



City Council Staff Report

REPORT DATE: March 3, 2023

MEETING DATE: March 8, 2023

SUBJECT Employee Handbook Updates and HR Policies

ITEM TYPE ☐ Public Hearing ☐ Work Session ☒ Action Item

PRESENTER Jeremy Besbris, City Administrator; Jasmine Griffin, Finance Director

APPLICABLE VICTOR VALUES

☐ Culturally Historic ☒ Sustainable ☐ Connected to Nature
☒ Small Town Feel ☒ Family Friendly ☒ Administrative Need

PURPOSE & PROCESS

This item aims to adopt updates to the employee handbook and the policies contained therein by Resolution.

BACKGROUND/ALTERNATIVES.

It is best practice to review and update the Employee Handbook ("Handbook") every few years or whenever circumstances warrant new policies and practices. In this case, the proposed updates to the Handbook flow from workforce trends accelerated by the COVID-19 pandemic and reflect the City's desire to remain competitive in a rapidly transformed employment market.

In this context, the Council directed Staff to order an independent third-party compensation study to determine the relative competitiveness of the City of Victor in the employment marketplace. Victor hired BestDay HR to perform that study, which was completed in late 2022. BestDay compared Victor to 9 of its regional peers and determined the City's compensation was generally competitive, but it could improve its fringe benefits to be more competitive. Based on the study's findings and Council's twin directive to make the City a great place to work, Staff recommends retooling the City's standard work week along with several other innovative policy proposals designed to retain and attract talented employees. Those proposals and their broader context are offered below.

A Competitive Marketplace for Employees. The public sector employment has recovered only 54.6% from pre-pandemic levels, whereas the private sector has since fully recovered. The latest Bureau of Labor Statistics (BLS) survey shows continued high volatility in the employment market, thus posing an ongoing threat to employers who fail to keep up with the latest HR trends. According to that same BLS survey, the median employee tenure in the public sector is 6.8 years, whereas the City of Victor's is 1.5 years (or 3.6 if adjusted to account for new hiring over the 12 months). Therefore, despite offering competitive wages, the City of Victor fails to retain employees at the median rate

With that statistic in mind, market research shows that employees seek flexible and fulfilling positions meaning a competitive wage is necessary but insufficient to retain and attract talent. Therefore, Staff believes implementing the benefits proposed in the Handbook will directly correlate to employee retention and future hiring. Moreover, adopting a condensed work week would establish the City as a regional leader in the public

sector and will ensure the City is prepared to serve the public if the school district moves to a shorter school week. Concurrent with these labor policies, Staff recommends expanded operation hours at City Hall, thus ensuring the public directly benefits from these policy changes.

Expanded Hours of Operation to the Public. City Hall is currently open to the public Monday through Thursday from 8:30 am to 5:00 pm and from 8:30 – noon on Fridays, but few residents conduct city business on Fridays. The Handbook proposes expanding the City's hours of operation from 8:00 am until 6:00 pm Monday through Thursday and remaining closed to the public on Fridays. Although the public would not have access to City Hall on Fridays, City Hall would still be open to the public for two more hours per week than it is now. To accommodate the proposed schedule, city hall staff would split into two shifts ensuring City Hall is adequately staffed 10 hours a day, four days a week.

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Staff believes a 4-10 schedule better accommodates the schedules of many residents whose work schedules prevent them from visiting city hall in the early mornings or late afternoons. To the extent Friday's closure is a hardship, the City's revamped website (launching late March) will allow the public to file applications, check on their status, and pay for most fees and services without ever entering a city building. Moreover, the proposed schedule should improve productivity by reducing absenteeism during the standard work week, thus improving the level of service residents enjoy.

36-Hour Standard Workweek for Exempt Employees. For exempt-salaried employees, Friday's closure would technically be a day off, meaning exempt employees who choose not to work on Fridays would not be required to use Paid Time Off (PTO). Therefore, the standard work week for exempt-salaried Staff would be reduced to 36 hours. However, because the duties and responsibilities of exempt-salaried would remain the same, most employees will likely use Friday as a "flex" day by working a partial day at the office or working from home. However, exempt employees cannot use hours worked on Friday to work less than 36 hours Monday through Thursday.

Wellness Hours and a 4-10 Workweek for Non-exempt Hourly Employees. Non-exempt hourly city hall employees will maintain a 4-10 work schedule but will enjoy two paid hours each week to participate in a wellness activity. These "wellness hours" will be a use-it-or-lose-it benefit. If used, wellness hours should benefit employees and the public by reducing workweek absenteeism and fostering a healthier workforce. This benefit is exclusively for non-exempt hourly employees.

Wellness Reimbursement. Many of our peer cities and many local employers offer their employees additional wellness benefits such as subsidized gym memberships or ski passes. To better compete in the marketplace for employees and to promote a healthy workforce, a \$350.00 annual wellness reimbursement is proposed. This proposed benefit is also a use-it-or-lose-it benefit.

Other Administrative Updates. The Handbook is primarily a product of ICRMP, the City's insurer, and adhering to its boilerplate rules and procedures is a sound legal practice. Therefore, aside from the HR policy proposals discussed above, the Handbook's rules and procedures remain largely unchanged.

ATTACHMENTS

- 2023 Employee Handbook (clean)
- 2018 Employee Handbook (with redlines)
- 2022 AIC Salary Survey Presentation

FISCAL IMPACT

Implementing the proposed updates to the Handbook will have no fiscal impact on FY 23. In future budgets, the budgetary impact of these HR policies will be \$350.00 per full-time employee. Accordingly, the projected impact of these policies on FY 24 is roughly \$5000.

STAFF IMPACT

See Background discussion

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LEGAL REVIEW

The City Attorney has reviewed and approved the updated Employee Handbook presented by Staff.

RECOMMENDED MOTION

I move to pass Resolution R560 adopting updates to the City of Victor's Employee Handbook and direct Staff to implement and effectuate the policies and procedures contained therein commencing at the beginning of the City's next pay period.

[general vote]

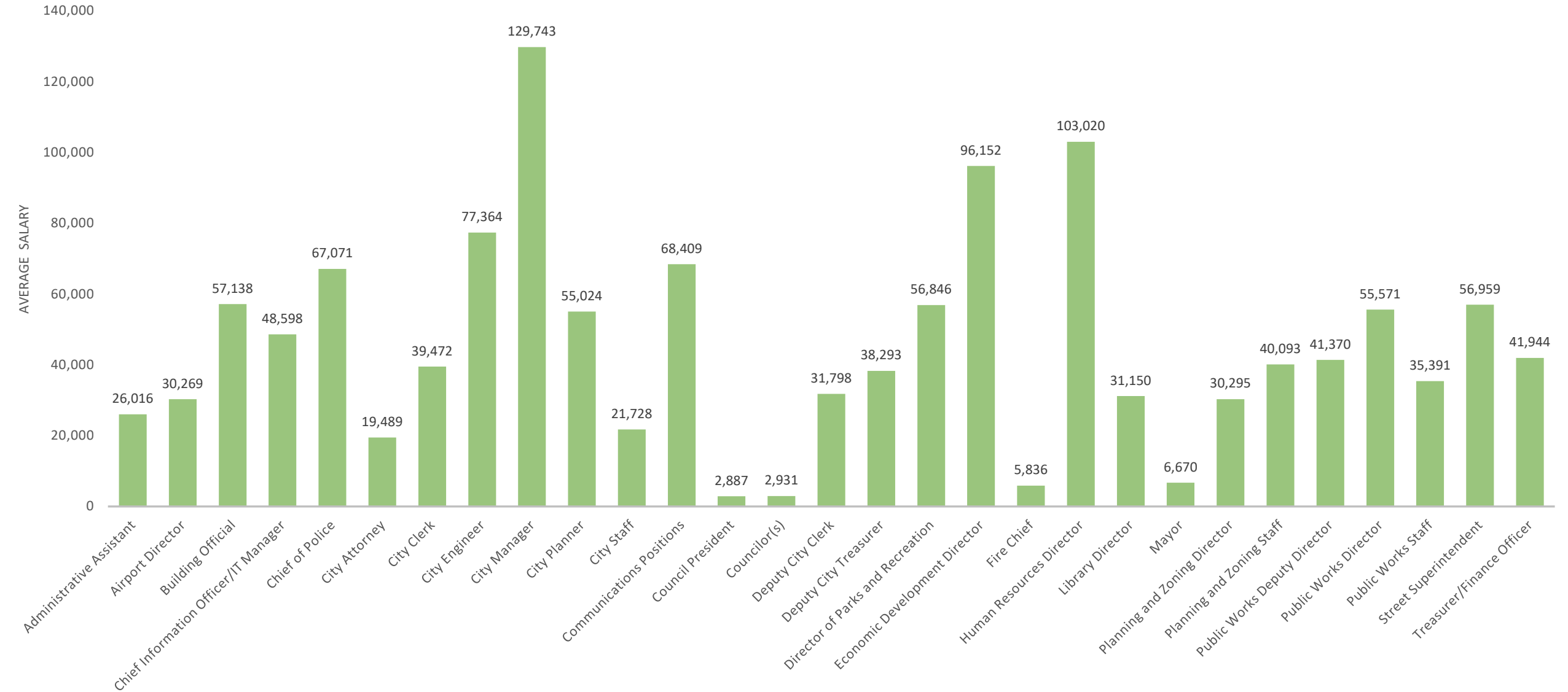
Abstract

2022 AIC Salary Survey Presentation

- All data is taken from the 2022 AIC Salary Survey conducted among all of Idaho's cities. This data was collected from 80 different cities in Idaho from varying populations. Although not every city was able to take the survey, having this large sample size (more than 30) ensures that the sample size is large enough to make inferences about the cities that did not take the survey.
- Some positions, mostly apparent in cities with a population of ≤ 5000 , include different jobs combined or held by the same individual, so outlier salaries may attribute to that fact. (i.e., The city clerk and treasurer of Menan, Idaho are held by the same individual, so their salary reflects that). This doesn't skew results as it wasn't super common.
- Salary averages represent full time and part time positions. Again, this is most common in cities with ≤ 5000 people. Therefore, salaries for the same position may seem drastically different depending upon population differences (which inherently effect financial resources to pay equitable salaries).

