

CITY OF HIAWATHA

EMPLOYEE POLICY MANUAL

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TABLE OF CONTENTS

CITY OF HIAWATHA VISION	Page	1
SECTION I - INTRODUCTION	Page	3
Purpose of Manual	Page	3
Amendments	Page	4
Affirmative Action General Policy Statement	Page	4
Equal Employment Opportunity	Page	5
ADAAA	Page	5
Employment Eligibility Verification Form Process (I-9)	Page	6
 SECTION II - WAGE AND SALARY ADMINISTRATION	Page	7
Compensation Policies	Page	7
Employment Classifications	Page	7
Age Requirements for Employment	Page	8
 SECTION III – EMPLOYMENT/WORK RULES	Page	10
Wages and Hours	Page	10
Work Schedule	Page	10
Overtime Pay or Compensatory Time Off	Page	12
Fire Department Fire Medic Standard Work week and Overtime Calculation	Page	13
Fire Department Fire Medic On-Call Pay	Page	13
On-Call Time (Public Works and Water Department)	Page	13
Minimum Call-back	Page	14
Recording Work Hours	Page	14
Break Periods	Page	15
Worksite Breastfeeding/Expression Policy	Page	16
Vacation, Funeral Leave, Jury or Witness Duty, and Other Leaves	Page	16
Work Assignments	Page	16
Attendance and Punctuality	Page	17
Employment of Relatives	Page	18
Employee License and Certifications	Page	18
Personnel/Medical Records, Evaluations	Page	19
Personnel Records	Page	19
Personnel File Contents	Page	19
Access to Employee Information	Page	20
External Disclosure	Page	20
Medical Records	Page	21
Physical/Mental Examinations	Page	21
Introductory Period	Page	22
Anniversary Date and Orientation	Page	22
Performance Evaluation	Page	23

Driver's License Check and Flagging Program	Page 23
Policy on Driver's License Check and Flagging Program	Page 23
Purpose	Page 23
Scope	Page 23
Minimum Requirements	Page 24
Driver's License Check and Flagging Program Procedures	Page 24
Purpose	Page 24
Responsibilities	Page 24
Safety/Workers' Compensation Insurance	Page 29
Safety	Page 29
On The Job Injuries or Job-Related Injuries and Sudden Illnesses	Page 29
Workers' Compensation Insurance	Page 30
Temporary Modified Duty	Page 31
Hazardous Substances in Workplace Program	Page 32
Purpose	Page 32
Hazard Evaluation Procedures	Page 33
Safety Data Sheets (SDSs)	Page 33
Labels and Other Forms of Warning	Page 34
Training	Page 34
Hazards of Nonroutine Tasks	Page 35
Bloodborne Pathogens	Page 36
Definitions	Page 36
Program Administration	Page 37
Employee Exposure Determination	Page 38
Methods of Implementation and Control	Page 38
Universal Precautions	Page 38
Exposure Control Plan	Page 38
Engineering Controls and Work Practices	Page 39
Personal Protective Equipment (PPE)	Page 39
Housekeeping	Page 40
Labels	Page 40
Hepatitis B Vaccination	Page 41
Post-Exposure Evaluation and Follow-Up	Page 41
Administration of Post-Exposure Evaluation and Follow-Up	Page 42
Procedures for Evaluating the Circumstances Surrounding an Exposure Incident	Page 42
Employee Training	Page 43
Record Keeping	Page 43
Training Records	Page 43
Medical Records	Page 43
OSHA Record Keeping	Page 43
Sharps Injury Log	Page 44
Hepatitis B Vaccine Declination	Page 45
Personal Protective Equipment (PPE) Policy	Page 46
Seatbelt/Restraint Policy	Page 46
Personal Entertainment Devices	Page 46

Use of Electronic Devices While Driving	Page 47
Traffic Violations	Page 47
Use of Equipment and Vehicles	Page 47
Accidents	Page 48
Restitution for Loss or Damage of City Furnished Equipment	Page 48
Smoking/Smokeless Tobacco Policy	Page 48
Dress Code/Personal Appearance of Employees	Page 49
Uniforms/City Provided Clothing	Page 51
Inclement Weather	Page 51
Supplemental Employment	Page 52
Conflict of Interest	Page 52
Gifts	Page 53
Political Activity/Solicitation	Page 53
Confidentiality of Information	Page 54
 SECTION IV - PROMOTIONS AND TRANSFER	 Page 56
Job Posting	Page 56
Employment Recruitment and Application	Page 56
Promotions and Transfer	Page 56
Rehire	Page 57
Residency	Page 57
 SECTION V - EMPLOYEE DISCIPLINE/TERMINATION	 Page 58
Employee Discipline	Page 58
Disciplinary Action for Unacceptable Performance/Behavior	Page 59
Disciplinary Practices and Procedures	Page 59
Definitions	Page 60
Appeal of Disciplinary Action	Page 62
Employment Termination	Page 62
 SECTION VI - DISCRIMINATION, HARASSMENT AND RETALIATION	 Page 64
Purpose	Page 64
Policy	Page 64
Definitions	Page 64
Prohibited Conduct	Page 65
Covered Individuals	Page 66
Supervisory Responsibilities	Page 66
Employee Responsibilities	Page 66
Complaint Resolution Procedures	Page 67
Investigation Procedures	Page 67
Retaliation	Page 67
 SECTION VII - WORKPLACE VIOLENCE	 Page 68
Purpose	Page 68
Policy	Page 68

Prohibited Conduct	Page 68
Covered Individuals	Page 69
Supervisory Responsibilities	Page 69
Employee Responsibilities	Page 70
Complaint Procedures	Page 70
Retaliation	Page 71

SECTION VIII - DRUG FREE WORKPLACE/DRUG TESTING POLICY

TESTING POLICY	Page 72
Definitions	Page 72
Substance Abuse Policy	Page 74
Prohibited Activity	Page 74
Notification of Policy	Page 75
Prospective Employee Drug Testing	Page 75
Employee Drug Testing	Page 76
Drug Testing Procedures	Page 77
Post-Testing Procedures	Page 78
Drug Test Results	Page 79
Responsibility	Page 79
Training	Page 80
Test Costs	Page 80
Employee Assistance with Substance Abuse	Page 80
Employee Acknowledgment Form	Page 81
DOT Drug and Alcohol Policy (CDL Holders)	Page 82
Confidentiality	Page 84
DOT Drug and Alcohol Testing Training and Awareness	Page 85
Introduction	Page 85
Abbreviations and Terms Employee Should Know	Page 85
Abbreviations	Page 85
Definitions	Page 85
Who is Covered by the Drug and Alcohol Regulations?	Page 88
What is a Safety-Sensitive Function?	Page 88
What are the Alcohol and Drug Prohibitions?	Page 89
What Tests are Required and When Will the Individual Be Tested?	Page 89
What Happens if the Employee Refuses to Be Tested?	Page 93
How is Alcohol Testing Done?	Page 94
How is Drug Testing Done?	Page 95
Regulated Documentation	Page 96
Specimen Collection	Page 96
Laboratory Analysis	Page 97
Reporting the Results	Page 97
Stand-Down Provision	Page 98
What are the Consequences of Violating the Alcohol or Drug Prohibitions	Page 99
Exception	Page 99

Self-Admission of Alcohol and Drug Use	Page 100
USDOT Drug Testing Panel Expanded	Page 100
Signs and Symptoms of Drug and Alcohol Usage	Page 102
Confidential Alcohol and Drug Abuse Helplines	Page 104
Employee Acknowledgment Form	Page 105
SECTION IX - ELECTRONIC COMMUNICATION SYSTEMS	Page 106
Purpose	Page 106
Applicability	Page 106
Policy	Page 106
Reimbursement for Personal Electronic Devices Used for City	
Purposes	Page 107
Access and Authority	Page 108
Prohibited Communications/Uses	Page 108
Acceptable Communications/Uses	Page 110
Policy Violations	Page 110
Passwords	Page 110
Password Construction	Page 111
Password Protection	Page 111
Confidential Information	Page 112
E-Mail Record Retention Policy	Page 112
Policy	Page 112
Procedures	Page 112
Nature of E-Mail Records	Page 113
Components of an E-Mail Record	Page 113
Saving and Indexing E-Mail Records	Page 113
Responsibilities for E-Mail Records Management	Page 113
Public Access to E-Mail Records	Page 113
Violation	Page 114
Agreement of Reimbursement for Using Personal Cellular	
Phone or Other Electronic Devices for City Business	Page 115
Social Media Policy	Page 116
SECTION X - COMPLAINT RESOLUTION/ INTERNAL INVESTIGATION PROCEDURES	Page 120
Definitions	Page 120
Complaint Procedure	Page 120
Investigation Procedure	Page 121
Retaliation	Page 122
Employee Complaint Form	Page 123
SECTION XI - BENEFIT POLICIES	Page 124
Eligibility	Page 124
Vacation Policies	Page 124
Longevity Pay	Page 126
Holidays	Page 126

Bereavement (Funeral) Leave	Page 127
Family Medical Leave Act	Page 129
Sick Leave	Page 133
Immediate Family Illness Days	Page 134
Temporary Disability (Including Pregnancy) Leave of Absence	Page 134
Personal Days	Page 135
Unpaid Leave of Absence	Page 136
Military Leave of Absence	Page 136
Jury or Witness Duty	Page 138
Compensation and Deductions	Page 139
Pay Procedures	Page 139
Payroll Deductions	Page 139
Assigning Paycheck/Pay Advances	Page 140
Court Ordered Deductions	Page 140
Termination Pay	Page 140
Business Travel	Page 141
Group Health Policies	Page 143
Group Health Benefit	Page 143
Flexible Spending Account (FSA)	Page 143
FSA Plan Provisions	Page 144
COBRA	Page 144
Life, Short-Term And Long-Term Disability, Accidental Death	Page 145
Fitness Reimbursement Policy	Page 146
Purpose	Page 146
Scope	Page 146
Exceptions	Page 146
Specific Policy Provisions	Page 146
Continued Education Benefits	Page 147
Professional Memberships/Endorsements/Licenses	Page 147
Continued Education/Job-Related Training	Page 147
Tuition Assistance	Page 148
Retirement Plan/Supplemental Coverages	Page 150
Retirement Due to Catastrophic Illness or Incapacitation	Page 150
Deferred Compensation	Page 151
Tax Status of Benefit Payments	Page 151
Benefits Required by Law	Page 151
Social Security	Page 151
Workers' Compensation Insurance	Page 151
Unemployment Compensation	Page 152
Employment Acknowledgment Form	Page 153
Acknowledgment of Change	Page 155
 APPENDIX	 Page 156
Sample Forms	Page 156
Personal Protective Equipment (PPE) Policy	Page 157
Purpose	Page 157

Periodic Review	Page 157
Hazard Assessment	Page 157
City/Employee Responsibilities	Page 157
Required Programs – Based on Needs Assessment of Workplace	
Hazards	Page 157
Eye & Face Protection	Page 158
Respiratory Protection	Page 158
Head Protection	Page 158
Foot & Leg Protection	Page 158
Hand & Arm Protection	Page 159
Other Related Issues	Page 159
Occupational Noise Exposure - Hearing Conservation	Page 159
Water Hazards	Page 159
Visibility Issues	Page 159
Seatbelts	Page 159
Personal Protective Wear	Page 159
Periodic Policy Review	Page 160
Personal Protective Equipment (PPE) Policy Signature Page	Page 161
Personal Protective Equipment Needs Assessment (forms)	Page 162

CITY OF HIAWATHA VISION

Municipal Government is only as good as the people who are a part of it. Everyone on the City of Hiawatha's ("Hiawatha" or "the City") staff cares about how our citizens are treated and works hard to give them the highest quality service.

Each of us must give our citizens the best quality, the fastest response and turn-around time, and the friendliest, most courteous treatment available. We have to work hard to solve their problems.

It is our firm belief that the future of Hiawatha is directly influenced by the efforts of each employee. Through employees' high-quality performance, the City will be able to provide the best service possible. Our efforts will allow the City to distinguish itself from other municipalities and maximize efficiency for the greatest benefit of our City, our employees and our citizens.

The City's personnel policies are based on the belief that the success of the City is primarily dependent upon our employees. Employees can expect management to:

- Recognize each person as an important part of the City team.
- Treat each person with professionalism and respect.
- Periodically review the performance of each employee so they know where they stand with the City.
- Safety is of utmost importance in the City. Communicate our commitment to the importance of safety. The establishment and maintenance of a safe work record is the shared responsibility of the City and its employees at all levels. The City will do everything within its control to provide a safe environment and comply with federal and state safety regulations.
- Establish and maintain a truly "open door" environment with all of our employees and encourage open communications at all levels in the City.

As a Hiawatha employee, we count on the employee to do the best job possible and to contribute to making this a good place to work. We expect employees to:

- *Give high quality service to our citizens.* They deserve to be treated with respect, courtesy, promptness and friendliness, since our citizens are the reason Hiawatha exists. They can always move somewhere else, so we need to continuously give them good reasons to stay in our City. In addition, think of your "internal" customers: the people you work with every day, your co-workers. They deserve to be treated like regular customers too.
- *Do your job well.* You were hired for your expertise in a particular area. We need you to be at work on a regular basis and perform your job to the best of your ability.
- *Help make this a good place to work.* We each contribute to the makeup of our "work environment" and have an impact on our co-workers and how they feel about working here. Cooperating with each other, offering to help out, treating

each other with professionalism and respect, having a positive attitude about work, and being concerned about the appearance of our work areas are all things that contribute to making the City a pleasant and rewarding place to work.

- *Work safely.* Safety is of utmost importance in the City. You are expected to obey safety rules and to exercise caution in all work activities. You must report any unsafe conditions to your supervisor or the City Administrator. You must correct any unsafe conditions within your control. You must immediately report any accident that results in injury to your supervisor or the City Administrator.

SECTION I - INTRODUCTION

PURPOSE OF MANUAL

It has been and will remain the goal of the City to ensure that all employees receive fair treatment in all dimensions of their employment with the City. The purpose of this Employee Policy Manual (“manual”) is to promote the mutual interests of both the City and its employees by providing methods and procedures for the operation of the municipality. These methods and procedures create safe work environments, create professional and respectful work environments, protect the City’s property and personal property, and promote the efficiency of operation and the quality of the City’s services. As a member of the City’s team, you are expected to participate fully to secure the advancement and achievement of this purpose for the mutual benefit of all.

All Hiawatha employees are covered by this manual, except:

1. Employees hired on a contractual basis where the contract differs, the contract controls.
2. Employees covered by a collective bargaining agreement (“CBA”) where the CBA differs, the CBA controls.
3. Employees covered by the autonomous boards or commissions, i.e., Water and Library, where the board’s or commission’s policies or resolutions differ, the board’s or commission’s policies or resolutions control.
4. Employees and volunteers of the Fire Department where their handbook differs, the Fire Department’s handbook controls.

This manual shall not be construed as and does not constitute or imply any contract guaranteeing employment for any specific period of time. Your employment relationship with the City is entered into voluntarily. **Although we sincerely hope your employment relationship with the City will be long-term, at-will employment relationships may be terminated by you or the City at any time, for any reason, with or without cause. Nothing in this manual changes the at-will nature of your employment with the City.**

Only the City Council has the authority to enter into any agreement with you for employment for any specified period of time or to make any promises or commitments contrary to the above. Any employment agreement entered into by the City Council will not be enforceable or binding on the City unless it is in writing, refers specifically to the City and contains the properly authorized signatures of the Mayor and City Clerk.

It is your responsibility to read and familiarize yourself with all of these policies, rules and regulations. It is your responsibility to request clarification from your supervisor where needed. All employees are required to complete the Statement of Policy Manual Receipt and Understanding indicating receipt of this manual and acceptance of the

responsibility for understanding and applying its contents. The signed statement will be kept as part of the employee's personnel file.

AMENDMENTS

The contents of this manual are presented as a matter of information only. While the City believes wholeheartedly in the policies and procedures described within, the City reserves the right to modify, revoke, suspend, terminate or change any or all such plans, policies or procedures, or the manual in whole or in part, at any time, with or without notice. Any amendment shall apply to existing, as well as to future, employees. Failure to act in accordance with any of these policies or amended policies may lead to disciplinary action up to and including termination of employment.

Any supplements or amendments to this manual shall become part of this manual as of the implementation date of the supplement or amendment. **If any provision of this manual is held to be invalid or unenforceable under applicable laws, the remaining provisions will not be affected by this action.** The policies in this manual shall be automatically amended at any time deemed necessary to conform to the requirements of the law without affecting the other provisions of this set of policies.

This manual is intended to supersede and replace all previous employee handbooks, manuals and policy statements, whether oral or written, issued by the City.

AFFIRMATIVE ACTION POLICY STATEMENT

It is the City's policy not to discriminate against nor favor any employee or applicant for employment because of race, national origin, ancestry, religion, creed, age, sex, gender identity (defined as gender related identity, regardless of the person's assigned sex at birth), sexual orientation (defined as both actual and perceived heterosexuality, homosexuality and bisexuality), physical or mental disability, genetic information or veteran status, except where a bona-fide occupational qualification exists.

To ensure the implementation of this policy, the City has adopted an Affirmative Action Plan, which sets out specific procedures covering all aspects of the employee/employer relationship and assigns responsibility for the enactment and monitoring of this plan to the City Clerk's Office.

A description of the Affirmative Action Plan will be posted on each departmental bulletin board as a constant reminder to all employees of the City's commitment to equal opportunity in employment. The City's Affirmative Action Plan can be obtained by request to the City Clerk. Individuals who have questions concerning the Affirmative Action Plan or feel their rights may have been violated in one or more of the above areas should contact the City Clerk's office:

City Hall
City Clerk's Office
101 Emmons Street
Hiawatha, Iowa 52233
Telephone Number: (319) 393-1515

The City believes the Affirmative Action Plan and good faith efforts on the part of all City employees will ensure equal employment opportunities with the City.

EQUAL EMPLOYMENT OPPORTUNITY

The City is an equal opportunity employer. Employment decisions are based on merit and qualifications, without unlawful regard to race, national origin, ancestry, religion, creed, age, sex, gender identity (defined as gender related identity, regardless of the person's assigned sex at birth), sexual orientation (defined as both actual and perceived heterosexuality, homosexuality and bisexuality), physical or mental disability, genetic information or veteran status, or any other factor protected by law. This applies to all terms and conditions of employment, including hiring, promotion, demotion, transfer, recruitment or recruitment advertising, layoff, termination, recall, rates of pay or other forms of compensation, leaves of absence, selection for training (including apprenticeship and/or on-the-job training) and all other terms and conditions of employment. Positive action shall be taken to ensure the fulfillment of this policy.

Equal employment opportunity notices are posted near employee gathering places as required by law. These notices summarize the rights of employees to equal opportunity in employment and list the names and addresses of the various government agencies that may be contacted in the event any person believes he or she has been discriminated against.

Management is primarily responsible for seeing that the City's equal employment opportunity policies are implemented, but all members of the staff share in the responsibility for assuring that by their personal actions the policies are effective and apply uniformly to everyone. **Employees, including Department Heads, who engage in or permit discriminatory practices will be subject to disciplinary action, up to and including termination of employment.**

ADAAA

The Americans with Disability Act Amendments Act (ADAAA) prohibits discrimination against qualified individuals on the basis of disability. It is the City's policy to comply with the ADAAA. The City will not discriminate against any qualified employee or job applicant with respect to any terms, privileges or conditions of employment because of that person's physical or mental disability. In compliance with the ADAAA, the City will consider reasonable accommodations that do not pose undue hardship to the City to enable qualified applicants or employees with disabilities to perform the essential functions of a position. The City encourages applicants or employees to make

suggestions regarding reasonable accommodations to their immediate supervisors, Department Heads or the City Administrator.

EMPLOYMENT ELIGIBILITY VERIFICATION FORM PROCESS (I-9)

The Immigration Reform and Control Act of 1986 requires the City to verify and document both the identity and employment eligibility of all persons hired after November 6, 1986. Before commencing work, employees (or re-hired employees who have not been employed by the City for three (3) years) shall complete an I-9 form and attest they are eligible for employment. The City shall examine two (2) documents presented by employees or re-hired employees establishing identity and employment eligibility. Documents which may be provided are driver's license, social security card, birth certificate or an Immigration and Naturalization "green card."

SECTION II - WAGE AND SALARY ADMINISTRATION

COMPENSATION POLICIES

Employment Classifications

Each employee belongs to one of the employment classifications described below. If the employee is unsure of their job classification, they will ask their immediate supervisor. Employee's immediate supervisor will determine the work hours in each class as it pertains to their department.

