

***THE CITY OF  
ALBION***

***PERSONNEL  
POLICY  
HANDBOOK***

***Amended November 2023***

## PERSONNEL POLICY HANDBOOK

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

The policies and benefit offerings outlined in this policy are subject to change at any time, without prior notice to, and consent of, city employees. Changes may be made in the sole discretion of the City Council.

All employees of the City are At-Will and are employed at the discretion of the Mayor and City Council and will have no right to continued employment or employment benefits, except as may be agreed to in writing and expressly approved by the City Council. This personnel policy is not a contract of employment and is not intended to specify the duration of employment or limit the reasons for which an employee may be discharged. All provisions of this Policy will be interpreted in a manner consistent with this paragraph. In the event of any irreconcilable inconsistencies, the terms of this paragraph will prevail. Only a written contract expressly authorized by the City Council can alter the at-will nature of employment by the City, notwithstanding anything said by an Elected Official or supervisor.

## **1. THE ORGANIZATION IN WHICH YOU WORK**

Working for City of Albion may be somewhat different from any other employer for which you may have worked in the past. The City of Albion is a political subdivision of the State of Idaho, though it is not a part of state government. A Mayor and four Councilpersons serve as the governing body for the City, carrying out local legislative duties and fulfilling obligations as the officers of the City. The City Council is responsible for setting general policy for the City, and as such has primary authority to establish terms and conditions of employment with City of Albion. The Mayor appoints personnel to help carry out its administrative responsibilities.

As with all elected public officials, the Mayor and Council are ultimately responsible to the voters of City of Albion. The terms set forth in this handbook 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.

Only the City Council has authority to establish general policy for city employees. Each employee should recognize that although, the employee may be supervised by the Mayor or a department head, the employee remains an employee of the City, and not of the official who supervises the employee's work. The terms and conditions set forth in this policy, and in the resolutions and policy statements that support it, cannot be superseded by any elected official's commitment, without the express written agreement of the City Council. That is particularly true for terms or conditions which would establish a financial obligation for the City of Albion, now or in the future.

## **2. EMPLOYEE SELECTION**

- a. Employees of City of Albion are to be selected in order to accomplish the legal and operational duties established by statute and by the policy choices of the City's elected officials. Although the City Council are responsible for setting general city employment policy, the Mayor has authority to choose and hire based upon considerations deemed appropriate to accomplish the public goals for which they were elected.
- b. Qualified City employees may be given preference over outside applicants to fill vacancies in the work force without following the notice and selection procedures normally required for hiring new employees. If the internal process is used, it should be completed prior to seeking outside applicants for the position.

## **3. EQUAL EMPLOYMENT OPPORTUNITY STATEMENT**

The City is an equal opportunity employer and will not discriminate in the hiring process on the basis race, color, religion, sex, national origin, age, disability (unless the particular disability, even with reasonable accommodation, prevents the performance of the work required in that job). The City will always try to hire the best qualified applicant. Whenever possible, new positions for which the City advertises will be posted for all current employees to see.

The City will conduct its employee selection policies and procedures so as to achieve the best possible match between applicants for jobs and open positions. 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 hiring or other employment practices will be brought to the attention of the Mayor or department head or supervisor, or in the case of objection to actions undertaken by that person, to legal counsel for the City.

Reference checking is an important part of our hiring process. In addition to contacting the persons furnished to us as references, we may also contact other business associates, acquaintances, and friends. We ask all references a series of questions about work experience, character, personal habits, educational background, and personality as they pertain to successful fulfillment of our job requirements. In some cases, we ask an outside firm for consumer reports. In such instances, applicants will be notified before the report is requested and asked for written acknowledgment of such notification. If any negative information is obtained by an outside firm that results in our not hiring an applicant, he/she will be given the name and address of the reporting agency.

Applicants who falsify their job applications or who furnish misleading information are subject to immediate termination at the time that the falsifications are uncovered.

#### **4. VETERAN'S PREFERENCE**

City of Albion will accord a preference to employment of veterans of the U.S. armed services in accord with provisions of Idaho Code, Title 65, Chapter 5. In the event of equal qualifications for an available position, a veteran who qualifies for preference will be employed.

#### **5. NEPOTISM/HIRING OF RELATIVES**

No person shall be employed by City of Albion when said employment would result in a violation of the provisions found in Idaho Code, including but not limited to I.C. § 74- 401 et seq., I.C. §18-1359 and their successors. Any such appointment may be voided by the City Council if not done voluntarily by the Mayor. The appointment or employment of the following persons is prohibited:

- a. No person related to the Mayor or a City Council member by blood or marriage within the second degree will be appointed to any compensated office, position, employment or duty; and
- b. No public servant, including Elected Officials and employees, will appoint or vote for the appointment of any person related to such official or employee by blood or marriage within the second degree to any compensated office, position, employment or duty. This means no one related within the second degree to anyone involved in any way in the hiring process can be hired and/or that no one related to an applicant within the second degree can take part in the hiring process.

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

## **6. HIRING PRACTICES: RECEIVING APPLICATIONS**

- a. Administration of the Hiring Process.

The Mayor is responsible for seeing that employment procedures established by this manual are followed. The requirements for hiring practices contained in this manual are directory only and may be varied if circumstances warrant, to achieve fair and equitable employment practices.

Employment applications will be accepted in the office of the city clerk who may place a newspaper advertisement or otherwise solicit applications at times described by any such notice. Applications received at times other than when direct solicitations are made may be kept on file in the office of the city clerk for a period of 6 months to be accessed by the Mayor when seeking an employee at any time. Placement of a completed application in the clerk's file shall not constitute application for any specifically advertised position and shall not require further action by any elected official.

- b. Notice of Vacancies

All vacancies in City of Albion employment shall be announced in the following manner:

- i. Registration with the local Job Service Office.
- ii. Posting at the City Office Building.

The employment application solicitation process will also include a recruiting effort which may extend beyond City of Albion when deemed necessary to obtain applications from individuals with necessary technical skills or other specialized qualifications.

- c. Hiring Practices - Part-Time or Temporary Employees

The requirements set forth for advertising, soliciting, and recruiting new employees may be abbreviated in the instance of hiring temporary or emergency employees as deemed appropriate by the elected official responsible for any such hiring.

## **7. EMPLOYEE SELECTION PROCEDURES**

- a. Authority and Responsibility for Employee Selection

The authority to select City of Albion employees is vested with the Mayor. Any selections shall be subject to budgetary authority approved by the City Council and subject to policies and procedures for employee selection established for the City by the City Council. Each applicant for a position shall complete a standard application form required of all City of Albion job applicants. Additional application information may be required by the Mayor subject to possible review by the City Council.

b. Testing of Applicants

Applicants for city positions may be subject to testing to determine their competence or their abilities to perform certain tasks. Such tests must be reasonably related to the job duties of the position applied for, and may be subject to approval by the City Council.

c. Background Checks

The City may conduct a background check to determine or verify background information, including criminal history. The purpose of the background check is to ensure that individuals who join the City are well-qualified, have a strong potential to successfully fulfill the requirements of the job, and have honestly presented their background and qualifications as outlined on their application and résumé.

Positions that are sensitive from a security, safety, or financial standpoint are identified for a background check.

Background checks apply to new hires, as a condition of employment, after the job offer is made. Employment will be contingent upon the results of the background check.

Background checks are conducted on current employees who transfer into a position when the position has been identified as requiring a background check; and a background check was not done when the employee was hired.

Depending on the nature of the position, the City may inquire into an applicant's background in one or more of the following areas: educational records, criminal records, credit records, driving records, Workers' Compensation records, military records, federal court records, etc. Other kinds of verification checks may be added if a particular position warrants.