Average Salaries of Idaho's Municipal Positions in Cities With a Population Of <=5000

2022 AIC Salary Survey



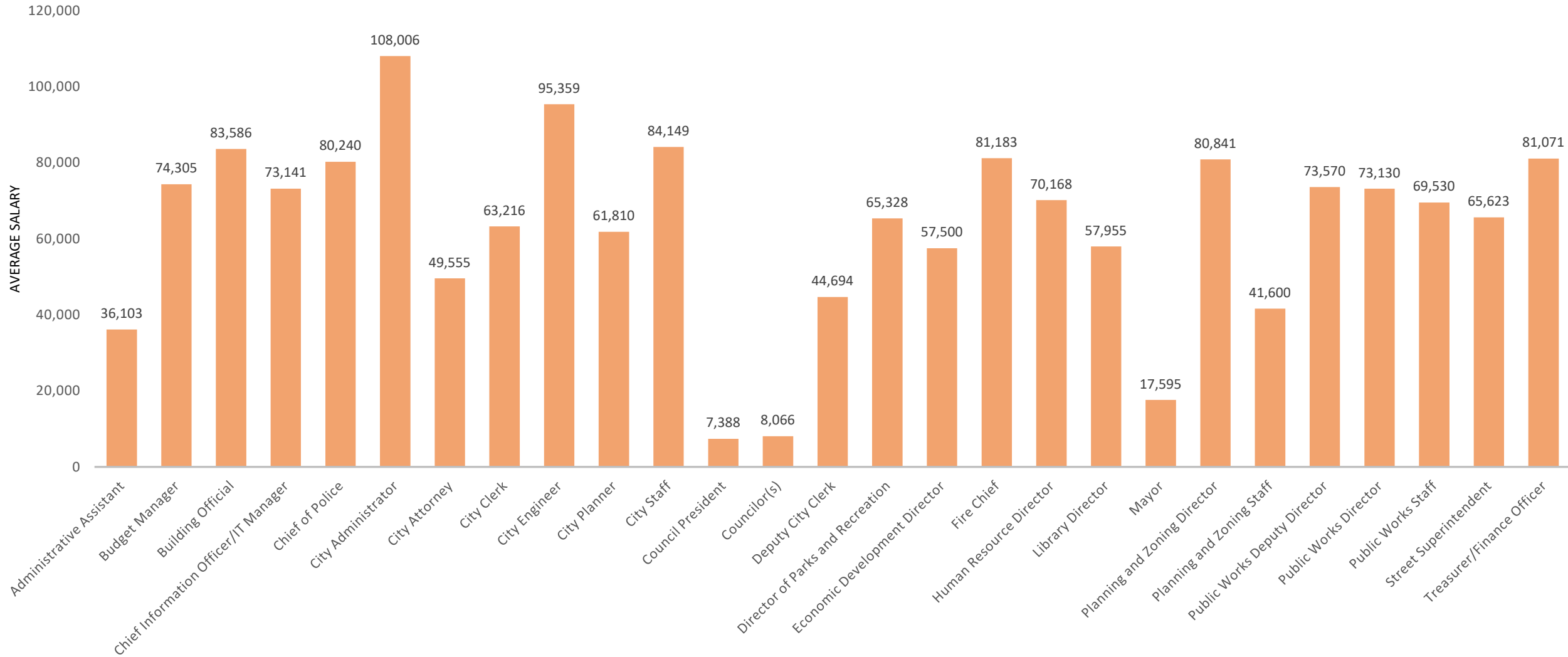
*AVERAGE SALARIES INCLUDE BOTH FULL TIME AND PART TIME EMPLOYMENT

*IF A POSITION IS NOT SHOWN, THERE IS NO AVAILABLE SALARY INFORMATION

*MANY CITIES OF THIS SIZE EMPLOY A LARGE MAJORITY OF POSITIONS ONLY PART TIME

Average Salaries of Idaho's Municipal Positions in Cities With a Population Of 5001-24,999

2022 AIC Salary Survey

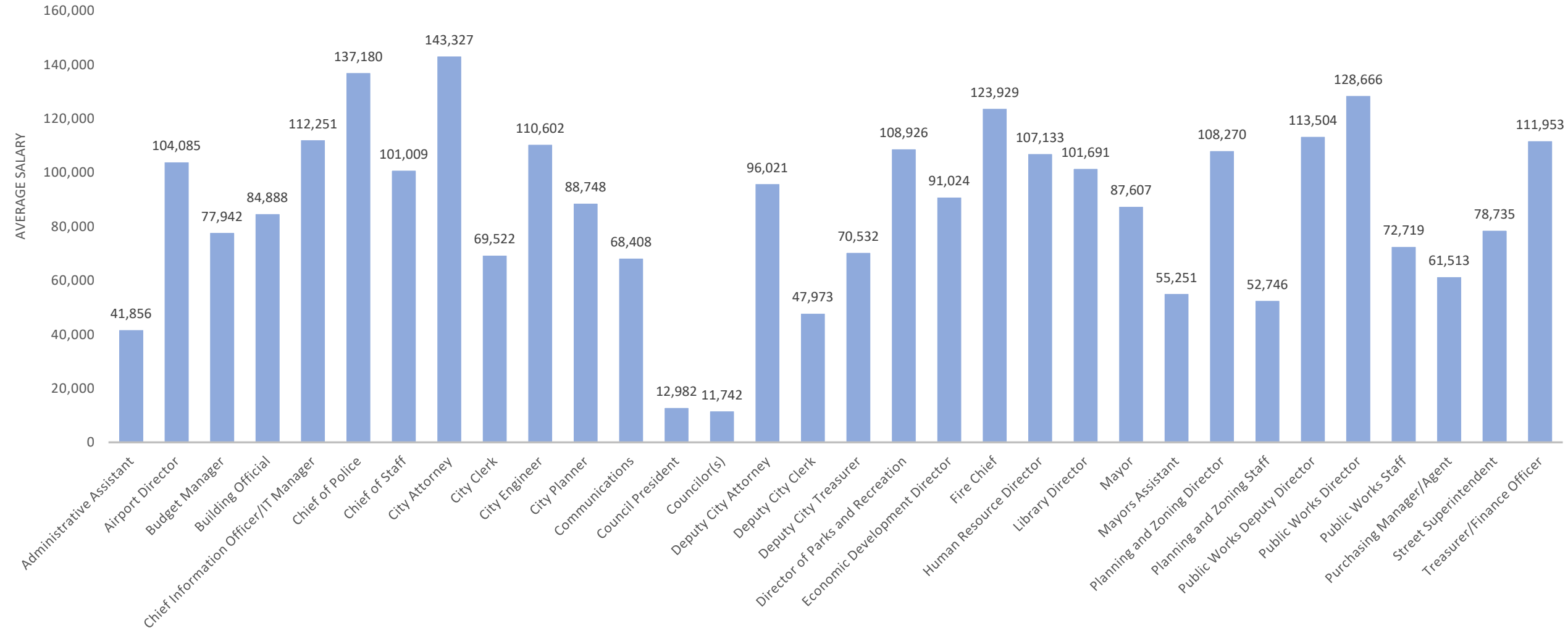


*AVERAGE SALARIES INCLUDE BOTH FULL TIME AND PART TIME EMPLOYMENT

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Average Salaries of Idaho's Municipal Positions in Cities With a Population Of >=50,000

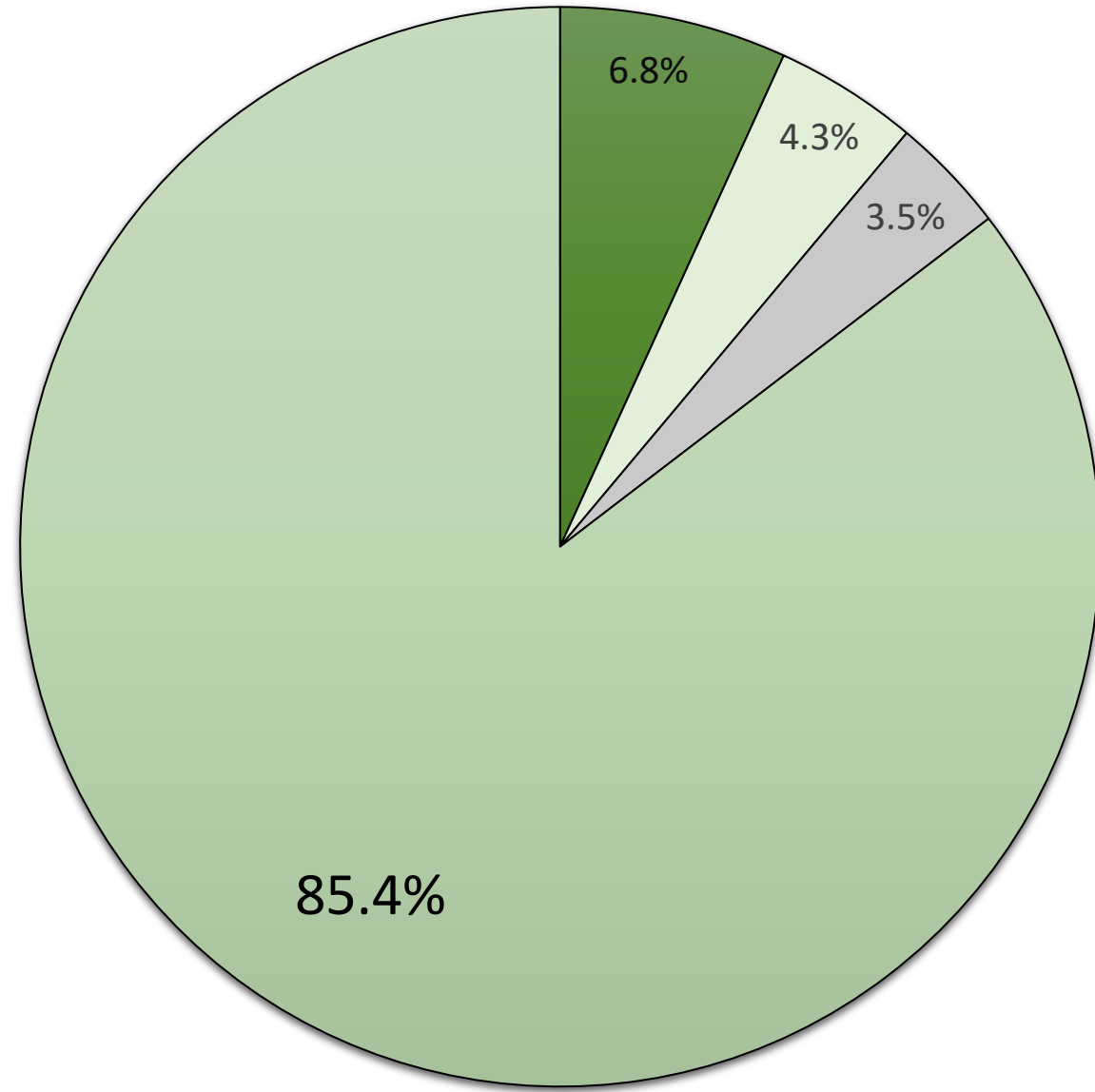
2022 AIC Salary Survey



*AVERAGE SALARIES INCLUDE BOTH FULL TIME AND PART TIME EMPLOYMENT
*IF A POSITION IS NOT SHOWN, THERE IS NO AVAILABLE SALARY INFORMATION

