions, etc. shall communicate such concerns to the payroll officer as soon as any such concern becomes evident. If the response from the payroll officer is unsatisfactory, the employee should address the issue to his/her immediate supervisor in order to resolve stated concerns. A written record of such issues should be maintained in the employee's personnel file.

## C. DISTRIBUTION OF POLICY

At the time of employment, each employee should receive a copy of this personnel policy. It is the responsibility of the employee to familiarize him/herself with the contents of the personnel policy and to acknowledge its receipt in writing. Periodic updates or changes should be distributed and acknowledged.

## D. EMPLOYEE PERSONNEL FILES

### 1. Personnel Records

The official employee records for **CITY OF DOVER** will be kept in the office of the City Clerk. Within these personnel files will be kept all records of employee performance evaluation, employee status, and other relevant materials related to the employee's service with **CITY OF DOVER**. The employee's supervisor, employee's elected official or the employee himself/herself may contribute materials to the personnel files deemed relevant to the employee's performance and tenure. Each employee shall have the right to review all materials placed in his/her personnel file at any reasonable time. Copies of materials in an employee's personnel file are available to that employee without charge. Personnel files shall not be removed from the premises except as necessary for city purposes.

### 2. Access to Personnel Files

It is the policy of **CITY OF DOVER** to allow only limited access to an employee's personnel file. Those authorized to evaluate materials in a personnel file include the Mayor, the employee's supervisors, the City Council when acting as a body in the course of its official business, attorneys for the City, and the employee him/herself. Based upon the general confidentiality of

personnel files, access of others to such files shall be allowed only with authorization of the supervising official after consultation with the City Attorney. Information regarding personnel matters will only be provided to outside parties with a release from the employee, or when deemed necessary by legal counsel for the City or pursuant to Court Order, or pursuant to a proper subpoena. The City reserves the right to disclose the contents of personnel files to outside state or federal agencies, to its insurance carrier or its agents for risk management purposes or when necessary to defend itself against allegations of unlawful conduct.

### 3. Management of Information in Personnel Files

Each employee shall be provided an opportunity to contest the contents of his/her personnel file at any time. This is to be done by filing a written objection and explanation which will be included in the file along with the objectionable material. In the sole judgment of the supervising official, after consultation with legal counsel for the City, any offending material may be removed upon a showing by the employee that it is false or unfairly misleading. In general, there should be a presumption that materials are to remain in personnel files accompanied by the employee's written objection and explanation to provide a complete employment history.

## III. RULES OF EMPLOYEE CONDUCT

Violation of any of the rules set forth below shall be grounds for disciplinary action including possible dismissal from employment. However, this list is not all inclusive and other acts of misconduct not specifically set out below may be grounds for disciplinary action as well. Among these rules, the most important is the rule addressing attitude and cooperative behavior.

### A. PERSONAL PERFORMANCE AND BEHAVIOR

Each employee of **CITY OF DOVER** is expected to conduct him or herself in a manner that is helpful and productive and which does not reflect adversely upon **CITY OF DOVER**. Each employee must recognize that public employees are subject to additional public scrutiny in their public and personal lives because the public's business requires the utmost integrity and care. In order to accomplish the goals of **CITY OF DOVER** as a public institution, each employee is expected to scrupulously avoid personal behaviors which would bring unfavorable public impressions upon **CITY OF DOVER** and its officials. In order to accomplish this, each employee must comply with the following expectations:

1. **WORK COOPERATIVELY AND CONSTRUCTIVELY WITH FELLOW WORKERS AND MEMBERS OF THE PUBLIC TO PROVIDE PUBLIC SERVICE OF THE HIGHEST QUALITY AND QUANTITY.** This is the first priority for all employees.

2. Shall be prompt and regular in attendance at work or other required employer functions.
3. Shall comply with dress standards established in the department for which the employee works. Dress standards shall be set by the managing official, but in the absence of any departmental dress standards, clothing shall be appropriate for the functions performed and shall present a suitable appearance to the public.
4. Shall dedicate primary efforts to **CITY OF DOVER** employment with secondary employment subject to approval by the appointing official. Each employee must notify the appointing official of any other employment, self-employment or other business interests. Secondary employment should not conflict with duties performed for the City in any meaningful way. Individual department rules may spell out permissible examples of "moonlighting" wherein employees may hold additional positions.
5. Shall avoid conflicts of interests in appointments and working relationships with other employees, contractors and potential contractors in CITY OF DOVER and related agencies. No employee shall engage in conduct which violates the laws of the State of Idaho, including but not limited to I.C. §18-1356 (accepting gifts that exceed a value of \$50), I.C. §59-701 et seq. (Ethics in Government Act), I.C. §59-201 (Prohibitions Against Contracts) and I.C. §18-1359 (Using Public Position for Personal Gain).
6. Shall not accept gifts or gratuities in any personal or professional capacity which could create the impression that the giver was seeking favor from the employee or official in violation of I.C. § 18-1356 and I.C. § 18-1357.
7. Shall not serve on any board or commission which regulates or otherwise affects the official duties or personal interests of said official or employee in a way that could create disadvantage for other members of the public or advantage for the employee.
8. Shall not release any public record without the express authority of the public official responsible for custody of the record or without an order from a court or public agency of competent jurisdiction.
9. Shall not release any personnel record without the concurrence of the public official responsible for custody of the record and after consulting with legal counsel for the City or without an order from a court or public agency of competent jurisdiction.