Having a criminal history or criminal conviction does not necessarily preclude employment. The nature of the offense and its relevance to the particular job are considered on a case-by-case basis. Considerations include the nature of the position involved and the implications for general safety and security.

d. Drug and Alcohol Testing

Drug and Alcohol abuse is a serious threat to both the City of Albion, its citizens and its employees. To ensure a safe and healthy working environment, the City has adopted the following drug testing policies:

Before being asked to submit to a drug and/or alcohol test, job applicants and employees will receive written notice of the request and the testing requirements.

Job applicants will be required to undergo drug testing after a conditional offer of employment has been made. Positive test results will be considered in employment decisions and may result in a decision that the applicant is medically unqualified for employment.

Current employees will be subject to testing if the City obtains evidence or has reasonable suspicion that drugs and/or alcohol are being used. If there is reason to believe that an employee is working under the influence of drugs and/or alcohol, he/she

will be required to undergo immediate testing. Reasonable suspicion includes:

- the employee appears confused or exhibits erratic behavior;
- the employee has difficulty getting along with other employees;
- the employee exhibits paranoia, slurred speech, or irrational behavior;
- the employee has had a single, or a series of, safety-related incidents that raise questions about his/her physical and emotional state.

Random drug and/or alcohol testing is conducted on employees in safety-sensitive positions.

Arrangements will be made to have the employee driven home pending the results of the testing. If the results are negative, the employee will be allowed to return to work at the next normal shift.

Employees who refuse testing when reasonable suspicion is present will be subject to discipline, up to and including termination.

Any drug and/or alcohol testing required or requested by the City will be conducted by a certified testing company, selected by the City. If an employee is asked to submit to a drug or alcohol test, the City will notify the employee of the results within two (2) working days after it receives them from the laboratory. To preserve the confidentiality we strive to maintain, the employee will be notified by the Mayor or the Clerk whether the test was negative or confirmed positive, and if confirmed positive, what the next step is.

If the employee receives notice that the test results were confirmed positive, the employee will be given the opportunity to explain the positive result. In addition, the employee may have the same sample retested at a laboratory of the employee's choice, and at the employee's expense.

The City will pay the cost of any drug and alcohol testing that it requires or requests employees or applicants to submit to. Any additional tests requested by the employee or applicant will be paid for by the employee or applicant.

The City will make every effort to keep the results of drug and alcohol tests confidential. Only persons with a need to know the results will have access to them. The employee will be asked for his/her written consent before test results are released to anyone else.

Employees who are involved in workplace accidents that result in *any* personal injury or death, or injury or damage to any property in excess of five hundred dollars (\$500.00) will be required to undergo immediate drug testing. Refusal to submit to drug testing after an accident will result in discipline, up to and including termination.

Employees are responsible for reporting the use of prescribed drugs that may affect the employee's judgment, performance, or behavior. Over-the-counter drugs that can result in drowsiness are prohibited during working hours. Employees who are treating colds and flu with non-prescription medicine are urged to ask their pharmacists for alternatives that do not cause drowsiness.

The City's drug policy is intended to comply with all state laws governing drug and alcohol testing, and is designed to safeguard employee privacy rights to the fullest extent of the law.

If there is reason to suspect that the employee is working under the influence of an illegal drug or alcohol, the employee will be suspended until the results of a drug and alcohol test are made available by the testing laboratory.

e. Interviews

The Mayor may conduct interviews to determine the fitness of applicants for a certain position. Differences of interview inquiries shall be based upon information contained in job resumes and application forms.

f. Final Responsibility for the Employment Decision

The decision to employ shall be made by the Mayor, subject to Council approval when required by law. No employment decision shall be deemed valid unless the salary and budget authorization shall first have been approved by the City Council.

## **8. 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 Albion:

- i. Employment application form.
- ii. Insurance forms, when applicable.
- iii. W-4 Employee's Withholding Allowance Form
- iv. Immigration form (I-9).
- v. Acknowledgement of receipt of Personnel Policy Handbook.
- vi. Any other information and/or forms necessary for employee benefits or as otherwise may be required by the City.

b. Payroll Reporting System

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 office of the City Clerk. Each report of employee time must be signed by both the supervisor and by the employee and shall contain a notation that it is a true and correct record of the employee's time and benefit usage for the time period covered.

c. Orientation

At time commencement of employment each employee shall receive a copy of the Personnel Manual and any applicable workplace rules. It is the responsibility of the employee to be familiar with the contents of the manual and work rules and to acknowledge receipt of both.



A copy of such acknowledgment shall be retained in each employee's personnel file. Periodic updates or changes shall also be acknowledged.

d. New Employees.

Upon being appointed to a new position, employees are assigned a performance review date within six months from the date of employment. On that date, an employee may be eligible for an upward adjustment in salary provided he/she has established a satisfactory record and subject to budgeting limitations. An employee may expect to be interviewed by the supervisor at or about the time the pay step increase is being considered. To adequately prepare for the review date, supervisors should meet informally with the new employee to communicate job progress in employment standards or expectations, and fulfillment of the job description.

In addition to the above-mentioned minimum interview, a supervisor or Department Head may interview at the time that some noteworthy incident occurs (either good or bad) which should go into the employee's file for future reference. These evaluation reports will be used for pay increases and promotions or for disciplinary action, including documentation of termination for cause. Personnel files on Employees.

1. Personnel Records. The official employee records for City employees will be kept by the City Clerk. The personnel file, which belongs to the City, will contain records related to employee performance, employee status, and other relevant materials related to the employee's service with the City. The employee's supervisor, elected officials or the employee may contribute materials to the personnel files deemed relevant to the employee's performance.
2. Access to Personnel files. Only the employee's supervisors, the Mayor, the City Council when acting as a body in the course of its official business, attorneys for the City and the employee are authorized to view materials in the personnel file. Access of others to such files will be allowed only with authorization of the supervising official after consultation with legal counsel for the City. Information regarding personnel matters will only be provided to outside parties with a written, signed release from the employee, when deemed necessary by legal counsel for the City, or pursuant to a Court Order or a proper subpoena. The City reserves the right to disclose contents of personnel files to outside state or federal agencies, its insurance carrier or its carrier's agents for risk management purposes, or when necessary to defend itself against allegations of unlawful conduct. Copies of materials in the personnel file are available to the subject employee without charge, subject to any exceptions provided by statutes.
3. Management of Information in Personnel Files. Each employee will be provided an opportunity to contest the contents of that file for which the employee is subject, at any time, by filing a written objection and explanation that 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 finding by the City that it is false or unfairly misleading. In general, there is 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. Any such approved removal of information will be documented in writing and maintained in the subject personnel file.

## **9. CITY OPERATIONS PURCHASING POLICY**

The purpose of this Purchasing Policy is to obtain the highest quality of goods and services for the City of Albion at the lowest possible price, to exercise financial control over the purchasing process, to clearly define authority for the purchasing function and to provide for increased confidence in the making of purchases for the City.

Employees, officers and agents of the City who are involved in the procurement process shall make reasonable efforts to avoid real, apparent, or potential conflicts of interest. Employees, officers and agents of the City will not solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors or vendors that provide or seek to provide goods or services to the City. The following authorizations to make purchase will apply

to all goods, services, purchase orders, credit orders, or charging to an account, of any kind or type for and on behalf of the City of Albion, Idaho. No contract shall be entered into, in any dollar amount, without the express prior authorization of the City Council.