Benefits Demographics in Cities With a Population Of <=5000

2022 AIC Salary Survey



*IF A PARTICULAR BENEFIT IS NOT SHOWN,
THERE IS NO AVAILABLE DATA FOR IT

*PERCENTAGES REPRESENT PROPORTION OF
ALL POSITIONS RECEIVING THAT PARTICULAR
BENEFIT IN THIS POPULATION CATEGORY

■ Full Benefits

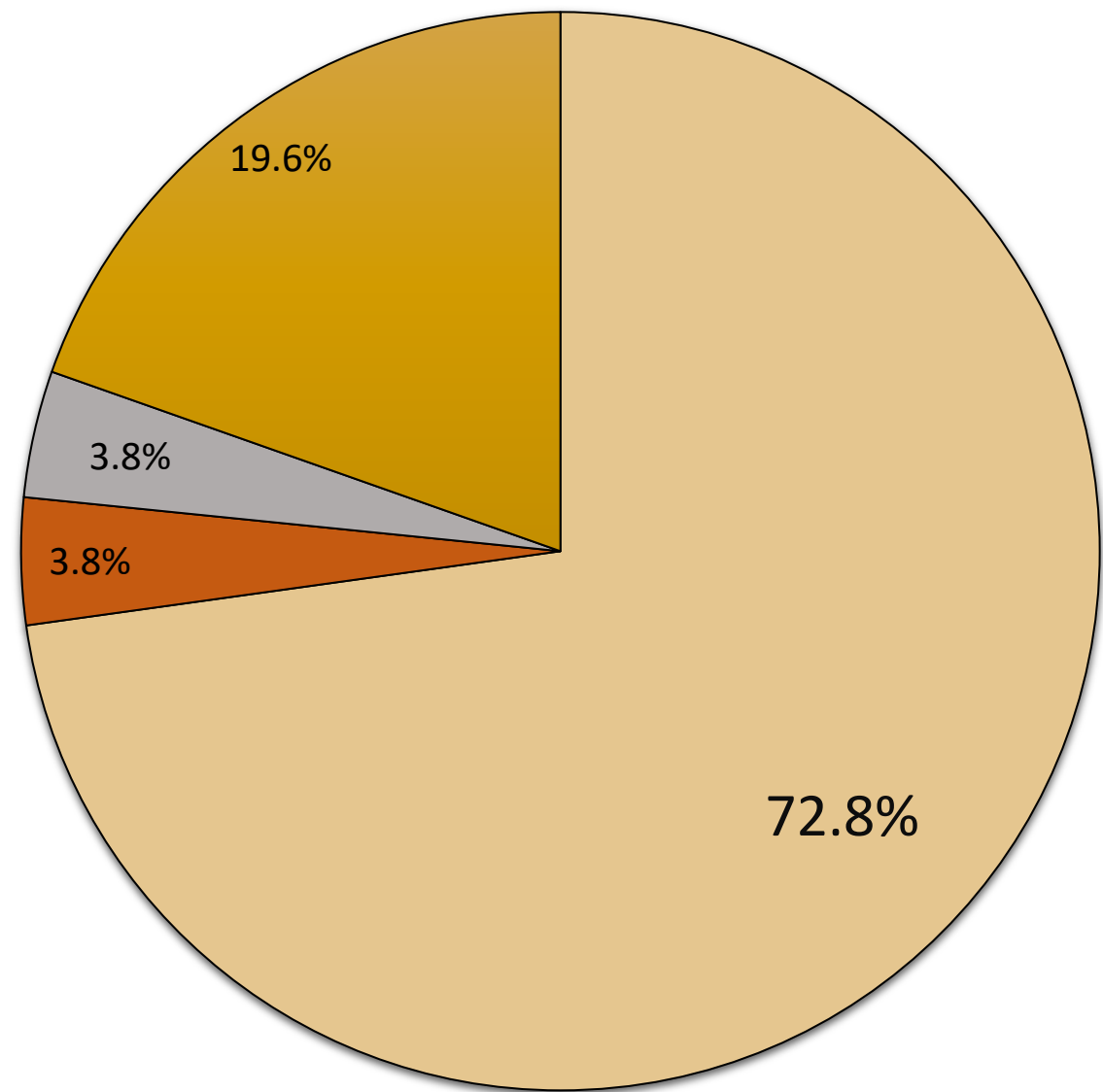
□ Retirement Only

■ Some benefits + retirement

■ None of these

Benefits Demographics in Cities With a Population Of 5,001 - 24,999

2022 AIC Salary Survey

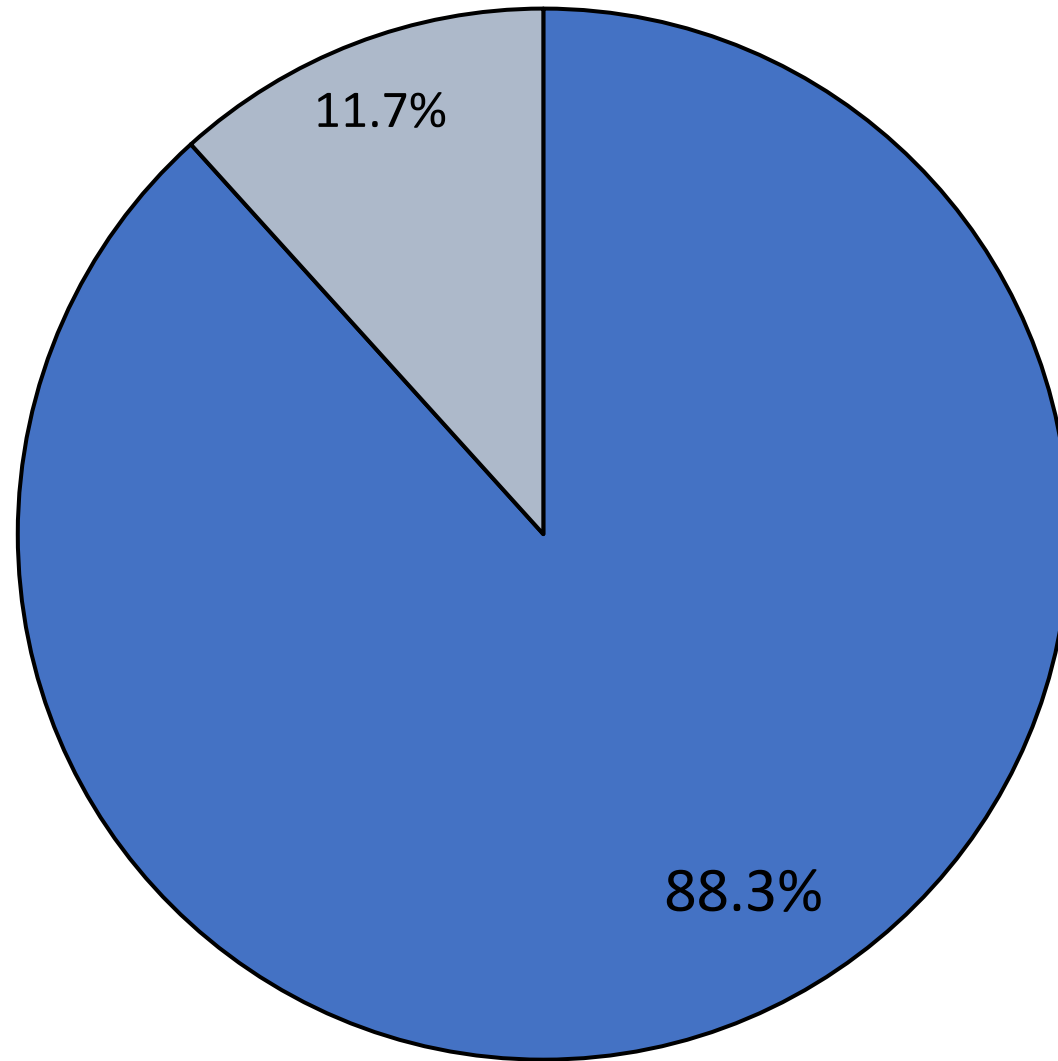


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Benefits Demographics in Cities With a Population Of >=50,000

2022 AIC Salary Survey



■ Full Benefits

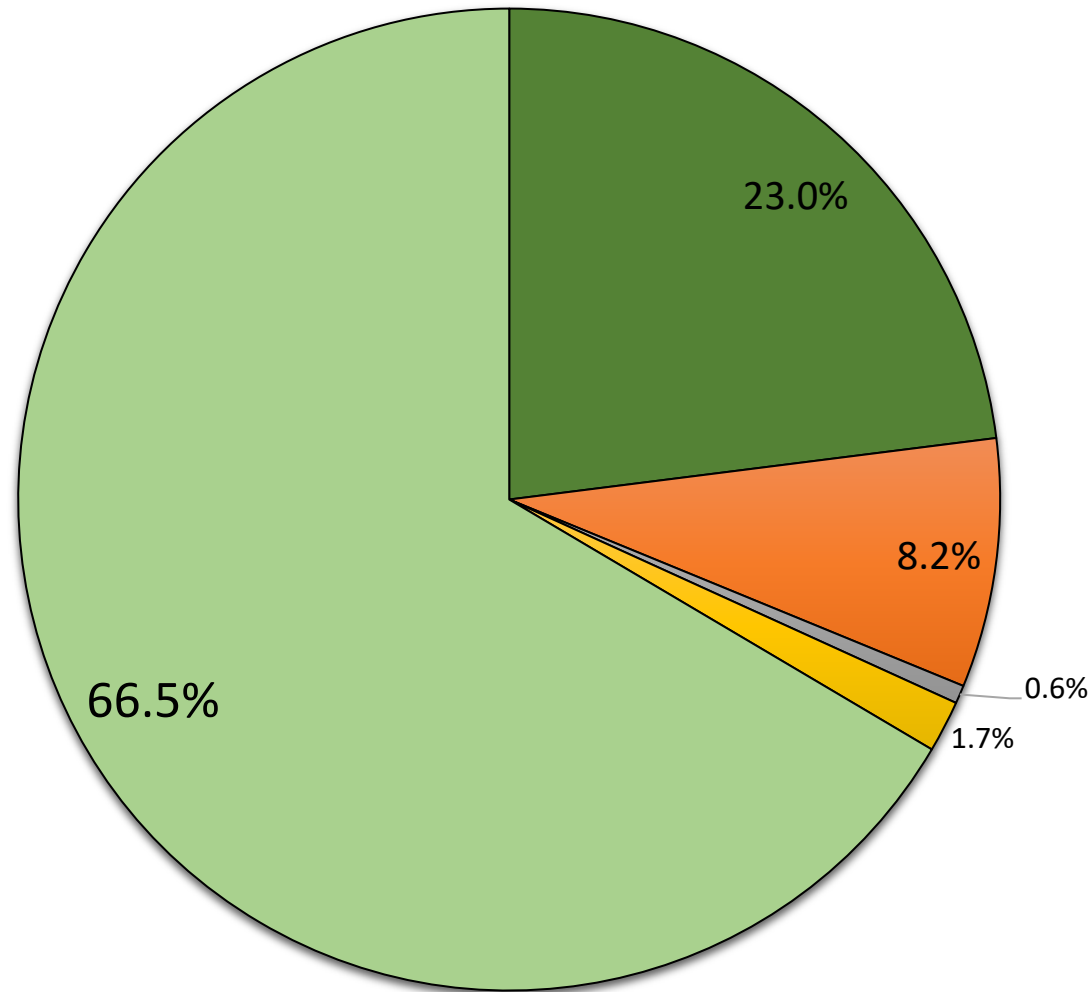
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Additional Benefits Demographics in Cities With a Population Of <=5000 people