10. Shall not engage in conduct away from work which, although not criminal, may reflect adversely upon **CITY OF DOVER** or its officials or otherwise impair the employee's ability to perform.
11. Shall not use any substances, lawful or unlawful, which will impair the employee's ability to function as a valued and competent part of the **CITY OF DOVER** work force. Should the employee be prescribed a lawful substance that may impair the employee's ability to safely do his or her job, the employee is required to provide a physician's note explaining the possible effects of the medication upon the employee's ability to do his or her job and the length of the time that the employee will be required to take the medication. The employee may be required to take sick leave while taking the medication.
12. Shall not engage in conduct while operating a motor vehicle which impairs the ability of the employee to perform job functions even though the driving conduct does not occur during hours of employment.
13. Shall not engage in workplace or public conduct otherwise detrimental to the accomplishment of the goals established by the City Council, the Mayor or the department for whom he/she works.

#### B. WORKPLACE CONDUCT

Each employee will be expected to conduct him/herself in the workplace in accordance with the following rules. THESE RULES ARE NOT ALL-INCLUSIVE OF CONDUCT EXPECTED OF **CITY OF DOVER** EMPLOYEES. Each employee of **CITY OF DOVER** shall:

1. Give his/her best efforts to accomplish the work of **CITY OF DOVER** for public benefit in accordance with policies and procedures adopted by the Mayor and City Council displaying an attitude of cooperation and constructive participation.
2. Be subject to the administrative authority of the officials who supervise the department where the employee works even though the officials may not have been involved in the hiring of the employee.
3. Adhere to any code of ethics in his/her profession and avoid conflicts of interest or using his/her public position for personal gain.
4. Follow all rules for care and use of public property to assure that the public investment in such property is protected and that the safety of the public and other workers is maintained.

5. Abide by all departmental rules whether they be written or issued orally by the supervisor. No employee shall be required to follow the directive of a supervisor which violates laws of any local jurisdiction, the state, or nation.
6. Abide by pertinent state and federal statutes, and **CITY OF DOVER** rules concerning the dissemination of information to the public from public records or about public matters. The decision to release information from the public records or to disclose writings or other information in the hands of a public official belongs with the responsible official who has official custody of that record. Each employee shall maintain the confidential nature of records which are not open to public scrutiny in accordance with the direction of the responsible official.
7. Adhere to defined work schedules and follow procedures for requesting exceptions from normal work schedules. Each employee shall follow the rules regarding the reporting of work hours and obtaining the supervisor's approval for time-keeping records. Failure to follow such rules may be grounds for delayed payment of wages, salaries, or reimbursements or for imposition of appropriate disciplinary penalties.
8. Follow rules regarding breaks and lunch periods, including provisions granting supervisors authority to adjust them. Timing of breaks or lunch periods may be changed to accommodate the completion of necessary work.
9. Reporting all accidents that occur or are observed on the job. Each employee shall cooperate in the reporting and reconstruction of any job-related accident in order that workplace hazards can be eliminated and that proper consideration can be accorded to injured workers and the public.
10. Report any accidents observed to have happened on city property or involving city property. Each employee shall provide as much information as he/she can from the observations made in the course of activities associated with one's work. Such information should be reported to the employee's immediate supervisor as soon as physically possible and reasonable efforts should be made to assist those in need.
11. Follow all rules regarding safety in the workplace whether established formally by the department or by outside agencies. Employees are encouraged to suggest ways to make the workplace or work procedures safer.
12. Maintain a current driver's license when necessary in the conduct of work for **CITY OF DOVER**. Each employee must report any state-imposed driving restrictions to his/her immediate supervisor. Each employee is also obligated to notify his/her supervisor in the event that his/her driving abilities are impaired.

13. Perform such obligations as are necessary to carry out the work of **CITY OF DOVER** in an efficient and effective manner at minimal costs and with limited risk to the public and fellow workers.

### C. PROHIBITED WORKPLACE CONDUCT

Employees of **CITY OF DOVER** shall not:

1. Be present in the workplace under the influence of drugs, alcohol, illegal substances or other legal substances which would impair the ability of the employee to perform his/her work competently or which would threaten the safety or well-being of other workers or the public.
2. Engage in abusive conduct to fellow employees or to the public, or use abusive language in the presence of fellow employees or the public. Abusive language shall include profanity and loud or harassing speech.
3. Sleep or be absent from the employee's work station when on duty. Employees shall be attentive to their work at all times.
4. Engage in malicious gossip and/or spread rumors, engage in behavior designed to create discord and lack of harmony, or willfully interfere with another employee's work output or encourage others to do the same.
5. Use work time for personal business, including the selling of goods or services to the general public. Employees should minimize the amount of work time spent on similar activities engaged in with fellow employees.
6. Use work time or public premises to promote religious beliefs to members of the public or fellow employees.
7. Engage in political activities while on duty in public service. This rule shall not apply to elected officials.
8. Provide false or misleading information on employment applications, job performance reports, or any other related personnel documents or papers.
9. Destroy, alter, falsify or steal the whole or any part of a police report or any record kept as part of the official governmental records of the City (I.C. §§ 18-3201 and 18-3202).
10. Discriminate in the treatment of co-workers or members of the public on the basis of race, religion, gender, age, disability or national origin.
11. Smoke, except in designated outdoor smoking areas if so provided.

12. Abuse employee benefit offerings by taking unjustified sick leave, unearned vacation, or otherwise participate in a scheme or deception designed to create incorrect personnel records or to claim benefits which are not deserved in accordance with **CITY OF DOVER** policy.
13. Violate rules concerning absence from the workplace without proper authorization. Employees must obtain prior permission as required by the **CITY OF DOVER** policy for use of vacation, sick, bereavement, or other types of leave granted by this personnel policy.
14. Engage in prolonged visits with co-workers, children, friends, or family members who interfere with the course of work in the office or department in which the employee serves.
15. Use phones or computers in the workplace in a manner that violates policy or which disrupts workplace activities.
16. Engage in criminal conduct of any kind while on duty or off. **CITY OF DOVER** employees are expected to behave in a lawful and socially acceptable manner and failure to do so is a violation of the trust placed in such employees by the public and the appointing official.
17. Violate any lawful rule established by the appointing official to maintain order and productivity in the workplace.
18. Unlawfully harass a fellow worker or member of the public at any time while in the **CITY OF DOVER** active service, as outlined in the City's Unlawful Harassment Policy.