Introductory Employees are full-time or part-time employees in their first 180 days of employment (the "introductory period"). The introductory period should be used by the introductory employee to determine if the job and the City meet his/her expectations. This period **shall** be used by the City to evaluate the introductory employee's suitability for the position.

Full-Time Employees have successfully completed the introductory period and work at least 30 hours or more per week (unless there is a written contract which differs from this definition). Full-time employees are eligible for all legally mandated benefits and for the City's full benefit package, subject to the terms, conditions and limitations of each benefit program. Full-time employees working 30-34 hours a week are at this status for the determination of benefits, not for the calculation of overtime. Overtime pay and compensatory pay/time off will follow the provisions as stated in the Federal Fair Labor Standards Act ("FLSA") and any applicable state laws.

If a full-time employee is laid off in a reduction in force and reapplies or is called back to work by the City in their prior position within 365 days of their reduction, the employee will maintain their original anniversary hire date for purposes of payroll/benefits.

Part-Time Employees have successfully completed the introductory period and work less than 30 hours per week. Part-time employees are not eligible for benefits, unless mandated by law.

Temporary/Seasonal Employees are scheduled to work as needed on either a full-time or part-time basis. The City may hire employees for specific periods of time or for the completion of a specific project. The job assignment, work schedule and duration of the position will be determined on an individual basis. Employees in this classification are not eligible for any benefits, unless mandated by law. Temporary and seasonal positions will not exceed (4) four months in duration, unless specifically extended by a written agreement. Interns are considered temporary employees. Temporary and seasonal employees do not become regular employees by virtue of being employed longer than four (4) months.

Temporary, and seasonal employees classified as “non-exempt” who work more than forty (40) hours during any work week will receive overtime pay as stated in the FLSA and any applicable state laws.

Temporary, seasonal and part-time positions shall not become full-time positions without the written approval of the City Council.

Overtime Eligible Employees (FLSA Non-Exempt) are required to be paid overtime at the rate of one and one-half times their regular hourly rate of pay (or to receive compensatory time) for all hours worked beyond forty (40) hours in one work week. All overtime must be approved in advance by the appropriate Department Head or his/her designee.

Exempt Employees (FLSA Exempt) are exempt under the FLSA’s criteria for Executive, Professional or Administrative employees and are not required to be paid overtime. Exempt employees are “salaried.” Work schedules are intended to maintain the required flexibility to “get the job done.” Exempt employees are expected to work a minimum of 2,080 hours in a work year, although individual schedules may vary greatly throughout the year. However, in recognition of the fact that their duties often require more time than the normal 40-hour work week, exempt employees may be allowed to take informal flex time consistent with effective performance for their duties and with the operating requirements and responsibilities of their department. Flex time is not an entitlement but may be taken with approval of the immediate supervisor, or the City Administrator in the case of Department Heads.

Formal payroll time reporting is not required for flex time taken. However, a Department Head or the City Administrator may require exempt employees to maintain a record of hours worked and flex time taken for operational purposes, such as administration of sick leave and vacation time or for grant accounting or allocation of hours for program metrics.

Guidelines for FLSA non-exempt employees do not apply to exempt employees.

Reduction in Force is an involuntary termination of an employee whose position is deemed no longer necessary or whose position is eliminated in an organizational restructuring for budgetary reasons.

Age Requirements for Employment

The minimum age for employment at the City is as follows:

- No person under 16 years of age will be employed, exception being in the Park and Recreation Department.
- No person under 18 years of age will be employed within a full-time job classification.

- No person under 16 years of age will be employed, full-time or part-time, in any position which may be hazardous in nature, including the operation of motorized vehicles or equipment on City property or for City business purposes.
- No person under 16 years of age will be employed full-time or part-time in any position with job functions which violate the FLSA's regulations for minor employees (individuals under the age of 18).

SECTION III – EMPLOYMENT/WORK RULES

WAGES AND HOURS

Work Schedule

The following is a listing of the standard work day for each department. These may be modified by City Management based on the nature of the workload. There may be a need to adjust the scheduled starting and ending times of some employees to insure coverage during all operation hours.

City Administrative Office: 8:00 a.m. to 5:00 p.m., Monday through Friday. Attendance at any City Council, Board of Adjustment, Park & Recreation, Planning & Zoning, and Water, Library or other required meetings will be in addition to the regular office hours.

Public Works and Water: 7:00 a.m. to 3:30 p.m., Monday through Friday. Certain systems must be checked each day, including Saturdays, Sundays and holidays. The Water/Sewer/Public Works Superintendents and their staff must be available to respond to an emergency. Regular checking of systems and emergency response time is in addition to the regular office hours.

Library: Hours of Operation – 10:00 a.m. to 8:00 p.m., Monday through Thursday; 10:00 a.m. to 5:00 p.m., Friday through Saturday; 1:00 p.m. to 4:00 p.m., Sunday (Sunday hours begin the first Sunday after Labor Day and end the last Sunday before Memorial Day). These hours are subject to seasonal changes by the Library Board.

Library Staff Hours – 8:30 a.m. to 5:00 p.m. day shift Monday through Thursday; 11:45 a.m. to 8:15 p.m. evening shift Monday through Thursday; 8:45 a.m. to 5:15 p.m. Friday and Saturday shift; and 12:00 p.m. to 4:00 p.m. Sunday shift.

Council and Mayor: 5:30 p.m. to the end of the meeting, 1st and 3rd Wednesdays of each month, plus any special meetings or committee meetings as required.

Custodial: 6:00 a.m. to 2:30 p.m., Monday through Friday, with a half-hour (30 minute) lunch. This position may be requested to respond to checking of systems and emergency response time in addition to the regular office hours.

An employee's particular hours of work and the scheduling of their meal period will be determined and assigned by their immediate supervisor. Most full-time employees are assigned to work a 40 (forty) hour work week. Part-time employees are assigned to work less than 30 hours in a work week on a regular basis. Employees are not permitted to exchange "days off" or change the work schedule without advance approval. The standard work week begins at the start of the work day on Monday and ends at the conclusion of the work day on the following Sunday. Daily and weekly work schedules may need to be adjusted occasionally to meet changing business needs. These changes

are at the discretion of City Management and will be announced as far in advance as possible.

The City would like employees to be ready to work at the beginning of their assigned daily work hours, and to reasonably complete their projects by the end of their assigned work hours. The City allows for a paid, uninterrupted, 15-minute rest break in the morning and in the afternoon if mutually convenient for employee and their immediate supervisor and when the paid breaks do not unreasonably disrupt City operations. Paid breaks shall not be stacked or combined.

Absence or Lateness: From time to time, it may be necessary for employee to be absent from work. The City is aware that emergencies, illnesses or pressing personal business that cannot be scheduled outside the employee's work hours may arise. Sick days, vacation and/or personal days have been provided for this purpose.

If an employee is unable to report to work, or if they will arrive late, the employee should contact their immediate supervisor immediately. If they know in advance that they will need to be absent, they should request this time off directly from their immediate supervisor. If they are unable to call in themselves because of an illness, emergency or for some other reason, they should be sure to have someone call for them immediately.

Absence from work for 3 (three) consecutive days without notifying their immediate supervisor or the appropriate City officials will be considered a voluntary resignation.

If the employee is absent because of their own illness for 3 (three) or more successive days, their immediate supervisor will request that they submit written documentation from their health care provider stating they are able to resume normal work duties before they will be allowed to return to work.

A pattern of questionable absences or a number of absences in a period of time can be considered excessive and may be cause for concern. In addition, excessive lateness or leaving early without letting the immediate supervisor know will be considered a "lateness pattern" and may carry the same weight as an absence. Other factors, like the degree and reason for the lateness, will be taken into consideration. The employee's immediate supervisor **shall** make a note of any absence or lateness and the employee's reasons for their absences/lateness in employee's personnel file. **Excessive absences, lateness or leaving early may lead to disciplinary action, up to and including termination of employment.**

Note: Information on the types of leaves offered and their qualification criteria are included in the "Leaves" section of this manual.

Overtime Pay or Compensatory Time Off and Flex time

The provisions as stated in the Federal Fair Labor Standards Act (FLSA) and any applicable state laws will be followed by the City.

If the employee is a non-exempt employee, they are eligible to receive overtime pay of 1 1/2 (one and one-half) times their regular hourly wage or compensatory time off for **preapproved hours worked** in excess of 40 (forty) hours in 1 (one) week.

All overtime hours must be authorized in advance by a member of City Management or a designated “on-call” person. This pre-authorization applies to all time worked before the scheduled starting time, during any regularly scheduled break periods (i.e., lunch) and any time worked after the scheduled ending time. Taking work home or away from the work site is prohibited unless authorized in advance by a member of City Management. Violation of this “prior authorization” policy may result in disciplinary action, up to and including termination of employment.

Employees called in after regular work hours will refer to the Minimum Call-back section of this manual on page 14.

Holidays will be observed as stated in the Holiday Policy and earned vacation hours taken will be considered as “time worked” for the calculation of overtime or compensatory time off. Also considered as “time worked” for the calculation of overtime or compensatory time off are Jury or Witness Duty Leave, Personal Days and Bereavements Days. Sick Days will be considered as “time worked” for the calculation of overtime or compensatory time off.

Eligible non-exempt employees may flex their start and end times of work (hour for hour, but not less than one hour) to accommodate meetings or other activities requiring their attendance before or after the normal business hours. Employee should discuss this arrangement with their immediate supervisor.

All overtime requirements will be satisfied on a voluntary basis where possible. Notice of scheduled overtime will be given as far in advance as possible. Qualified employees within the affected department will be offered the initial opportunity to work any scheduled overtime hours. If more employees are needed, the opportunity will be offered to qualified employees from the remainder of the City.

Non-exempt employees who have earned compensatory time that is calculated at a one and one-half (1 1/2) rate will be paid their wages at the regular rate.

- A maximum of eighty (80) hours of accumulated compensatory time per year is allowed. All compensatory time must be used or paid out during the fiscal year earned.

- Each supervisor will make the decision on whether their employees will be allowed to accumulate compensatory time off or require pay out at a one and one-half (1 1/2) rate.
- The Library Board allows non-exempt employees, excluding Page positions, working fewer than 30 hours per week to earn time and one-half (1 1/2) incentive pay for working Sunday hours. Non-exempt employees working over 30 hours per week will accrue time and one-half (1 1/2) comp time at the discretion of the library director.

Fire Department Fire Medic Standard Work week and Overtime Calculation

The Hiawatha Fire Department – Fire Medic standard work week and overtime calculation shall be based on two hundred twelve (212) working hours in a four (4) week period. Non-exempt employees whose hours exceed two hundred twelve (212) working hours in a four (4) week period will be calculated at one and one-half (1 1/2) times their regular rate.

Fire Department Fire Medic On-Call Pay

Fire Medics scheduled for on-call duty will be paid for two (2) hours per day at their regular rate of pay when they are not required to be on duty at the fire station. Fire Medics scheduled for on-call duty who are required to be on duty at the fire station will be paid for actual time worked.

When on call, the Fire Medic is free to move about the community, providing the Fire Medic can be at the Hiawatha Fire Station within the five (5) minute requirement.

If the on-call duty time causes the Fire Medic to work more than two hundred twelve (212) working hours in a four (4) week period, the Fire Medic will receive overtime pay for the time in excess of two hundred twelve (212) hours.

On-Call Time (Public Works and Water Department)

On-call time is defined as time when an employee is specifically required to be available to report for duty during scheduled time off. “Available” means the employee must report for duty within one (1) hour of being called to work. An on-call employee, when away from home, is required to carry at all times the City’s two-way radio, pager or cell phone to ensure communication and response to a call-out situation.

Because of the small number of employees in the Public Works and Water Departments, a specific employee from each department needs to be designated as the person responsible for responding to emergencies in a timely fashion. Two or more employees from a department can share this on-call responsibility as long as there are no gaps in emergency coverage.

The immediate supervisor will be responsible for deciding in advance which employee is on on-call duty. The normal, or “default” policy, is that the immediate supervisor is on on-call unless he/she notifies the City Administrator in advance that a different employee is on on-call for a specific day or period.

An on-call employee who is called into work will be compensated for the additional time worked. Whenever an employee is called back to work, the employee will be paid for actual time worked with a minimum of two (2) hours pay. If the additional time worked causes the employee to actually work more than forty (40) hours in the work week, the employee will receive overtime pay for the time actually worked in excess of forty (40) hours.

Public works employees shall accrue two (2) hours per day during weekends and holidays when they are assigned to on-call duty. The accrued hours will automatically be taken on the last day of the normal work week, unless the employee is scheduled to work by their immediate supervisor.

On-call compensation time should only be given when an employee has committed in advance to being on on-call. If an employee is on-call and does not report to work within the required one (1) hour after receiving notice to report for duty, the employee shall forfeit the on-call compensation time and may be subject to disciplinary action, up to and including termination of employment.

Minimum Call-back

Employees eligible for unscheduled overtime compensation will be paid a minimum of two (2) hours’ pay at the overtime rate when they are called back to work, even though their actual time worked in such a call-back situation is less than two (2) hours, except if the employee stays beyond the normal work day or reports immediately before their starting time. In that situation, the employee is paid overtime based upon the actual time worked and then the two-hour minimum does not apply.

Employees will be eligible for minimum call-back while on paid leave or excused unpaid leave. Time earned while on excused paid leave will be paid at a rate of time and one half (1 1/2). Time earned while on excused unpaid leave will be paid at the straight time rate. All time earned while on paid leave or excused unpaid leave will be paid to the employee at the next pay period and carryover time will not be allowed.

Recording Work Hours

Non-exempt employees are responsible for accurately recording the time they begin and end their work, as well as the beginning and ending time of their lunch period. It is the employee’s responsibility to certify the accuracy of all time recorded into the Time Card system and complete necessary leave requests in advance for approval by the employee’s immediate supervisor. Accuracy is essential, as the employee’s pay will be calculated from these time records. In the event of an error in reporting time, employees must

immediately report the issue to their immediate supervisor who will be responsible for correcting any errors in the Time Card system before releasing the timesheet to the City Clerk's office for processing.

Clock In for Non-Exempt Employees – Employees may clock in no earlier than seven and one-half (7 1/2) minutes prior to their scheduled start time and the calculation of hours worked will begin at the employee's scheduled start time. Clock in earlier than seven and one-half (7 1/2) minutes prior to the scheduled start time must be authorized in advance by the employee's immediate supervisor and calculation of hours worked will be recorded to the nearest quarter hour.

Clock Out for Non-Exempt Employees – In the event an employee clocks out prior to the end of normally scheduled work hours (where previously approved leave is not taken), the calculation of hours worked will be recorded to the nearest quarter hour. The calculation of hours worked for clock outs up to seven and one-half (7 1/2) minutes after an employee's scheduled shift end time will be paid to the employee's scheduled shift end time. Clock outs beyond seven and one-half (7 1/2) minutes past the employee's scheduled shift end time must be authorized in advance by the employee's immediate supervisor and calculation of hours worked will be recorded to the nearest quarter hour.

Each Department Head is responsible for approving their staff's time sheets for each pay period in the Time Card system, no later than noon on the day following the close of the pay period. Employees' time sheets are subject to verification by their immediate supervisor and the City Clerk's office at any time.

Exempt employees are not required to record work hours in the Time Card system, unless the exempt employee is taking leave such as vacation, personal, sick, bereavement, etc. When taking leave, exempt employees must complete a leave request in the Time Card system to report the appropriate deduction from leave banks to their immediate supervisor and the City Clerk's office for processing. If no leave is taken, exempt employees will be paid for eighty (80) hours in a two-week period.

Altering, falsifying, tampering with time records or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

Break Periods

Meal breaks must be noted on the time sheets and will not be considered as "time worked" and will not be paid unless work is authorized in advance by a member of City Management. Scheduling of lunch and break times shall be determined by the immediate supervisor.

Worksite Breastfeeding/Expression Policy

Employees shall be provided a place to breastfeed or express their milk. An employee room is provided as a private and sanitary place for breastfeeding employees to feed their baby or express their milk during work hours. This room provides an electrical outlet and nearby access to running water. Employees may use their private office for breastfeeding or milk expression, if they prefer. In facilities where there is not a designated “private room,” accommodations will be made. Employee should ask the City Clerk or their immediate supervisor for more information about accommodations.

A refrigerator will be made available for safe storage of expressed breast milk. Employees may use their own cooler packs to store expressed breast milk or may store milk in a designated refrigerator/freezer. Employees should provide their own containers, clearly labeled with name and date. Employees using the refrigerator are responsible for keeping it clean.

Employees shall be provided flexible breaks to accommodate breastfeeding or milk expression. The time should not exceed the position’s time allotted for lunch and breaks. For time above and beyond the position’s lunch and breaks, sick/compensatory leave time must be used. Reasonable break time for breastfeeding will be provided for up to one (1) year, per pregnancy.

Given the importance of breastfeeding to the infant and the mother, the City and its employees should provide an atmosphere of support.

Vacation, Funeral Leave, Jury or Witness Duty, and Other Leaves

If the employee is away from work for vacation, funeral leave, jury or witness duty, etc., they are responsible for filling out the proper form and turning it in to their immediate supervisor, who will file it with the City Clerk (or designee) in order for an employee to be paid. The form should be completed and submitted before the end of the pay period to have an impact on employee’s paycheck for that particular pay period.

If employee attends pre-authorized training, seminars or conferences for professional development concerning their position, they are required to keep an accurate record of the time on their time sheet. This should include both actual class time and travel time.

Work Assignments

City Management retains the right to make work assignments, alter employee job duties and/or work schedules on a temporary or regular basis when it is deemed necessary or desirable to do so. No permanent changes to work assignments will be made without employee input and discussion, but City Management will make the final decision in all work assignments.

Attendance and Punctuality

The City expects employees to be conscientious about attendance and punctuality at work. An employee is a part of a team, and getting the work done depends on everyone being in the right place at the right time.

Work schedules may differ by departments. The immediate supervisor will inform an employee of his/her work schedule. Employees shall be ready to begin their assigned duties at the designated time.

Attendance and punctuality are important factors in determining employee's eligibility for transfer, promotion and wage/salary increases. Unexcused or excessive absenteeism not only affects overall City operations but puts an additional burden on the employee's co-workers to perform the work for which the employee is responsible.

If employee cannot avoid being late to work, or they will be unable to work as scheduled, employee will notify their immediate supervisor **before** their work day begins, if possible, but no later than thirty (30) minutes after their scheduled starting time. Employee should give their best estimate when they will be able to be at work.

An unexcused absence occurs when an employee does not notify his/her supervisor within thirty (30) minutes and/or when so notified, the immediate supervisor does not authorize the absence. It will be considered an unexcused absence when an employee leaves the workplace for any reason without prior authorization and/or notification.

Unreported absences will be treated as time off without pay and considered as being non-compliant with this policy. In the event of an unexcused absence, disciplinary action, up to and including termination may result. If the employee is absent from work for three (3) consecutive days, and he/she does not notify his/her supervisor during this period, he/she will be considered to have voluntarily resigned.

If an employee becomes ill during his/her shift, the employee should notify his/her supervisor before leaving the premises. For absences of more than one (1) day (usually due to illness), employee should call in each day to let their immediate supervisor know they cannot be at work. Employees do not have to call each day if they have provided their immediate supervisor with a health care provider's note indicating the anticipated date of their return to work. If they do not call according to the above time schedule, their absence will be considered unauthorized. Being absent without notification or legitimate excuse may result in disciplinary action, up to and including termination of employment.

Those employees experiencing recurring periods of illness or prolonged need to be away from the workplace are encouraged to seek treatment from a health care provider and consider applying for an appropriate Leave of Absence. Excessive absenteeism will be considered to have occurred when the efficiency of the operations has been affected in the opinion of City Management. A period of absence for medical reasons in excess of

(3) three work days will require a health care provider's note clearing the employee to return to work and stating any restrictions necessary, as well as the medical diagnosis. Excessive excused absences will be handled on an individual basis and may result in disciplinary action, up to and including termination of employment. An unreported or unauthorized absence of three (3) regularly scheduled working days in a 12-month work period will be considered a voluntary resignation.

An employee will be considered late when arriving at work after the start of the scheduled work day or when returning to work after the scheduled ending time for a meal break without an acceptable excuse or advance authorization. An hourly employee will not be paid for the time elapsed between the scheduled starting time and the employee's time of arrival unless authorized in advance. Repeated or patterns of excessive lateness will result in disciplinary action, up to and including termination of employment.