2022 AIC Salary Survey



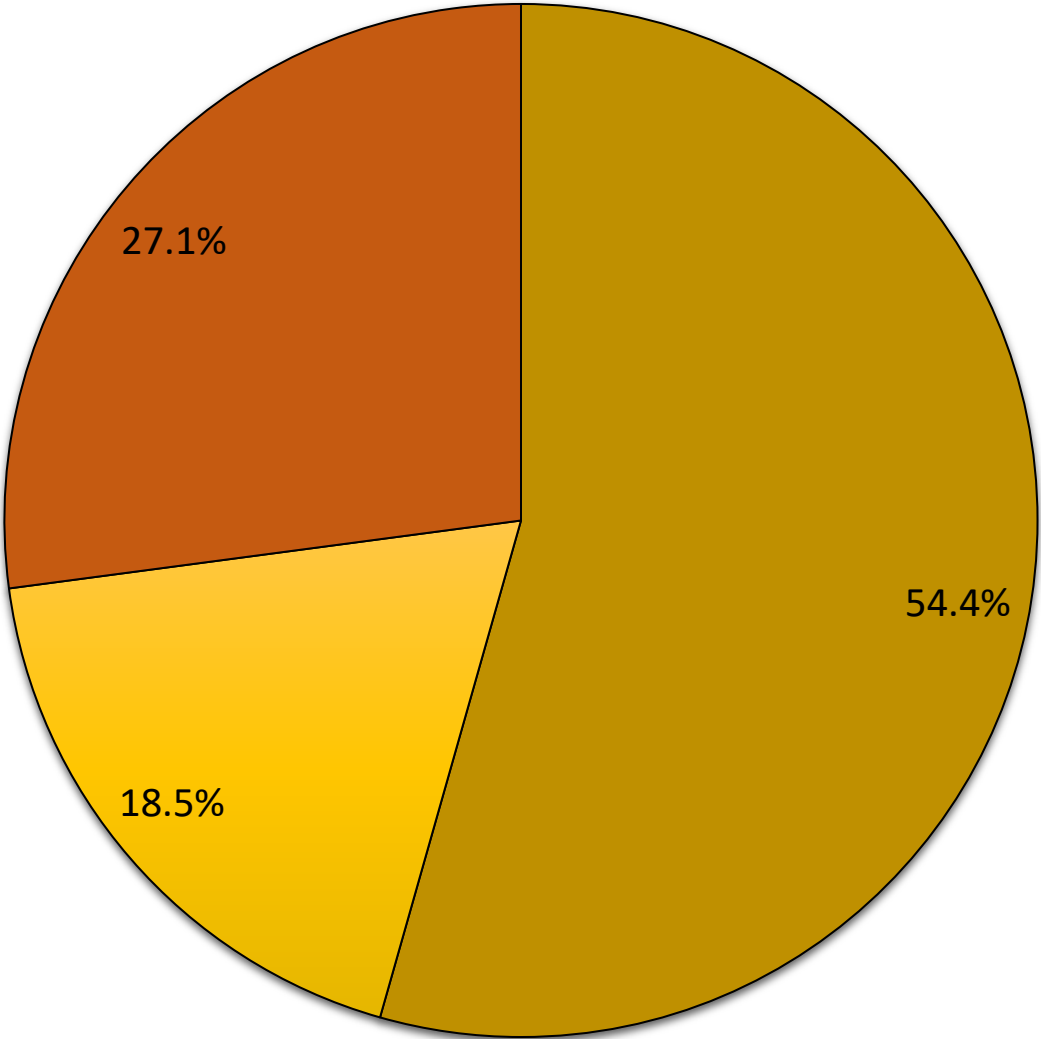
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BENEFIT IN THIS POPULATION CATEGORY

■ Paid Vacation/Holidays/Sick Leave Days ■ Paid Vacation/Holidays + Remote Work/Flexible Hours ■ Childcare Assistance ■ Remote Work/Flexible Hours Only ■ None of these

Additional Benefits Demographics in Cities With a Population Of 5,001 - 24,999

2022 AIC Salary Survey

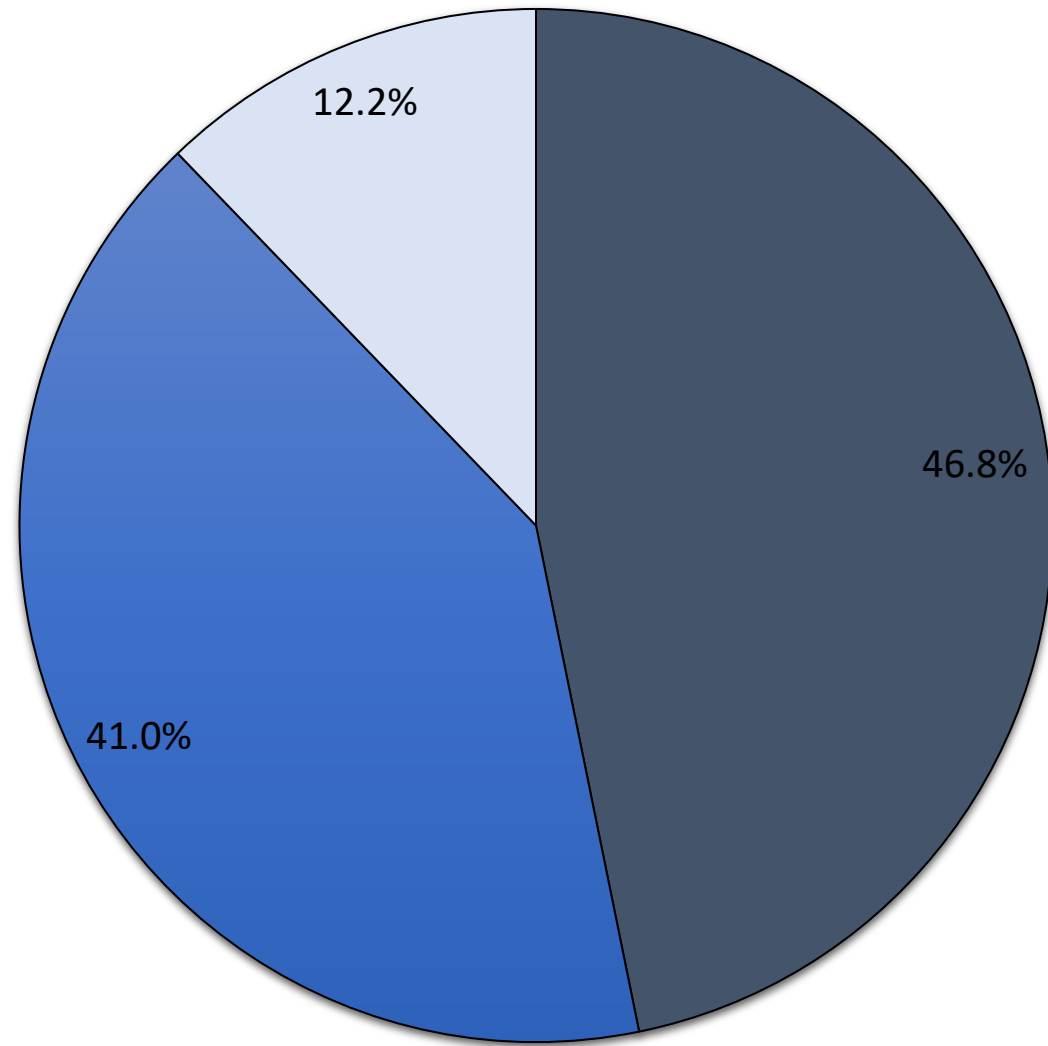


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ALL POSITIONS RECEIVING THAT PARTICULAR
BENEFIT IN THIS POPULATION CATEGORY

■ Paid Vacation/Holidays/Sick Leave

■ Paid Vacation/Holidays + Remote/Flexible Work

□ None of these

RESOLUTION R560

A RESOLUTION OF THE CITY OF VICTOR AMENDING AND REENACTING THE CITY OF VICTOR PERSONNEL POLICY, COMMONLY KNOWN AS THE "EMPLOYEE HANDBOOK," AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council desires that city government be transparent and accountable to the public; and

WHEREAS, the City desires to provide a set of guidelines intended to create and maintain understanding and cooperation among the employees of the City and to set forth results and procedures to enhance the services of the City to its citizens, and,

WHEREAS, the City of Victor Personnel Policy was last adopted in 2018 and needs to be updated, and,

WHEREAS, the Mayor and Council agree that it is in the best interest of the City and its employees to amend and reenact the written personnel policy to continue the establishment of a safe, efficient and cooperative working environment, to define the responsibilities and level of performance expected of all City employees, and to explain benefits provided to City employees.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF VICTOR DOES HEREBY RESOLVE AS FOLLOWS:

Section 1: The Employee Handbook is hereby approved and adopted by reference as the "City of Victor Personnel Policy," dated March 8, 2023, which is attached hereto as Exhibit "A."

Section 2: This resolution supersedes and repeals all prior resolutions of the City Council of the City of Victor, which amend, approve, or adopt the City of Victor Personnel Policy.

Section 2: This Resolution shall take effect and be in force immediately upon its passage and approval.

Passed and approved this 8th day of March 2023.

CITY OF VICTOR

Will Frohlich
MAYOR

ATTEST:

Michelle Smith
CITY CLERK



City of Victor Personnel Policy

Approved by the City Council

March 8, 2023

WELCOME

It is our privilege to welcome you to the City of Victor. This Personnel Policy was developed to describe the expectations we have for all our employees as well as what employees can expect from us. We wish you success in your work with the City of Victor.

City Council

City of Victor

DRAFT

CITY OF VICTOR PERSONNEL POLICY

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.

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I. GENERAL POLICIES

A. YOUR EMPLOYMENT RELATIONSHIP WITH THE CITY

This Policy is designed to introduce you to the City, familiarize you with various policies, practices, and procedures currently in effect at the City, and help answer many of the questions that may arise in connection with your employment.

This Policy is not a contract of employment and does not create a contract of employment. This Policy does not create a contract, express or implied, guaranteeing you any specific term of employment, nor does it obligate you to continue your employment for a specific period of time. Its purpose is simply to provide you with a convenient explanation of present policies and practices of the City.

All employees of the City are at-will and are employed at the discretion of the Council. Only a signed written contract authorized by the City Council can alter the at-will nature of employment regardless of anything written or spoken by the Mayor or supervisor. Employees have no right to continued employment or employment benefits, except as may be agreed to in writing and expressly approved by the City Council. 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.

The City reserves the right to modify any of the policies, benefit offerings, and procedures, including those covered in this Policy, at any time, without prior notice to, and consent of, city employees. Changes may be made in the sole discretion of the City Council.