#### D. RELATIONSHIP POLICY

1. No employee of **CITY OF DOVER** shall hire, supervise or otherwise exercise discretion concerning a paid employee who is a spouse.
2. No employee of **CITY OF DOVER** shall supervise or otherwise exercise discretion concerning a paid employee who is related to the supervisor within the first degree of affinity or consanguinity.
3. No employee of **CITY OF DOVER** shall hire a paid employee who is related to the supervisor within the second degree of affinity or consanguinity pursuant to state law (I.C. § 18-1359 or its successor).
4. Any supervisor involved in a romantic relationship with a subordinate must immediately notify his/her superior of the existence of any such relationship. Efforts should be made to eliminate supervisory responsibility for one who is romantically involved with a subordinate.

## E. CANDIDACY FOR ELECTIVE OFFICE

While CITY OF DOVER recognizes that the First Amendment provides Constitutional protections for the political activity of its employees, it also recognizes that this right is not absolute when balancing the right of the individual to become a candidate for office and the City's interests in promoting the efficiency of the public services it performs through its employees. (*Pickering v. Board of Education*, 391 U.S. 563, 88 S.Ct. 1731 (1968)).

If an employee initiates candidacy against an incumbent Elected Official for whom he/she is a subordinate and there is a reasonable prediction of disruption in that Official's office, the employee must immediately resign or face possible termination.

A “**reasonable prediction of disruption**” is based upon any of the following factors:

1. The size of the office in which the employee works--the smaller the office, the greater prediction of disruption;
2. Whether the employee candidate holds a position of trust and confidence to the incumbent--the closer the ties, the greater likelihood of disruption;
3. Whether the employee candidate is running for a position in which he/she would replace or become superior to his/her current supervisor--in such circumstances the threat of disruption would loom larger; or
4. The nature of the relationship between the employee candidate and the incumbent and the degree of contact they have with one another--the greater the amount of contact and interaction, the greater the possibility of disruption.

Not all of the above factors must be met in order to seek resignation or termination of the employee.

If the Official determines that there exists a “reasonable prediction of disruption” should the employee remain employed with **CITY OF DOVER** and the employee refuses to resign, he/she may be terminated. The Official should set out, in writing, the factual basis, for finding that there exists a “reasonable prediction of disruption” using the above factors. Said written findings should be provided to the employee, placed in the employee's personnel file and be made a part of the official record. All other applicable opportunities to be heard procedures, as set out in this policy, shall apply.

## IV. EMPLOYEE CLASSIFICATION, COMPENSATION, AND BENEFITS

For varied reasons, employee status must be organized by class or category in order to administer employee policies, benefits or otherwise address employment issues. It is generally the responsibility of the employee to assure that he/she is properly categorized for purposes of each issue or benefit type. The City will endeavor to assist with such matters, but the employee shall be ultimately responsible to assure that his/her service is properly addressed.

With the exception of Elected Officials, any employee, regardless of designation, may utilize the unlawful discrimination and "name-clearing hearing" procedures set out in Section V of this policy should he/she believe that an employment action taken against him/her was the result of unlawful discrimination or involves an allegation entitling him/her to a name-clearing hearing.

### A. CLASSIFYING EMPLOYEES FOR POLICY PURPOSES

#### 1. Employment Status

- a. Except as otherwise provided by this Policy, or as required by law, or pursuant to a written contract approved by the governing board, employees of the City are AT-WILL EMPLOYEES.
- b. Changes in employment status that are the result of budgetary needs, reductions in force, reorganization of work duties through transfer or reassignment, or general changes in the terms or conditions of employment or of benefit offerings may be made at the sole discretion of the City. Therefore, CITY OF DOVER retains full authority, without prior notice, to modify the general terms and conditions of employment. Should an employee believe that any such decision is the result of unlawful discrimination, he/she may utilize the opportunity to be heard procedures set out in Section V of this policy.
- c. Employed Attorneys. Because the Idaho Rules of Professional Conduct, as established by the Idaho State Bar, govern the relationship between an attorney and his/her client, attorneys employed by the City are considered to be at-will employees, and they serve at the pleasure of the Mayor and City Council. They can be employed or removed at the pleasure of the officials for whom they serve. However, any employed attorney who believes that he/she has been removed from his/her position or demoted with an attendant change in pay as a result of unlawful discrimination or as a result of an allegation entitling him/her to a name-clearing hearing, may utilize the procedures set out in Section V of this policy.
- d. Appointed Officials. The city clerk, treasurer, and any other officials appointed pursuant to Idaho Code § 50-204 may only be removed pursuant

to Idaho Code § 50-206. However, any employed appointed official who believes that he/she has been removed from his/her position as a result of unlawful discrimination or as a result of an allegation entitling him/her to a name-clearing hearing, may utilize the procedures set out in Section V of this policy.

- e. Temporary or Seasonal Employees. Employees who work on an irregular or temporary basis are considered to be temporary or seasonal employees. Any temporary or seasonal employee who believes that he/she has been terminated from his/her position or demoted with an attendant change in pay as a result of unlawful discrimination or as a result of an allegation entitling him/her to a name-clearing hearing, may utilize the hearing procedures set out in Section V of this policy.
- f. Veteran's Rights Following Reinstatement. Any veteran, who has been restored to his/her position in accordance with Idaho Code § 65-512, shall not be discharged from such position without cause for a period of one (1) year after such restoration. During this one-year period, a returning veteran shall be entitled to an opportunity to be heard prior to termination. Such returning veteran shall also be considered as having been on leave of absence during his/her period of military duty. He/she shall be restored to his/her position without loss of seniority, status or pay.