EMPLOYMENT OF RELATIVES

Relatives of an employee may be employed by the City. However, two members of an immediate family shall not be employed full-time, part-time, temporary or seasonal at the same time by the same City department. Immediate family as defined below shall not be directly supervised by any immediate family member. This policy applies to promotions, demotions, transfers, reinstatements and new appointments. The City reserves the right to terminate an employee if conditions develop that creates a relation that violates this section.

Fire Department volunteer employees are exempt from the above-listed provisions.

Relatives shall not be hired if they will work directly for or have their compensation set controlled by an immediate family member serving on a Board/Commission/Council. City Management does not want to create actual or perceived conflicts of interest.

For purposes of this section only, the immediate family is defined as wife, husband or significant other, and mother, father, brother, sister, son, daughter, mother-in-law, father-in-law, daughter-in-law, son-in-law, grandchildren, stepmother, stepfather, brother-in-law, sister-in-law, uncle, aunt, niece, nephew, grandparents, and great grandchildren.

Employees who marry while employed will be treated in accordance with these guidelines. If, in the opinion of the City, a conflict or apparent conflict arises as a result of the marriage, one of the employees will be transferred at the earliest practicable time.

EMPLOYEE LICENSE AND CERTIFICATIONS

It is the employee's responsibility to keep current any required licenses and/or certifications required by their position. All required licenses and certificates shall be brought to the appropriate Department Head to be copied for the employee's personnel file. Failure to keep required licenses and certifications current may result in termination.

PERSONNEL/MEDICAL RECORDS, EVALUATIONS

Personnel Records

The City Clerk, or designee, for the City will maintain personnel records and related personnel administration functions. Questions regarding insurance, wages and interpretation of policies may be directed to the City Clerk or designee. If employee has a change in any of the items listed below, employee should be sure to notify their immediate supervisor as soon as possible. **It is employee's responsibility to maintain the accuracy of this information:**

1. Legal name
2. Home address
3. Home telephone number
4. Person to call in case of emergency
5. Number of dependents
6. Marital status
7. Change of beneficiary
8. Driving record or status of driver's license (if employee operates any City vehicles)
9. Military or draft status
10. Exemptions on employee's W-4 tax form (State and Federal)
11. Training Certificates
12. Professional License(s)

Upon experiencing a family status change, employee shall notify their immediate supervisor within thirty (30) days for benefit modifications, if necessary.

Personnel File Contents

The following documents will be maintained in each employee's personnel file in the City Clerk's office:

- Employment application
- Resume
- W-4 (for State and Federal tax withholding)
- Iowa Centralized Employment Registry (CER) form if hired after January 1, 1994
- Copy of valid driver's license and/or other identification containing a recent picture
- Accident reports (if applicable)
- Status change forms (if applicable)
- Emergency contact information
- Documentation of disciplinary actions
- Information release authorization from employee (if applicable)
- Statement of Receipt – Employment Policy Manual (signed copy)

- Statement of Availability – Knowledge of City “Right to Know” documents on hazardous substances (SDS) present in the workplace (signed copy)
- Copies of letters of commendation or praise
- Other documents relating to the employee’s work

Access to Employee Information

City Clerk (or designee) has access to all employee personnel files; upon request supervisors may obtain information on a “need to know” basis.

Individual employees have access to their own personnel files only. If an employee wishes to review information contained in his/her personnel file, he/she should notify the City Clerk. The employee must complete a “Request to Inspect Personnel File” form.

Any time a request to inspect a personnel file is made, the following list of records are exempt from inspection: trial documents, actual employment text, succession planning documents and employment references.

A City representative will be present during the examination of an employee’s personnel file.

An employee may not remove **any** item from his/her file but may request that copies be made of specific documents the employee has signed. Arrangements must be made with the City Clerk (or designee) for copies during normal business hours. Employees may be charged the City’s regular fee for copies. If an employee disputes the accuracy of a document in his/her personnel file, the opportunity to include a brief, written statement of the employee’s version of the document will be made available. This statement will be attached to the document in question and retained in the personnel file.

Information in the personnel file will remain confidential in all other cases unless release is authorized in writing by the employee or release is required by law. Copies of documents in employee personnel files may be made available to attorneys and/or federal/state agencies only if a properly executed request to review the files is received by the City Clerk (or designee). Only the information specifically requested will be made available and the employee will be notified that his/her personnel file has been requested.

External Disclosure

External disclosures from employee records are extremely limited. Only the City Clerk, Department Heads or personnel designated by the City Clerk are authorized to disclose any information to prospective employers or anyone seeking current or prior employment information.

The City’s designee will inform prospective employers calling for a reference that the City provides only the dates of employment and positions held.

If an employee signs an authorization in writing for release of his/her personnel file, the City will comply with the release. Similarly, the City will comply with any legally valid subpoenas.

The City will also comply with open records requests under Iowa law.

The City will release any information relating to the results of federal or state required drug tests in accordance with applicable laws.

Medical Records

This policy is intended to address privacy and security practices relating to the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended. All employee medical records, if any, will be kept in a separate confidential file. The City maintains this information in the strictest confidence and may use or disclose medical information about an employee only as provided by law. Medically related information may include, but is not limited to, results of physical examinations, drug and alcohol screening tests, workers' compensation injury reports and other related medical information.

Physical/Mental Examinations

The City may require employees to take a job-related physical examination by a health care provider designated by the City and at the City's expense, after the employee has been offered a position and before the employee starts work. This examination may include drug testing and may include other tests, such as, but not necessarily limited to, a hearing exam or a baseline back examination, depending on the specific essential requirements of the position. Failure to successfully complete and pass such a test will result in the City terminating the application process and revoking any conditional offer of employment.

Employees, who experience a mental or physical condition that may make the performance of their essential job functions unsafe or which restrict the performance of their essential job functions, shall report that condition to their immediate supervisor.

The City has a responsibility to its employees and the public to ensure that employees do not pose a potential hazard to themselves or others. Whenever the City reasonably suspects that the physical or mental condition of an employee is endangering the employee's own health or safety and/or the health and safety of others, the employee shall be requested to undergo a physical/mental examination related to the essential functions of his/her job. The City may designate the health care provider to perform the physical/mental examination. However, the City shall pay for said physical/mental examination. The City has the right to request and receive a written report following the physical/mental examination.

An employee may be placed on medical leave until the employee's treating health care provider **signs a written report stating that the employee can perform the essential functions of the employee's job description, with or without reasonable accommodation.** A statement from a health care provider merely stating that the employee may return to work **will not** be accepted by the City as evidence of the employee's ability to perform his/her essential job functions with or without reasonable accommodations.

Following an interactive process and analysis, the City may assign the employee to "light duty" or provide reasonable accommodations to permit the employee to perform his/her essential job functions and facilitate a return to work.

All physical/mental examinations collected by the City will be maintained in the employee's confidential medical files.

Introductory Period

The introductory period for non-union City employees shall normally be one hundred-eighty days. However, upon completion of the introductory employee's one hundred-eighty-day performance evaluation, the introductory period may be extended an additional one hundred-eighty days upon written recommendation of the immediate supervisor, or if the introductory employee is a Department Head, by the City Administrator.

The policy of the City is to employ applicants who are qualified or trainable for City positions as determined by the City standards of education, training, experience and personal qualifications on an at-will basis. This introductory period is based on mutual consent, giving the employee an opportunity to become acquainted with the job and giving the City an opportunity to evaluate the employee. If, at the conclusion of the introductory period, either the employee or the City may terminate the employment arrangement at any time.

This introductory period does not alter an employee's **at-will employment status.**

Provisions of this manual relating to due process, the complaint process, appeals or hearings shall not apply to any employee during an employee's introductory period.

Anniversary Date and Orientation

The first day employee reports to work is their "official" anniversary date. This date is used to compute various conditions and benefits described in the manual.

On employee's first working day, they will be asked to complete employment paperwork. Employee's immediate supervisor will introduce the employee to their co-workers and other management personnel.

Performance Evaluation

Because the City wants employees to grow and succeed in their job, the City conducts a formal performance evaluation one (1) time per year for each employee. New employees may be evaluated near the end of their introductory period. An evaluation may also be conducted in the event of a promotion or change in duties and responsibilities.

During a formal performance evaluation, the employee's immediate supervisor may cover the following areas:

- The quality and quantity of the employee's work
- The employee's reliability and dependability
- The employee's attitude and teamwork
- The employee's adherence to work and safety rules
- The public relations aspect of employee's position
- The employee's work skills and habits
- The employee's problem-solving skills and initiative
- Strengths and areas for improvement
- Ongoing professional growth and development

Additional areas may also be evaluated as they relate to the employee's specific job.

An employee's performance evaluation provides an opportunity for collaborative, two-way communication between employee and their immediate supervisor. This is a good time to discuss employee's interests and future goals. Employee's immediate supervisor is interested in helping employee to progress and grow in order to achieve personal as well as work-related goals. Further training may be recommended. The performance evaluation gives an opportunity to suggest ways for employee to advance and make the employee's job with the City more fulfilling.

DRIVER'S LICENSE CHECK AND FLAGGING PROGRAM

Policy on Driver's License Check and Flagging Program:

Purpose

This policy establishes a system to verify the validity of driver's licenses for new employees and volunteers, who will drive for the City, and to maintain a flagging system, which will ensure continued license validity for existing employees and volunteers who drive for the City. This system will ensure that City drivers meet the City's standard for driving City vehicles or privately-owned vehicles on official City business.

Scope

This policy is inclusive of all City employees and volunteers who operate City owned/leased vehicles or privately-owned vehicles driven on official City business.

Minimum Requirements

All City employees and volunteers must possess a driver's license valid in the State of Iowa of the type and class appropriate to its use, in order to drive a City-owned/leased vehicle or privately-owned vehicle on official City business.

Employees with suspended or revoked licenses will have their City driving privilege revoked and will be subject to the administrative procedures outlined below in the section entitled "For City drivers whose City driving privileges have been revoked."

Driver's License Check and Flagging Program Procedures

Purpose

The purpose of this procedure is to implement the policy on the Driver's License Check and Flagging Program.

Responsibilities

City employees and volunteers who will drive for the City are responsible for:

1. Providing their driver's license to the City Clerk's Office upon employment to validate the license and make a copy for their personnel file. Employees and volunteers who possess a driver's license that is not issued by the State of Iowa must have the ability to obtain a State of Iowa issued driver's license as soon as possible and submit it to the City Clerk's Office to validate and make a copy for the personnel file. New employees and volunteers possessing a non-Iowa issued driver's license must have the ability to obtain a State of Iowa issued driver's license within thirty (30) days and submit it to the City Clerk's Office to validate and make a copy for the personnel file;
2. Submitting a new driver's license to their immediate supervisor and City Clerk's Office when there is a name change or a new license issued. Renewal of a current license does not require the completion of a driver's license check;
3. Maintaining a driver's license that is valid in the State of Iowa and a driving record that meets the City's standard for driving City-owned/leased vehicles on official City business; and
4. Informing their immediate supervisors of all status changes of their driver's license.

In the event an employee or volunteer requests that City driving privileges be reinstated, the administrative procedures section for reinstatement of City driving

privilege found in this manual must be followed. This applies only when an employee's or volunteer's City driving privilege was revoked and the employee or volunteer was:

- a. Allowed to remain in the same City position without maintaining a City driving privilege;
- b. Temporarily or permanently transferred or demoted in pay and/or rank without maintaining a City driving privilege.

Reinstatement of the City driving privilege will not necessarily rescind any disciplinary actions taken.

Immediate supervisors of City drivers are responsible for:

1. Ensuring that all City drivers under their supervision have completed a driver's license check with the City Clerk's Office, and that non-Iowa licensed drivers have applied for and are in the process of receiving an Iowa driver's license;
2. Ensuring that new employees and volunteers complete a driver's license check with the City Clerk's Office upon employment;
3. Reporting to the City Clerk's Office when an employee or volunteer will no longer be driving a City-owned/leased vehicle or privately-owned vehicle on official City business. The City Clerk's Office will update this information on the Driver's License Check and Flagging spreadsheet;
4. Forwarding all driver's license check information to the City Clerk's Office promptly;
5. Revoking an employee's or volunteer's privilege to drive a City-owned/leased vehicle or a privately-owned vehicle used on official City business when the City Clerk's Office has advised the immediate supervisor that the driver no longer meets the City's driving requirements. The immediate supervisor must ensure that the driving stops immediately and initiate the administrative procedure;
6. Consulting with the City Clerk's Office on the course of action to take for drivers under their supervision who have had their City driving privilege revoked; and
7. Informing employees and volunteers of the reinstatement of their City driving privilege. The administrative procedures for reinstatement of the City driving privilege should be followed at this point.

The City Clerk's Office is responsible for:

1. Ensuring that all supervisors, employees and volunteers who drive a City-owned/leased vehicle or privately-owned vehicle on official City business are included in the driver's license check and flagging program;
2. Overseeing the annual review of City drivers in all departments to ensure that all name changes and new license issues have been reported. A written notice that all drivers in each department have supplied current information should be sent to the City Clerk's Office along with all updated driver's license check information by the end of January in each year;
3. Advising the immediate supervisor of an employee or volunteer who has had the City driving privilege revoked. The administrative procedures section of this procedure concerning revocation of driving privileges should be followed at this point;
4. Consulting with immediate supervisors on the course of action to take for drivers in their department who have had their City driving privilege revoked;
5. Advising the immediate supervisor of an employee or volunteer who has had the City driving privilege reinstated (when applicable). *Follow the reinstatement of City driving privilege section of this procedure;*
6. Entering employees and volunteers who will drive into the flagging system;
7. Conducting a review of all existing employees' and volunteers' driving records with the help of the Hiawatha Police Department to ensure that all drivers meet the minimum requirements for City driving;
8. Advising employees, volunteers and their immediate supervisors that their City driving privileges have been revoked. This notice will be in the form of a memorandum, and will be sent to the immediate supervisor;
9. Maintaining a file that records all actions taken with regard to the driver's license check and flagging program;
10. Monitoring the driver's license check and flagging program to ensure that all procedures are accurately followed;
11. Reviewing driving records with the help of the Hiawatha Police Department supplied by employees and volunteers to supervisors for the

purpose of reinstatement of the City driving privilege (when applicable);
and

12. Informing Department Heads that City driving privileges are reinstated to an employee or volunteer through a memorandum.

For City drivers whose City driving privileges have been revoked:

1. When an employee or volunteer no longer satisfies the minimum City criteria for driving a City-owned/leased vehicle or privately-owned vehicle on official City business, a memorandum of revocation will be sent by the City Clerk's Office to the immediate supervisor. The immediate supervisor must ensure that driving stops immediately.
2. When the driving privilege is revoked for an employee or volunteer, the immediate supervisor will then consult with the City Clerk's Office to determine whether arrangements can be made for the continuation of employment or volunteer activities for the employee or volunteer. The City Clerk's Office will then recommend in writing:
 - a. Whether the employee or volunteer may remain in the same capacity for the City without maintaining a City driving privilege;
 - b. Whether the employee or volunteer may serve in another capacity, in the same department without maintaining a City driving privilege. This may include, but may not be limited to, a permanent or temporary transfer or demotion in rank and/or pay. In the case of a temporary transfer or demotion, this action would remain in effect at least until the employee's or volunteer's driving privileges are reinstated; or
 - c. That the employee or volunteer cannot remain in the same department in any capacity without maintaining a City driving privilege.
3. In the event of termination, the City Clerk's Office will follow standard procedures for termination of employees.

Volunteers who cannot remain in service to the City without maintaining a City driving privilege will be notified by the immediate supervisor that they cannot serve the City any longer due to revocation of their driving privilege.

For reinstatement of the City driving privilege:

1. An employee or volunteer must provide a current original printout of his or her driving record to the immediate supervisor, and this driving record must reflect that the employee or volunteer now meets the minimum criteria for City driving.
2. The immediate supervisor will promptly forward the copy of this driving record to the City Clerk's Office.
3. The City Clerk's Office with the assistance of the Police Department will review the driving record and decide whether to reinstate the City driving privilege to the employee or volunteer. If the City driving privilege is not reinstated, the City Clerk's Office will detail the reason(s) in writing to the immediate supervisor and send copies to the employee or volunteer.
4. When an employee or volunteer is reinstated with the City driving privilege:
 - a. The immediate supervisor will be notified in writing through a memorandum of reinstatement from the City Clerk's Office and the City Clerk's office will follow standard procedures for reinstatement;
 - b. The City Clerk's Office will then advise the immediate supervisor of the employee or volunteer of the reinstatement and supply the immediate supervisor with a copy of the memorandum of reinstatement; and
 - c. The immediate supervisor will then inform the employee or volunteer of the notice of reinstatement by giving the employee or volunteer a copy of the memorandum of reinstatement.

Should an employee or volunteer contest the results of the driver's license check on the flagging program they may:

1. Contest the findings of the driver's license check and flagging program by supplying the immediate supervisor with a current original printout of the driving record. The original printout of the driving record must be dated after any memorandums of revocation in order to be considered current. Any revocations of driving privileges will stay in effect until the validity of the driving record supplied by the employee or volunteer may be checked. The immediate supervisor should immediately forward the original printout of the driving record to the City Clerk's Office for verification. The City Clerk's Office with the help of the Hiawatha Police Department will check the validity of the driving record in a timely fashion. If the information determined through the driver's

license check and flagging program is found to be in error, necessary corrections will be made as appropriate, such as reinstatement of driving privileges; and

2. Review their driving record as kept by the City Clerk's Office. A request should be made in advance, when possible.

SAFETY/WORKERS' COMPENSATION INSURANCE

Safety

Safety of employees is of utmost importance to the City. Safe working conditions and practices must be exercised by every employee.

Any safety equipment as determined by the City to be necessary for the performance of the job shall be worn and/or used by the employee and the equipment must be maintained and operated safely and within manufacturers' suggested parameters.

Safety equipment shall be furnished by the City at no cost to the employee.

The following departments require specific essential safety equipment:

- *Fire Department: Bunker coats and pants; steel toed rubber boots; helmets; gloves.*
- *Public Works and Water Departments: Hard hat; reflective vests or shoulder/waist straps; goggles.*
- *Police Department: Bullet proof vest; helmet.*

For a full, detailed copy of the City's Safety Manual, see each department's safety binder or visit the Safety University online.

On-the-Job Injuries or Job-Related Injuries and Sudden Illnesses

ALL employees must be dedicated to the idea that EVERY ACCIDENT CAN BE PREVENTED.

An on-the-job injury is defined as an accidental injury suffered in the course of employee's work. A job-related injury is an injury or an illness that is directly related to an employee performing assigned job duties. A sudden illness is where an employee unexpectedly and without warning becomes sick at work.

In the event of an on-the-job accident, job-related injury or sudden illness of an employee, the following steps should be taken:

1. The employee should be made as comfortable as possible, clearing the area of all unnecessary personnel;
2. An employee trained in first aid procedures, if available, should be summoned so that appropriate first aid can be administered;
3. An ambulance, if necessary, should be called for special emergency treatment at a local hospital; the immediate supervisor shall call **Company Nurse at 888-770-0928**;
4. The employee's immediate supervisor and/or the persons responsible for safety should be summoned as soon as possible; and
5. If an ambulance is not appropriate, the employee along with his/her supervisor (if available), must call **Company Nurse at 888-770-0928** completing the "First Report of Injury."

These accident procedures must be followed to ensure safety for all employees.

After an emergency or non-emergency on-the-job accident/job-related injury involving an employee, the employee, along with his/her supervisor (if available), must call **Company Nurse at 888-770-0928** to complete the "First Report of Injury." The law requires that the City keep records on all accident injuries to employees. The employee should relate the time, location, incident and nature of the injury, and indicate if there were witnesses. All employees are expected to cooperate in supplying the information needed to complete the "First Report of Injury."

All injuries or illnesses or any health problems, no matter how slight they may appear, should always be reported. These reports are necessary in order to comply with laws and initiate insurance and workers' compensation procedures.

Workers' Compensation Insurance

All employees, including volunteer members of the Fire Department, are entitled to workers' compensation benefits for on-the-job or job-related injuries. This coverage is automatic and immediate. The City pays for this insurance. If employee cannot work due to an on-the-job injury or job-related injury, workers' compensation insurance pays their medical bills and provides a portion (80%) of their net income until they can return to work after a short waiting period or, if they are hospitalized, immediately.