B. THE ORGANIZATION IN WHICH YOU WORK

1. The City 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 of the City, carrying out local legislative duties and fulfilling other obligations as provided by law. The City Council is the general policymaker for the City and has primary authority to establish terms and conditions of employment with the City. The Mayor may appoint personnel to help carry out administrative responsibilities. As with all elected public officials, the Mayor and City Council are ultimately responsible to the voters of the City.
2. Each employee should recognize that although he/she may serve as an employee supervised by the Mayor, City Administrator, or department head, he/she remains an employee of the City, and 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 that 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 that would establish a current or future financial obligation for the City. You may, however, work for an office/department with an operational policy that provides additional direction to employees on expectations and procedures unique to that office/department.

C. EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

All selection of employees and all employment decisions, including classification, transfer, discipline, and discharge, will be made without regard to race, religion, sex, age, national origin, non-job-related disability, or sexual orientation and/or gender identity/expression. 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, City Administrator or department head or supervisor, or in the case of objection to actions undertaken by that person, to legal counsel for the City.

D. VETERAN'S PREFERENCE AND RIGHTS

1. The City will accord a preference to U.S. Armed Services veterans, or certain of his/her family members, in accordance with provisions of Idaho Code, Title 65, Chapter 5. In the event of equal qualifications for an available position, a veteran or family member who qualifies for the preference will be employed.
2. Any qualified veteran who has been restored to his/her position in accordance with Idaho Code § 65-508 will 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 will be entitled to an opportunity to be heard prior to termination. Such returning veteran will also be considered as having been on an unpaid leave of absence during his/her period of military duty. He/she will be restored to his/her position without loss of seniority, status or pay.

E. NEPOTISM/HIRING OF RELATIVES

1. No person will be employed by the City when the employment would result in a violation of provisions found in Idaho Code, including but not limited to I.C. § 74-401 et seq., I.C. §18-1359 and their successors. Any such employment made in violation of these sections may be void. 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 him/her 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.

2. No person will be employed by the City when the employment would result in a violation of provisions found in Idaho Code, including but not limited to I.C. § 74-401 et seq., I.C. §18-1359 and their successors. Any such employment made in violation of these sections may be void. 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 him/her 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.
3. An employee who's 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).
4. The City will not hire on a full-time basis a relative within the first degree of a full-time regular employee. This policy does not apply to employment beginning March 8, 2017, or to part-time regular or temporary employees.

F. PREFERENCE FOR HIRING FROM WITHIN

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 preference process is used, it should be completed prior to seeking outside applicants for the position.

II. EMPLOYMENT START-UP

A. EMPLOYMENT FORMS TO BE COMPLETED

The following forms must be completed before the employee begins work for the City

1. Employment application form, resume, and/or letter of interest. This form is not required from previously employed staff as approved by the Mayor or City Administrator.
2. Insurance forms (if coverage is available to and selected by the employee).
3. Immigration form (I-9) and employee deduction form (W2)
4. Any other benefit forms necessary for employee information.

B. EMPLOYEE PERSONNEL FILES

1. Personnel Records

The official employee records for the City will be kept in the Human Resource Office. The personnel files 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 himself/herself 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 a 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 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 the 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 an employee's personnel file are available to that employee without charge, subject to exceptions provided by statutes.

3. Management of Information in Personnel Files

Each employee will be provided an opportunity to contest the contents of his/her personnel file 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 employee's personnel file.

III. RULES OF EMPLOYEE CONDUCT

Violation of any of the rules set forth below will be grounds for disciplinary action including possible dismissal from employment. However, this list is illustrative and not all inclusive and other behaviors and acts of misconduct not specifically set out below may be grounds for disciplinary action as well. Nothing contained herein is intended to change the at-will nature of the employee's employment with the City or limit the reasons for which the employee may be disciplined, including termination of the employment. The most important of these rules are those addressing attitude and cooperative behavior.

A. PERSONAL CONDUCT

Each employee is expected to conduct himself/herself in a manner that is helpful and productive, that aligns with staff's working agreements/code of conduct, and that does not reflect adversely upon the City. Public employees are subject to additional public scrutiny in their public and personal lives because the public's business requires the utmost integrity and care. Each employee is expected to scrupulously avoid personal behaviors that would bring unfavorable public impressions upon the City and its officials. In order to accomplish this, each employee must:

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. Be prompt and regular in attendance at work for defined work schedules or other required employer functions, and follow procedures for exceptions to the normal schedules, including the scheduling and taking of vacation and sick leave.
3. Comply with dress standards established in the office/department for which the employee works. In the absence of any office/departmental dress standards, clothing will be appropriate for the functions performed and will present a suitable appearance to the public.
4. Not engage in criminal conduct of any kind while on or off duty. City employees are expected to behave in a lawful manner and failure to do so is a violation of the trust placed in such employees by the public and the appointing official.
5. Not engage in conduct away from work that, although not criminal, may reflect adversely upon the City or its officials or otherwise impair the employee's ability to perform.
6. Avoid conflicts of interests in appointments and working relationships with other employees, contractors and potential contractors in the City and related agencies.
7. 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 a value of \$50), I.C. §74-401 et seq. (Ethics in Government Act), I.C. §74-501 (Prohibitions Against Contracts) and I.C. §18-1359 (Using Public Position for Personal Gain).
8. Not accept gifts or gratuities in any personal or professional capacity that 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.
9. Not engage in workplace or public conduct otherwise detrimental to the accomplishment of the goals established by the Mayor, City Council, or the office/department for whom he/she works.

10. Give his/her best efforts to accomplish the work of the City for public benefit in accordance with policies and procedures adopted by the Mayor and City Council and elected officials and displaying an attitude of cooperation and constructive participation.
11. Be subject to the administrative authority of the officials who supervise the office/department where the employee works.
12. Abide by all office/departmental rules whether written or oral. No employee will be required to follow the directive of a supervisor that violates laws of any local jurisdiction, the state, or nation.
13. 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.
14. Not sleep or be absent from the employee's workstation when on duty. Employees must be always attentive to their work.
15. Not engage in malicious gossip, spread rumors, engage in behavior designed to create discord and lack of harmony, willfully interfere with another employee's work output or encourage others to do the same.
16. Not unlawfully harass a fellow worker employee or member of the public, as outlined in the City's Workplace Discrimination, Harassment and Retaliation Policy.
17. Not discriminate in the treatment of fellow employees or members of the public on the basis of race, religion, gender, age, disability or national origin.
18. Not engage in abusive conduct to fellow employees or the public or use abusive language in the presence of fellow employees or the public. Abusive language will include profanity and loud, threatening or harassing speech.
19. 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.
20. Not use any substances, lawful or unlawful, that will impair the employee's ability to competently perform his/her work or threaten the safety and well-being of other workers or the public. Should the employee be prescribed a lawful substance that may impair the employee's ability to safely do his/her job, the employee is required to provide a physician's note explaining the possible effects of the medication on the employee's ability to do his/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 leave while taking the medication.

21. Follow the rules regarding the reporting of work hours and comply with the City's procedures for approval of time-keeping records.
22. Follow rules and schedules for breaks and lunch periods.
23. Report all accidents that occur or are observed on the job, or are on or involve City property, and cooperate as requested in the reconstruction of any such accident.
24. Follow all workplace safety rules whether established formally by the office/department or by outside agencies. Employees are encouraged to suggest ways to make the workplace or work procedures safer.
25. Maintain a current appropriate driver's license when work for the City requires the employee to drive a vehicle as part of his/her responsibilities. Each such employee must report any state-imposed driving restrictions to his/her immediate supervisor and notify his/her supervisor if his/her driving abilities are impaired.
26. Not serve on any board or commission that regulates or otherwise affects the official duties or personal interests of the employee in a way that could create disadvantage for other members of the public or advantage for the employee.
27. Not have non-City employment that conflicts with duties performed for the City in any meaningful way. Individual offices/departments may determine permissible examples of outside employment.
28. Not release any public record, including personnel records, without the express authority of the public official responsible for custody of the record, after consulting with legal counsel for the City or without an order from a court or public agency of competent jurisdiction.
29. Maintain the confidential nature of records that are not open to public scrutiny in accordance with the direction of the responsible official.
30. Not use work time for personal business, including the selling of goods or services to the general public.
31. Adhere to any code of ethics in his/her profession.
32. Not engage in political activities while on duty. This rule will not apply to elected officials.
33. Not provide false or misleading information on employment applications, job performance reports, or any other related personnel documents or papers.
34. Not 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).
35. Not use phones or computers in the workplace in a manner that violates policy or that disrupts workplace activities.

36. Not abuse employee benefit offerings by taking, unearned vacation, participating in a scheme designed to create incorrect personnel records or to claim benefits that are not deserved in accordance with City policy.
37. Not violate rules concerning absence from the workplace. If adjustments need to be made, the employee will seek proper authorization.
38. Not engage in prolonged visits with co-workers, children, friends, or family members that interfere with work in the office/department in which the employee serves.
39. Not use work time or public premises to promote religious beliefs to members of the public or fellow employees.

These rules are not meant to be fully inclusive or comprehensive. All listed and any other rules may be enacted by department heads, supervisors, or council on a needed basis.

B. RELATIONSHIP POLICY

Personal relationships are a vital part of most people's lives. When personal relationships intersect with employment, an employer may become entangled with the consequences of the choices that employees make. The City has no desire to become involved in such matters. Accordingly, these rules serve as a basic guide to family and romantic relationships in the City's workplace:

1. No person related to the Mayor or a City Council member by blood or marriage within the second degree may be hired as a paid employee of the City.
2. No employee of the City will hire, supervise, or otherwise exercise discretion concerning a paid employee who is related to the supervisor by blood or marriage within the second degree.
3. 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. Employees involved in such relationship bear a responsibility to the City to cooperate in any effort to avoid the potential conflicts that can arise from such personal relationships in the workplace. Such relationship may result in a change of employment duties or transfer of employee position.

C. CANDIDACY FOR ELECTED OFFICE

1. While the City 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 interest in promoting the efficiency of the public services it performs through its employees.

2. If an employee initiates candidacy against an 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.
3. A reasonable prediction of disruption is based upon any of the following factors:
 - a. The size of the office in which the employee works—the smaller the office, the greater the likelihood of disruption.
 - b. Whether the employee candidate holds a position of trust and confidence to the incumbent—the closer the ties, the greater the likelihood of disruption.
 - c. 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 likelihood of disruption would be greater; or
 - d. 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 likelihood of disruption.
 - e. Not all of the above factors must be met in order to seek resignation or termination of the employee.
4. If the official determines that there exists a reasonable prediction of disruption should the employee remain employed with the City 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. The 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 procedures that allow an opportunity to be heard, as set out in this policy, will apply.

IV. EMPLOYEE CLASSIFICATION, COMPENSATION, AND BENEFITS

For varied reasons, employee status must be organized by classes 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 is ultimately responsible to assure that his/her service is properly addressed.