- a. Purchasing authority of the City Clerk or City Maintenance Supervisor. Approved employees, which are the City Clerk and the City Maintenance Supervisor, may make purchases of up to Two Thousand Five Hundred Dollars (\$2,500.00), without prior approval of the mayor or the city council, provided those purchases are limited to the amount of the budget authorized by the City.
- b. Purchasing authority of city employees with prior approval from Mayor. Approved employees may make purchases with a value between Two Thousand Five Hundred Dollars (\$2,500.00) and Seven Thousand Five Hundred Dollars (7,500.00) only with prior approval of the Mayor of the City of Albion and are limited to the amount of the budget authorized by the City.
- c. Purchases requiring prior approval of the City Council. All purchases over Seven Thousand Five Hundred Dollars (\$7,500.00) require the prior approval of the City Council for the City of Albion, which approval request shall be set forth as an action item on the agenda of a properly noticed public meeting, except in cases of emergency as are provided for under Idaho law. All contracts that seek to bind the City of Albion shall require prior approval of the City Council, before said contract is signed.

## **10. GENERAL RULES FOR EMPLOYEE CONDUCT**

Each employee of City of Albion is expected to conduct themselves in a manner which reflects favorably upon the City. 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 Albion as a public institution, each employee is expected to scrupulously avoid personal behaviors which

would bring unfavorable public impressions of the city and its officials. Each employee is expected to work cooperatively and constructively with fellow workers, elected officials and members of the public to provide public service of the highest quality and quantity. In order to accomplish this, each employee:

- a. Shall be prompt and regular in attendance at work or other required City functions.
- b. Good physical grooming and mental attitude are essential to effective public relations no matter where one works; this is especially important in City employment. Apparel worn by employees should conform to business standards. Employees are expected to have a neat and clean appearance, appropriate to their particular job and department as well as a healthy, friendly, and positive attitude.
- c. An employee's ability to get along with people will influence his/her development. Employees should be sincere, friendly, and display a pleasant disposition to both customers and colleagues. Tolerance for other people's shortcomings, as well as an awareness of one's own, cannot but help to improve an employee's value to the City.
- d. Shall dedicate primary efforts to City employment with secondary employment subject to approval by the appointing official.
- e. Shall avoid conflicts of interests in appointments and working relationships with other employees, contractors and potential contractors in the City and related agencies.
- f. Not engage in conduct that violates the laws of the state of Idaho, including but not limited to I.C. §18-1356 (accepting gifts that exceed the value of \$50.00), I.C. §74- 401 et seq., (Ethics in Government Act), I.C. §74-501 (Prohibitions Against Contracts) and I.C. §18-1359 (Using Public Position for Personal Gain).
- g. Shall not serve on any City board or commission which regulates or otherwise affects the official duties or personal interests of said City official or City employee in a way that could create disadvantage for other members of the public or advantage for the employee.
- h. Shall not release or disclose any public record, including personnel records or any other record or information obtained in the course of employment without the express authority of the public official responsible for the custody of the record, and only after consulting with legal counsel for the City, or without an order from a court or public agency of competent jurisdiction.
- i. Shall not engage in conduct away from work which, even though not criminal, may reflect adversely upon the City or its officials, or otherwise impair the employee's ability to perform.
- j. Shall not use substances, unlawful or otherwise, which will impair the employee's ability to function as a valued and competent part of the City workforce.

- k. Shall not engage in conduct in the operation of 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.
- l. Shall not engage in workplace or public conduct otherwise detrimental to the accomplishment of the goals established by the Mayor, the City Council, or the official or department for whom he or she works.
- m. No City employee may use any City vehicles for personal use. City vehicles are used only for City business. No vehicle may be used after hours except on City business or for attending meetings as required by the position. All vehicles shall be returned to City property after official use, unless otherwise authorized.
- n. Shall not allow any relationship, such as husband-wife, parent-child, or brother-sister, to another city employee adversely affect the performance of the employee's duties for the city nor show any favoritism to any such related person nor conduct themselves in any way so as to give other city employees the appearance of unfairness as a result of such relationship or to impede the efficient conduct of the city's business.
- o. To protect the property and safety of our employees, City supervisors (the Mayor and City Council) have the authority to request that any employee open for inspection any package or other container brought onto, or taken from, City premises.
  - i. The term "City premises" includes, but is not limited to, City Offices, City Shop, all work areas, desks, rest areas, parking lots, driveways, loading docks, and any vehicle or equipment owned or leased by the City.
  - ii. Random searches of City property, including desks and vehicles on City premises, can be conducted at any time when there is reasonable certainty either that property has been taken, or prohibited items or substances are brought on to City premises. If possible, before conducting the search, the supervisor will ask the employee about the item in question, and will give the employee the opportunity to produce the item before conducting the search.
  - iii. If an employee is found to be carrying the City or another employee's property without authorization, the employee may be subject to discipline up to and including termination.
  - iv. Prohibited items or substances will be turned over to law enforcement authorities when appropriate. An employee found in possession of an item or substance prohibited by this policy will be sent home and will be subject to further discipline, up to and including termination.
  - v. Any employee who refuses to comply with a search or investigation in accordance with this policy, will be subject to discipline, up to and including termination.

- vi. City owned vehicles and equipment may be equipped with GPS monitoring devices to track anyone using or operating City owned vehicles or equipment. Employees have no reasonable expectation of privacy in a City owned vehicle or a City owned piece of equipment.
- vii. Any electronic device provided by the City may be subject to monitoring. Employees have no reasonable expectation of privacy within City owned electronic devices.
- viii. Any tampering, attempts to remove, or disable the GPS equipment or any other monitoring device is prohibited. Any violations of the provisions of this policy may result in disciplinary action up to and including termination.

***THESE RULES AND POLICIES ARE NOT ALL INCLUSIVE.***

## **11. RULES FOR WORKPLACE CONDUCT**

Each employee will be expected to conduct him or herself in the workplace in accordance with the following rules. These rules are not all inclusive of conduct expected of City of Albion employees. Each employee of City of Albion shall:

- a. Give his/her best efforts to accomplish the work of City of Albion for public benefit in accordance with policies and procedures adopted by the governing board and elected officials. Each employee shall be subject to the administrative authority of the elected official who supervises the department where the employee works.
- b. Adhere to any code of ethics in his profession and avoid conflicts of interest or using his public position for personal gain.
- c. Follow all rules for care and use of City property to assure that the public investment in equipment is protected and that the safety of the public and other workers is maintained.
- d. Abide by all departmental rules whether they be written or issued orally by the supervisor, except that no employee shall be required to follow the directive of a supervisor which violates laws of any local jurisdiction, the state, or nation.
- e. Abide by state law department rules and City 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 City Council and/or with the responsible elected official who has personal or 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 elected official.
- f. Adhere to the defined work schedule and procedures. Each employee shall follow the rules regarding the reporting of work hours and the approval which must be given for pay record submittals. Failure to follow such rules may be grounds for delayed

payment of wages, salaries, or reimbursements or for imposition of appropriate disciplinary penalties.

- g. Follow rules regarding lunch periods, including provisions granting supervisors authority to adjust them. Timing of lunch periods may be changed by supervisors to accommodate the completion of necessary work. Follow all rules for reporting accidents 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.
- h. Report any accidents observed to have happened on City property or involving City property. Each employee shall provide as much information as he or 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.
- i. Follow all rules regarding safety in the workplace whether established formally by the City department or by outside agencies. Employees are encouraged to suggest ways to make the workplace or work procedures safer.
- j. Maintain a current driver's license, when necessary, in the conduct of work for the City. Each such employee is obligated to report any state-imposed driving restrictions to his/her immediate supervisor and to notify his/her supervisor in the event that his/her driving abilities are impaired by other than state restrictions.
- k. Perform such obligations as are necessary to carry out the work of the City in an efficient and effective manner at minimal costs and with limited risk to the public and fellow workers.