## 2. Employee Classification for Benefit Purposes

The classification of the position you hold with CITY OF DOVER may affect the status of obligations or benefits associated with your employment. The primary classes of employees and their respective status is outlined as follows:

### a. Elected Officials

Elected officials are not considered regular employees. Elected officials receive employment benefits by action of the City Council.

### b. Full-Time Regular Employees

Employees who are not temporary or seasonal and whose typical work week consists of at least 32 hours are considered Full-time Regular Employees. Full-time regular employees shall receive all employee benefits provided by **CITY OF DOVER** as such benefits now exist or may be subsequently changed by action of the City Council.

### c. Part-Time Regular Employees

Employees who are not temporary or seasonal and whose typical work week consists of less than 20 hours on a regular basis are considered Part-time

Regular Employees. Part-time regular employees may receive reduced employee benefits in accordance with specific policies adopted by the City Council. The scope of benefits received may vary proportionately with the number of hours typically scheduled for a part-time regular employee. The number of hours scheduled may also affect the employee's obligation to participate in certain mandatory state benefit programs. Certain benefits may not be available because qualifying thresholds have not been reached.

d. Temporary/Seasonal Employees

Employees who work on an irregular or temporary basis, even though they work more than 20 hours per week are classified as temporary or seasonal employees. Temporary or seasonal employees will receive no benefits provided to regular employees, except those required by law or those approved by official action of the City Council.

Any temporary or seasonal employee who believes that he/she has been terminated from his/her position or demoted with an attendant change in pay as a result of unlawful discrimination or as a result of an allegation entitling him/her to a name-clearing hearing, may utilize the hearing procedures set out in Section V of this policy.

e. Independent Contractors

Independent contractors who provide services to the City on a contractual basis are not considered employees of the City. As such, this Policy does not apply to independent contractors.

## B. COMPENSATION POLICIES

### 1. Establishment of Employee Compensation

**CITY OF DOVER** compensates employees in accord with decisions by the City Council as budgets are set and tax levies are authorized. Pay for any given position is subject to the annual budgetary process and as such may be subject to increase, reduction, or status quo maintenance for any time period. The supervising elected official or administrator may make suggestions about salary compensation and other pay system concerns, but the final decision regarding compensation policy rests with the City Council. The City Council reserves the right to make budget adjustments, and consequently pay adjustments, during the course of the budget year in order to manage cash flow or to deal with other circumstances which justify or require change in city expenditures.

2. Compliance with State and Federal Pay Acts

**CITY OF DOVER** shall comply with all State and Federal Pay Acts respecting the compensation of employees for services performed in the public service.

3. Additional Compensation Policies

Elected Officials shall be paid a set salary as established by the Council in the annual budget. They shall have no right to overtime pay, compensatory time off, sick leave or vacation leave. Employees determined to be exempt from the hourly requirements of the Fair Labor Standards Act shall be paid on a salary basis as established by the City Council.

4. Right to Change Compensation and Benefits

**CITY OF DOVER** reserves the right to change general compensation for any reason deemed appropriate by the Council. Compensation may also be adjusted based upon job performance and the availability of funds to maintain a solvent city budget. Hours worked may be reduced or employees may be laid off as necessary to meet budgetary constraints or as work load changes.

5. Overtime Compensation - Compliance with Fair Labor Standards Act

In addition to the employee classifications set forth elsewhere in this policy, all employees are classified as Exempt (salaried) or Nonexempt (hourly) for purposes of complying with the Federal Fair Labor Standards Act (FLSA). The FLSA is the federal wage and hour law which governs the obligation of employers to pay overtime compensation. Certain employees are exempt from operation of this law because they perform work that qualifies for the professional, executive or administrative exemption. As such, exempt employees are not required to receive overtime pay for hours worked beyond the limits provided by the statute. Employees who serve as sworn law enforcement officers or as firefighters may be subject to special exceptions found in the FLSA (see 29 U.S.C. § 207(k)). Please contact your department supervisor or the office of the City Clerk (HR) for further clarification of your FLSA status.

6. Reporting and Verifying Time Records

It is the responsibility of each hourly employee to properly record time that he or she has worked. Each time sheet shall bear the signature of the employee with a statement verifying its accuracy and a counter signature by a supervisor indicating that the hours claimed were actually worked. These records shall be retained as required by the records retention policy of the City, consistent with state law. Exempt employees may be required to document time worked for accountability and benefit purposes.

## 7. Work Periods

Employment with **CITY OF DOVER** is subject to the Federal Fair Labor Standards Act as previously described. Each employee is responsible for monitoring the status of hours worked in each work period. Overtime will be allowed only when authorized by an appropriate supervisor or when absolutely necessary in an emergency. The work week for all regular employees who are subject to the FLSA will begin at 12:00 a.m. (midnight) on Sunday of each week and conclude at 11:59 p.m. the succeeding Saturday. For regular employees, time actually worked in excess of forty hours in a work week will be computed at one and one-half (1 ½) times the hours worked.

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

## 8. Promotions and Compensation

The compensation policy for all employees is established by action of the City Council. The annual budget of **CITY OF DOVER** sets the funding available for compensation for positions in various departments. Promotions and changes in status may be recommended by officials in each of the operating departments, but final authority regarding compensation rests with the appropriate administrative official.

## 9. Payroll Procedures and Paydays

Employees are paid every month on or before the 5<sup>th</sup> of each month throughout the year. Paychecks are issued by the office of the Treasurer. Paychecks compensate employees for work performed in the pay period proceeding the week in which the check is issued. If the 5<sup>th</sup> lands on a Holiday or a week-end day, then payday will be the nearest weekday prior to the 5<sup>th</sup> of that month.