All injuries or illnesses arising during employment must be reported to employee's immediate supervisor immediately and, additionally, to the City **Nurse**. Prompt reporting is the key to prompt benefits. Benefits are automatic, but nothing can happen until the City knows about the injury. **Insure your right to benefits by reporting every injury, no matter how slight.** Any employee who sustains a work-related injury or contracts a job-related illness should:

1. Inform his/her supervisor IMMEDIATELY, regardless of severity, and complete the required workers' compensation Company Nurse report in a timely manner. Failure to report the injury/illness promptly may result in disciplinary action, up to and including termination of employment.
2. **Follow the City Nurse's** directions for care at the City's designated medical clinic or at an emergency room. **The City selects** medical providers with the knowledge and interest in treatment of occupational problems. (Failure to obtain services where directed may result in the employee being liable for the treatment charges.)
3. Provide all medical documentation to the City Clerk so the necessary accident report can be completed.
4. If directed, undergo a drug/alcohol screening test.
5. Be available for medical appointments during normal work hours.
6. Return to work as soon as certified to do so by the health care provider. (An employee who fails to return to work at the end of an approved medical absence will be considered to have voluntarily resigned.)

Giving false or misleading information to obtain workers' compensation benefits is illegal and will result in termination.

*City Management may offer an employee who has been injured on the job a position with modified responsibilities on an interim basis. In the event the City elects to offer the employee a modified duty position and the health care provider releases the employee to return to work in a modified capacity, the employee **must** return to work at the time specified. Any employee who refuses to return to a modified duty position may jeopardize the employee's entitlement to certain workers' compensation benefits.

Note: The first three (3) days of injury will be considered as sick time. After the first three (3) days, workers' compensation insurance will begin.

Temporary Modified Duty

It has been consistently proven that employees who are able to return to work sooner heal more quickly physically, mentally and emotionally after a disabling injury or illness. It is important for employees to re-establish a normal work pattern as soon as possible and to feel they are needed and appreciated.

The City may offer an employee who has suffered a medically certified injury, illness or disability (including pregnancy) a position with modified responsibilities on an interim basis. If the employee's health care provider releases the employee to return to work in a

modified capacity, and the City has temporary modified duty available for which the employee is qualified, and which meets the health care provider's restrictions, the employee **must** return to work at the time specified.

Likewise, an employee may make a written request for temporary modified duty to their immediate supervisor. The request must be accompanied by the employee's health care provider's release and identify the restrictions imposed and the work which can be performed with or without reasonable accommodation.

The health care provider's release must include:

- An assessment of the nature and probable duration of the condition;
- Return to work date (or anticipated return to work date);
- Affirmation the health care provider reviewed the employee's job description;
- Nature of any restrictions posed on employee's physical or mental activities; and
- Either a description of reasonable accommodations to employee's essential job functions the health care provider proposes or an affirmation by the health care provider that the employee can perform the essential functions of the temporary modified duty assignment proposed by the City.

If an employee provided a release, the FMLA Coordinator may contact the health care provider to ask specific questions about the employee's medical condition with respect to carrying out temporary modified duty assignments. Employees on temporary modified duty shall receive all the compensation and benefits they would receive if not on temporary modified duty, except they shall have a work schedule and duties assigned.

Temporary modified duty will be reevaluated on a regular basis for reasonableness until the employee may return to work with or without reasonable accommodations. Evaluations require a written statement concerning the employee's medical condition from the treating health care provider.

This policy in no way affects the privileges of employees under the provisions of the Family and Medical Leave Act, Fair Labor Standards Act, Americans with Disabilities Act As Amended or other federal or state laws.

Hazardous Substances in Workplace Program

Purpose

The purpose of this program is to inform employees that the City is complying with the OSHA Hazard Communication Standard found at 29 C.F.R. § 1910.1200 by compiling a hazardous chemicals list, by using safety data sheets (SDSs), by ensuring that containers

are labeled, by providing proper training to employees and by communicating this information to City employees.

This program applies to all City work operations where employees may be exposed to hazardous substances under normal working conditions or during an emergency situation.

The Safety Committee is the program coordinator who has overall responsibility for the program. The Safety Committee will review and update the program, as necessary.

All employees can obtain further information on this hazard communication program and applicable SDSs and chemical information lists from the Safety Committee or the online Safety University. Pursuant to this program, employees will be informed of the contents of the Globally Harmonized System (or GHS), the hazardous properties of chemicals with which they work, safe handling procedures and measures to take to protect themselves from these chemicals.

If, after reading this program, an employee would like to recommend improvements, please contact the Safety Committee. The City encourages feedback because the City is committed to the success of its program and the safety of its employees.

Hazard Evaluation Procedures

The City's chemical inventory is a list of hazardous chemicals known to be present in the City's workplace. Anyone who comes into contact with the hazardous chemicals on the list needs to know what those chemicals are and how to protect themselves. The hazardous chemicals on the list cover a variety of physical forms, including liquids, solids, gases, vapors, fumes and mists.

The list of hazardous chemicals will be updated by Department Heads as necessary. Department Heads shall keep the chemical inventory lists in each department where they are accessible during working hours. In addition, Department Heads shall keep a copy of the lists at their respective departments. After the chemical inventory is compiled, it serves as a list of every chemical for which an SDS must be maintained.

Safety Data Sheets (SDSs)

The SDSs used by the City are fact sheets for chemicals which pose a physical or health hazard in the workplace. SDSs provide City employees with specific information on the chemicals they use.

SDSs shall be in English and include at least the section headers and information required under the law. A binder with the SDSs is kept at each location. Employees can obtain access to them by reviewing the binder and/or talking to their immediate supervisor or Department Head.

Labels and Other Forms of Warning

Labels list at least the product identifier, signal word, hazard statement(s), pictogram(s), precautionary statement(s), and the name, address and telephone number of the chemical manufacturer, importer or other responsible party. The product identifier is found on the label, the SDS and the chemical inventory. The hazard warning is a brief statement of the hazardous effects of the chemical (i.e., “flammable” or “causes lung damage”).

Department Heads are responsible for ensuring that all hazardous chemicals are labeled and updated and ensuring that newly purchased materials are checked for labels prior to use. Department Heads will also refer to the corresponding SDS to assist employees in verifying label information. The City shall not remove or deface existing labels on incoming containers or hazardous chemicals unless the container is immediately marked with the required information. All labels shall be legible, in English, and prominently displayed on the container or readily available in the work area throughout each shift.

Training

Everyone who works with or is potentially “exposed” to hazardous chemicals will receive initial training and any necessary retraining on the GHS standard and the safe use of those hazardous chemicals.

“Exposure” means that “an employee is subjected to a hazardous chemical in the course of employment through any route of entry (inhalation, ingestion, skin contact or absorption, etc.) and includes potential (e.g., accidental or possible) exposure.” Whenever a new hazard is introduced or an old hazard changes, additional training is provided.

Information and training are critical parts of the GHS program. The City trains its employees to read and understand the information on labels and SDSs, determine how the information can be obtained and used in their own work areas, and understand the risks of exposure to the chemicals in their work areas as well as the ways to protect themselves.

The City’s goal is to ensure employee understanding, including being aware that employees may be exposed to hazardous chemicals, knowing how to read and use labels (with posted pictograms) and SDSs, and appropriately following the protective measures the City has established.

Training Content

The City will provide appropriate training and the training plan emphasizes these elements:

- Summary of the standard and this written program, including what hazardous chemicals are present, the labeling system used, and access to SDS information and what it means.

- Methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area.
- Physical, health, simple asphyxiation, combustible dust and pyrophoric gas hazards, as well as hazards not otherwise classified, of the chemicals in the work area (e.g., potential for fire, explosion, etc.).
- Health hazards, including signs and symptoms of exposure, associated with exposure to chemicals and any medical condition known to be aggravated by exposure to the chemical.
- Procedures to protect against hazards, including specific procedures the City has implemented to protect employees from exposure to hazardous chemicals (e.g., engineering controls; work practices or methods to assure proper use and handling of chemicals; personal protective equipment required and its proper use and maintenance; and procedures for reporting chemical emergencies).

Hazards of Nonroutine Tasks

If employees are required to perform any hazardous nonroutine tasks that have the potential to expose them to hazardous chemicals, the City informs employees of these hazards by having a one-on-one discussion.

I HAVE RECEIVED THE CITY OF HIAWATHA'S HAZARDOUS SUBSTANCES IN WORKPLACE POLICY. I UNDERSTAND THAT I MUST ABIDE BY THE HAZARDOUS SUBSTANCE PROCEDURES AS A CONDITION OF EMPLOYMENT WITH THE CITY.

Employee's

Signature_____ **Date**_____

*Original signature page is filed in personnel file

Bloodborne Pathogens

The City is committed to providing a safe and healthful work environment for all employees. In pursuit of this goal, the following exposure control plan (ECP) is provided to eliminate or minimize occupational exposure to bloodborne pathogens in accordance with OSHA standard 29 C.F.R. §1910.1030, “Bloodborne Pathogens.” The ECP is a key document to assist the City in implementing and ensuring compliance with the standard, thereby protecting City employees. This ECP includes:

- Determination of employee exposure
- Implementation of various methods of exposure control, including:
 - Universal precautions
 - Engineering and work practice controls
 - Personal protective equipment
 - Housekeeping
- Hepatitis B vaccination
- Post-exposure evaluation and follow-up
- Communication of hazards to employees and training
- Recordkeeping
- Procedures for evaluating circumstances surrounding exposure incidents

DEFINITIONS

Bloodborne Pathogens: pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (“HBV”) and human immunodeficiency virus (“HIV”).

Contaminated: the presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

Decontamination: the use of physical or chemical means to remove, inactivate or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use or disposal.

Engineering Controls: controls (e.g., sharps disposal containers, self-sheathing needles, safer medical devices, such as sharps with engineered sharps injury protections and needleless systems) that isolate or remove the bloodborne pathogens hazard from the workplace.

Exposure Incident: a specific eye, mouth, other mucous membrane, non-intact skin or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee’s duties.

Handwashing Facilities: a facility providing an adequate supply of running potable water, soap and single-use towels or air-drying machines.

Occupational Exposure: reasonably anticipated skin, eye, mucous membrane or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties.

Other Potentially Infectious Materials ("OPIM"):

Includes:

- (1) The following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids;
- (2) Any unfixed tissue or organ (other than intact skin) from a human (living or dead); and
- (3) HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV-containing culture medium or other solutions; and blood, organs or other tissues from experimental animals infected with HIV or HBV.

Personal Protective Equipment ("PPE"): specialized clothing or equipment worn by an employee for protection against a hazard. General work clothes (e.g., uniforms, pants, shirts or blouses) not intended to function as protection against a hazard are not considered to be personal protective equipment.

Sterilize: the use of a physical or chemical procedure to destroy all microbial life, including highly resistant bacterial endospores.

Universal Precautions: an approach to infection control. According to the concept of Universal Precautions, all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV and other bloodborne pathogens.

Work Practice Controls: controls that reduce the likelihood of exposure by altering the manner in which a task is performed (e.g., prohibiting recapping of needles by a two-handed technique).

PROGRAM ADMINISTRATION

- The Safety Committee is responsible for implementation of the ECP. The Safety Committee will maintain, review and update the ECP at least annually, and, whenever necessary, include new or modified tasks and procedures. The contact location/phone number for the City Clerk is: 101 Emmons St., Hiawatha, (319) 393-1515.
- This ECP shall be provided to employees during their orientation/onboarding with the City. Additionally, the City Clerk shall make this ECP available to employees upon their request in a reasonable time frame, place and manner. In no case shall the employee's request for a copy of this ECP take longer than fifteen (15) working days.

- Those employees who are determined to have occupational exposure to blood or other potentially infectious materials (OPIM) must comply with the procedures and work practices outlined in this ECP.
- The immediate supervisors will provide and maintain all necessary PPE, engineering controls (e.g., sharps containers), labels, and red bags as required by the standard and will ensure that adequate supplies are available in the appropriate sizes.
- The Safety Committee will be responsible for ensuring that all medical actions required by the ECP be performed and that appropriate employee health and OSHA records are maintained.
- The Safety Committee will be responsible for training, documentation of training and making the written ECP available to employees, OSHA and NIOSH representatives.
- The Safety Committee is responsible for reviewing and updating this policy at least annually and whenever needed. The review shall include any changes in technology utilized by the City that eliminate or reduce exposure to bloodborne pathogens and shall document the City's annual consideration and implementation of appropriate commercially available and effective safer medical devices designed to eliminate or minimize occupational exposure.

EMPLOYEE EXPOSURE DETERMINATION

While the exposure risk for employees is low due to the types of roles and positions at the City, the City wants to make sure all employees understand the potential risks accompanying exposure. No positions or employees at the City are reasonably anticipated to come into contact with blood or OPIM. In addition, those trained in First Aid, cardiopulmonary resuscitation (CPR) & the automated external defibrillator (AED) may have exposure should they choose to utilize the skills learned in these courses. Note, employees choosing to utilize AED skills must follow the City's AED policy when doing so.

METHODS OF IMPLEMENTATION AND CONTROL

Universal Precautions

All employees will utilize universal precautions.

Exposure Control Plan

Employees covered by the bloodborne pathogens standard receive an explanation of this ECP during their initial training session. It will also be reviewed in their annual refresher training. All employees can review this plan at any time during their work shifts by accessing it in their department binders or online at the Safety University website. Contact the immediate supervisor or the City Clerk, who will provide an employee with a hard copy of the ECP within fifteen (15) days of the request.

Engineering Controls and Work Practices

Engineering controls and work practice controls will be used to prevent or minimize exposure to bloodborne pathogens. The specific engineering controls and work practice controls used are listed below:

- Employees shall utilize appropriate PPE.
- Handwashing facilities are available to all employees, and, if handwashing is not feasible, an employee shall request appropriate antiseptic hand cleanser and clean clothes/towels or antiseptic towelettes. If the employee indicates that handwashing is not feasible, the City will provide the employee with one of these items.
- Sharps disposal containers are inspected and maintained or replaced by vendor partner ThinkSafe whenever necessary to prevent overfilling.

The City identifies the need for changes in engineering controls and work practices through review of OSHA records, employee interviews, safety checks and by consulting the City's risk control consultant. The City evaluates new procedures and new products regularly by reviewing literature, supplier information and consulting the City's risk control consultant. Both employees and management are involved in this process in the following manner: through review of work practices and discussion about changes and/or concerns. The Safety Committee is responsible for ensuring that these recommendations are implemented.

Personal Protective Equipment (PPE)

PPE is provided to City employees at no cost to them. Training in the use of the appropriate PPE for specific tasks or procedures is provided by the immediate supervisor. The types of PPE available to employees are as follows: gloves, resuscitation mask and protective eyewear. PPE is located in the kits at each AED unit. The AED units are at City Hall, the Library, Public Works, the Police Department and the Fire Station. The Fire Chief is responsible for ensuring PPE is available.

All employees using PPE must observe the following precautions:

- Wash hands immediately or as soon as feasible after removing gloves or other PPE.
- Remove PPE after it becomes contaminated and before leaving the work area.
- Used PPE may be disposed of in biohazard bags which are also located at the AED units.
- Wear appropriate gloves when it is reasonably anticipated that there may be hand contact with blood or OPIM, and when handling or touching contaminated items or surfaces; replace gloves if torn, punctured or contaminated, or if their ability to function as a barrier is compromised.

- Utility gloves may be decontaminated for reuse if their integrity is not compromised; discard utility gloves if they show signs of cracking, peeling, tearing, puncturing or deterioration.
- Never wash or decontaminate disposable gloves for reuse. The City will properly dispose of contaminated disposable gloves.
- Wear appropriate face and eye protection when splashes, sprays, spatters or droplets of blood or OPIM pose a hazard to the eye, nose or mouth.
- Remove immediately or as soon as feasible any garment contaminated by blood or OPIM, in such a way as to avoid contact with the outer surface.
- When PPE is removed it shall be placed in the designated area or container for storage, washing, decontamination or disposal (see the following section “Housekeeping”).
- For all PPE that is not disposable, the City shall clean, launder or dispose of all contaminated PPE. Employees shall not attempt to clean, launder or dispose of contaminated PPE on their own.

Housekeeping

The City shall ensure that its worksites are maintained in a clean and sanitary condition. Any employee who has concerns regarding the cleanliness of their worksite shall provide those concerns to the City Clerk.

Regulated waste is placed in containers which are closable, constructed to contain all contents and prevent leakage, appropriately labeled or color-coded (see the following section “Labels”), and closed prior to removal to prevent spillage or protrusion of contents during handling. Vendor partner ThinkSafe is responsible for handling sharps disposal containers and other regulated waste.

Contaminated sharps are discarded immediately or as soon as possible in containers that are closable, puncture-resistant, leak proof on sides and bottoms, and appropriately labeled or color-coded. Sharps disposal containers are available in restrooms. If a sharps disposal container is not located in employee’s location’s restroom and they would like one, the employee should contact the City Clerk. Bins are cleaned and decontaminated as soon as feasible after visible contamination. Broken glassware that may be contaminated is only picked up using mechanical means, such as a brush and dustpan.

Labels

The following labeling methods are used throughout the City: a red bag with a biohazard label. The immediate supervisors are responsible for ensuring that warning labels are affixed, or red bags are used as required, if regulated waste or contaminated equipment is brought into the facility. Employees are to notify their appropriate Department Head if they discover regulated waste containers, refrigerators containing blood or OPIM, contaminated equipment, etc., without proper labels.

HEPATITIS B VACCINATION

The City will provide training to employees on hepatitis B vaccinations, addressing safety, benefits, efficacy, methods of administration and availability. The hepatitis B vaccination series is available to any employee reasonably anticipated to come into contact with blood or other OPIM at no cost after initial employee training and within ten (10) days of initial assignment. Employees reasonably anticipated to come into contact with blood or OPIM are identified in the exposure determination section of this plan. For those employees identified in the exposure determination section of this plan, vaccination is encouraged unless: 1) documentation exists that the employee has previously received the series; 2) antibody testing reveals that the employee is immune; or 3) medical evaluation shows that vaccination is contraindicated. However, if an employee declines the vaccination, the employee must sign a declination form. Employees who decline may request and obtain the vaccination at a later date at no cost. Documentation of refusal of the vaccination is kept with the City Clerk in the employee's confidential medical file. Vaccination will be provided by a licensed health care professional to be determined by the employee receiving the vaccination and the City. Following the medical evaluation, a copy of the health care professional's written opinion will be obtained and provided to the employee within fifteen (15) days of the completion of the evaluation. It will be limited to whether the employee requires the hepatitis B vaccine and whether the vaccine was administered.

POST-EXPOSURE EVALUATION AND FOLLOW-UP

Should an exposure incident occur, contact the City Clerk or the City Nurse at **1-888-770-0928**. An immediately available confidential medical evaluation and follow-up will be conducted by a licensed health care professional to be determined by the affected employee and the City. The medical evaluation and follow up shall be at no cost to the employee. Following initial first aid (clean the wound, flush eyes or other mucous membrane, etc.), the following activities will be performed:

- Document the routes of exposure and how the exposure occurred.
- Identify and document the source individual (unless the City can establish that identification is infeasible or prohibited by state or local law).
- Obtain consent and make arrangements to have the source individual tested as soon as possible to determine HIV, HCV and HBV infectivity; document that the source individual's test results were conveyed to the employee's health care provider.
- If the source individual is already known to be HIV, HCV and/or HBV positive, new testing need not be performed.
- Assure that the exposed employee is provided with the source individual's test results and with information about applicable disclosure laws and regulations concerning the identity and infectious status of the source individual (e.g., laws protecting confidentiality).

- After obtaining consent, collect exposed employee's blood as soon as feasible after exposure incident, and test blood for HBV and HIV serological status
- If the employee does not give consent for HIV serological testing during collection of blood for baseline testing, preserve the baseline blood sample for at least ninety (90) days; if the exposed employee elects to have the baseline sample tested during this waiting period, perform testing as soon as feasible.
- Post-exposure prophylaxis, when medically indicated, as recommended by the U.S. Public Health Service.
- Counseling if requested.
- Evaluation of reported illnesses.

ADMINISTRATION OF POST-EXPOSURE EVALUATION AND FOLLOW-UP

The City Clerk/Mercy Occupational Health ensures that health care professional(s) responsible for employee's hepatitis B vaccination and post-exposure evaluation and follow-up are given a copy of OSHA's bloodborne pathogens standard. The City Clerk/Mercy Occupational Health ensures that the health care professional evaluating an employee after an exposure incident receives the following:

- a description of the employee's job duties relevant to the exposure incident
- route(s) of exposure
- circumstances of exposure
- if possible, results of the source individual's blood test
- relevant employee medical records, including vaccination status

The City Clerk shall provide the employee with a copy of the evaluating health care professional's written opinion within fifteen (15) days after completion of the evaluation.