A. CLASSIFYING EMPLOYEES FOR POLICY PURPOSES

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

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

2. Employee Classification for Benefit Purposes

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

a. Elected Official

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

a. Full-Time Regular Employees

Employees whose employment is sustained and continuing and whose typical work week consists of at least 30 hours are considered full-time regular employees. Full-time regular employees are eligible for employee benefits provided by the City.

b. Part-Time Regular Employees

Employees whose employment is sustained and continuing and whose typical work week consists of less than 30 hours on a regular basis are considered part-time regular employees. Part-time regular employees may receive reduced employee benefits as authorized by the City Council and as required by federal and state law. The scope of benefits received may vary proportionately with the number of hours typically worked for a part-time regular employee. The number of hours worked may also affect the employee's obligation to participate in certain mandatory state benefit programs. Certain benefits may not be available because qualifying thresholds have not been reached.

c. Temporary Employees

Employees who work on an irregular, seasonal or temporary basis are temporary employees. Temporary employees receive no benefits provided to regular employees, except those required by law or those approved by official action of the City Council.

B. COMPENSATION POLICIES

1. Establishment of Employee Compensation

Employees are compensated in accordance with, and subject to, decisions of the City Council as annual budgets are set and are subject to increase, reduction, or *status quo* maintenance for any time period. The Mayor or department head may make suggestions about salary compensation and other pay system concerns, but the final decision regarding compensation policy rests with the City Council.

2. Compliance with State and Federal Pay Acts

The City will comply with all state and federal pay acts governing compensation of its employees.

3. Basis for Compensation

The City's compensation policy is intended to attract, motivate, and retain qualified personnel necessary to effectively meet public service demands.

- a. Compensation Payment to Employees: To the degree that funds permit, employees shall be paid compensation that:
 - i. is commensurate with the skills and abilities required of the position;
 - ii. achieves equal pay for equal work;
 - iii. achieves market comparability and is reasonably competitive with the compensation paid by other public and/or private employers with whom the City most directly competes for personnel. The City will seek guidance from regional workforce studies, housing needs assessments, or any other regional economic surveys.
- b. Approved Pay Range: The City shall pay employees within the approved pay range established for each job classification. Wages and salaries shall not be less than the established range minimum or higher than the range maximum unless otherwise approved by the Mayor or Mayor's designee.
- c. Re-Evaluation Of Job Classifications: Job classifications are re-evaluated periodically to ensure that assigned pay levels (grades) reflect current market trends. Salary range widths may vary to reflect employees' normal growth and productivity potential within types or groups of job classifications.
- d. Defining Job Duties and Performance Expectations: The City Administrator determines an employee's job duties and specific performance expectations. As necessary and from time to time, job descriptions are approved, updated, and maintained by the Human Resources Department with input from department representatives.

Comparable Pay: When making pay decisions, including job offers for new hires, the Mayor, in consultation with the City Administrator or Finance Director, is responsible for ensuring that there is reasonable comparability of pay among all employees based upon similar responsibility and experience within their

respective workgroups. The City Administrator shall provide the Finance Director with appropriate justification, including analysis and confirmation of budgetary review, to support pay decisions.

- e. Right to Change Compensation and Benefits: The City may change general 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. Hours worked may be reduced or employees may be laid off as necessary to meet budgetary constraints or as work needs change.

4. Overtime/Compensatory Time Policy

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). Exempt employees perform work that qualifies for the professional, executive, or administrative exemption and do not qualify for overtime compensation. Employees should contact your office/department supervisor or the Human Resources Office for further clarification of the employee's FLSA status.

- a. Overtime for non-exempt, hourly employees will be allowed only when authorized by the appropriate supervisor or when absolutely necessary in an emergency. Non-exempt employees entitled to overtime compensation will either accrue compensatory time or overtime pay as established by policy adopted by the City Council. Compensatory time or overtime pay for work more than 40 hours per week, or in excess of the work period interval established for law enforcement officers or firefighters, will be computed at 1½ hours for each additional hour worked. The City Council has set a maximum accumulation of 150 hours of compensatory time. No more than 50 hours of compensatory time may be rolled over to the next fiscal year. Any compensatory time over that amount will be paid in the next pay period unless otherwise approved by the Mayor.
- b. Compensatory time may be used whenever required by a supervisor or when requested by an employee with the concurrence of a supervisor. Use of requested compensatory time will depend upon the ability of the office/department to tolerate a requested absence. If repeated requests to use compensatory time are denied by a supervisor, or reasonable opportunities to use such time are unavailing, an employee must be paid for such accrued time.

5. Reporting and Verifying Time Records

- a. Each hourly employee is responsible to timely and accurately record time that he/she has worked in accordance with the established procedures. Each report of non-exempt employees must be signed manually or electronically by both the supervisor and the employee and must contain a certification that it is a true and correct record of the employee's actual time worked and benefits used for the time period covered. Exempt employees may be required to document time worked or benefits used for accountability purposes.

- b. Any employee concerned about his/her compensation, rate of pay, payroll status, deductions, etc., must communicate such concerns to the payroll office or his supervisor as soon as any such concern becomes evident. Documentation of any such issue should be maintained in the employee's - personnel file.

6. Work Periods

- a. The workweek for all non-law enforcement, non-exempt employees who are subject to the FLSA begins at 12:00 a.m. on Sunday of each week and concludes at 11:59 p.m. of the succeeding Saturday.
- b. The work period for sworn law enforcement officers and firefighters may be up to the twenty-eight (28) day work period allowed by the FLSA, 29 U.S.C. § 207(k).

7. Payroll Procedures and Paydays

- a. Employees are paid bi-weekly (every other week) throughout the year. Paychecks or direct deposit receipts are sent on every other Thursday by 5:00 pm. Paychecks compensate employees for work performed in the pay period preceding the week in which the check is issued.
- b. Elected and appointed officials are paid quarterly following the end of the first pay period of the new quarter.
- c. Each employee must monitor the accuracy of compensation received. Information shown on the employee's paycheck stub is provided for information only. Actual practices regarding 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 computer-generated paycheck stub and official policy, as interpreted by the City Council, the policy will prevail. Employees are obligated to call to the City's attention any such errors, whether to the advantage or disadvantage of the employee.

8. Rest Periods and Paid Lunch

It is the policy of the City to comply with state and federal laws regarding meals and breaks.

All employees are permitted a 15-minute paid rest break for each four-hour work period. Alternatively, employees who work eight hours or more hours in a day may combine their two permitted 15-minute breaks in order to have a single 30-minute lunch.

Employees who voluntarily work through their rest breaks will not be paid additional compensation.

9. PTO and Peak Weeks

The City recognizes that employees often wish to schedule PTO time around Observed Holidays and school breaks. However, scheduling PTO time around school breaks and observed holidays, especially Christmas Eve, Christmas Day, and Thanksgiving, can conflict with the City's obligation to serve the public. A Peak Week means a week either immediately preceding, proceeding, or containing an Observed Holiday and/or a week corresponding with the local school's fall and spring break calendars.

Employees seeking to use PTO falling within the dates describe above must seek approval of the City Administrator. Toward this end, the City Administrator's decision to approve or deny PTO time shall balance the City's operational needs with the need to provide all staff fair opportunity to enjoy PTO during holidays and school breaks. While the City Administrator shall endeavor to honor requests for PTO during the peak times, a request for PTO may be denied when it conflicts with the City's obligation to provide services to the public or when fairness to the needs of other staff dictates. To ensure PTO requests are processed timely, fairly and with sufficient staff input, the City Administrator shall, from time to time, meet with Department Heads to coordinate PTO requests during Peak Weeks. Nonetheless, as a general rule, employees should not expect to always take PTO during the entire week prior to Christmas or to always use PTO during the week of their child's or spouse's spring break.

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

An unpaid leave of absence will be granted to an employee to participate in ordered and authorized field training in accordance with Idaho Code §§ 46-407 and 409, and the Uniformed Services Employment and Reemployment Rights Act (USERRA).

12. Payroll Deductions

No payroll deductions will be made from an employee's paycheck unless authorized in writing by the employee or as required by law (Idaho Code § 45-609).

13. Travel Expense Reimbursement

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

14. On-the-Job Injuries

- a. Employees are covered by worker's compensation insurance for on-the-job injuries. All on-the-job injuries must be reported to the employee's supervisor as soon as practicable so that a worker's compensation claim can be filed. Return to employment will be authorized on a case-by-case basis in consultation with the supervising official and the State Insurance Fund and may require a fitness for duty medical review. Concerns associated with injured worker status may be brought before the appropriate Elected Official for review.
- b. The City will handle worker's compensation claims for sworn law enforcement officers

pursuant to Idaho Code, Title 72, Chapter 11.

C. EMPLOYEE BENEFITS

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

1. Paid Time Off (PTO) Policy

PTO is alternative to categorized vacation and sick leave accruals. It provides an employee with more flexibility to use his/her time off to meet personal needs, while recognizing an employee's individual responsibility to manage such absences. PTO accrues as the employee works. Employees will not accrue PTO while on a unpaid leave of absence or under suspension of any kind.

a. Accrual Schedule For Full-Time Employees

Each full-time regular employee will accrue PTO hours according to the schedule below at the beginning of each month worked at full-time status. Part-time regular employees will accrue PTO proportionately with the number of hours typically worked. The maximum annual accrued carryover is the limit of unused PTO that can be carried over from one fiscal year to the next. Once an employee reaches the maximum accrued PTO hours, no additional PTO will accrue until the employee's accrued hours are reduced below the maximum.

Length of Employment	Accrual Rate Per Month	Maximum Time Accrued/Maximum Annual Carryover
Less than 3 Years	14 hours	168
3 through 9 Years	16 hours	192
10 or More Years and all exempt employees	16 hours	192

b. Termination

Employees will be paid for all accrued PTO but no more than the maximum time accrued or annual carryover, subject to authorized deductions, when they leave employment with the City.

c. Minimum Increments of PTO

Employees may request and use PTO in one half (1/2) hour increments.

Exempt employees are required to take PTO if they are absent for more than 30 minutes during their scheduled workday, regardless of their hours worked during the week.

d. Notice and Scheduling

PTO is to be scheduled with consent of the responsible supervisor. Efforts will be made to accommodate the preference of the employee in scheduling PTO for vacations, but first priority will be the orderly functioning of affected office/departments. There may be occasions, such as sudden illness, 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.

e. Transition Provisions

- (i) Most employees will start the new PTO system with an account balance consisting of accrued vacation and sick leave. Employees will not lose any days if they come into the plan with a balance greater than the allowed PTO cap.
- (ii) Employees who have accrued hours over the maximum will not accrue additional PTO time until their accrued hours fall below the maximum accrual.

f. Donating PTO

PTO may be donated to another employee. When the City Administrator receives notification that an employee needs gifted PTO and is willing to accept gifted PTO, a notice will be provided to each department notifying employees that are interested in donating leave to contact the City Administrator who will then approve and assist in processing the request through the Treasurer. PTO may be donated in one-hour increments. Donors may not transfer more hours than they have accrued. Once donated, hours may not be transferred back unless the Donor makes a request to be gifted PTO, subject to approval by the City Administrator. The Treasurer will track approved and donated PTO.