It is the obligation of each employee to monitor the accuracy of each paycheck received. Information shown on the employee's paycheck stub is provided for information only. The paycheck is generated by a computer program that does not have the capacity to think or to understand individual circumstances. Actual practices respecting the issuance of paychecks and allocation of employee benefits must be consistent with the official policy of the City. In the event of disagreement between the computer-generated paycheck stub and official policy as interpreted by the Department Head with the assistance of the Treasurer, the

policy shall prevail. Employees are obligated to call to the City's attention any discrepancies in payroll practices, whether to the advantage or disadvantage of the employee.

10. Compensation while Serving on Jury Duty or as a Witness in a Court Proceeding

Leave will be granted and full pay provided to employees called to serve as a court witness in matters specifically related to city operations or called to serve on jury duty.

11. Military Leave

Unpaid leave of absence will be granted to participate in ordered and authorized field training. The city's employment policy will comply with the provisions of Idaho Code § 46-224, et seq., or its successor, as those Code provisions govern leaves of absence for military service and the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended (USERRA).

12. Reduction in Force

Employee assignments may be affected by reductions in force made due to economic conditions or to changes in staffing and workload. The Mayor reserves the right to make any changes in work force or assignment of resources deemed to be in the organization's best interests.

13. Payroll Deductions

In accord with Idaho Code § 45-609 or its successor, no payroll deductions will be made from an employee's paycheck unless authorized in writing by the employee or as required by law.

14. Travel Expense Reimbursement

An employee on approved City business shall be reimbursed for expenses incurred in completing his/her work-related assignment in accord with the policies established by the City.

15. On-the-Job Injuries

All on-the-job injuries shall be reported to the employee's supervisor as soon as practicable to allow filing of a worker's compensation claim in the proper manner and the employee must fill out an Accident Form available in the Administrative offices. If an employee is disabled temporarily by an on-the-job accident he/she should be eligible for worker's compensation benefits. Return to employment will be authorized on a case-by-case basis upon consultation

with the supervising official and the State Insurance Fund. Concerns associated with injured worker status may be brought before the appropriate elected official for review.

For sworn law enforcement officers injured in on-the-job accidents, the City should handle worker's compensation claims pursuant to Idaho Code, Title 72, Chapter 11.

### C. EMPLOYEE BENEFITS

The **CITY OF DOVER** offers a number of employee benefits for full-time employees.

#### 1. VACATION LEAVE TIME

Employees are eligible for Vacation Leave Time if they are a regular full-time employee pursuant to this policy and have completed one (1) year of employment with the **CITY OF DOVER**. Vacation Leave Time becomes available on the employees' hire-date anniversary each calendar year and must be used prior to their next hire-date anniversary. Vacation Leave Time may not be carried over.

<u>YEARS OF SERVICE</u>	<u>VACATION LEAVE TIME</u>
0 – 3yrs	40 hours per year
After 3yrs	80 hours per year

#### 2. PERSONAL PAID LEAVE TIME (PPL)

Employees are eligible for Personal Paid Leave if they are a regular full-time employee pursuant to this policy and have completed one (1) year of employment with the **CITY OF DOVER**. Personal Paid Leave (PPL) becomes available on the employees' hire-date anniversary each calendar year. Employees receive sixteen (16) hours of Personal Paid Leave (PPL) per year, commencing from their hire-date. Employees may use their PPL time for illness, caring for children, school activities, medical/dental appointments, personal business or emergencies.

Current employees of the **CITY OF DOVER** will receive sixteen (16) hours of accrued PPL immediately upon the adoption of this Manual and will accrue any subsequent PPL time on their next hire-date anniversary as stated above.

#### 3. MAXIMUM TIME ACCUMULATED:

Although an employee may carry over unused PPL time from year to year, there is a cap on the amount of PPL time each employee can accumulate of forty (40) hours. This encourages employees to use PPL and allows the entity to manage its financial obligations responsibly. Once an employee reaches his/her cap, he/she will not accumulate any more PPL until use causes the balance to drop below the cap. After a balance goes below the cap, the employee will begin accruing PPL again.

4. NOTICE AND SCHEDULING:

Employees are required to file a Request for Leave Form with their immediate supervisor and obtain approval prior to using Vacation Leave, Personal Paid Leave (PPL) or unpaid time off. There may be occasions when an employee cannot notify his/her supervisor in advance as required. In those situations, employees must inform supervisors of their circumstances as soon as possible.

5. RECORDING VACATION LEAVE AND PPL TIME OFF:

Employers are required to track absences for illness, work related illness/injury, or the attendance of school- related activities for legal compliance reasons.

The amount of Vacation Leave and PPL accrued, used and available will appear on your paycheck stub.

6. TERMINATION:

Employees will be paid for all unused Vacation Leave and PPL when they leave the entity.

7. HOLIDAYS

Seven (7) official holidays are provided for full-time regular employees. Employees who have regular full-time active status on the date of any holiday shall receive compensation for that day even though they do not work. Holidays which fall on Saturdays shall be observed on the preceding Friday. Those which fall on Sunday shall be observed on the succeeding Monday. The holiday schedule may be changed at any time by the City Council.

Full-time Regular Employees who work on holidays shall be scheduled to receive a substitute holiday with pay within sixty (60) days of the date of the holiday they worked. Unscheduled emergency work on holidays shall be compensated at a rate of one and a half (1½) times the employee's regular rate of pay.

Recognized Holidays:

New Year's Day  
Memorial Day  
Independence Day  
Labor Day

Veteran's Day  
Thanksgiving Day  
Christmas Day

## 8. BEREAVEMENT LEAVE

Up to three (3) days of paid leave of absence shall be provided for a death in the immediate family (spouse, parents, grandparents, children, grandchildren, brothers and sisters). Additional leave may be granted from accrued vacation leave or unpaid leave of absence

## 9. LEAVES OF ABSENCE

Up to thirty (30) days unpaid leave can be granted by the Mayor for any justifiable purpose. Leave in excess of thirty (30) days or paid leave in any amount shall require written approval of the City Council.