PROCEDURES FOR EVALUATING THE CIRCUMSTANCES SURROUNDING AN EXPOSURE INCIDENT

The Safety Committee will review the circumstances of all exposure incidents to determine:

- engineering controls in use at the time
- work practices followed
- a description of the device being used (including type and brand)
- protective equipment or clothing that was used at the time of the exposure incident (gloves, eye shields, etc.)
- location of the incident
- procedure being performed when the incident occurred
- employee's training

The City Clerk will record all percutaneous injuries from contaminated sharps in a Sharps Injury Log.

If revisions to this ECP are necessary, the Safety Committee and the City Clerk will ensure that appropriate changes are made.

EMPLOYEE TRAINING

All employees who have occupational exposure to bloodborne pathogens receive initial and annual training offered by the City. All employees who have occupational exposure to bloodborne pathogens receive training on the epidemiology, symptoms and transmission of bloodborne pathogen diseases. In addition, the training program covers, at a minimum, the elements required by OSHA.

Training materials are available by contacting the City Clerk.

RECORDKEEPING

Training Records

Training records are completed for each employee upon completion of training. These documents will be kept by the City Clerk for at least three (3) years from the date on which the training occurred. The training records include the dates of the training sessions, the contents or a summary of the training session, the names/qualifications of persons conducting the training session, and the names/job titles of all persons attending the training sessions. An employee's training records shall be available to the employee for examination and copying upon request of the employee. The records shall be made available in a reasonable time frame, but under no circumstances will the City take longer than fifteen (15) days to comply with the request.

Medical Records

Medical records are maintained for each employee with occupational exposure in accordance with 29 C.F.R. § 1910.1020, "Access to Employee Exposure and Medical Records." The City Clerk is responsible for maintenance of the required medical records. These confidential records are kept for at least the employee's duration of employment plus thirty (30) years. Employee medical records are provided upon request of the employee or to anyone having written consent of the employee within fifteen (15) working days. Such requests should be sent to: The City of Hiawatha, Attn: City Clerk.

OSHA Recordkeeping

An exposure incident is evaluated to determine if the case meets OSHA's Recordkeeping Requirements (29 C.F.R. § 1904). This determination and the recording activities are done by the City Clerk.

Sharps Injury Log

In addition to the § 1904 Recordkeeping Requirements, all percutaneous injuries from contaminated sharps are also recorded in a Sharps Injury Log which shall be kept by the City Clerk. All incidences must include at least:

- date of the injury;
- type and brand of the device involved (syringe, suture needle);
- department or work area where the incident occurred;
- explanation of how the incident occurred.

This log is reviewed as part of the annual program evaluation and maintained for at least five (5) years following the end of the calendar year covered. If a copy is requested by anyone, it must have any personal identifiers removed from the report.

**HEPATITIS B VACCINE DECLINATION
(MANDATORY FOR IDENTIFIED EMPLOYEES)**

I understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine, at no charge to myself. However, I decline hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with hepatitis B vaccine, I can receive the vaccination series at no charge to me.

Signed: (Employee Name)_____

Date:_____

PERSONAL PROTECTIVE EQUIPMENT (PPE) POLICY

Refer to Appendix, pages 158-161.

SEATBELT/RESTRAINT POLICY

Iowa Code § 321.445 requires the driver and front seat occupants of a vehicle to wear a safety belt any time the vehicle is in forward motion on a street or highway in the state of Iowa.

It is the City's policy that all employees and any other occupants of City vehicles and equipment, and personal and rental cars used on official City business, use safety belts and shoulder restraints.

Per the exemption in Iowa Code § 321.445(b), in specific situations including garbage/yard waste truck operators on a collection route, employees on a meter reading route or performing street patching work are exempt from the safety belt requirements while actively performing the job duties requiring the employee to alight from and reenter the vehicle at frequent intervals, providing the vehicle does not exceed 25 miles per hour between stops. Employees shall comply with the law at all other times.

Employees operating equipment with rollover protection ("ROPS") shall also wear safety belts when operating the equipment.

Employees are also prohibited from riding in or on parts of a vehicle not designed for human occupancy. This includes, but is not limited to, pickup and truck boxes, fenders, trailers, steps, bumpers, tail gates and emergency vehicles.

Employees must take appropriate safety measures into consideration when driving or traveling in motorized City vehicles or equipment.

Failure to comply with these rules is a violation of state law punishable by citation and fine and a violation of the City's safety policy, which is cause for disciplinary action, up to and including termination of employment.

PERSONAL ENTERTAINMENT DEVICES

In an effort to minimize the distraction to fellow workers, the use of radios and personal entertainment devices at an employee's work station is permitted only if the volume of these devices is maintained at a level that, in the opinion of City Management, does not interfere with the safe operation of the equipment and other activities in the area, does not infringe on the rights of citizens or other employees and does not attract the attention of a casual visitor to the area. Televisions or other devices that require or attract the attention of the employee or other persons are not permitted during work hours. Violations may result in disciplinary action, up to and including termination of employment.

USE OF ELECTRONIC DEVICES WHILE DRIVING

An employee using a cellular phone while operating a City-owned vehicle is encouraged to use hands-free technology or cease motor vehicle operations during the course of the conversation. The City deems it unsafe to hold a cellular phone while driving and, therefore, requires the use of hands-free technology. Any use of a hand-held cellular phone while driving should be kept to an absolute minimum and only during emergency situations. Further, any use of a cellular phone, including hands-free technology, while in a vehicle, public or private, is strongly discouraged.

TRAFFIC VIOLATIONS

Penalties/fines resulting from moving traffic violations and/or non-compliance with transportation requirements (such as tarping at the landfill) while operating City equipment are the responsibility of the employee-operator. Violations will result in disciplinary action, up to and including termination of employment.

USE OF EQUIPMENT AND VEHICLES

When using City equipment and vehicles on duty, employees are expected to exercise care, perform required maintenance and follow all operating instructions, safety standards and guidelines.

If an employee is authorized to operate a City vehicle in the course of his/her assigned work, or if the employee operates his/her own vehicle in performing the employee's job, the employee must adhere to the following rules:

1. Employee must be an Iowa licensed driver with the proper endorsements and be insurable.
2. Employee must maintain mileage reports when using his/her personal vehicle.
3. Employee is responsible for following all the manufacturer's recommended maintenance schedules to maintain valid warranties, and for following the manufacturer's recommended oil change schedule.
4. The City provides insurance on City vehicles, however, for any accident the employee will be responsible for the cost associated with any fines, moving or parking violation, if upon investigation, the employee is determined to have been in violation of any federal, state or city law, ordinance or policy.
5. Employee must keep the vehicle clean at all times. Employee must also wash and vacuum the vehicle as often as necessary. Employee will be reimbursed for his/her reasonable expense of keeping the vehicle clean. Employee should retain any receipts for reimbursement.
6. Persons not authorized or employed by the City cannot operate or ride in a City vehicle.

7. Prior to operation of any City vehicle, the employee's immediate supervisor will train the employee on the appropriate steps to take if the employee is involved in an accident – filling out the accident report, getting names of witnesses and so on.
8. The employee should notify his/her supervisor if any equipment, machines, tools or vehicles appear to be damaged or defective or need repair.

The improper, careless, negligent, destructive or unsafe use or operation of equipment or vehicles can result in disciplinary action, up to and including termination of employment.

Employees off duty shall not use City vehicles, equipment or facilities unless previously approved by their immediate supervisor. When a vehicle is in the possession of an employee during off duty hours, it shall only be used for City business when the need arises. It shall not be used for personal errands or other activities, except for personal errands on the way to and from work. As approved by the City Administrator/Mayor, certain employees may be authorized to drive City vehicles to their homes. Use of City vehicles for commuting shall be considered taxable compensation to the employee.

Accidents

Any accident, whether or not damage results, to City vehicles equipment and/or facilities shall be reported immediately to the City Administrator/Finance Director. When deemed appropriate by the City Administrator, the accident will be investigated and subsequent action taken.

RESTITUTION FOR LOSS OR DAMAGE OF CITY FURNISHED EQUIPMENT

When loss or damage to City furnished equipment, i.e., personal or general usage items/machines or vehicles, is due to negligence, malfeasance or unnecessary abuse by an employee, the employee's immediate supervisor shall establish a reasonable value of restitution. This value and a description of the conditions surrounding the loss or damage justifying the value shall be submitted to the City Administrator for approval. After approval by the City Administrator, the restitution amount shall be made known to the employee and the conditions and schedule of restitution shall be then arranged by mutual agreement with written consent by the employee. The City may require that the restitution be paid by withholdings from the employee's paycheck pursuant to Iowa Code Chapter 91A. Refusal to retribute by the employee shall be grounds for immediate termination of employment. Claims will be submitted to the City Council for approval.

SMOKING/SMOKELESS TOBACCO POLICY

The City is committed to providing a safe, healthy and comfortable environment for all of its employees and will comply with the Iowa Smoke free Air Act of 2008. The law prohibits smoking within the confines of any public buildings owned, leased or operated by or under the control of the City, the grounds of any public building owned, operated,

leased or controlled by the City, and all City-provided vehicles and roads-related equipment. However, the City has elected to exercise one of its options of permitting smoking in designated areas adjacent to its public buildings. Employees who smoke in the permitted areas should dispose of any smoking material in a trash receptacle for safety precautions and to reduce litter.

Because the City may be subject to criminal and civil penalties for violations of applicable smoking laws, the City expects strict compliance with this policy. Employees smoking in non-smoking areas may be subject to disciplinary action, up to and including termination of employment.

All citizens and visitors within these “Non-Smoking” areas must be TACTFULLY requested to cease the use of all tobacco products for the duration of their presence in these areas.

In addition to smoking, the use of e-cigarettes, vapor products and smokeless tobacco-related products (to include dipping, chewing, etc.) within the confines of any public buildings owned, leased or operated by or under the control of the City, the grounds of any public building owned, operated, leased or controlled by the City, and all City-provided vehicles and roads-related equipment are prohibited. However, the City has elected to exercise one of its options of permitting the use of tobacco and smoking products, e-cigarettes, vapor products and smokeless tobacco-related products in designated areas adjacent to its public buildings. Employees who use tobacco and smoking products, e-cigarettes, vapor products and smokeless tobacco-related products in the permitted areas should dispose of any such material in a trash receptacle for safety precautions and to reduce litter.

Employees using tobacco and smoking products, e-cigarettes, vapor products and smokeless tobacco-related products in non-smoking areas may be subject to disciplinary action, up to and including termination of employment.

DRESS CODE/PERSONAL APPEARANCE OF EMPLOYEES

The City is a business workplace with a public image that is a direct result of its employees, both individually and collectively. Quality service, positive attitude, cooperation, good customer relations and pleasing personal appearance are key factors in creating and maintaining a favorable and professional image.

The City expects employees to be neat and clean in their grooming and personal hygiene. An employee’s appearance is unacceptable if such appearance hinders or is detrimental to the public image and performance of the City as a whole, to his/her own job performance or to a fellow employee’s performance.

Heavily scented lotions, perfumes or colognes should be avoided in consideration of other employees and the public.

All apparel shall be selected with common sense and appropriate for the task. Apparel shall be task-oriented and appropriate to the circumstances of the situation, i.e. field inspections, off-site or on-site meetings/classes, professional conferences, etc.

Office employees are expected to follow a business casual type of dress code. When jeans are allowed to be worn, they are not to be ripped, tattered or worn out. Apparel such as spaghetti straps, low cut tops or shirts, or flip flops (beach) shoes are not considered business casual attire. Office clothing and footwear shall be clean and adequately maintained (free of holes, tears and rips).

Field employees' clothing and footwear should be appropriate for the task and weather conditions. Footwear shall be adequately maintained (free of holes, tears and rips). All employees are expected to consider safety as a top priority in their dress code. Employees shall follow all state and federal regulations regarding hair, facial hair, clothing and jewelry requirements where applicable.

Hair (facial or other) shall be neat and tidy and shall not present a health or safety hazard depending on the employee's particular job functions.

Body piercings, including ear lobe gauges/plugs (other than two earrings worn in each ear), should not be visible or must be removed or covered. No jewelry should cause a safety hazard (i.e., items that can be pulled or caught on objects or in machinery or equipment).

Clothing or tattoos that visibly display unprofessional and/or offensive images, symbols or language are prohibited. Unprofessional and/or offensive includes, but is not limited to:

- a. Nudity;
- b. Sexually explicit;
- c. Violent;
- d. Profane;
- e. Discriminatory or harassing towards a protected class (age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion or disability).

If the immediate supervisor determines that clothing or a tattoo violates this prohibition and the clothing or tattoo cannot be covered in a manner which meets this dress code, the individual will not be eligible for employment with the City.

Department Heads are responsible for enforcing the guidelines in their department and will have the authority to make judgment calls for inappropriate dress. Compliance with the intent of this policy shall be determined by a reasonable person standard. Any employee who does not meet the standards of this policy will be required to take corrective action, which may include covering the clothing or tattoo or leaving the premises. Any work time missed because of failure to comply with this policy will not

be compensated, and repeated violation of this policy may be cause for disciplinary action, up to and including termination of employment.

An employee seeking a religious or health-related accommodation to this policy should speak with their immediate supervisor, Department Head or the City Clerk.

UNIFORMS/CITY-PROVIDED CLOTHING

The following policies and procedures will apply for City-provided clothing:

1. Employees who are eligible for City-provided clothing may be furnished with a uniform, including any or all of the following items: shirts, sweatshirts, pants, jackets and safety-toed shoes/boots.
2. The amount and frequency of clothing allowance allocated will be set by the employee's immediate supervisor based on funding included in the individual department budget and in line with the City's Personal Protective Equipment (PPE) Policy.
3. City-provided clothing is to be worn only during City work or while en route to and from work. Any clothing that is worn for general usage or is adaptable as ordinary clothing could be considered taxable under Internal Revenue Service Publication 15-B Employer's Tax Guide to Fringe Benefits Section 15 Equipment and Allowances, Work Clothes and Uniform Allowances and Reimbursements
4. Uniform items remain the property of the City. Upon separation from employment, uniforms and all other City property must be returned prior to the issuance of the employee's final check. If an employee fails to return his or her uniform at the end of employment, the cost of such uniform may be deducted from the employee's paycheck pursuant to Iowa Code Chapter 91A.

INCLEMENT WEATHER

Because the City serves the citizens of the City, City Hall will remain open during its regular business hours. During certain inclement weather events, however, it may be necessary to close City Hall or other City offices and facilities.

Inclement weather is defined as a severe snowstorm (defined as blizzard conditions as determined by the National Weather Service) or other severe weather conditions, such as a tornado or flooding conditions. In such inclement weather events, the following policy will be in effect:

If the City closes an employee's office or other public facilities, the regular full-time and regular part-time employees shall be paid for hours lost due to the closing of the office without loss of vacation, personal or compensatory time.

If an employee is unable to get to work, he/she may charge such an absence to vacation, personal time off or compensatory time provided he/she has the time accumulated. If no paid time off is available, the employee may choose to take the time off without pay with Department Head approval.

If the inclement weather should occur the day before or the day after one of the observed holidays, holiday pay shall be paid to all eligible employees.

If an employee requests to leave work early because of inclement weather and the request is approved, the employee may use accumulated compensatory time, personal time off or vacation. If no paid time off is available, the employee may choose to take time off without pay with Department Head approval.

Employees in departments that serve the public during severe weather (including departments that provide snow removal services) are expected to report to work during inclement weather conditions.

SUPPLEMENTAL EMPLOYMENT

Employment in addition to City employment is allowed if it does not interfere with the employee's performance of his/her City duties and responsibilities or reflect adversely upon the City or conflict with applicable state and federal laws. Employees shall request approval from their immediate supervisors for any outside employment. No City-owned vehicles, equipment or facilities shall be used during such outside employment. In the case of uniformed employees: vehicles, equipment or uniforms may be worn or used during such outside employment with Department Head approval.

Employees engaged in authorized supplemental employment may compete directly or as a party to competitive bidding for the purchase of commodities or services by the City if there is no conflict with applicable state and federal laws concerning conflict of interest.

All employees are banned from supplemental employment during leave, including FMLA, with the exception of approved vacation, compensatory time or personal leave.

CONFLICT OF INTEREST

Employees have an obligation to conduct business in a way that avoids actual or potential conflicts of interest. Activities that are inconsistent, incompatible or in conflict with City employment include, but are not limited to, using city time, facilities, equipment, supplies or influence to give the employee or his/her immediate family members an advantage or pecuniary benefit that is not available to other members of the general public; activities that involve the receipt of or promise of or acceptance of money or other consideration by

the employee or his/her immediate family for the performance of an act that the person would be required or expected to perform as part of his/her regular City duties; activities where a City employee directly or indirectly controls, inspects, reviews, audits or enforces the responsibility of his/her City duties over his/her immediate family members or an organization that employs or is intends to employ the employee's immediate family member or in which the City employee has a financial or other interest.

Employees should disclose the existence of any relationship with outside persons or entities when City employees have influence over transactions with those outside persons or entities.

Failure to abide by this policy can result in disciplinary action, up to and including termination of employment.

GIFTS

No employee shall directly or indirectly solicit, accept or receive any gift because of City service or employment or any activity connected with such employment provided that duly authorized compensation provided by the Mayor and City Council shall not be deemed a violation of this policy. If gifts in excess of \$2.99 are received from a known source, they shall be returned to the sender with an explanation of the City's policy.

If non-alcoholic consumables (i.e., cookies, cake, candy, etc.) are received by a department or other City operation, they may be accepted on behalf of the City and shared by the personnel in that department or operation. All gifts received from an unknown source shall be turned over to the City Administrator for transfer by the Mayor to a charitable institution or other beneficiary. Any employee, or an employee's spouse or minor child, who received a gift or gifts exceeding \$15 in accumulative value in any one calendar day, shall disclose in writing on a report form developed by the Secretary of State, the nature of the gift, the date the gift is received, the name of the donor and the name of the donee, with exception to the Fire Department. However, the donee need not report food and beverage provided for immediate consumption in the presence of the donor. By the 15th day of the month following the month in which the gifts have been received, a copy of the report disclosing the gift or gifts shall be filed in the office of the Linn County Auditor.

POLITICAL ACTIVITY/SOLICIATION

Political activity must not interfere with job attendance or performance.

City employees shall not, while performing official duties or while using City equipment or vehicles at the employee's disposal by reason of position, solicit in any manner contributions for any political party or candidate or engage in any political activity during working hours that impairs the efficiency of the position or presence during the working hours.

City employees shall not use their City position and/or official authority to influence or coerce the vote or political action of any other persons.

Employees who supervise other City employees shall not directly or indirectly solicit the employees supervised to contribute money, anything of value or service to a candidate seeking election or a political party or a candidate's political committee.

A department employee who becomes a candidate for any elective public office shall, upon request of the employee and commencing any time within thirty (30) days prior to a primary, special or general election, and continuing until after the thirty-day period, automatically be given a leave of absence without pay. An employee who is a candidate for any elective public office shall not campaign while on duty as an employee.

This section shall not be construed to prohibit any employee or group of employees, individually or collectively, from expressing honest opinions and convictions, or making statements and comments concerning their wages or other conditions of their employment.

Any City employee whose principal employment is in connection with an activity which is financed in whole or part by loans or grants made by the United States or a federal agency, except an individual who exercises no function in connection with that activity, shall not:

1. Use his or her official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office.
2. Directly or indirectly coerce, attempt to coerce, command or advise a state or local officer or employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes.
3. Be a candidate for elective office.
4. Solicit other employees or visitors for their own business or organization unless the City Administrator grants permission. However, solicitations in the event of celebrating or in the event of a death or illness are exempt.

CONFIDENTIALITY OF INFORMATION

It is the City's policy to ensure that City operations, activities and business affairs are made transparent to the City's citizens. However, some information is confidential as set forth by state or federal law, and some information, if revealed, could jeopardize the ability of the City or its citizens to conduct business in a competitive manner. Some information that may be deemed proprietary may include, but is not limited to,

copyrighted documents, original plans and/or drawings and other information that is the property of the City.

Employees shall not disclose confidential or proprietary information unless authorized in writing by the City Administrator or City Attorney. Employees found to be violating this policy will be subject to disciplinary action, up to and including termination, and also may be subject to civil and/or criminal penalties.