***THESE RULES AND POLICIES ARE NOT ALL INCLUSIVE.***

## **12. PROHIBITED WORKPLACE CONDUCT**

Within the workplace, employees of City of Albion shall not:

- a. Be present in the workplace under the influence of drugs, alcohol, illegal substances or other substances which would impair the ability of the employee to perform his or her work competently or which would threaten the safety or well-being of other workers or the public. No worker should be absent from work on account of such conduct, even though such conduct does not occur during regular working hours.
- b. 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.
- c. Sleep or be absent from the employee's work station when on duty. Employees shall be attentive to their work at all times.

- d. Use work for personal business including selling of goods or services to other employees or the general public or proselyting religious or political views to members of the public during the work day.
- e. Engage in political activities while on duty in City service. This rule shall not apply to elected officials or chief deputies to an elected official. Employees shall enjoy full political rights when not carrying out their work obligations.
- f. Provide false or misleading information on employment, job performance reports, or any other related personnel documents or papers.
- g. Discriminate in the treatment of co-workers or members of the public on the basis of race, religion, creed, handicap, age, or national origin.
- h. Smoke cigarettes, cigars or pipes in any public indoor space or in any city owned or controlled vehicles.
- i. Violate state statutes or local rules regarding the inappropriate use, alteration, destruction, or removal of any public records required by law to be kept by the City or by other public officials.
- j. 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 policy.
- k. Violate rules concerning absence from workplace without proper leave and shall obtain permission as required by City policy for use of vacation, sick, bereavement, or other types of leave granted by City policy.
- l. Engage in prolonged visits in person or by telephone with children, friends, or family members such that the visit interferes with the course of work in the office or department in which the employee serves.
- m. Use telephones and/or any cellular telephones in the office or workplace in a manner that disrupts the work or workflow of the City shall not be used for non-local, personal calls or calls relating to the employee's non-city business or other personal interests.
- n. Engage in criminal conduct of any kind while on duty or off. City 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.
- o. Violate any rule established by the appointing official to maintain order and productivity in the workplace.
- p. Fail to perform job duties and carry out the obligations of work standards imposed by department heads, elected officials or ordinance or law, including inefficiency or neglect such that work needs simply are not met by the employee for the city.
- q. Refuse to accept a reasonable and proper assignment from a department head, or supervisor; engage in gross insubordination or conduct which disrupts the work flow

of the city, and/or serves to threaten the safety or health of employees or citizens of the city.

- r. Unlawfully harass a fellow worker or member of the public at any time while in the active service of the city, as outlined in the Prohibited Discriminatory Harassment Policy, hereinafter:

### **13. PROHIBITED DISCRIMINATORY HARASSMENT POLICY**

The City of Albion is committed to providing all of its employees with a work place free of discriminatory harassment. The City of Albion maintains a strict policy prohibiting sexual harassment and harassment on the basis of race, color, national origin, religion, sex, physical or mental disability, age, veteran status or any other characteristic protected by applicable law.

This prohibition applies to all employees, vendors, or customers of the City. No employee of the City is expected to tolerate any conduct prohibited by this policy from anyone while at work or engaged in the City business.

This policy is not intended to protect anyone who makes false allegations of discriminatory harassment. The City of Albion reserves the right to take appropriate disciplinary action against any employee who makes a false allegation of harassment.

#### **A. Sexual Harassment Defined**

Sexual harassment prohibited by this policy includes any unwanted sexual advances, requests for sexual favors or visual, verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made a term or condition of employment; or
- Submission to or rejection of such conduct is used as a basis for employment decisions affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment

The following is a partial list of conduct, which would be considered sexual harassment:

- i. Unwanted sexual advances;
- ii. Offering employment benefits in exchange for sexual favors;
- iii. Making or threatening retaliation after a negative response to sexual advances;
- iv. Visual conduct such as leering, making sexual gestures, displaying sexually suggestive objects or pictures, cartoons, calendars or posters;



- v. Verbal conduct such as making or using derogatory comments, epithets, slurs, sexually explicit jokes, comments about an employee's body or dress;
- vi. Written communications of a sexual nature distributed in hard copy or via a computer network;
- vii. Verbal sexual advances or propositions;
- viii. Verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words to describe an individual, suggestive or obscene letters, notes or invitations; Physical conduct such as touching, assault, impeding or blocking movements;
- ix. Retaliation for making harassment reports or threatening to report harassment.

This foregoing list is not all-inclusive. Any conduct which might be deemed offensive should be avoided. Sexual harassment can occur between employees of the same sex. It is unlawful for males to sexually harass females or other males, and for females to sexually harass males or other females. Sexual harassment will not be tolerated in the City work place.

#### B. Other Types of Unlawful Harassment

The City of Albion also prohibits harassment on the basis of race, color, national origin, religion, gender, physical or mental disability, age, veteran status or any other characteristic protected by applicable law. Such prohibited harassment includes but is not limited to the following examples of offensive conduct:

- i. Verbal conduct such as threats, epithets, derogatory comments or slurs;
- ii. Visual conduct such as derogatory posters, photographs, cartoons, drawings or gestures;
- iii. Written communications containing statements, which may be offensive to individuals in a particular protected group, such as racial or ethnic stereotypes or caricatures;
- iv. Physical conduct such as assault, unwanted touching or blocking normal movement;
- v. Retaliation for making or threatening to make harassment reports to the City of Albion and/or its agents, or for participating in an investigation into harassment allegations.

This foregoing list is not all-inclusive. Any conduct which might be deemed offensive should be avoided. Harassment will not be tolerated in the City of Albion work place.

### C. Complaint Procedures

Any employee who believes he or she has been subjected to unlawful harassment prohibited by this policy should immediately tell the harasser to stop his/her unwanted behavior and immediately report that behavior, preferably in writing, to the office of the City Clerk, 225 South Main, Albion, Idaho, or by telephoning the City Clerk at (208) 647-4644, or by contacting the Mayor or one of the City Council persons directly.

If an employee becomes aware of harassing conduct engaged in or suffered by a City of Albion employee, regardless of whether such harassment directly affects that employee, the employee shall immediately report that information, preferably in writing, to the office of the City Clerk, 225 South Main, Albion, Idaho, or by telephoning the City Clerk at (208) 647-4644, or by contacting the Mayor or one of the City Council Persons directly. The City encourages each employee to use the procedures set forth in this policy to address any sexual harassment problems as quickly as possible.

Whenever the City of Albion is made aware of a situation that may violate this policy, the City will conduct a prompt, thorough and objective investigation of harassment claims. A confidential investigation (to the extent that confidentiality is allowed by law) of any complaint will be undertaken promptly by an impartial person. If the City of Albion determines that prohibited harassment has occurred, it will take appropriate action against a person found to have engaged in prohibited harassment to ensure that the conduct will not reoccur. A determination regarding the discriminatory harassment alleged will be made and communicated to the person claiming harassment as soon as is practical. The type of discipline administered will be dependent upon the severity of the conduct, as well as any other factors presented in the particular circumstances. Any employee found by the City to have harassed another employee will be subject to appropriate disciplinary sanctions up to and including termination.

The City of Albion strictly prohibits retaliation against any person by another employee or by the City of Albion for using this complaint procedure, reporting harassment, or for filing, testifying, assisting or participating in any manner in any investigation, proceeding or hearing conducted by the City or a governmental enforcement agency. Prohibited retaliation includes, but is not limited to, termination, demotion, suspension, failure to hire or consider for hire, failure to give equal consideration in making employment decisions, failure to make employment recommendations impartially, adversely affecting working conditions or otherwise denying any employment benefit.