### Employer's Rights and Obligations

**CITY OF DOVER has the right to determine whether the employee is or is not an "eligible employee" under the Act.** CITY OF DOVER has the right to place an employee on FMLA leave without the employee's consent should the City determine that the employee meets the eligibility requirements under the Act.

**CITY OF DOVER** will return the employee to the same or an equivalent position after returning from FMLA leave, subject to the terms of the Family and Medical Leave Act. The only exception may be for individuals who, under the provisions of the FMLA, are considered to be a "key employee" whose extended absence would cause "substantial and grievous economic injury".

**CITY OF DOVER** reserves the right to require periodic notices (determined by **CITY OF DOVER**) of your, or your family member's FMLA status and your intent to return to work.

### The National Defense Authorization Act

On January 28, 2008, the FMLA was amended by the National Defense Authorization Act. This amendment provides an entitlement of up to 26 weeks of unpaid leave during a single 12-month period to an eligible employee who must care for a covered service member—a person who is a spouse, son, daughter, parent or next of kin of the employee and has a serious injury or illness incurred in the line of duty which renders that person unfit to perform his or her duties in the Armed Forces. **CITY OF DOVER** may require the request for this type of leave be supported by certification that the service member being cared for by the employee has a serious health condition.

The National Defense Authorization Act also provides 12 weeks of FMLA leave to an employee if his or her spouse, son, daughter or parent has been called to active duty with the Armed Forces. No serious medical condition is required for this type of leave. **CITY OF DOVER** may require the request for this type of leave be

supported by certification that the service member has actually been called to active duty. **CITY OF DOVER** employees shall provide prior notice when the need for this type of leave is foreseeable.

If you have any questions about your rights under FMLA please contact the Human Resources Officer.

#### 10. CHANGE IN BENEFITS

**CITY OF DOVER**, through its City Council, reserves the right to change, condition, or terminate any benefits set forth in this section. No employee shall acquire any rights in any current or future status of benefits except as the law otherwise requires.

#### 11. BENEFITS FOR PART-TIME OR TEMPORARY EMPLOYEES

All employees shall receive benefits as required by law to include Worker's Compensation insurance, all other benefits to be determined by the City Council.

#### 12. INSURANCE COVERAGE AVAILABLE TO EMPLOYEES

Health insurance is available to employees and family members in accordance with the terms and conditions of the City's contract for such services. The City Administration Office should be contacted to learn of sign-up and claims procedures. Other insurance offerings including life insurance, disability insurance, vision insurance and supplemental income protection may be available at employee or City expense. The City Administration Office should be contacted for additional information. Any such offerings are subject to change at any time.

#### 13. RETIREMENT

The retirement plan of **CITY OF DOVER** combines benefits of the Public Employees Retirement System of Idaho (PERSI) with Social Security (FICA). PERSI mandates withholding a percentage of an employee's gross salary for pension purposes, which is presently exempt from Federal and State income taxes, and **CITY OF DOVER** matches this with an additional larger contribution. Contact the City Administration Office for further information.

#### 14. MISCELLANEOUS BENEFITS

In addition to the benefits listed on the previous pages, the following miscellaneous benefits may be available to employees for participation in accordance with the terms of their respective policy or agreement:

- a. Deferred compensation plans handled by payroll deduction.

- b. Employee-requested deduction programs subject to city policy.
- c. Work related training and higher education reimbursement or tuition refund.
- d. Any such offerings are subject to change at the City Council's sole discretion at any time.

#### 15. TRANSFER OF BENEFITS WITH EMPLOYEE TRANSFER

Accrued benefits for each employee continue to the benefit of that employee if the employee transfers from one department to another within **CITY OF DOVER**. Any such transfer will not result in a reduction of benefit offerings separate and apart from those realized by employees similarly situated.

### V. EMPLOYEE PERFORMANCE AND DISCIPLINE

#### A. PURPOSE OF DISCIPLINE/PERFORMANCE POLICY

The purpose underlying the discipline/performance policy of **CITY OF DOVER** is to establish a consistent procedure for maintaining suitable behavior and a productive working environment in the workplace. These procedures are directory in nature and minor variations of the processes set forth herein shall not affect the validity of any actions taken pursuant to this policy.

#### B. DISCIPLINARY/PERFORMANCE SYSTEM FRAMEWORK

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

#### C. DISCIPLINARY ACTIONS AVAILABLE

The following actions are among the disciplinary steps that may be taken by the supervisor in response to personnel policy violations:

- Oral warning
- Written warning or reprimand
- Suspension without pay
- Probation

- Demotion
- Dismissal

D. OPPORTUNITY TO BE HEARD—ASSERTIONS OF UNLAWFUL DISCRIMINATION AND “NAME-CLEARING HEARING”

All **CITY OF DOVER** employees are AT-WILL employees. However, **CITY OF DOVER** recognizes that even at-will employees may from time to time suffer from the adverse consequences of unlawful discrimination. **CITY OF DOVER** also recognizes that a public employee who is being terminated from employment based upon allegations of dishonesty, immorality or criminal misconduct is entitled to a “Name-Clearing Hearing.”

Unlawful discrimination addresses actions that are alleged to involve decisions based upon age, sex, race, religion, national origin or disability that is not a bona fide occupational qualification. **CITY OF DOVER** does not condone discrimination on the basis of the foregoing unlawful categories. **FAILURE TO PURSUE THIS OPPORTUNITY PURSUANT TO THIS POLICY SHALL CONSTITUTE A FAILURE TO EXHAUST REMEDIES UNDER THIS POLICY.** Issues involving job performance or employee attitude are not the proper subject of this procedure and will not be heard.