2. Work Schedule

- a. Exempt employees will choose a work schedule from two available Monday-Thursday shifts (8AM-5PM or 9AM-6PM). Employees are required to be present for the full shift and use PTO if absent for more than thirty minutes during scheduled shift. If employee is absent, it is their responsibility to ensure that the shift is covered by another employee. Through this schedule, employees will enjoy a 36-hour work week and three-day weekend.
- b. Hourly employees generally work a regular 10 hour shift and also enjoy a three-day weekend. However, Public Works employees schedule may be adjusted to meet seasonal demands.
- c. Hourly employees may, from time to time and as needed to accomplish time sensitive tasks, request to work on a Friday, if approved by their supervisor. Hourly employees are awarded a 2-hour wellness break per week, in which they do not have to take PTO. Wellness hours can only be used in one-hour increments for any legal activity that increases the wellbeing of employee. Wellness hours cannot carry over and are a "use it or lose it" benefit. Wellness hours are treated as paid time off, and overtime will not accrue during or absent the use of wellness hours.

3. Annual Wellness Benefit

The City wants to help employees and their family maintain a healthy lifestyle. To support in this effort, the city will reimburse employee up to \$350 per year for eligible services and activities that directly relate to wellbeing. Only full-time employees are eligible for this benefit.

To be reimbursed, employee must be employed by City when the eligible expenses are incurred and when expenses are requested for reimbursement. Expenses incurred by the employee's spouse, domestic partner, or children are also eligible. Best judgment should be used in determining what to submit through the wellness reimbursement program. Employees may ask themselves:

- Is this item or service directly benefiting my or my family's wellbeing?
- Does this item assist me in relaxing, getting my heart rate up, being active, or learning a new activity directly related to my or my family's wellbeing?

If an employee is unsure whether an expense qualifies for reimbursement, they should consult HR before incurring expense.

To receive reimbursement, employee must submit a receipt of purchase to Treasurer to receive a reimbursement for the amount, up to \$350 (per fiscal year) on their next paycheck. This amount does carryover if unused in the fiscal year, and is a use it or lose it benefit.

Please note the reimbursement is considered taxable income unless not required by local tax rules.

4. Holidays

Eleven official holidays are provided for full-time regular employees. Full-time regular employees receive compensation for that day even though they do not work. Holidays which fall on Sunday will be observed on the succeeding Monday. The holiday schedule may be changed at any time by the City Council.

Holiday Substitution: Full-time regular employees who work on holidays will be scheduled to receive a substitute holiday with pay within sixty (60) days of the date of the holiday they worked. If worked more than 2 hours on a holiday, a full 8 hours of substitute hours will be granted. Unscheduled emergency work on holidays will be compensated at a rate of one and one-half (1½) times the employee's regular rate of pay.

Recognized Holidays:

New Year's Day	Veteran's Day
Martin Luther King, Jr./Human Rights Day	Thanksgiving Day
Columbus Day Presidents' Day	Day after Thanksgiving
Memorial Day	Independence Day*
Christmas Day	Juneteenth
Labor Day	

* The City observes Independence Day and City Hall is closed accordingly. However, it hosts an annual Independence Day Celebration. As such, all employees are expected to work during the entire event (set

up, event programming, and clean up) on Independence Day with exceptions approved by the Mayor or City Administrator.

** If Christmas Eve falls on a weekday, City Hall will close at noon that day. If Christmas Eve falls on a Saturday or Sunday, City Hall will remain open during regularly scheduled hours.

5. Bereavement Leave

Up to three (3) days of paid leave of absence will be provided for a death in the immediate family (spouse, parents, grandparents, children, grandchildren, brothers and sisters, including in-laws). Employees have the right to use accrued vacation leave beyond the leave of absence allowed by this section.

6. Leaves of Absence

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

7. Family Medical Leave Act (FMLA)

a. Eligibility Requirements

To be eligible for FMLA benefits, prior to any leave request, the employee:

- (i) must have worked for the City for at least 12 months;
- (ii) must have worked at least 1,250 hours for the City during the previous 12 months; and
- (iii) the City must employ at least 50 employees within 75 miles of your place of work.

BECAUSE the City does not employ at least 50 employees, FMLA DOES NOT apply to City employees, City employees are not entitled to 12 weeks of job-protected, FMLA leave.

Even though FMLA does not apply to City employees, the City Council has authorized ten (10) weeks of job protected, unpaid maternity/paternity leave for its employees at the birth of their child. Accrued PTO, may be used during City maternity/paternity leave.

Neither vacation nor sick leave will accrue while on unpaid City maternity/paternity leave.

Female employees are eligible to apply for Short-Term Disability insurance payments during the time of pregnancy/after giving birth. See the HR Director for instructions.

Employees must maintain their percentage payment of applicable, monthly insurance premiums while on maternity/paternity leave or Short-Term Disability.

8. Benefits for Temporary Employees

All temporary employees will receive benefits as required by law, including Worker's Compensation insurance. All other benefits are to be determined in the discretion of the City Council.

9. Insurance Coverage Available to Employees

Insurance benefits are available to employees and family members in accordance with the terms and conditions of the City's contract for such services. The Human Resource Office should be contacted to learn of sign-up and claims procedures. Other insurance offerings may be available at employee or shared expense.

10. Retirement Program Offering

The City participates in the retirement program of the Public Employees Retirement System of Idaho (PERSI) and with Social Security (FICA). PERSI requires the City to withhold a percentage of an employee's gross salary for pension purposes, and to contribute an additional larger amount on behalf of the employee. Contact the Human Resource Office for further information.

11. Transfer of Benefits with Employee Transfer

Accrued benefits for each employee continue when the employee transfers from one office/department to another within the City. Any such transfer will not result in a reduction of benefit offerings separate and apart from those realized by similarly-situated employees.

V. EMPLOYEE PERFORMANCE AND DISCIPLINE

A. EVALUATION PROCEDURES

1. Each employee will be evaluated on an annual basis to assess the performance of that employee in the job being performed for the City. Evaluations may be given on 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 the City. Each supervisor is authorized to use necessary evaluation tools. The supervisor may fill out a standard City evaluation form, which shall be placed in the employee's permanent record file.
2. Evaluations may be concluded with an interview between the evaluated employee and the immediate supervisor in which the employee will be told what the findings of the employer's evaluations are. Employees that receive evaluations will be given an opportunity to respond to an evaluation orally, in which case notes may be taken by the supervisor 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 day of the oral presentation of the evaluation.

B. PURPOSE OF DISCIPLINE/PERFORMANCE POLICY

This discipline/performance policy of the City establishes a consistent procedure for maintaining suitable behavior and a productive working environment. These procedures are directory in nature and minor variations in the processes set forth herein will not affect the validity of any actions taken pursuant to this policy.

C. DISCIPLINARY/PERFORMANCE SYSTEM FRAMEWORK

The following framework guides the processes to be taken when an employee violates employment policies or fails to adequately perform his/her duties. Nothing contained herein is intended to limit the reasons for which the employee may be disciplined, including termination of the 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 to encourage improved performance or attitude but are not required. The City may take any of the prescribed steps in any order when a supervisor deems an action of the employee to be serious enough to warrant a certain step.

D. DISCIPLINARY ACTIONS AVAILABLE

1. The following actions are among the disciplinary actions that may be taken in response to personnel policy violations:
 - a. Oral warning
 - b. Written warning or reprimand
 - c. Suspension without pay
 - d. Demotion
 - e. Dismissal
2. Conditions of maintaining employment that relate to performance/behavior issues may be established in conjunction with any of these actions.

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

All employees are at-will. However, an at-will public employee who is being terminated, or demoted with a reduction in pay, based upon allegations of *dishonesty, immorality or criminal misconduct* is constitutionally entitled to a name-clearing hearing when one is requested.

1. Failure by the employee to pursue this hearing procedure constitutes a waiver of this opportunity.
2. Issues involving dishonesty, immorality or criminal misconduct are the only issues that will be heard in this procedure.
3. The procedure for the hearing is as follows:
 - a. Within 14 days of his/her termination or demotion, the employee may submit to the City Council written request for a name-clearing hearing and state the basis for it.
 - b. A request for hearing will be denied if the employee misses the deadline for submittal of the request or does not state a valid reason. An employee will be notified if a requested hearing is either granted or denied.
 - c. An employee granted a hearing will meet with the City Council. The hearing will not exceed 1 hour in duration.

- d. An audio recording of the hearing will be made and maintained as part of the personnel record.
 - e. The employee's supervisor may provide a brief written statement at least 24 hours prior to the hearing. The City Council may require the supervisor to participate in the hearing.
 - f. The employee will be provided an opportunity to present evidence upon which the claims are based.
 - g. The City Council may ask questions during this process.
 - h. The employee may question participants during this process.
 - i. The Idaho Rules of Evidence do not apply to this opportunity to be heard or name-clearing hearing.
4. After the hearing, the City Council will consider the information submitted, and such other information as might be in the City's records, to arrive at a decision concerning the employee's allegations. The decision will set forth in writing the reasons for the City Council's determination.

VI. WORKPLACE DISCRIMINATION, HARASSMENT AND RETALIATION POLICY AND COMPLAINT PROCEDURE

A. PURPOSE

1. This section establishes the City's commitment to provide a work environment free from unlawful discrimination, harassment, and retaliation, and to set forth the procedures for investigating and resolving internal complaints of such behavior. This policy should be reviewed by each employee on a periodic basis.
2. It is important that all employees treat all other employees and members of the public with respect and in a lawful and civil manner. It is the responsibility of every employee, supervisor, office/department head and Elected Official to deter inappropriate behavior in the workplace. Discriminatory harassing behavior that impacts, or has the potential to impact, the workplace will not be tolerated.
3. 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

1. Unlawful discrimination or 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) or disability is in violation of state and/or federal law and will not be tolerated by the City.

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

C. RESPONSIBILITIES

1. The City

- a. It is the responsibility of the City to develop this policy, provide training on it, keep it up to date, and ensure that any violation of this policy brought to its attention is dealt with as required by law and according to this policy.
- b. The City designates the City Administrator, or his/her designee ("Designated Official"), as the official who will be responsible for directing the procedures of this policy.

2. Supervisors

- a. Supervisors enforce the policy, train new employees on it, regularly review it with all employees so that the employees know and understand its provisions and monitor the workplace for compliance.
- b. 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, harassing, or retaliatory, consulting with an office/department head, and taking 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 office/department head or other appropriate management employee, who should then take prompt steps to address the allegation.
- c. If unlawful discrimination, harassment, or retaliation is reported or alleged, it must be followed up by a supervisor. A complaining party is not allowed to retract an allegation of such unlawful actions without proving that it was made erroneously.

3. Employees

It is the responsibility of every employee to know this policy and to share the responsibility of understanding and preventing unlawful discrimination, harassment, and retaliation. But satisfactory investigation or resolution of complaints cannot occur without the initiative and continued cooperation of the affected person. Individuals who believe they have been discriminated, harassed, or retaliated against have the primary obligation of informing their supervisor, office/department head, Human Resource Officer or legal counsel for the City of such actions, recounting specific actions or occurrences whenever possible.