The City of Albion recognizes that whether or not harassment has occurred requires a factual determination based upon all evidence bearing upon the issue. False accusations of harassment can have serious effects upon those accused and others in the workplace. All employees are requested to strictly follow the reporting procedures set forth in this policy and required to maintain confidentiality in all matters pertaining to claims of harassment.

The City of Albion does not consider conduct in violation of this policy to be within the course and scope of employment and does not sanction such conduct on the part of any employee, including elected officials and management employees.

The foregoing lists are not all-inclusive. Violation of any of the rules set forth above shall be grounds for disciplinary action, including possible dismissal. The rules contained in this personnel policy manual are subject to change at any time in the sole discretion of the Mayor and the City Council of the City of Albion, Idaho.

D. Potential Penalties for Harassment. Potential penalties for violation of any such rules may include, but shall not be limited to nor required to be applied in any particular order:

- i. Leave with or without pay.
- ii. Suspension for a variable or fixed period.
- iii. Demotion to a position with lower compensation and / or authority.
- iv. Dismissal.
- v. Reprimand.

The foregoing list is not all-inclusive. Violation of any of the rules set forth above shall be grounds for disciplinary action or possible dismissal. The rules contained in this handbook are subject to change at any time in the sole discretion of the Mayor and the City Council.

## **14. EMPLOYEE CLASSIFICATION**

a. Employment Status.

Unless City ordinance or resolution adopted by the City Council provides otherwise, all employees of City of Albion are employees-at-will. "Employment-at-will" shall mean that the Mayor can discipline or discharge an employee without limitation upon his/her discretion to do so, subject to applicable principles of employment law. An employee whose "at-will" status has been modified by formal Council action shall be accorded the privileges set forth in any such enactment subject to modification by the Council. The City Council retains full authority, without prior notice, and in its sole discretion, to modify the terms or conditions of employment for any "at-will" employee. An employee with questions regarding his/her employment status should consult with the Mayor or the City Council.

b. Employee Classification.

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

- i. Elected Officials – Elected officials are not considered regular employees.
- ii. Full-Time Regular Employees - Employees whose employment is

sustained and whose typical schedule calls for at least 30 hours of scheduled work during each week. Full-time regular employees shall receive all employee benefits provided by City of Albion as such benefits now exist or may be subsequently changed.

- iii. Part-Time Regular Employees - Employees whose typical work week schedule calls for less than 30 of scheduled work during each week. Part-time regular employees shall receive reduced employee benefits in accordance with 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.
- iv. Casual/Seasonal Employees - Employees who provide services for City of Albion on an irregular or temporary basis or whose scheduled hours of employment for the City are typically fewer than 20 each week are classified as casual employees. Casual employees will receive no benefits provided to regular employees, except those required by law or those provided by express written authorization of the City Council.

c. Significance of Employee Classification.

The procedure for hiring, promotion, and transfer of full-time employees shall be subject to the provisions of this handbook. Personnel actions concerning part-time or casual employees are not subject to guidelines set forth herein unless the handbook provisions expressly provide therefore.

## **15. COMPENSATION POLICIES**

a. Establishment of Pay System.

City of Albion compensates employees in accordance with decisions by the City Council as City 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 Mayor may make suggestions about salary compensation and other pay system concerns but the final decision regarding compensation levels rests with the City Council. The Council members reserve 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 they think justify changes in City expenditures.

Employees may participate in a performance evaluation system established by the Council or by an individual department with the approval of the Council. Such evaluation system

may be the basis for allocating changes in compensation in each budget year. Should such an evaluation system be established records of any such evaluations shall be kept in personnel file of each employee.

b. Compliance with State and Federal Pay Acts.

City of Albion shall comply with all State and Federal pay acts respecting the compensation of employees for services performed in the City service.

c. Classification Plan

All employees of City of Albion shall be classified in the position they hold with City of Albion in the following manner:

- i. Elected Officials
- ii. Appointed Officials
- iii. Exempt employees not subject to merit testing or other selection criteria provided by this manual.
- iv. Full-time employees subject to the testing and placement standards established by this handbook.
- v. Part-time or casual employees exempt from placement standards cited herein.
- vi. Right to Change Compensation.

City of Albion reserves the right to change compensation for any reason deemed appropriate by the City Council. Compensation may also be adjusted based upon job performance and the availability of funds to maintain a solvent City budget.

d. Overtime Compensation - Compliance with Fair Labor Standards Act.

In addition to the employee classifications set forth elsewhere in this handbook, all employees are classified as exempt or non-exempt for purposes of 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 hold positions which are primarily executive or administrative in nature. Most supervisory office and/or professional positions in City government qualify for such exemption. As such, exempt employees are not required to receive premium pay for hours worked beyond the limits provided by the statute. Please contact the Mayor or the City Council for further clarification of your FLSA status.

e. Compensatory Time Policy.

It is the policy of City of Albion, in agreement with its employees, that employees may receive compensatory time off at a rate of not less than one and one-half hours for each

hour of employment for which overtime compensation is required under the Fair Labor Standards Act.

Covered employees may accrue not more than forty (40) hours of compensatory time for overtime hours worked.

Employees requesting to use accrued compensatory time must make a specific request in writing to their immediate supervisor. Use of such time will be allowed within a reasonable period following the request as long as the use does not unduly disrupt the operations of the City.

f. Reporting and Verifying Time Records.

It is the responsibility of each employee to properly record the time that he or she has worked during a payroll period. Each time sheet shall bear the signature of the employee with a statement verifying its accuracy and counter signature by a supervisor indicating that the hours claimed were actually worked. These records shall be retained for at least four years following a pay period or the conclusion of an employee's service. Failure to carry out these duties may result in disciplinary action.

g. Work Periods.

Employment with City of Albion 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 (midnight) on Sunday of each week and concludes at 11:59 p.m. of the succeeding Saturday. For regular employees, hours actually worked must exceed 40 in a work week, and premium compensation will be paid, or authorized compensatory time will be allowed to accrue, on the paycheck next following the work period during which it was earned.

h. Promotions and Compensation.

Compensation for all City employees is established by action of the City Council. The annual budget of the City sets the funding available for compensation of employees in various departments. Promotions and changes in status may be recommended and made by officials in each of the operating departments but final authority regarding compensation rests with the City Council.

i. Payroll procedures and Paydays.

City employees are paid twice each month throughout the year. Paychecks are issued by the office of the City Clerk. Paychecks compensate employees for work performed in the pay period through the day that the check is issued. Paychecks are distributed at the workplace, or by direct deposit to the account of employee's choice, prior to 5:00 p.m. on pay day.

It is the obligation of each employee to monitor the accuracy of each paycheck received. Information shown on the employee's paycheck stub is provided for information only. Actual practices respecting the issuance of paychecks and allocation of employee benefits must be consistent with official policy of the City. In the event of disagreement between the manual or computer-generated paycheck stub and official policy as interpreted by the City Council with the assistance of the City Clerk, the policy shall prevail.v Compensation while serving on Jury Duty or as a Witness in Court Proceeding.

j. Leave will be granted to full-time employees called to jury duty or to serve as a court witness in accordance with Council-adopted policy. The employee may opt to accept either the pay from the court for such services or his/her usual compensation from the City, but not both during the duration of such service.

k. Military Leave.

The City of Albion will abide by all the provisions of the Uniformed Services Employment and Re-Employment Act (USERRA) and will grant military leave to all eligible full-time and part-time employees. Military leave may be granted to full-time and part-time employees for a period of four (4) years plus a one-year voluntary extension of active duty (5 years total), if this is at the request and for the convenience of the United States Government.

As with any leave of absence, employee must provide advance notice to their supervisor of their intent to take military leave and must provide appropriate documentation.