The elements of procedure to be followed and undertaken at the direction of the appropriate administrative officer or designated officer, unless waived by the employee, are the following:

1. The employee may, within fourteen (14) days of his/her termination or demotion, submit a written allegation of unlawful discrimination or the basis for entitlement to a “name-clearing hearing,” stating with particularity the basis for the requested meeting. Written allegations filed untimely or failing to state a particular, legally recognized basis will not be granted an opportunity to be heard.
2. An employee alleging unlawful discrimination or the entitlement to a “name-clearing hearing” will be entitled to meet with the designated person, and the meeting will last no longer than two hours unless otherwise approved.
3. There shall be a record maintained, including a tape recording of the meeting.
4. The employee’s supervisor shall provide a brief written statement in response to the particular allegation of discrimination or the employee’s response to the charges involving dishonesty, immorality or dishonesty. The City Council may request that the employee’s supervisor participate in the meeting.

5. The employee shall have an opportunity to be represented by legal counsel at his/her own expense.
6. The employee shall be provided an opportunity to present evidence upon which the entitlement to a "name clearing hearing" or claim of discrimination is based.

The opportunity to be heard shall take place as soon as it can be accommodated by the schedules of those involved. Additional time may be granted at the request of the employee upon a showing that additional time is needed to provide facts necessary to respond to the charges.

After the meeting, the Mayor or the responsible administrative officer shall consider the information submitted and such other information as might be in the city's records to arrive at a decision concerning the allegations. Said decision shall set forth the reasons for the determination in writing.

## VI. DISCRIMINATORY WORKPLACE HARASSMENT POLICY AND COMPLAINT PROCEDURE

### A. PURPOSE

The purpose of this Harassment Policy is to clearly establish the City's commitment to work to provide a work environment free from unlawful harassment, to define discriminatory harassment, and to set forth the procedures for investigating and resolving internal complaints of harassment. Because of the importance of a workplace free from unlawful harassment, this policy should be reviewed with each employee on a regular basis.

It is important that all employees treat all other employees and members of the public with decency and respect. It is the responsibility of each and every employee, supervisor and Department Head to prevent inappropriate behavior in the workplace. Inappropriate behavior which impacts the workplace, or has the potential to impact the workplace, will **not** be tolerated.

This Policy applies to all terms and conditions of employment, including but not limited to, hiring, placement, job retention, promotion, disciplinary action, layoff, reinstatement, transfer, leave of absence, compensation and training.

### B. POLICY

Harassment of an applicant for employment, a member of the public, or an employee by any employee of the City on the basis of race, color, religion, national origin, sex, age (40 and over) and disability is in violation of State and/or Federal law and will not be tolerated by **CITY OF DOVER**.

Employees found to be participating in any form of employment-related unlawful harassment or retaliating against another employee for filing a complaint or cooperating with an investigation shall be subject to disciplinary action up to and including termination of employment.

### C. RESPONSIBILITIES

**The City:** It is the responsibility of the City to develop this policy, provide training on this policy, keep it up to date, and to ensure that any violation of this policy brought to its attention is dealt with as required by law and according to this Policy.

The City should designate an official who will be responsible for following the Complaint Procedures as set out in this policy. This official will be referred to as the "Designated Official."

**Supervisors:** It is the responsibility of supervisors to enforce the policy, to train new employees on the policy, to make a regular review with all employees to ensure they know the policy and to regularly check the workplace to make sure the policy is being followed.

If a supervisor observes that unlawful discrimination, harassment or retaliation is occurring, he/she should take immediate action to address the problem. Such action should include, but is not limited to, speaking directly with the affected person, developing a specific account of the actions, omissions or occurrences that are deemed discriminatory, consult with the supervisor or a Department Head and take corrective or disciplinary action as appropriate. If the alleged discrimination, harassment or retaliation is not within the supervisor's area of responsibility or oversight, he/she should notify the Department Head or other appropriate management employee, who should then take prompt steps to address the allegation.

If unlawful harassment is reported or alleged, it must be followed up. No complaining party should be allowed to retract an allegation of unlawful harassment without proving that it was made erroneously. If a supervisor receives information that discrimination, unlawful harassment or retaliation might be occurring, he/she should follow the Complaint Procedure as set out in this policy below.

**Employees:** It is the responsibility of each and every employee to know this policy and to follow it. All City employees share the responsibility of understanding and preventing unlawful discrimination and harassment. But, ultimately, no satisfactory investigation or resolution of complaints can occur without the initiative and continued cooperation of the affected person. Individuals who believe they have been discriminated against or unlawfully harassed have the primary obligation of informing the Mayor or legal counsel for the City of the act of discrimination, unlawful harassment or retaliation, recounting specific actions or

occurrences whenever possible. It is imperative that every employee treat every other employee and members of the public with decency and respect so as to facilitate a sound professional work environment.

#### D. DEFINITIONS

For purposes of clarification, unlawful harassment includes but is not limited to the following behaviors:

1. **Verbal Harassment** – Epithets, derogatory comments, slurs, propositioning, or otherwise offensive words or comments on the basis of race, color, religion, national origin, sex, age (40 and over) and disability whether made in general, directed to an individual or to a group of people regardless of whether the behavior was intended to harass. This includes but is not limited to inappropriate sexually-oriented comments, including dress or physical features, sexual rumors, code words, and race-oriented stories, as well as jokes of a sexual or discriminatory nature or “kidding” which is oriented towards a prohibited form of harassment.
2. **Physical Harassment** – Assault, impeding or blocking movement, leering, or the physical interference with normal work, privacy or movement when directed at an individual on the basis of race, color, religion, national origin, sex, age (40 and over) and disability. This includes pinching, patting, grabbing, inappropriate behavior in or near bathrooms, sleeping facilities and eating areas, or making explicit or implied threats or promises in return for submission to physical acts.
3. **Visual Forms of Harassment** – Derogatory, prejudicial, stereotypical or otherwise offensive posters, photographs, cartoons, e-mails, notes, bulletins, drawings or pictures on the basis of race, color, religion, national origin, sex, age (40 and over) and disability. This applies to both posted material and material maintained in or on CITY OF DOVER equipment or personal property in the workplace.
4. **Sexual Harassment** – Any act which is sexual in nature and is made explicitly or implicitly a term or condition of employment, is used as the basis of an employment decision, unreasonably interferes with an individual’s work performance or creates an intimidating, hostile or offensive work environment.