SECTION IV -PROMOTIONS AND TRANSFER

Job Posting

Whenever a position becomes available, a notice of such opening will be posted within the City worksites for at least ten (10) calendar days before the deadline for filling the position. A job posting generally includes the position title, salary range, minimum hiring specifications and the closing date for filing applications. Applicants, including current employees, shall be considered on the basis of ability, performance, experience, training, aptitude and other job-related qualifications.

Employment Recruitment and Application

It shall be the policy of the City to carry on such recruitment programs as necessary to seek out and secure the most qualified individuals to apply for City positions at all levels of service.

Applications shall be made on forms provided for such purpose by the Office of the City Clerk. Such forms may require information concerning the applicant's background of training and experience, residence, physical fitness and other permissible information, including references, deemed pertinent by management.

Applications may be rejected if the applicant does not possess the minimum qualifications for the position, if the applicant cannot perform the essential functions of the position with or without reasonable accommodation, or if the applicant has made any false statement of any material fact or attempted to practice any deception or fraud in the application.

It is City policy not to accept unsolicited applications and/or resumes. The City will only accept applications and/or resumes when there is a job opening available, advertised and/or posted at City Hall and on the City website.

Promotions and Transfer

All full-time employees transferred or promoted to a new position with significantly different job duties will be considered to be **in an Introductory Period for the first ninety (90) calendar days**, beginning with the first day in the new position. If during the introductory period an employee promoted or transferred finds that the position is not desirable, the employee will be given the opportunity to return to his/her previous position or a position of similar status and pay, if available, at the discretion of City Management. Any wage rate adjustment granted upon completion of the introductory period is completely at the discretion of City Management and creates no guarantee or promise of continued employment or future pay adjustments.

To qualify for a promotion or transfer, an employee must have held his/her current position for a minimum of six (6) months, unless the period of service is waived by City

Management. Approval of promotions or transfers depends largely upon training, experience and work record. After discussion of any contemplated transfer with employee's current supervisor, requests shall be directly submitted to the employee's current supervisor in writing.

There will not be an immediate change in the pay rate of an employee who is transferred from one non-union position to another non-union position in the same pay step. If an employee is transferred to a position in a class having a higher-level pay step than from which the employee was transferred, such change will be deemed a promotion. If an employee is transferred to a non-union position having a lower pay step than either the union or non-union class from which transferred, the employee's immediate supervisor will place the employee in the step within such lower grade that is equal to or immediately above the employee's current pay and inform the City Clerk's office.

The City considers internal candidates along with external candidates for open positions.

An employee's progress will be based upon his/her job performance, management evaluation of his/her ability to accept more responsibility and the availability of promotional opening. As each new position becomes available, the appropriate supervisor will consider those individuals within the City's employ who may have interest in the position and who meet the necessary qualifications. To this end, each employee is responsible for keeping the City informed of his/her career interest and pursuits in continuing education.

Rehire

All former employees are considered new hires and have no accumulated rights or benefits from previous employment.

If an employee is a rehire, the City follows the provisions of ERISA pertaining to breaks in service in determining eligibility and past credits for retirement benefits. For information pertaining to these provisions, please contact the City Clerk.

Residency

City employees need not live inside the City limits, unless required by State or City Code.

SECTION V - EMPLOYEE DISCIPLINE/TERMINATION

EMPLOYEE DISCIPLINE

The success of the City depends upon the confidence and respect employees generate while in their offices or at their workstations, representing the City at a business function, or in social gatherings. Employees must be able to work with others, to comply with the rules and regulations of the City, to adjust to change and to promote the best interests of the City. Where conduct does not meet expectations, disciplinary action, up to and including termination, will take place.

While it is not possible to list all forms of behavior that are considered unacceptable in the workplace, the following are examples of infractions of the rules of conduct that may result in disciplinary action, up to and including termination of employment. This list is not all inclusive and, notwithstanding this list, **all employees are employed “at will.”**

- Violation of these policies
- A pattern of unsatisfactory work performance, work habits, attitude or demeanor.
- A pattern of tardiness or absenteeism.
- Sleeping on the job during working hours.
- Refusal or inability to obtain proof of continued ability to work when so requested.
- Theft or misappropriation or unauthorized possession of City property, co-workers' property, customers' property and/or clients' property.
- Negligent or reckless conduct leading to damage of City-owned or citizen-owned property.
- Failure to immediately report damage to, or an accident involving, City equipment.
- Speeding or careless driving of City vehicles.
- Falsifying timekeeping records.
- Falsifying employment or other work-related records.
- Conviction of a crime which casts doubt on the ability of the employee to perform the job effectively.
- Disregarding smoking, safety or security regulations (includes wearing of safety glasses, back supports, helmets, vests, etc.).
- Working under the influence of alcohol, illegal drugs or any medication or controlled substance when directed not to work.
- Possession, distribution, sale, transfer or use of alcohol, illegal drugs or controlled substances or medication not prescribed the employee in the workplace, while on duty or while operating City-owned or leased vehicles or equipment.
- Fighting or threatening violence or using obscene, abusive or threatening language in the workplace.

- Insubordination with assigned employees, co-workers, supervisors or managers.
- Disrespectful conduct toward employees, co-workers, supervisors, managers, customers, clients or vendors.
- Possession of dangerous or unauthorized materials, such as explosives or unauthorized weapons or firearms, in the workplace.
- Unauthorized disclosure of confidential information.
- Unauthorized information release to the news media.
- Activity which involves conflict of interest.
- Use of official position for personal advantage.
- Off-duty misconduct when it harms the City's reputation, operations or product, or when the nature of the misconduct is very serious or closely related to the employee's job and results in an employee's impaired performance or inability to perform his/her duties.

Disciplinary Action for Unacceptable Performance/Behavior

The purpose of disciplinary action is to ensure high standards of performance and efficiency, to maintain positive working relationships among employees and to provide the citizens of the City with the highest possible level of professional public service. The City will consider disciplinary action when an employee violates these policies and guidelines, or when the employee's conduct reflects poorly on the City and hinders the effectiveness of City operations. The City reserves its right to use whatever disciplinary action it deems appropriate in any situation, up to and including termination of employment. However, the City will provide advance notice, where possible, to the employee of problems with his/her performance or behavior in order to provide the employee an opportunity to remedy the problem.

Although one or more of these steps may be taken in connection with a particular employee's behavior or performance, no particular order or system is required. The City may terminate the employment relationship without following any particular series of steps whenever it determines, in the City's discretion, that termination should occur.

Disciplinary Practices and Procedures

Disciplinary action applies to all employees and pertains to matters of conduct as well as the performance of duties. While the disciplinary action may progress from the lowest to the highest form of discipline depending on the severity of the infraction, there may be certain infractions which are serious enough to warrant **bypassing some or all** of the lower levels and taking more severe action immediately. Likewise, there may be times when the City may decide to repeat a disciplinary step. The main purpose of these procedures and the related disciplinary actions is not to punish, but to motivate, an employee to correct a problem or change a behavior and make the City a better and more productive place to work.

Discipline Procedure: Unacceptable behavior which does not lead to immediate termination may be dealt with in the following manner:

1. Oral Counseling.
2. Written Warning.
3. Suspension.
4. Termination.

Definitions

Oral Counseling: The employee's immediate supervisor will discuss the performance or behavior defect with the employee, including the action necessary to correct the defect and the consequences of failure to correct the defect. The employee's immediate supervisor will document this counseling in the employee's personnel file. The employee's immediate supervisor shall request that the employee sign the oral counseling document and, if the employee refuses to sign, the employee's immediate supervisor shall indicate the employee's refusal on the document. The employee shall receive a copy of the oral counseling document. Oral counseling does not mean that the employee's job is in immediate danger, however, the employee must promptly correct the performance or behavior defect and sustain such correction going forward. The employee's signature on the oral counseling document does not indicate that the employee agrees with what is stated, it simply signifies that the matter was discussed with the employee and the employee received the document.

Written Warning: If the employee's performance or behavior does not improve following an oral counseling, depending upon the severity of the performance or behavioral defect, the employee's immediate supervisor will discuss the defect with the employee and issue a written warning to the employee identifying the performance or behavior defect, the action necessary to correct the performance or behavior defect, and that the employee must promptly correct the performance or behavior defect and sustain such correction going forward. The employee's immediate supervisor will issue a written warning to the employee, providing the employee with a copy and placing a copy in the employee's personnel file. The employee's immediate supervisor shall request that the employee sign the written warning and, if the employee refuses to sign, the employee's immediate supervisor shall indicate on the written warning that the employee was given an opportunity to sign but refused to do so. The employee's signature on the written warning does not indicate that the employee agrees with what is stated, it simply signifies that the matter was discussed with the employee and the employee received the document.

Suspension: If the employee's performance or behavior warrants a suspension or if the performance or behavior defect is not corrected within the time period set by the employee's immediate supervisor and depending on the severity of continued

performance or behavior defects or violation of City policies and guidelines, the employee will be suspended.

Suspension is a leave without pay of one (1) to three (3) days. The employee's immediate supervisor has the discretion to determine the time period of the suspension, depending on the severity of the circumstances. The employee is expected to spend the leave without pay considering how to correct the performance or behavior defect, how to conform to the City's policies and guidelines, or whether to resign his/her employment.

A suspension and the reasons therefor will be documented in the employee's personnel file and the employee will receive a copy. The employee's immediate supervisor shall request that the employee sign the suspension documentation and, if the employee refuses to sign, the employee's immediate supervisor shall indicate on the suspension documentation that the employee was given an opportunity to sign but refused to do so. The employee's signature on the suspension documentation does not indicate that the employee agrees with what is stated, it simply signifies that the matter was discussed with the employee and the employee received the documentation.

Termination: If the employee's performance or behavior warrants termination of their employment or if the performance or behavior defect has not been corrected upon request, the employee's employment will be terminated. The employee's immediate supervisor will meet with the employee to discuss the circumstances leading to the decision to terminate the employee's employment and will provide the employee with a copy of the written documentation and place a copy of the termination documentation in the employee's personnel file. The employee's immediate supervisor shall request that the employee sign the termination documentation and, if the employee refuses to sign, the employee's immediate supervisor shall indicate on the termination documentation that the employee was given an opportunity to sign but refused to do so. The employee's signature on the termination documentation does not indicate that the employee agrees with what is stated, it simply signifies that the matter was discussed with the employee and the employee received the documentation.

Note: Pursuant to Iowa Code §§ 22.7(11) and 22.15, the following information contained in personnel records relating to documented disciplinary action is considered a public record:

The fact that an individual resigned in lieu of termination, was discharged or was demoted as the result of a disciplinary action, and the documented reasons and rationale for the resignation in lieu of termination, the discharge or the demotion. Employees shall be notified in writing that a disciplinary action taken against them, the written notification shall be placed in their personnel file, and may become a public record.

Pursuant to Iowa Code § 22.15, a government body that takes disciplinary action against an employee that may result in documented reasons to support a demotion, discharge or resignation in lieu of discharge being placed in the employee's personnel record, prior to taking such disciplinary action, shall notify the employee in writing that the information

placed in the employee's personnel file as a result of the disciplinary action may become a public record.

At-will employees are not subject to the "just cause standard" for termination. Rather, at-will employees may be terminated at any time for any reason, other than an illegal reason. This manual does not establish a contractual right to employment or conditions for employment between the City and employees. .

Appeal of Disciplinary Action

If an employee disagrees with the disciplinary action issued by the employee's immediate supervisor, the employee may request to discuss the situation with his/her supervisor's manager. A discussion will be held between the employee, his/her supervisor and the immediate supervisor's manager. The employee may have a third-party present at this discussion, provided the third party is available within a reasonable time period. The employee's immediate supervisor's manager may affirm the employee's immediate supervisor's disciplinary action or may modify it.

EMPLOYMENT TERMINATION

The City operates under the principle of at-will employment. This means that neither the employee nor the City has entered into a contract regarding the duration of the employee's employment. The employee is free to terminate his/her employment with the City at any time, with or without reason. Likewise, the City has the right to terminate the employee's employment, or otherwise discipline, transfer or demote the employee at any time, with or without reason, at the discretion of the City. The City expects that the employee will give at least two (2) weeks' written notice, indicating the effective date, in the event of the employee's resignation. The employee's final check for wages will be issued in accordance with federal and state wage and hour laws. Pursuant to Iowa Code § 91A.5, the employee authorizes that unused vacation, comp time and/or sick leave hours (if applicable) may be withheld until all City property has been returned, all overpayments of wages and benefits have been resolved and all other debts satisfied. **The City must have a forwarding address, so the City can send final checks and a W-2 form at year end.**

Insurance Conversion Privileges: According to the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985, in the event of an employee's termination of employment with the City or loss of eligibility to remain covered under the City's group health insurance program, the employee and his/her eligible dependents may have the right to continued coverage under the City's health insurance program for a limited period of time **at the employee's expense.**

At the employee's exit interview or upon termination, the employee will receive written information on how to continue the employee's insurance coverage and any other benefits the employee currently has as an employee who is eligible for continuation. The employee should consult his/her supervisor or the City Clerk for additional details.

Exit Interviews: In a resignation or termination situation, the City expects to conduct an exit interview to discuss the employee's reasons for leaving and any other impressions the employee may have about the City. During the exit interview, the employee can provide insights into areas for improvement the City can make. Every attempt will be made to keep all information confidential. The employee may choose not to participate in an exit interview.

Return of City Property: Any City property issued to an employee, including, but not limited to, computer equipment, keys or a credit/procurement card, must be returned to the City at the time of the employee's termination.

Former Employees: Depending on a former employee's qualifications, the City may consider a former employee for re-employment. Such applicants are subject to the City's usual pre-employment procedures.

Post-Employment Reference Check Inquiries: The City will respond to good faith reference check inquiries post-employment only with the former employee's dates of employment and titles held. A good faith reference check by a prospective employer is separate and distinct from an open records request made under Iowa Code §§ 22.7(11) and 22.15.

As an employee of the City, the employee should not under any circumstances respond to any requests for information regarding another employee, unless it is part of the employee's assigned job responsibilities. If it is not, the employee shall forward the information request to his/her supervisor.

SECTION VI - DISCRIMINATION, HARASSMENT AND RETALIATION

Purpose

The purpose of this policy is to ensure equal employment and advancement opportunities. It is the City's policy to hire and promote qualified individuals on the basis of their qualifications, interests and aptitude, and without regard to race, religion, creed, color, sex, gender, gender identity, sexual orientation, pregnancy, age, national origin, disability, genetic information, or any other characteristic protected by local, state or federal law. This policy applies to all terms, conditions and privileges of employment, including, but not limited to, recruiting, hiring, training, transfers, promotions, benefits, discipline and termination. The purpose of this policy is also to maintain a healthy work environment where all individuals are treated with respect and dignity. Finally, the purpose of this policy is to provide procedures for reporting, investigating and resolving complaints of discrimination, harassment and retaliation.

Policy

It is the policy of the City that all employees have the right to work in an environment free of all forms of discrimination, harassment and retaliation. The City will not tolerate, condone or allow discrimination, harassment or retaliation by any employee or other non-employees who conduct business with the City. The City considers discrimination, harassment and retaliation to be forms of serious employee misconduct. Therefore, the City shall take direct and immediate action to prevent such behavior, and to remedy all reported instances of discrimination, harassment and retaliation. Any violation of this City policy, even "minor violations," will lead to disciplinary action, up to and including termination of employment.

Definitions

Discrimination: Unfair or unequal treatment of an individual or a group in the workplace based upon their race, religion, creed, color, sex, gender, gender identity, sexual orientation, pregnancy, age, national origin, disability, genetic information or any other characteristic protected by law.

Harassment: Unwelcome verbal or non-verbal actions by an employee or non-employee which are hostile or offensive and intimidate and/or insult any individual or group in the workplace based upon their race, religion, creed, color, sex, gender, gender identity, sexual orientation, pregnancy, age, national origin, disability, genetic information or any other characteristic protected by law.

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment; or

2. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
3. 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.

Hostile or Offensive Working Environment: Verbal or non-verbal harassment that creates an intimidating or offensive work environment that interferes with an individual's job performance.

Unwelcome: Sexual conduct is unwelcome whenever the person subjected to it considers it unwelcome. The conduct may be unwelcome even though the victim voluntarily engages in it to avoid adverse treatment. A third-party viewer may additionally be offended and consider such conduct unwelcomed.

Verbal Harassment: Sexual innuendoes, degrading or suggestive comments, repeated pressure for dates, jokes of a sexual nature, unwelcome sexual flirtations, degrading words used to describe an individual, obscene and/or graphic descriptions of an individual's body, or threats that job, wages, assignments, promotions or working conditions could be affected if the individual does not agree to a suggested sexual relationship.

Non-Verbal Harassment: Sexually suggestive or offensive objects or pictures, inappropriate usage of voicemail, e-mail, the internet or other such sources as a means to express or obtain sexual material, comments etc., printed or written materials, including offensive cartoons, suggestive or offensive sounds, whistling, catcalls or obscene gestures, any material which inappropriately raises the issue of sex or discrimination, and treating an employee differently than other employees when he/she has refused an offer of sexual relations.

Physical Harassment: Unsolicited or unwelcome physical contact of a sexual nature, which may include touching, hugging, massages, kissing, pinching, patting or regularly brushing against the body of another person.

Retaliation: Punishing an employee by demoting him/her, terminating him/her or changing his/her work conditions in a material way because the employee made a good faith report of discrimination or harassment or because the employee participated, in good faith, in an investigation into discrimination or harassment.

Prohibited Conduct

Discrimination, any form of harassment and retaliation are prohibited and **will not be tolerated.**

Covered Individuals

Individuals covered under this policy include employees and applicants for employment, volunteers, members of the public, elected officials and appointed boards and commissions.

Supervisory Responsibilities

Each supervisor shall be responsible for preventing prohibited activities as defined above, which includes, but is not limited to:

- Monitoring the work environment on a daily basis for signs that harassment, discrimination and/or retaliation may be occurring;
- Training and counseling all employees on what constitutes harassment, discrimination and retaliation including identifying the types of behavior prohibited by the City's policy, and procedures for reporting and resolving complaints of harassment, discrimination and retaliation;
- Documenting harassment, discrimination and/or retaliatory behavior and assisting an employee in filing a complaint with the appropriate investigative authority (regardless if the employee wants to document or report the behavior);
- Taking immediate action to stop any observed harassing, discriminatory and/or retaliatory behavior and taking appropriate steps to report the behavior, whether or not the involved employees are within his/her line of supervision; and
- Taking immediate action pending investigation of harassing, discriminatory and/or retaliatory behavior. If a situation requires separation of the parties, care should be taken to avoid actions that appear to punish the complainant. Transfer or reassignment of any of the parties involved should be voluntary, if possible, and, if non-voluntary, should be temporary pending the outcome of the investigation.

Failing to carry out these responsibilities will be considered in any evaluation or promotional decisions and may be grounds for disciplinary action, up to and including termination of employment.

Employee Responsibilities

Each employee of the City is responsible for assisting in the prevention of harassment, discrimination and retaliation through the following acts:

1. Refraining from participation in, or encouragement of, actions that could be perceived as harassment, discrimination or retaliation;
2. Reporting acts of harassment, discrimination and/or retaliation to a supervisor; and

3. Encouraging any employee who confides that he/she is being harassed, discriminated against or retaliated against to document the behaviors and report these acts to a supervisor.

Failure of any employee to carry out the above responsibilities will be considered in any performance evaluation or promotional decisions and may be grounds for disciplinary action, up to and including termination of employment.

Complaint Resolution Procedures

See Section X.

Investigation Procedures

See Section X.

Retaliation

1. Retaliation against any employee for filing a harassment, discrimination or retaliation complaint, or for assisting, testifying or participating in the investigation of such a complaint, is illegal and is prohibited by the City and by federal statutes.
2. Retaliation is a form of employee misconduct. Any evidence of retaliation shall be considered a separate violation of this policy and shall be handled by using the Complaint Resolution/Investigation Procedures in Section X.
3. The City Administrator, supervisor and any internal investigator shall monitor to ensure that retaliation does not occur. However, employees who experience or observe retaliation are responsible for reporting it using the Complaint Resolution/Investigation Procedures in Section X.

SECTION VII - WORKPLACE VIOLENCE

Purpose

The purpose of this policy is to maintain a healthy and safe work environment in which all individuals are treated with respect and dignity and to provide procedures for reporting, investigating and resolving complaints of workplace violence.