An employee's salary will not continue during military leave unless required by law. However, employees may request to use vacation or personal leave time accrued during military leave. Benefit coverage will continue for thirty-one (31) days as long as employees pay their normal portion of the costs of benefits. For leaves lasting longer than thirty-one (31) days, employees will be eligible to continue health benefits under COBRA and will be required to pay full and total cost of their health benefits if they wish to continue benefits.

Upon return from military leave, employees will be reinstated with the same seniority, pay, status, and benefit rights that they would have had if they had worked continuously. Employees must apply for employment within ninety (90) days of their discharge from the military. Employees who fail to report for work within the prescribed time after completion of military service will be considered to have voluntarily terminated their employment.

If employees are reservists in any branch of the Armed Forces or members of the National Guard, they will be granted time off for military training. Such time off will not be considered vacation or personal leave time. However, employees may elect to have their reserve duty period be considered as vacation time or personal leave time to the extent they have such time available.

l. Reduction in Force.

Employee assignments may be affected by reductions in force due to economic conditions or to changes in staffing and workload. The Mayor reserves the right to make any

changes in workforce or assignment of resources that it deems to be in the City's best interests. The Mayor may also specify at the time reductions in force are made what reinstatement preferences may accompany the reductions. Said reinstatement preferences may be tied to the classification of the employee or to specialized skill possessed by the employee.

m. Payroll Deductions.

In accord with Idaho Code '45-611 no payroll deductions will be made from an employee paycheck unless authorized by the employee or required by law.

n. Travel Expense Reimbursement.

An employee on City business shall be reimbursed for expenses incurred in completing his/her work-related assignment in accord with the policies established by the Council. Each employee is responsible for providing verified receipts for any expenses for which reimbursement is requested.

A travel claim must be filled out by city employees requesting reimbursement by the city for the cost of travel. Such claims shall include the date, destination, reason for the travel and the total miles traveled and shall bear the signature of the employee certifying the accuracy of the information. The travel claim shall be submitted to the city clerk, and shall thereafter be approved by the City Council, before reimbursement is made.

Authorized travel by private vehicle will be reimbursed at the rate established, through resolution, by the City Council.

The City will reimburse employees for single occupancy motel rooms at actual cost.

The City will adopt the meal per diem rates set by the U.S. General Services Administration (GSA), which rates are determined based upon the destination of travel, and as are current at the time of travel. The meals and incidentals (M&IE) rate includes separate amounts for breakfast, lunch, dinner and incidentals. Incidental expenses include cash tips given to porters, baggage carriers, hotel staff, etc. Rates for the first and last day of travel are calculated at 75% of the day's total rate, regardless of the employee's time of departure or time of return.

Travel expenses must be within the amount included by the City Council in the annual budget setting for each department as anticipated travel, during the budget setting process.

o. On-the-Job Injuries.

All on-the-job injuries shall be reported to the City Clerk as soon as practicable to allow filing of worker's compensation claims in the proper manner. If an employee is disabled temporarily by an on-the-job accident, he shall be eligible for worker's compensation and shall not be charged with any vacation or sick leave time while away from his or her position. 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 City Council for review.



**16. EMPLOYEE BENEFITS.**

City of Albion offers a number of employee benefits for full-time employees. These benefit offerings are subject to change or termination in the sole discretion of the City Council. Each is subject to the specific terms of its respective insurance policy and/or official resolution of the Council.

- a. Vacation leave is available to full-time regular employees who have completed the equivalent of 6 months of full-time City employment. Hours for accrual of vacation leave will be based upon the number of straight time hours worked or paid time off since the date of hire (overtime hours will not be considered in computing sick leave accrual).
  - i. Vacation accrues from the start of employment in the following manner:

<b>Length of Service</b>	<b>Hours Earned</b>	<b>Approximate</b>	<b>#</b>
6 to 84 months	.0385	10	*
85 to 180 months	.0577	15	
181 months and over	.0769	20	

Approximate # Days are shown for information purposes only, actual accrual calculations will be based on hours worked and the hours earned rate as above scheduled.

- ii. No additional vacation leave will accrue for an ensuing year if the prior year's vacation leave is not used during the year in which it accrues. This rule may be subject to an exception for one year's additional accrual upon written permission of the Mayor. If an employee has requested the use of vacation leave and the request has been denied because of departmental restrictions, the employee will be allowed to carry the prior year's vacation leave for an additional 90 days with the written consent of the Mayor or the City Council.
  - iii. Vacation leave is to be scheduled with consent of the Mayor. Efforts will be made to accommodate the preference of the employee in vacation scheduling, but first priority will be the orderly functioning of the City and its affected departments.
  - iv. Vacation leave shall not accrue for any employee who takes time off without pay, is on any kind of leave of absence without pay, disciplinary suspension without pay, or layoff.
  - v. Any employee who voluntarily or involuntarily leaves City service and is later rehired, will be eligible for the vacation leave benefits as provided in this policy as if he/she were a new employee with no prior service or employment with the City, unless otherwise, specifically arranged and approved, in writing, by the Mayor before re- commencement of work by the affected employee. For purposes of this section, separation from

employment is further defined to include any layoff, but shall not include any unpaid leave of absence.

b. Sick Leave

- i. General Purpose: Sick leave is a privilege and not an earned right. It is extended to full-time employees to provide reasonable employment security during an illness or injury. It is incumbent, therefore, on all elected officials and employees to guard this privilege zealously to insure it is not abused. The sick leave privilege shall be utilized solely by an employee in the event of an actual personal sickness or disability, or as a result of medical and dental treatment which necessitates that said employee be absent from the work site. Sick leave may also be used in limited instances when absence from work is due to illness or injury in the employee's immediate family. For purposes of this section immediate family shall mean spouse, dependent child, or under such circumstances as may be specifically granted, in writing, by the Mayor. Employees who work less than thirty (30) hours a week shall not be granted the sick leave privilege. The City of Albion reserves the right to require doctor verification of illness or appointments, and failure to provide requested verification may result in disciplinary action.
- ii. Eligibility: All employees working at least 30 hours per week shall be eligible for sick leave from the date of employment or appointment at the employee's current rate of pay. Elected Officials, temporary and seasonal employees are not eligible to accrue sick leave benefits. Employees working less than thirty (30) hours per month shall not accrue sick leave. New employees are not allowed to use sick leave until after the completion of three (3) months of employment. After three (3) months of employment, the accrual for sick leave will be computed retroactively to the employee's date of hire. Hours will be based upon the number of straight time hours worked or paid time off since the date of hire. Overtime hours will not be considered in computing sick leave accrual.
- iii. Leave accrual shall be .0462 leave hours for any straight time hours worked or paid time off. Sick leave shall not accrue for any employee who takes time off without pay, is on any kind of leave of absence without pay, disciplinary suspension without pay or layoff. Unused sick leave may be accumulated to a maximum the equivalent of thirty (30) work days; however, in the event of a serious illness or disabling injury to an employee, unused and accumulated sick leave up to a maximum of sixty (60) days may be used with the consent of the City Council. Any unused current or accumulated sick leave is automatically canceled when employees terminate, for any reason, from the City.
- iv. Sick Leave Procedures: Employees shall notify the Mayor or City Clerk, as

appropriate, if the employee is unable to be at work due to an illness or injury prior to the commencement of the normal work day. The Mayor or City Clerk, as appropriate, shall be notified at least one working day prior to an employee's scheduled medical or dental appointment. Illness in excess of three (3) successive days may require, at the discretion of the Mayor, documentation from the attending physician or dentist, or from a physician or dentist designated by the City, stipulating the nature of the illness or disability which required the employee to be away from the work site. Further, a written release from the physician or dentist may be required. Any charge for documentation by doctor and dentist shall be at the City's expense. Failure to provide such documentation within five (5) working days of the date it is so requested shall:

- (1). be cause for disciplinary action, and/or
  - (2). be cause for loss of pay for the days the employee was absent from work.
- v. Sick Leave Restrictions: Sick leave shall be approved by the Mayor. Accumulated sick leave shall be reduced by the number of days utilized. Sick leave shall not be granted under the following conditions:
- (1). A self-inflicted disability, sickness, or injury caused by the employee's willful misconduct.
  - (2). A disability, sickness, or injury related to employment other than with the City of Albion.
- vi. Appointment with Health Care Professionals: In addition to the sick leave benefits established under this Section, employees working at least 30 hours per week for the City of Albion shall be authorized time off with pay for up to one appointment with a health care professional per month of a duration not to exceed two hours absence from the job site. Appointments with health care professional in excess of the two hour off-the-job site limitation or in excess of the one per month limitation shall be chargeable against the employee's sick leave in one-hour intervals. In calculating this benefit, if employee has worked that employee's regular full work week hours, no time shall be paid additional to that for appointments to health care professionals. It is the intent and purpose of this benefit to ensure that a qualifying employee is paid for a full regular week of work, though necessary health care interrupts that schedule, to operate as above set forth.
- vii. Abuse of City Sick Leave: Abuse of the City sick leave policy shall be grounds for employee discipline.

c. Family Medical Leave

Eligible employees of the City of Albion may be authorized up to 12 weeks of unpaid leave under the provisions of the Family and Medical Leave Act of 1993 if they meet the

following eligibility requirements.

- (1). "An eligible employee" is an employee of the city who has been employed by the city for at least 12 months, and
- (2). been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave.
  - i. Employees are entitled to leave under FMLA for the following:
    - (1). To care for a child following birth or placement of a child with the employee for adoption or foster care.
    - (2). To care for a sick child, spouse or parent who has a serious health condition. (3). An employee is unable to perform work duties because of his/her own serious health condition.

This policy does not address every instance where FMLA may be taken, other requests will be considered on a case-by-case basis in compliance with the provisions of the law. Should you have any questions about the FMLA, please contact the Mayor or City Clerk.

If an employee meets the eligibility requirements, they may request up to 12 weeks of unpaid leave. The City of Albion will continue to pay employer portion only of the employee's benefits during the leave period. If the employee does not return to work after the 12 weeks, for reasons other than a continued serious health condition or circumstances beyond the employee's control, the City of Albion will seek reimbursement for the premium(s) that were paid for the employee's medical coverage.

An employee is required to use any accrued paid vacation and applicable sick leave before utilizing leave without pay under this FMLA policy. If these leave accruals are less than 12 weeks, the employee may take the rest as unpaid leave. An employee is required to give 30 days' advance notice or as much time as practical when the need for FMLA leave is foreseeable. The City of Albion reserves the right to request medical certification supporting any leave, and may require second or third opinions (at City expense) as well as a doctor's release to return to work. Leave may be denied if these requirements are not met.

FMLA leave may be taken intermittently or on a reduced leave schedule under certain circumstances. When leave is taken because of birth or placement of a child for adoption or foster care, an employee may take leave intermittently or on a reduced schedule with prior written approval from the Mayor. When FMLA leave is needed to care for a sick family member or for an employee's own serious health condition, leave may be taken intermittently or on a reduced leave schedule when medically necessary.

Leave for an employee and their spouse, who both work for the City of Albion is a total of 12 weeks if the leave is for reasons other than serious personal illness. The National Defense Authorization Act

- ii. The FMLA also 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 that renders that person unfit to perform his or her duties in the Armed Forces. If this type of leave is requested, the City may require medical certification that the service member being cared for has a serious health condition and that it was incurred in the line of duty.

- iii. FMLA also now 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. If this type of leave is requested, the City may require certification that the service member has actually been called to active duty.
- iv. Employees will provide prior notice when the need for this type of FMLA military leave is foreseeable.

d. Holidays.

Eleven official holidays are provided for full-time City employees. Employees who have full-time active status on the date of any holiday shall receive compensation for that day even though they do not work. Holidays that 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.

Employees who must be scheduled to work on holidays shall be scheduled to receive a substitute holiday with pay within 60 days of the date of the holiday for which they were scheduled to work. Unscheduled emergency work on holidays shall be compensated at a rate of 1.5 times the employee's regular rate of pay even though the work does not constitute overtime (2) times the regular rate if the work does constitute overtime). Recognized Holidays:

New Year's Day	Independence Day
President's Day	Labor Day
Martin Luther King/Human Rights Day	Columbus Day
Memorial Day	Veterans' Day
Juneteenth	Thanksgiving Day
	Christmas Day

e. Disability Leave.

City of Albion may in the discretion of the City Council allow any employee who is disabled in such a manner that his/her return to work is anticipated, a maximum of 90 days unpaid leave for purpose of recovering from said disability. The employee may, at his or her option, choose to use vacation and/or sick leave to receive pay as long as such benefits are available.

The employee who is granted extended disability leave shall not be entitled to return to any specific job with the city nor to any specific compensation for their work upon returning to city employ.

f. Bereavement Leave.

An employee is allowed three (3) day's leave in the event of the death of an immediate family member, with compensation. Any time taken off in excess of the above shall be chargeable to sick or vacation leave.

In the case of bereavement leave, immediate family refers to husband, wife, children, parents, grandchildren, mother-in-law, father-in-law, brother-in-law, sister-in-law, grandparents, or brothers and sisters of the employee.

g. Leaves of Absence.

30 days unpaid leave can be granted by the Mayor for any justifiable purpose, and only after all accrued vacation, compensatory time and applicable sick leave have been fully utilized. Paid leave in any amount or unpaid leave in excess of 30 days shall require written approval of the City Council. The employee who is granted extended leave shall not be entitled to return to any specific job with the city or to any specific compensation for their work upon returning to city employ.

h. Reduction in Benefits.

City of Albion, 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.

i. Benefits for Part-time or Temporary Employees.

Part-time or temporary employees shall receive benefits based upon a pro rata formula according to the proportion that the hours worked by such employees bears to the hours worked by permanent full-time employees, unless the section of this manual dealing with such benefits specifically states otherwise.

j. Insurance Coverage Available to Employees

City of Albion provides comprehensive health insurance to full time employees and offers family coverage at the employee's option and expense. Insurance coverage begins on the first day of the month following the month in which an employee's first paycheck is issued. All coverage is subject to policy terms and to change at any time. Claims procedures are administered by the City Clerk. Continued health coverage is available to former employees at their own cost pursuant to federal law. Information may be obtained from the Clerk's office.

Limited life insurance coverage and limited disability programs are available to full-time employees at their expense. The terms of these programs are contained in policies available for inspection in the office of the City Clerk. Worker's compensation insurance covering job-

related injuries is provided for all employees. Questions about worker's compensation issues should be directed to the office of the City Clerk.

City of Albion offers credit union participation in the Mini Cassia Public Employees Credit Union to its employees in accordance with the terms of such program and in accordance with the policies or other documents which establish the credit union program.

k. Transfer of Benefits with Employee Transfer.

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

**17. EMPLOYEE EVALUATION**

a. Standard Evaluation Procedures.

Each employee shall be evaluated on an annual basis to assess the performance of that employee in the job being performed for City of Albion. Each evaluation will be given on the basis of the direct supervisor's observations of the employee's performance, the accuracy of the employee's work in addition to the quantity, and additional efforts expended by the employee on behalf of City of Albion. Each supervisor is authorized to use necessary evaluative tools. At the same time the supervisor must fill out a standard City of Albion evaluation form, which shall be placed in the City's permanent record file for the employee at least once every year.

b. Evaluation Interviews.