There are basically two types of sexual harassment:

- a. "Quid pro quo" harassment, where submission to unlawful harassment is used as the basis for employment decisions.

Employee benefits such as raises, promotions, better working hours, job retention, etc., are directly linked to compliance with sexual

advances. Therefore, only someone in a supervisory capacity (with the authority to grant such benefits) can engage in quid pro quo harassment. Example: A supervisor promising an employee a raise if she goes on a date with him; a manager telling an employee she will fire him if he does not have sex with her.

- b. "Hostile work environment," where the unlawful harassment creates an offensive and unpleasant working environment.

Hostile work environment can be created by anyone in the work environment, whether it be supervisors, other employees, or the public. Hostile environment harassment consists of verbiage of a sexual nature, unwelcome sexual materials, or even unwelcome physical contact as a regular part of the work environment. Cartoons or posters of a sexual nature, vulgar or lewd comments or jokes, or unwanted touching or fondling all fall into this category.

## E. COMPLAINT PROCEDURE

The following complaint procedure will be followed in order to address a complaint regarding harassment, discrimination, or retaliation:

1. A person who believes he/she has been unlawfully harassed, discriminated or retaliated against should report it to their supervisor, Department Head, Mayor, Human Resource Officer, or legal counsel for the City. If a supervisor becomes aware that unlawful harassment or discrimination is occurring in any city department as a result of an employee coming forward, the supervisor should immediately report it to a designated official pursuant to this policy. Once a complaint of unlawful harassment, discrimination or retaliation has been made, the complaint cannot be withdrawn by the complainant without a determination that it was made erroneously.
2. Promptly upon receiving the complaint, the Designated Official should initiate the investigation to determine whether there is a reasonable basis for believing that an alleged violation of this Policy occurred.
3. Upon receiving the complaint, or being advised by a supervisor that violation of this policy may be occurring, the Designated Official should review the complaint with the City Attorney, the Human Resource Officer or Mayor.
4. The Designated Official, in conjunction with legal counsel for the City, should engage an appropriate person to investigate the complaint. The investigator should be a neutral party.
5. The investigator will interview the complainant, the respondent, and any relevant witnesses to determine whether the conduct occurred.

6. As soon as practical, the investigator will conclude the investigation and submit a report of his or her findings to the Designated Official, who then will route it as appropriate.
7. If it is determined that unlawful harassment or discrimination in violation of the City's policy has occurred, the appropriate official will recommend the appropriate course of action to be taken by the City. The appropriate action will depend on the following factors:
  - a. The severity, frequency and pervasiveness of the conduct;
  - b. Prior complaints made by the complainant;
  - c. Prior complaints made against the respondent; and
  - d. The quality of the evidence (first hand knowledge, credible corroboration, etc.).
8. If the investigation is inconclusive or it is determined that there has been no unlawful harassment or discrimination in violation of this Policy, but some potentially problematic conduct is revealed, corrective action may be taken.
9. Promptly after the investigation is concluded, the supervisor(s) will meet with the complainant and the respondent separately in order to notify them in person of the findings of the investigation.
10. The complainant and the respondent may submit statements to the supervisor(s) challenging the factual basis of the findings. Any such statement must be submitted no later than five (5) working days after the meeting with the supervisor(s) in which the findings of the investigation is discussed.
11. Promptly after the supervisor(s) has met with both parties and reviewed the documentation, he or she will decide, after consultation with legal counsel, what action, if any, should be taken.

#### F. DISCIPLINARY ACTION

If unlawful harassment is determined to have occurred, the supervisor should take prompt and effective remedial action against the harasser. The action should be commensurate with the severity of the offense, up to and including termination of employment.

#### G. RETALIATION

Retaliation in any manner against a person for filing an harassment charge or initiating an harassment complaint, testifying in an investigation, providing information or assisting in an investigation, is expressly prohibited and subject to disciplinary action **up to and including termination**. The supervisor, Department

Head and Mayor should take reasonable steps to protect the victim and other potential victims from further harassment or related consequences.

#### H. CONFIDENTIALITY

Confidentiality will be maintained to the fullest extent possible in accordance with applicable Federal, State and local law. However, a complete and thorough investigation of the allegations will require the investigator to inform witnesses of certain aspects of the complaint in order to obtain an accurate account of the actions of the parties involved.

#### I. FALSE COMPLAINTS

Any complaint made by an employee of the City regarding employment-based harassment which is conclusively proven to be false, should result in discipline. This discipline may include termination of employment. This section is not intended to discourage employees from making complaints regarding employment-based harassment. However, false complaints adversely impact the workplace and the career of the accused, even when disproved, and will not be tolerated.

#### J. DISTRIBUTION

This policy should be disseminated to all employees, supervisors and Elected Officials of the City. Any questions, concerns or comments related to this policy should be directed to the City Administration Office.

### VII. SEPARATION FROM EMPLOYMENT

#### A. REDUCTIONS IN FORCE (RIF)

When financial circumstances or changes of workload require, **CITY OF DOVER** reserves the right to reduce forces or reorganize the office in such manner as it deems necessary to maintain the effective functioning of **CITY OF DOVER** services.

#### B. RETIREMENT POLICY

The retirement policy of **CITY OF DOVER** shall comply in all respects with federal and state requirements respecting mandatory retirement and the obligations established by the Public Employee's Retirement System of Idaho (PERSI).

#### C. COBRA BENEFITS

Employees of **CITY OF DOVER** who currently receive medical benefits, who separate their employment may be eligible to continue those medical benefits at the employee's sole cost and expense for a limited time in accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). If you have