Policy

The City is concerned about the increased violence in society, which has also filtered into many workplaces, and has taken steps to help prevent incidents or violence from occurring within the employment relationship of the City. Acts or threats of physical violence, including intimidation, harassment and/or coercion, which involve or affect the City, or which occur on City property, **will not be tolerated.**

Prohibited Conduct

Acts or threats of violence include conduct which is sufficiently severe, offensive or intimidating to alter the employment conditions at the City, or to create a hostile, abusive or intimidating work environment for one or several employees. Examples of workplace violence include, but are not limited to, the following:

1. All threats or acts of violence occurring on City premises, regardless of the relationship between the City and the parties involved.
2. All threats or acts of violence occurring off City premises involving someone who either is acting in the capacity as a representative of the City or is the target or victim of the threat or act of violence because of his/her status as an employee of the City.

Specific examples of conduct which may be considered threats or acts of violence include, but are not limited to, the following:

- Hitting, grabbing or shoving an individual.
- Threatening to hit, grab or shove an individual or his/her family, friends or associates.
- Threatening to damage or destroy an individual's property.
- Intentionally damaging or destroying an individual's property.
- Intentionally damaging or destroying City property.
- Stalking, defined as a person who repeatedly and intentionally engages in contact or surveillance directed at an individual that would cause a reasonable person to feel terrorized, frightened, intimidated or threatened, or to fear that the person intends to cause bodily injury or other harm to that individual or a member of that individual's immediate family. Repeatedly is defined as on two or more occasions.

- Unauthorized possession of firearms or weapons.

Covered Individuals

The City prohibition against threats and acts of violence applies to all persons involved in the City's operation, including, but not limited to, personnel, contract and temporary workers and anyone else on City property. Violations of this policy by any individual on City property will lead to disciplinary action, up to and including termination, and/or legal action as appropriate.

Supervisory Responsibilities

To further the impact of this policy, employees have a "duty to warn" their immediate supervisors, City Management and other persons possibly affected of any suspicious workplace activities or situations that they observe or become aware of that involve other employees, former employees, citizens or visitors.

Each supervisor shall be responsible for preventing prohibited activities as defined above and as follows:

- Monitoring the work environment on a daily basis for signs that workplace violence may be occurring;
- Training and counseling all employees on what constitutes workplace violence, on the types of behavior prohibited by the City's policy, and procedures for reporting and resolving workplace violence;
- Stopping behavior that appears to be workplace violence, and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision; and
- Documenting events of workplace violence and assisting an employee in filing a complaint with the appropriate investigative authority (regardless if the employee wants to document or report the behavior); and
- Taking immediate action to prevent retaliation toward the complaining party or witnesses and to eliminate the risk of violence, pending investigation. If a situation requires separation of the parties, care should be taken to avoid actions that appear to punish the complainant. Transfer or reassignment of any of the parties involved should be voluntary, if possible, and, if non-voluntary, should be temporary pending the outcome of the investigation.

Failing to carry out these responsibilities will be considered in any evaluation or promotional decisions and may be grounds for disciplinary action, up to and including termination of employment.

Employee Responsibilities

Every employee is encouraged to report incidents of threats or acts of physical violence of which he/she is aware. The report should be made to the employee's immediate supervisor. Employee reports made within the guidelines of this policy will be held in confidence to the maximum extent possible. The City **will not condone** any form of retaliation against an employee for making a report under this policy.

Each employee of the City is responsible for assisting in the prevention of workplace violence through the following acts:

1. Refraining from participating in or encouraging actions that could be perceived as workplace violence;
2. Reporting acts of workplace violence to a supervisor; and
3. Encouraging any employee who confides that he/she feels he/she is a victim of workplace violence to document the behaviors and to report the acts to a supervisor.

Failure of an employee to carry out the above responsibilities will be considered in any performance evaluation or promotional decisions and may be grounds for disciplinary action, up to and including termination of employment.

Complaint Procedures

1. Any employee encountering workplace violence is encouraged, **but not required**, to inform the person that his/her actions are unwelcome and offensive. This initial contact can be either verbal or in writing. The employee should document all incidents of workplace violence in order to provide the fullest basis for investigation.
2. In any event, an employee encountering workplace violence **shall** report the incident(s) as soon as possible to his/her supervisor so steps may be taken to protect the employee from further workplace violence, and so appropriate investigative and disciplinary measures may be initiated. Where doing so is not practical, the employee may instead file a complaint with another supervisor, the City Administrator or the City Clerk/Human Resources Director. See Section X.

The immediate supervisor or other person to whom a complaint is given shall follow the procedures in Section X.

3. An employee may contact law enforcement at any time if the employee is concerned about workplace violence.

Retaliation

1. Retaliation against any employee for filing a workplace violence complaint, or for assisting, testifying or participating in the investigation of such a complaint, is illegal and is prohibited by the City and by law.
2. Retaliation is a form of employee misconduct. Any evidence of retaliation shall be considered a separate violation of this policy and shall be handled by using the Complaint Resolution/Investigation Procedures in Section X.
3. The City Administrator, supervisor and any internal investigator shall monitor to ensure that retaliation does not occur. However, employees who experience or observe retaliation are responsible for reporting it using the Complaint Resolution/Investigation Procedures in Section X.

SECTION VIII - DRUG FREE WORKPLACE/DRUG TESTING POLICY

The City is committed to ensuring that its employees work in a safe, drug-free environment in compliance with state and federal laws. The use of a controlled substance is inconsistent with the behavior expected of employees, subjects all employees and visitors to City facilities to unacceptable safety risks, and threatens the City's ability to function effectively and efficiently, and undermines the public's trust in the City's operations.

To effectuate this commitment, the City has determined that it must take the necessary steps to ensure that City employees are free from the influence of drugs and/or alcohol while performing their duties. The City has developed the following Drug and Alcohol Policy, which includes drug testing for safety-sensitive employees. This policy is applicable to all applicants for City positions and all City employees at any time they are actually performing, preparing to perform or immediately available to perform any paid function as designated by the City.

All employees in positions requiring Commercial Driver's Licenses (CDL's) are subject to the federal and state laws requiring drug and alcohol testing, and those laws, if they conflict with this policy, supersede the provisions of this policy. The Federal Transit Administration has adopted drug and alcohol testing procedures covering safety-sensitive employees engaged in mass transit and those laws also supersede the provisions of this policy.

Definitions

Safety-Sensitive Employee: A safety-sensitive employee is an employee working in a position wherein an accident or an error could cause the loss of human life, serious bodily injury, or significant property or environmental damage, including a position with duties that include immediate supervision of a person in a job that meets the requirements of this paragraph. However, the City reserves the right to add or remove positions from its list of safety-sensitive positions at any time. This includes part-time safety-sensitive employees.

Reasonable Suspicion Drug and Alcohol Test: Drug or alcohol tests based upon evidence that an employee is using or has used alcohol or other drugs in violation of this written policy. Evidence in support of such a violation is drawn from specific objectives, articulable facts and reasonable inferences drawn from those facts in light of training and experience. For the purposes of this paragraph, facts and inferences may be based upon, but are not limited to, any of the following:

1. Observations while at work, such as direct observation of alcohol or drug use or abuse, or physical symptoms or manifestations of being impaired due to alcohol or drug use as described in the educational materials provided to employees.

2. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
3. A credible source's report of alcohol use or the use of drugs. The City Administrator will have the final determination of who is a credible source.
4. Evidence that an individual has tampered with any drug or alcohol test during the individual's employment with the City.
5. Evidence that an employee has caused an accident while at work which resulted in an injury to a person for which injury, if suffered by an employee, a record or report could be required under Iowa Code Chapter 88 or an accident that resulted in damage to property, including equipment, in an amount reasonably estimated at the time of the accident to exceed One Thousand Dollars (\$1,000.00).
6. Evidence that an employee has manufactured, sold, distributed/solicited, possessed, used or transferred drugs while on the City's premises, or while operating the City's vehicle, machinery or equipment.
7. The employee's statement or admissions of drug use while he or she is a City employee.
8. Positive Test: An employee tests positive for drugs if any trace of an illegal substance is detected following a drug test. An employee tests positive for alcohol if he/she has a blood alcohol concentration equal to 0.02 or greater.
Note, however, Hiawatha Volunteer Fire Members performing duties on a fire truck or ambulance shall fall under a zero (0) tolerance policy.

Illegal Drugs/Substances: Any substance that is illegal by law, has not been legally obtained or which cannot be legally obtained. This includes prescription medication for which the employee does not have a prescription and/or is not taken according to the prescription.

City Official: Elected officers of the City, including the Mayor and City Council members.

Alcohol: Ethanol, isopropanol or methanol.

Drug: Any drug or substance defined as a controlled substance and included in schedule I, II, III, IV or V under the federal Controlled Substances Act, 21 U.S.C. § 801 et seq.

Medical Review Officer: A licensed physician, osteopathic physician, chiropractor, nurse practitioner or physician assistant authorized to practice in any state of the United States, who is responsible for receiving laboratory results generated by the City's drug or alcohol testimony program, and who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test results together with the individual's medical history and any other relevant biomedical information.

Prospective Employee: A person who has made application to the City to become an employee.

Sample: A sample from the human body capable of revealing metabolites, such as urine, saliva, skin or hair. “Sample” does not include blood, except in situations where a blood test was administered by or at the direction of a person providing treatment to the employee and the test was not made at the request of or by the suggestion of the City.

SUBSTANCE ABUSE POLICY

Prohibited Activity

1. No employee shall illegally use, sell, transfer, purchase or possess drugs, alcohol, controlled substances or drug paraphernalia, or any combination thereof, while in a City facility, vehicle, vessel or aircraft or while performing City business, including business conducted in the employee’s own home.
2. No employee shall report for work while under the influence of illegal drugs or alcohol. Furthermore, no employee shall report to work within four (4) hours of consuming alcohol, even if the employee does not believe he/she is under the influence of alcohol during that time.
3. No employee shall use illegal drugs or consume alcohol while at work.
4. No employee shall use prescription drugs unless: (1) a health care provider has prescribed the medication to the employee; and (2) a health care provider has advised the employee that the drug will not adversely affect the employee’s ability to perform the essential duties of his/her job without endangering the public’s, co-workers’ or the employee’s safety.
 - a. Any employee using properly prescribed drugs that may impair the employee or affect the employee’s job performance shall notify his/her immediate supervisor about the use of the drug. A drug may impair an employee or affect an employee’s job performance if it may cause the employee dizziness or drowsiness or the employee or the employee’s health care provider believes the drug will impair the employee or affect the employee’s job performance in some way.
 - b. If an employee is using a prescription drug and his/her health care provider has advised him/her that the drug may adversely affect the employee’s ability to perform the essential duties of his/her job, the employee shall advise his/her supervisor of the adverse effects and the prescribed period of use.
 - c. Supervisors shall document this information through the use of an internal memorandum and maintain this memorandum in the medical file of the employee maintained by the City Administrator. See the section “Drug Test Results” below for information regarding the storage of drug test results and other medical information.
 - d. Any employee using properly prescribed prescription drugs must carry the medication in its original container and the container must be labeled with the employee’s name, employee’s health care provider, dosage and the name of the drug prescribed.
5. Over-the-counter drugs: An employee may bring to work and take an over-the-counter drug during work hours only if the drug is used for its intended

purposes and in accordance with package directions and any other directions of the employee's health care provider.

6. Any employee who unintentionally ingests or is made to ingest a controlled substance shall immediately report the incident to his/her supervisor so appropriate medical steps may be taken to ensure the employee's health and safety.
7. If an employee becomes aware of another employee selling, purchasing, transferring or using illegal substances while on the job, he/she is expected to take prompt action to report the circumstances to his/her supervisor and/or the City Administrator.
8. Employees directly engaged in work performed pursuant to a federal grant or contract are required to report any conviction under a criminal drug statute for violations occurring on the City's premises or off the City's premises while conducting City business to the employee's immediate supervisor or other appropriate City official within five (5) days of such conviction. Employees who violate any aspect of this policy may be subject to disciplinary action, up to and including termination of employment.
9. The City reserves the right to take appropriate action, including requiring that the employee no longer work, if the use of the drug is impairing or is deemed likely to impair the employee's faculties or work performance.
10. Any employee found in violation of any part of this policy is subject to disciplinary action, up to and including termination of employment. If a drug and/or alcohol test is administered, discipline shall occur consistent with that portion of the policy.

Notification of Policy

1. The City will notify affected applicants of this drug and alcohol testing policy at the time of his/her first interview.
2. The City will provide all employees with drug and alcohol education, including the effects of drugs and alcohol, signs and symptoms of drug and alcohol use, assistance available for those abusing drugs and alcohol, drugs and alcohol to be tested, and drug and alcohol testing requirements.
3. All drug testing results and other confidential information will be kept confidential.
4. Each employee and applicant will sign a form acknowledging receipt of these materials.

Prospective Employee Drug Testing

1. All prospective, safety-sensitive employees who have been extended a conditional offer of employment with the City shall be informed that a condition of employment includes passing a drug test as part of the preemployment process. The City shall bear the cost of the preemployment test. If the prospective employee fails to pass the drug test, any conditional offer of employment made by the City shall be withdrawn and the prospective employee shall be ineligible for employment for one (1) calendar year from the date of the drug test.

2. If a prospective, safety-sensitive employee refuses to take a preemployment drug test when scheduled or tests positive for a substance, that employee is ineligible for City employment for one (1) calendar year from the date of the drug test.
3. If an employee is transferred to a safety-sensitive position, drug and alcohol testing under this policy is a condition of the transfer.
4. For part-time prospective employees, if the prospective employee is covered under another law enforcement agency's drug test policy, the prospective employee may bring proof that he/she is covered under the other policy and the City Administrator may waive the requirement that the prospective employee be drug tested.

Employee Drug Testing

1. Random Testing
 - a. Because of the safety-sensitive nature of their employment, employees with safety-sensitive job duties may be required to take a drug test as a condition of continued employment in order to ascertain prohibited drug use, as provided below:
 - i. The City may conduct random drug and alcohol testing on safety-sensitive employees who are not covered by another drug/alcohol testing policy mandated by the state or federal government without individualized suspicion.
 - ii. The selection of employees to be tested from the pool of employees subject to testing shall be done based on a computerized randomly generated selection process administered by a third-party, in which each member of the employee pool has an equal chance of selection.
 - iii. All random drug testing will be uniform and unannounced.
 - iv. The City Administrator will determine the frequency and timing of the random drug testing.
 - v. For part-time employees covered under another law enforcement agency's drug testing policy, those employees may bring proof that they are covered under the other policy to the City Administrator who may then waive the requirement that the employee be drug tested. The City Administrator shall keep a copy of the policy in the employee's personnel file and, if at any time the employee is no longer subject to drug testing, he/she shall notify the City Administrator immediately.
2. Post-Accident Testing
 - i. The City will conduct drug or alcohol testing if a workplace accident occurs while an employee is operating a City vehicle, tool or equipment, when any of the following conditions apply: 1) an accident results in an injury to a person which, if suffered by an employee, constitutes an injury other than a minor injury requiring only first aid treatment which does not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job, where a record or report could be required under Iowa Code

Chapter 88 Occupational Safety and Health, or 2) an accident results in damage to property, including equipment, in an amount reasonably estimated at the time of the accident to exceed One Thousand Dollars (\$1,000.00).

- ii. If a workplace accident occurs while an employee is operating a City vehicle, tool or equipment and any of the conditions listed in Section 2(i) above apply, the employee's immediate supervisor may call law enforcement to investigate the accident immediately after occurrence. The employee's immediate supervisor will make the determination on the necessity to consult with law enforcement to determine if the damage threshold has been met. **Exception: If the accident involves a motor vehicle on the roadway and the amount of damage is reasonably estimated at One Thousand Five Hundred dollars (\$1,500.00) or more, the employee's immediate supervisor will call law enforcement to investigate the accident immediately.**
 - iii. If the employee's immediate supervisor consults with law enforcement after a workplace accident occurs, the immediate supervisor will request an accident report from law enforcement. If the immediate supervisor does not consult with law enforcement after a workplace accident occurs, the immediate supervisor will prepare an accident report containing the date, time, detailed description of accident and estimated damage to the vehicle, tools or equipment and submit a copy of the accident report to the City Clerk's office.
3. Reasonable Suspicion Testing
 - a. When any supervisor, manager or City Official has reasonable suspicion that a City employee is under the influence of drugs or alcohol while on duty, or otherwise violating the terms of this policy, that supervisor, manager or official shall require reasonable suspicion testing. The reasons for such reasonable suspicion shall be documented.
 - b. If reasonable suspicion testing is required, the employee will not be permitted to drive to or from the testing or while at work until the test is returned, and then, only if the test produces negative results. The City will provide transportation to/from the testing at the City's expense, if necessary.

Drug Testing Procedures

1. Drug and alcohol testing shall require the employee to present a reliable form of photo identification to the person collecting the sample.
2. C. J. Cooper will serve as the City's local collection facility.
3. The City will designate the type of testing to be performed on the sample collected.
4. Drug and alcohol testing shall normally occur during or immediately before working hours begin or immediately after working hours. The time required for such testing shall be considered work time for the purpose of compensation and benefits.

5. A specimen testing positive will undergo an additional test to confirm the initial result.
6. The drug screening tests selected shall be capable of identifying every major drug likely to be abused including, but not limited to: (1) Cocaine, (2) Opiates/Opioids, (3) Marijuana, (4) Amphetamines, (5) Phencyclidine (PCP), (6) Benzodiazepine, (7) Barbiturates, (8) Methadone, (9) Methamphetamines, (10) Oxycodone, (11) Ethanol, (12) MDMA, (13) Propoxyphene and (14) Buprenorphine.
7. Personnel utilized for testing will be certified as qualified to collect urine samples or adequately trained in the collection process.
8. Any employee who breaches the confidentiality of testing information shall be subject to disciplinary action, up to and including termination of employment.
9. The City shall pay all testing costs for preemployment, reasonable suspicion, regularly scheduled or follow-up drug or alcohol testing ordered by the City.
10. In conducting drug or alcohol testing pursuant to this policy, the laboratory, the Medical Review Officer and the City shall ensure, to the extent feasible, that the testing records maintained by the City show only such information required to confirm or rule out the presence of prohibited alcohol or drugs in the body.
11. An employee who refuses to submit to a controlled substance test will be immediately removed from safety-sensitive functions and shall be subject to disciplinary action, up to and including termination of employment.

Post-Testing Procedures

1. An employee having negative drug test results shall receive a memorandum stating that no illegal drugs were found. The employee may request a copy of the memorandum and a copy will be placed in the employee's medical file.
2. An employee with positive drug testing results shall be immediately removed from all safety-sensitive functions and, depending on the nature of the employee's job, may not be permitted to return to work until the actions described below are taken. Employees who undergo substance abuse treatment and counseling under this policy and who continue to work must meet all established standards of conduct and job performance.
3. If an employee tests positive for drugs or alcohol the City shall take the following steps:
 - a. First Positive Drug and Alcohol Test Result. An employee's first confirmed positive drug or alcohol test may result in any of the following disciplinary actions:
 - i. The employee being required to enroll in an approved rehabilitation treatment or counseling program. The program may include additional drug or alcohol testing. If the employee participates in and successfully completes the program, the employee will not be subject to further discipline based on the test result. However, failure to comply with these requirements will result in termination.

- ii. The employee may be suspended, with or without pay, for a designated period of time.
- iii. The employee may be terminated.
- iv. If the employee is permitted to return to work, the employee may be required to submit to evaluation by a Substance Abuse Professional and undergo treatment recommended by the Substance Abuse Professional prior to returning to work. If the employee successfully completes the treatment, no further disciplinary action will be taken against the employee. If the employee refuses to submit to the evaluation or fails to successfully complete treatment, the employee will be subject to further disciplinary action, up to and including termination of employment.
- v. An employee required to take time off in order to participate in a rehabilitation program will be permitted to use sick leave, vacation time, accumulated compensatory time and/or unpaid leave.
- b. Follow-up Testing. The follow-up testing will be performed for a period one to six years based upon the Substance Abuse Professional's recommendation. All follow-up testing will be unannounced and without prior notice to the employee and will be at the employee's expense. If an employee has a positive drug or alcohol test during this period, the employee shall be terminated.
- c. Second positive test. An employee who has previously tested positive and was allowed to keep his/her job, and who tests positive on a subsequent drug or alcohol test, will be terminated.
- d. Pre-Result Suspension for Certain "Reasonable Suspicion" Testing. If an employee has submitted to a drug or alcohol test pursuant to the City's "reasonable suspicion" provision, the employee will be suspended without pay, pending the City's receipt and result of the test. If the result of the test does not violate the terms of the City's substance abuse policy, the employee will be reinstated with back pay and interest.