Each evaluation shall be concluded with an interview between the evaluated employee and the Mayor in which the employee will be told what the findings of the employer's evaluations are. Each employee will be given an opportunity to respond to the evaluation orally, in which case notes may be taken by the Mayor, or the employee may submit a written response to the employer's evaluation to be placed in the employee's personnel file, provided that it is filed with the employer within 10 days of the date of the oral presentation of the evaluation.

**18. EMPLOYEE DISCIPLINE PROCEDURES AND PRINCIPLES**

a. Purpose of Discipline Policy

The purpose underlying the discipline policy of the City of Albion 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 System Framework

The City of Albion adopts the following framework for actions to be taken in the event that employment policies are violated by any employee subject to this manual. Nothing contained herein is intended to limit the reasons for which the employee may be disciplined, including termination of employment. In addition, nothing contained herein is intended to change the at-will nature of the employment for those employees identified as at-will in this policy. Progressive steps may be implemented in order to encourage improved performance or attitude, but are not required. The City of Albion 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. Such steps shall be documented in the record of the disciplinary action.

c. Disciplinary Actions Available

The following actions are among the progressive disciplinary steps which can be taken by the supervisor in response to personnel policy violations:

- i. Oral warning.
- ii. Written warning or reprimand.
- iii. Suspension with or without pay.
- iv. Demotion.
- v. Probation.
- vi. Dismissal.
- vii. Conditions of maintaining employment that relate to particular performance/behavior issues may be established in conjunction with any of the above listed actions.

d. Opportunity to be Heard – Assertions of Unlawful Discrimination and Retaliation and “Name Clearing Hearing”

- i. All employees are at-will employees. However, at-will employees may from time-to-time experience adverse consequences of unlawful discrimination or retaliation. In addition, a public employee who is being demoted with a reduction in pay or terminated from employment based upon allegations of dishonesty, immorality or criminal misconduct is constitutionally entitled to a name-clearing hearing when one is requested.
- ii. Unlawful discrimination and retaliation address 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. The City does not condone discrimination on the basis of the foregoing unlawful categories. Unlawful retaliation addresses actions that are taken against an employee for initiating a charge of discrimination or harassment, or for assisting in any way in an investigation of such charges.



- iii. Failure to pursue this opportunity to be heard or name-clearing procedure constitutes a waiver of this opportunity.
- iv. Issues involving job performance or employee attitude, without allegations of discrimination, retaliation, dishonesty, immorality or criminal misconduct, are not the proper subject of this procedure and will not be heard.
- v. The procedure for the opportunity to be heard or name-clearing hearing is as follows:
  - (1). Within fourteen (14) days of the employee's termination or demotion, the employee may submit a written allegation of unlawful discrimination or retaliation, or the basis for entitlement to a name-clearing hearing, stating with particularity the basis for the requested hearing. Written allegations that are untimely submitted or that fail to state a particular, legally recognized basis will not be granted an opportunity to be heard. An employee will be promptly notified if a requested hearing is denied.
  - (2). An employee alleging unlawful discrimination or retaliation, or who is legally entitled to a name-clearing hearing will meet with the City Council. The hearing will not exceed one (1) hour in duration.
  - (3). An audio recording of the hearing will be made and maintained as part of the personnel record.
  - (4). The employee's supervisor may provide a brief written statement at least twenty-four (24) hours prior to the hearing in response to the charges. The City Council may require the employee's supervisor to participate in the hearing.
  - (5). The employee will be provided an opportunity to present evidence upon which the claims are based.
  - (6). The City Council may ask questions during this process.
  - (7). The employee may question participants during this process.
  - (8). The Idaho Rules of Evidence do not apply to this opportunity to be heard or name-clearing hearing.
- vi. After the hearing, the City Council will consider the information submitted, and such other information as might be in the City's records, to make a decision concerning the employee's allegations. The final decision will be set forth in writing, and will state the reasons for the City Council's determination.

## 19. SEPARATION FROM EMPLOYMENT

### a. Reductions in Force (RIF)

When financial circumstances or changes of workload require, City of Albion reserves the right to reduce forces in such manner as it deems necessary to maintain the effective functioning of City services. Employee assignments may be affected by reductions in force made due to economic conditions or to changes in staffing and work needs. The Mayor, in conjunction with the City Council, may make any changes in the work force or assignment of resources deemed to be in the City's best interests. Decisions about the functions to be reduced are not subject to the opportunity to be heard/ name-clearing hearing procedure established by City of Albion.

### b. Retirement Policy

The retirement policy of City of Albion shall comply in all respects with federal and state requirements respecting mandatory retirement and the obligations established by the Public Employee's Retirement System. No employee shall be compelled to retire except in compliance with said acts.

### c. Retirement Benefits

All employees of City of Albion, who resign or are terminated, shall be entitled to the available employee benefits required by COBRA, at the employee's sole cost and expense. Each employee shall check with the personnel office prior to final paycheck issue to determine what, if any, benefits the employee may wish to continue.

### d. Exit Interview

Each employee who terminates from employment voluntarily or involuntarily with City of Albion shall participate in an exit interview with the City Clerk. In such interview, the Clerk shall notify the employee when benefits will terminate and when final pay will be issued. The employee will inform the interviewer about his/her impressions of City employment in such interview. An employee exit form will be completed at this point and will be retained in the employee's personnel file.

### e. Resignation Policy

Written and oral resignations are effective upon receipt by a supervisor or Elected Official. Oral resignations should be documented by the supervisor after consultation with the Mayor and legal counsel. Evidence of the accepted written or oral resignation should be provided to the employee and placed in the City's personnel file on the employee.

### g. Abandonment

Employees who have an unexcused or unauthorized absence of three (3)

working days or more may be considered to have resigned through abandonment of their position. If an employee's words or actions indicate an intent to resign, including having an unexcused or unauthorized absence of three (3) working days or more, the City will consider the employee as having resigned, and immediately notify the subject employee of such.

## **20. EMPLOYMENT AT WILL**

Employment at the City of Albion is at-will for an indefinite period of time, until terminated by either the City or the employee, with or without cause. That means either party may end the relationship.

No written or oral representation by City personnel, other than the Mayor upon authorization from the City Council, will create a contract of employment. No employment practice of the City is intended to create a contract of employment. No changes in the City's employment-at-will policy will be effective unless executed in writing and signed by Mayor, upon authorization from the City Council in an open, public meeting.

The City's employment guidelines are intended only as an explanation of its employment practices, policies, benefits, and a general guide to working for this City. They do not represent contractual terms of employment. Despite anything that the employee may read into any City material, employment at this City is strictly at-will.

The Mayor and City Council are entitled to modify, revoke, or replace any policies and procedures at any time. None of the City's policies are meant to serve as an employment contract.

Employees are expected to behave in a manner consistent with existing policies and codes of conduct.

## **21. SAVINGS CLAUSE**

Should any provision of the Personnel Policies and Procedures contained herein be held to be invalid or unlawful, all other provision herein shall remain in force and intact as established herein.

ADOPTED as amended by the City Council this 6<sup>th</sup> day of November, 2023.

**City of Albion, Idaho**

**ATTEST:**

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Isaac Loveland, Mayor

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Linda Hutchison, City Clerk

## EMPLOYEE ACKNOWLEDGMENT

I have read this City Personnel Policy, dated as amended November 2023, and it's enclosed at-will employment policy. I understand that employment with the City is terminable by either party with or without cause at any time and that employment is for an indefinite period, unless terminated by either party. My signature below acknowledges my reading and understanding of the City of Albion's Personnel Policy Handbook and it's at-will employment policy.

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Date

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Employee's Signature

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Employee's Printed Name