A. DEFINITIONS

Unlawful harassment includes, but is not limited to, the following behaviors:

4. **Verbal Harassment** – Derogatory comments, slurs, propositioning, or otherwise offensive or abusive words or comments on the basis of race, color, religion, national origin, sex, age (40 and over) or disability, whether made in general, directed to an individual or directed 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 about dress or physical features, sexual rumors, code words, race-oriented stories, as well as jokes of a sexual or discriminatory nature or “kidding” that is oriented towards a prohibited form of harassment.
5. **Physical Harassment** – Assault, impeding or blocking movement, leering at, 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) or 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.
6. **Visual 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) or disability. This applies to both posted material and material maintained in or on City equipment or personal property in the workplace.
7. **Visual 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) or disability. This applies to both posted material and material maintained in or on City equipment or personal property in the workplace.
8. **Sexual Harassment** – Any act that 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 employment decisions such as raises, promotions, better working hours, job retention, etc., are directly linked to compliance with sexual advances/unlawful sexual harassment. Therefore, only someone in a supervisory capacity with the authority to grant any of such benefits can engage in *quid pro quo* harassment. Examples: 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.

A hostile work environment can be created by anyone in the work environment, whether they are supervisors, other employees, or the public. Hostile work 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. A prohibited hostile work environment does not exist simply because a supervisor is rude, belittles the employee or requires work that the employee does not want to do. A prohibited hostile work environment is only present when it is based on the above factors.

B. COMPLAINT PROCEDURE

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

1. A person who believes he/she has been unlawfully discriminated, harassed, or retaliated against should report it to his/her supervisor, office/department head, Human Resource Officer, or legal counsel for the City. If a supervisor becomes aware of a complaint in any way that unlawful discrimination, harassment or retaliation is occurring in any City office/department, the supervisor should immediately report it to a designated official and legal counsel for the City, unless the designated official is the focus of the complaint, in which case the legal counsel for the City should be informed and will have the responsibility to direct the investigation.
2. Once such a complaint has been made, the complaint cannot be withdrawn by the complainant without a determination that it was made erroneously.
3. 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 or law has occurred.
4. 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 and consult with legal counsel for the City and the Human Resource Officer
5. The designated official, in consultation with legal counsel for the City, should engage an appropriate person to investigate the complaint. The investigator should be a neutral party, but the designated official may serve as the investigator in appropriate circumstances.
6. The investigator should interview the complainant, the person alleged to have committed the offenses, and any relevant witnesses to determine whether or how the alleged conduct occurred.
7. As soon as practicable, the investigator will conclude the investigation and submit a report of the findings to the designated official, who will then route it as appropriate.
8. If it is determined that unlawful discrimination, harassment, or retaliation has occurred, the appropriate official will recommend the course of action to be taken by the City. The action will depend on the following factors:
 - The severity, frequency and pervasiveness of the conduct;

- The conduct of the respective employees;
 - Prior complaints made against the person alleged to have committed the offenses; and
 - The quality of the evidence (first-hand knowledge, credible corroboration etc.).
9. If the investigation is inconclusive or it is determined that there has been no unlawful discrimination, harassment, or retaliation, but some potentially problematic conduct is revealed, corrective action may be taken.
 10. Promptly after the investigation is concluded, the designated official and/or the appropriate supervisors and legal counsel for the City will separately meet with the complainant and the person alleged to have committed the offenses to notify them in person of the findings of the investigation.
 11. The complainant and the person alleged to have committed the offenses may submit statements to the designated officials and/or supervisors challenging the factual basis of the findings. Any such statement must be submitted no later than five (5) working days after the meeting in which the findings of the investigation are discussed.
 12. Promptly after the designated official and/or supervisors have met with both parties and reviewed the documentation, and after consultation with legal counsel, a decision will be made as to what action, if any, should be taken by the Mayor or department head.

C. DISCIPLINARY ACTION

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

D. RETALIATION

Retaliation in any manner against a person for filing or initiating in good faith a charge or complaint of discrimination or harassment, 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, office/department head and Elected Officials should take reasonable steps to protect the victim and other potential victims from further harassment or related consequences.

E. CONFIDENTIALITY

Confidentiality should 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. The City's insurer may also be engaged to assist in all phases of any proceeding or investigation.

F. FALSE COMPLAINTS

Discipline will result, up to and including termination, when it is conclusively determined that an employee made a complaint of discrimination, harassment or retaliation knowing it to be false and/or knowingly participated in the falsehood. This section is not intended to discourage employees from making complaints regarding unlawful employment-based behavior. An employee will not be disciplined for

reporting actual behavior that in good faith the employee believed was unlawful employment-based behavior. However, false complaints adversely impact the workplace and the career of the accused, even when disproved, and will not be tolerated.

VII. IDAHO WHISTLEBLOWER PROTECTION

i. Scope

Idaho Code, Title 9, Chapter 21, provides protections to public employees who experience adverse employment actions as a result of the good faith reporting of the existence of any waste of public funds, property or manpower, or of a violation, or suspected violation, of law, rule or regulation of the City, state of Idaho or the United States of America.

- ii. **Reporting** Any such report must be made at a time, and in a manner, which gives the City a reasonable opportunity to correct the waste or violation.
- iii. **Protection** The City may not take adverse action against an employee because the employee in good faith reports the suspected waste or violation, or participates or gives information in an investigation, hearing, court proceeding or any other form of administrative review of the report.

VIII. Enforcement of Rights

If the employee believes that he/she has experienced an adverse employment action protected by the Whistleblower Act, he/she may bring a civil action in District Court within 180 days of the occurrence of the violation of the Act. **SEPARATION FROM EMPLOYMENT**

A. REDUCTIONS IN FORCE (RIF)

When financial circumstances or changes of workload require, the City may reduce forces in such manner as it deems necessary to maintain the effective functioning of the 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.

B. COBRA BENEFITS

Employees who currently receive medical benefits and who resign or are terminated from their employment may be eligible to continue those medical benefits for a limited time in accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) at their own expense. Employees with questions regarding the right to continue health coverage after termination of their employment should contact the Human Resources Officer.

C. COBRA BENEFITS

Each employee who terminates from employment is encouraged to participate in an exit interview with the designated representative of the City. In such interview, the City should notify the employee when certain benefits will terminate, when final pay will be issued and review the process to receive COBRA benefits. The employee should be invited to inform the interviewer about his/her impressions of employment. An employee exit form may be completed at this point and will be retained in the employee's personnel file.

D. RESIGNATION POLICY

1. 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 or department head. Evidence of the accepted written or oral resignation should be provided to the employee and placed in the employee's personnel file.
2. Employees who have an unexcused or unauthorized absence of three (3) working days or more may be considered to have resigned through abandonment of his/her position. If an employee's words or actions indicate an intent to resign, including having an unexcused or unauthorized absence of three (3) or more working days, the City will consider the employee as having resigned and immediately notify him/her of such.

ADOPTED by the City Council on the ____ day of _____, _____

Will Frohlich, Mayor

Date

Attest: _____ Michelle Smith, Clerk

APPENDIX "A"

ACKNOWLEDGMENT OF RECEIPT OF the City of Victor PERSONNEL POLICY

I, _____ acknowledge receipt of the City of Victor
Personnel Policy, adopted on [_____]

- ☐ I understand that it is my responsibility to read and review this Policy.
- ☐ I understand that I am an at-will employee of the City, that this Policy is not an employment contract, that none of the provisions of this Policy can create a contract and that the Policy is not a guarantee of any particular length or term of employment.
- ☐ I understand that I am obligated to perform my duties of employment in conformance with the provisions of this Personnel Policy I and any additional rules, regulations, policies or procedures imposed by the department in which I work whether or not I choose to read the new Policy.
- ☐ I understand that this Policy may be modified without prior notice to me.
- ☐ I understand that should this Policy be modified that I will be provided with a copy of the modifications.
- ☐ I understand that this Policy may be provided to me in either paper format or by electronic access.

DATED this _____ day of _____, 20____.

Signed: _____ (Employee)

I, _____, provided a copy (either electronically or by paper) of the City of Victor
Personnel Policy, as adopted by the City Council on [_____202X] to
_____, on this _____ day of _____, 20____.

(Name, Title, Department)

APPENDIX "B"

Cash Handling - Counterfeit Currency

Counterfeit currency is used in all denominations and can range from poor quality to very realistic. It is important to understand the current bills in circulation and be able to identify fraudulent bills. Please note that although \$100 bills are the highest currency, \$20 bills are the most counterfeited in the United States. It is important to examine every bill you receive.

All Cash Handlers are required to take the training course on uscurrency.gov. This course takes approximately 15 minutes and will teach you security features of real currency.

[Training Course | U.S. Currency Education Program \(uscurrency.gov\)](https://uscurrency.gov)

Please review the references below for more information on reviewing bills.

If you receive a counterfeit bill, it is important to follow this policy to ensure we are compliant with federal law and to ensure that the city does not lose the income.

1. Examine the bill
2. Contact the police department 208-354-2323
3. Have the customer's name and description for the police department
4. Try to stall the customer until the police arrive. If they insist their money is returned, assure them it will be given back after the authorities can examine the bill
5. Work with authorities for all information they may need

Remember to remain calm, assertive, and polite to the customer. It is possible they received the bill from another person and are unaware of the counterfeit. In this instance, the police will work with them to resolve. If the customer leaves, do not follow them. The police will handle the situation.

I have completed the training above and read through the cash handling policy.

Signature _____

Printed Name _____

Date _____

APPENDIX “C”

Victor Pay Grades

Grade	Minimum	Mid-Point	Maximum
18	\$ 42.53	\$ 50.03	\$ 57.54
17	\$ 38.78	\$ 46.91	\$ 55.04
16	\$ 35.02	\$ 43.78	\$ 52.53
15	\$ 31.27	\$ 39.40	\$ 47.53
14	\$ 27.52	\$ 35.02	\$ 42.53
13	\$ 25.02	\$ 31.27	\$ 37.52
12	\$ 22.51	\$ 27.52	\$ 32.52
11	\$ 21.26	\$ 25.64	\$ 30.02
10	\$ 19.39	\$ 23.40	\$ 27.41
9	\$ 18.14	\$ 21.58	\$ 25.02
8	\$ 16.89	\$ 20.01	\$ 23.14
7	\$ 15.01	\$ 17.51	\$ 20.01
6	\$ 13.76	\$ 16.26	\$ 18.76
5	\$ 13.01	\$ 15.26	\$ 17.51
4	\$ 12.03	\$ 14.15	\$ 16.26
3	\$ 11.13	\$ 13.07	\$ 15.01
2	\$ 10.32	\$ 12.04	\$ 13.76
1	\$ 9.56	\$ 11.03	\$ 12.51

- Last updated 1/2023, includes all COLA increases to this date.

Grade	Position
18	City Admin, City Engineer/PW Director
17	
16	City Treasurer/HR Personnel
15	City Planner, PW Director, Certified Clerk
14	
13	Deputy Treasurer, Deputy Clerk
12	PW Level 2 operator
11	PW Level 1 operator
10	Level 1 Operator - training
9	Receptionist, Account Clerk, Associate Planner
8	Code Enforcement
7	
6	
5	
4	
3	
2	
1	

DRAFT