Drug Test Results

1. All records pertaining to required drug tests shall remain confidential and shall not be provided to other employees or agencies, with the exception of the City Administrator and City Clerk, without the written permission of the person whose records are sought. The City Administrator and City Clerk shall have access to the records for purposes of employment decisions. Computerized record keeping shall comply with this provision of the policy.
2. Drug test results and records shall be stored and securely retained for an indefinite period in an employee medical file maintained by the City Clerk.

Responsibility

1. It shall be the responsibility of the City Administrator to enforce this policy. Employees are expected to report any suspicious behavior or suspected drug abuse of an employee.

2. It is the responsibility of each employee to abide by the procedures as outlined. Any employee refusing to submit to a drug test request made under this policy will be subject to disciplinary action, up to and including termination of employment.

Training

In order to order drug or alcohol testing, all supervisory personnel involved with drug or alcohol testing shall attend a minimum of two (2) hours of initial training and will attend thereafter, on an annual basis, a minimum of one (1) hour of subsequent training. Training will include education on signs and symptoms of drugs and alcohol misuse, determining the need for reasonable suspicion testing, and testing requirements. This training will be at least one (1) hour in duration for alcohol education and at least one (1) hour for drug education.

All trained supervisory personnel observing abnormal conduct or erratic behavior displayed by an employee must enlist the help of the City Administrator or City Clerk, or another trained supervisor in their absence, before drug or alcohol testing is ordered.

Test Costs

The actual costs of testing, other than for a second, confirmatory test if one is requested by the employee as provided by law, are paid by the City. If the drug or alcohol sample collection is conducted at a place other than the employee's work site, the City will provide transportation, or pay reasonable transportation costs to the employee.

Employee Assistance with Substance Abuse

The City recognizes the personal and health problems that can arise when a person uses illegal drugs or abuses alcohol and legal drugs. The City strongly encourages employees who are experiencing problems of this nature to seek help from a program designed to help persons who are experiencing alcohol and other drug abuse problems. The City maintains a resource file of employee assistance services providers and other organizations available to assist employees with personal or behavioral problems. The information in the resource file includes names and phone numbers of organizations employees may contact concerning their problems. Notices of such assistance providers are posted in all City buildings.

Employees should be aware that City policies and rules concerning discipline are separate and distinct from any rehabilitation in which an employee wishes to participate. The fact that an employee chooses to seek assistance through a program designed to help employees with problems will not be grounds for disciplinary action, and such a program will not be grounds for negating or reducing any disciplinary action taken by the City for a violation of the rules set forth in the Substance Abuse Policy. If the employee elects not to participate in rehabilitation, the City will have grounds for termination.

EMPLOYEE ACKNOWLEDGMENT FORM

This acknowledgment form is to certify that the undersigned on the date indicated received a copy of the substance abuse policy for use while employed with the City of Hiawatha.

I acknowledge that I have received a copy of the substance abuse policy and that it is my responsibility to read the policy and any revisions made to it and act in accordance with its provisions.

I understand that this policy is intended to supersede and replace all previous employee handbooks, manuals and policy statements, whether oral or written, issued by the City of Hiawatha.

Employee Signature

Date

Employee Printed Name

DOT DRUG AND ALCOHOL POLICY (CDL HOLDERS)

In addition to the above drug and alcohol policy, CDL-holding employees must follow the requirements of state and federal law regarding their licensure. The above Substance Abuse Policy applies to all employees, including CDL employees, but where that policy and this policy specific to CDL employees differs, this policy specific to CDL employees shall govern. This policy complies with federal and state law governing drug and alcohol testing and, in the event it does not comply, federal and state law shall supersede this policy.

Any questions or concerns regarding this Drug and Alcohol Policy shall be directed to the Designated Employee Representative (DER) Kim Downs at (319) 393-1515.

Federal law requires that the City test for drugs and alcohol all CDL employees who drive a Commercial Motor Vehicle (“CMV”). This includes all employees who drive a CMV, even if the employee does not regularly drive a CMV. If an employee is covered by more than one (1) DOT testing agency, the employee shall be tested based on the tasks he/she performs the majority of the time. These employees are engaged in safety-sensitive functions throughout the entirety of their work day including, but not limited to, driving, performing required pre- and post-trip checks on vehicles, and performing maintenance on vehicles. The City conducts all required drug and alcohol testing in accordance with state and federal law.

Employees are prohibited from using alcohol within eight (8) hours of performing a safety-sensitive function (DOT requires a minimum of four (4) hours). Employees are prohibited from possessing ANY amount of alcohol (including medications or over-the-counter remedies containing alcohol) while on duty.

There are several instances that may require an employee’s submission to drug and alcohol testing. They are described as follows:

1. Pre-employment testing: A CDL licensed CMV driver must submit to a drug/alcohol test and receive a negative drug test before he/she will be permitted to operate a CMV.
2. Post-accident testing: A CDL licensed CMV driver engaged in a safety-sensitive function at the time of an accident must submit to a drug/alcohol test as soon as practicable following an accident if the accident involved the loss of human life or if the driver was cited: (a) within eight (8) hours of the accident for alcohol, or (b) within thirty-two (32) hours of the accident for drugs, under state or local law for a moving traffic violation if the accident: (i) involved bodily injury to any person causing that person to receive medical treatment away from the scene of the accident; or (ii) one or more motor vehicles incurred disabling damage as a result of the accident requiring it to be removed by tow or other motor vehicle. Employees are prohibited from using or being under the influence of alcohol at any time while on duty, eight (8) hours post-accident or until tested post-accident.

3. Random Testing: All CDL licensed CMV drivers must be randomly tested throughout the year pursuant to state and federal regulations.
4. CDL licensed CMV drivers who appear to be under the influence of drugs or alcohol are subject to immediate drug testing.

This policy outlines disciplinary action which will be taken in the event of a positive drug or alcohol test. Refusal to test is also considered a positive test by federal law.

If the test of an employee, who is subject to the requirements of federal DOT drug and alcohol testing, results in a Medical Review Officer verified positive test for the use of drugs, or an alcohol concentration of 0.04 or greater, or refuses to submit to drug or alcohol testing, the employee shall be considered to have tested positive for drugs and/or alcohol. The employee shall be provided a list of appropriate and qualified substance abuse professionals who are available to the employee, including the substance abuse professionals' names, telephone numbers and addresses, for assessment and enrollment in a treatment and rehabilitation program, if recommended.

Pursuant to state and federal regulations, employees testing above 0.02 who are not terminated from their employment, but lower than 0.039, may not perform a safety-sensitive job function for twenty-four (24) hours after a positive test or a positive confirmation test, whichever occurs later, according to federal law. An employee testing between 0.02 and 0.039 may be assigned to non-covered duties at the option of the employee's immediate supervisor.

If non-covered duties are not available, the employee's immediate supervisor will order and arrange for alternate transportation home for the employee. The City will first contact the employee's emergency contact and then, if the emergency contact is unavailable, will resort to other safe drivers. If the employee refuses alternate transportation, the employee will be subject to disciplinary action up to and including termination of employment for failure to follow a reasonable order of the immediate supervisor. The employee when sent home may use personal or vacation leave, compensatory time or unpaid leave. The use of sick leave will not be allowed.

Results of a positive drug or alcohol test and terms of rehabilitation will remain confidential except as noted throughout this policy and as provided by federal regulations.

Employees who are required to report for random drug and/or alcohol testing will be allowed to be tested during work hours and may drive a City vehicle to and from the collection site or, with the City's approval, may drive their personal vehicle and will be reimbursed mileage.

Substance use and alcohol misuse have a negative effect on an employee's health, relationships and work life. An employee who is using drugs and/or misusing alcohol may have impaired physical, behavioral and speech functions and his/her job performance may suffer. If an employee suspects that an employee is using drugs and/or

misusing alcohol, he/she is encouraged to report it to the employee's immediate supervisor or the City Administrator for follow up.

The City shall provide training to all persons designated to supervise drivers. The City shall provide said supervisors with sixty (60) minutes of training on alcohol misuse and sixty (60) minutes of training on controlled substance use. This training is used to ensure that supervisors have the tools to determine whether or not reasonable suspicion exists to require a driver to undergo reasonable suspicion testing, including training on the physical, behavioral, speech and performance indicators of probable alcohol misuse and controlled substance use.

An employee who violates this policy will be subject to disciplinary action, up to and including termination, as mandated by the DOT. In addition, any driver who is convicted by the judicial system of a felony for a drug-related or alcohol-related matter is subject to immediate termination of employment.

Confidentiality

Employee test results are confidential. Test results and other confidential information will only be released to the City and the substance abuse professional. Any other release of this information is only with the employee's consent as mandated by DOT 49 CFR §40.321.

DOT DRUG AND ALCOHOL TESTING TRAINING AND AWARENESS

Introduction

This handout provides a general overview of the United States Department of Transportation regulations on drug and alcohol use. A review of the effects of alcohol and certain drugs on the body is also included. Throughout this handout “substance abuse” will be used in place of the terms “alcohol abuse” or “drug abuse” in reference to both substances. Chemical dependency comprises all chemicals, whether they are controlled substances or alcohol.

Abbreviations and Terms Employee Should Know

Abbreviations

BAT	Breath Alcohol Technician
CDL	Commercial Driver’s License
CMV	Commercial Motor Vehicle
DER	Designated Employer Representative
DHHS	Department of Health and Human Services
DOT	Department of Transportation
EAP	Employee Assistance Program
EBT	Evidential Breath Testing Device
Medical Review Officer	Medical Review Officer
STT	Screening Test Technician

Definitions

Actual Knowledge: Knowledge by the employer that a driver has used alcohol or controlled substances based on the employer’s direct observation of the driver, information provided by the driver’s previous employer(s), a traffic citation for driving a commercial motor vehicle (CMV) while under the influence of alcohol or a controlled substance, or a driver’s admission of alcohol or a controlled substance use per § 382.121.

Alcohol: Intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl and isopropyl alcohol.

Alcohol Concentration (or Content): Alcohol in a volume of breath (shown as grams of alcohol per 210 liters of breath) as indicated by an evidential breath test.

Alcohol Screening Device (ASD): Breath or saliva device, other than an evidential breath testing device (EBT), that is approved by the National Highway Traffic Safety administration (NHTSA) and placed on a conforming products list (CPL) for such devices.

Alcohol Use: Consumption of any beverage, mixture or preparation, including medications containing alcohol.

Breath Alcohol Technician (BAT): An individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device (EBT).

Confirmation Test: In testing for alcohol: a second test, following a screening test with a result of 0.02 or greater that provides quantitative data of alcohol concentration. An evidential breath testing device must be used.

In testing for controlled substances, a second procedure to:

- Identify and quantify the presence of a specific drug or metabolite. Further support a validity test result in the case of an adulterated, diluted or substituted specimen.

In order to ensure reliability and accuracy, this test is separate from and uses a different technique and chemical principle from that of the screening test.

Confirmed Drug Test: A confirmation test result received by a Medical Review Officer from a laboratory.

Controlled Substances: In the regulation, the terms “drugs” and “controlled substances” are interchangeable and have the same meaning.

Unless otherwise provided, these terms refer to:

- Marijuana
- Cocaine
- Opiates/Opioids
- Phencyclidine (PCP)
- Amphetamines
- Barbiturates
- Methadone
- Methaqualone
- MDMA
- Propoxyphene
- Buprenorphine
- Alcohol

Designated Employer Representative (DER): An individual identified by the employer who is:

- Able to receive communications and test results from service agents.
- Authorized to take immediate actions to remove drivers from safety-sensitive duties.
- Able to make required decisions in the testing and evaluation processes.

The individual must be an employee of the City. Service agents cannot serve as Designated Employee Representative (DER).

Driver: Any person, who operates a commercial motor vehicle (CMV), including:

- Full-time, regularly employed drivers.
- Casual, intermittent or occasional drivers.
- Leased driver, independent, owner-operator contractors who are either directly employed by or under lease to an employer or who operates a commercial motor vehicle (CMV) at the direction of or with the consent of an employer.

Evidential Breath Testing Device (EBT): A device used for alcohol breath testing that has been approved by the National Highway Traffic Safety Administration.

Medical Review Officer: A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving and reviewing laboratory results generated by an employer's drug testing program. The Medical Review Officer must have knowledge about and clinical experience in substance abuse disorders and appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his/her medical history and other relevant bio-medical information.

Safety-Sensitive Function: A driver is considered to be performing a safety-sensitive function when he/she begins work-or is required to be in readiness to work-until the time he/she is relieved from work and all responsibilities for performing work. Safety-sensitive functions include six specific items found in §382.107 of the Federal Motor Carrier Safety Regulations.

Screening Test (Initial Test): In testing for alcohol, a procedure to determine if a driver has a prohibited concentration of alcohol in his/her system. In testing for controlled substances, a test to eliminate "negative" urine specimens from further consideration or to identify a specimen that requires additional testing for the presence of drugs.

Screening Test Technician (STT): A person who instructs and assists employees in the alcohol testing process and operates an alcohol screening device (ASD).

Stand-down: The practice of temporarily removing a driver from the performance of safety-sensitive functions based only on a report from a laboratory to the Medical Review Officer of a confirmed positive drug test for a drug or drug metabolite, an adulterated test or a substituted test, before the Medical Review Officer has completed verification of the test results.

Substance Abuse: Refers to patterns of use that result in health consequences or impairment in social, psychological and occupational functioning.

Substance Abuse Professional (SAP): A licensed physician (medical doctor or doctor of osteopathy), or licensed or certified psychologist, social worker, employee assistance professional or certified addiction counselor who evaluates employees who have violated

a DOT drug and alcohol regulation. The SAP makes recommendations concerning education, treatment, follow-up testing and aftercare.

Who is Covered by the Drug and Alcohol Regulations?

The Federal Motor Carrier Safety Administration, Department of Transportation Drug and Alcohol regulations apply to every person who operates a commercial motor vehicle (CMV) in interstate or intrastate commerce in the United States and is subject to the commercial driver's license (CDL) requirements of Part 383 of the Code of Federal Regulations and his/her employer. It also applies to drivers who operate CMVs in the United States and are subject to the Licencia Federal de Conductor (Mexico) or the CDL requirements of the Canadian National Safety Code.

What is a Safety-Sensitive Function?

Safety-sensitive functions for operators of commercial motor vehicles (CMV) are listed under 49 C.F.R. § 382.107.

A safety-sensitive function means all time from the time a driver begins work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

- All time at an employer or shipper plant, terminal, facility or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the City;
- All time inspecting equipment as required by 49 C.F.R. §§ 392.7-392.8 of this subchapter or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- All time spent at the driving controls of a commercial motor vehicle in operation;
- All time, other than driving time, in or upon any commercial motor vehicle, except time spent resting in a sleeper berth (a berth conforming to the requirements of 49 C.F.R. § 393.76 of this subchapter);
- All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- All time repairing, obtaining assistance or remaining in attendance upon a disabled vehicle.

What Are the Alcohol and Drug Prohibitions?

The DOT refers to the restrictions for the use of both alcohol and controlled substances as prohibitions.

Alcohol prohibitions include:

- Use while performing a safety-sensitive function.
- Use during the 4 hours before performing a safety-sensitive function.
- Reporting for duty or remaining on duty to perform a safety-sensitive function with an alcohol concentration of 0.04 or greater.
- Use during the 8 hours following an accident, or until the driver undergoes a post-accident test.
- Refusal to take a required test.

NOTE: A driver found to have an alcohol concentration of 0.02 or greater but less than 0.04 may not perform, nor be permitted to perform, safety-sensitive functions for at least 24 hours.

Drug prohibitions include:

- Use of any drug, except by a health care provider's prescription (and only if the health care provider has advised the driver that the drug will NOT adversely affect the driver's ability to safely operate a commercial motor vehicle).
- Testing positive for drugs.
- Refusal to take a required test.

What Tests are Required and When Will the Individual Be Tested?

There are five situations where testing is done to determine the presence of alcohol and/or drugs.

1. Pre Employment - Post Offer Testing
When: A controlled substance test is required before a new hire or a person transferring into a driving position with the City can perform any safety-sensitive function. Education will be provided to all employees regarding the effects of drugs and alcohol, signs and symptoms of a drug or alcohol problem, information regarding assistance for abuse problems and testing requirements. 49 C.F.R § 382.601.
2. Post-Accident Alcohol Testing (when any of the following conditions are met):
 - If there is a fatality.

- If the driver of the City's truck receives a citation under state or local law within eight (8) hours for a moving violation arising from the accident and if the accident involved:
 - Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident OR
 - One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
- At the discretion of Hiawatha management following an accident.

Alcohol testing MUST be done within two (2) hours of the accident. If the test cannot be performed within two (2) hours, the City must prepare a record stating why the test was not given. If the test cannot be performed within eight (8) hours, the City should not give the test and must prepare a record stating why the test could not be given within that time.

Post-Accident Drug Testing (when any of the following conditions are met):

- If there is a fatality.
- If the driver of the City's truck receives a citation under state or local law within 32 hours for a moving violation arising from the accident AND if the accident involved:
 - Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident, OR
 - One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

Post-accident drug testing must be performed within thirty-two (32) hours. If the test cannot be performed within thirty-two (32) hours, the City should not give the test and must prepare a record stating why the test could not be given within that time.

Nothing in the regulations should delay medical attention for those who are injured. The City must provide the necessary information and instructions to allow the driver to be tested or to get emergency medical care.

A driver subject to post-accident alcohol testing must remain available for testing. Not remaining available for testing is considered a refusal to test.

The City must provide drivers with necessary post-accident information, procedures, and instructions BEFORE the driver operates a commercial motor vehicle.

Immediately notify Steve Perrin at (563) 559-0343 or C.J. Cooper & Associates, Inc. at 1-800-241-3926 or (319) 377-5373.

3. Random Testing

Random testing for alcohol must be completed just before, during, or immediately after performing a safety-sensitive function. Random testing for drugs can be done anytime employee is at work for the City. Once employee is notified that they have been selected for testing, they must proceed immediately to the test site.

Unannounced random testing is required for a certain percentage of drivers each year. The tests must be reasonably spaced throughout the year. The random selection process must ensure that each driver has an equal chance of being tested each time selections are made. One method is a computer-generated system using social security number, payroll identification number, or other identifying number. Methods such as pulling names out of a hat are not acceptable.

Testing rates are as follows:

10% of the average number of driver positions must be randomly tested for alcohol during the year.

25% of the average number of driver positions must be randomly tested for controlled substances during the year.

NOTE: The DOT will change the testing rates. The testing rates were changed on January 1, 2016.

C.J. Cooper & Associates does a random pull from a pool of all the valid CDL holders employed by the City. This is done once every three months. These tests are unannounced per D.O.T. regulations. 49 C.F.R. §382.305 (k) (1).

Once employee is notified that their name is included in the random selection, they must report to the collection site IMMEDIATELY.

A driver who refuses to submit or tests positive for drugs and/or alcohol will be immediately discharged.

4. Reasonable Suspicion

If the City has reason to believe that an employee's behavior or appearance may indicate alcohol or drug use, the City is entitled to test. Observations for alcohol testing must be made just before, during or just after the performance of a safety-sensitive function. Observations for drug testing will be made at any time while an employee is working for the City.

Employees will be required to submit to a drug and/or alcohol test when reasonable suspicion exists. 49 C.F.R. §382.307. Reasonable suspicion exists when a driver's appearance, speech, or odors of breath and/or body, or physical symptoms indicate drug and/or alcohol use. Observations must be personally observed and documented by at least one trained City official. A "trained official" is one who has undergone at least 2 hours of education, which included behavioral, physical, speech, and performance indicators of possible drug and/or alcohol use.

IMPORTANT POINTS TO REMEMBER ...

- The immediate supervisor who makes the observation and determines that reasonable suspicion testing should be done will not be the one who conducts the alcohol test on the employee.
- If the alcohol test cannot be given within two (2) hours of the observation, the City must prepare a record stating why the test could not be given.
- If the alcohol test cannot be given within eight (8) hours of the observation, the City should not give the test and must prepare a record stating why the test could not be given.
- Even if reasonable suspicion is observed but a test could not be done, the employee shall not perform safety-sensitive functions until:
 - A test is done and the employee's alcohol concentration is determined to be less than 0.02.

OR

- 24 hours have passed from the time of the initial observation.
- The City may not take disciplinary action against any employee regarding alcohol misuse unless an alcohol test was administered within the required timeframe.
- The chronic and withdrawal effects of drugs, as well as the conditions listed above, are used to determine reasonable suspicion for drug testing.

- Documentation of the employee's conduct must be prepared and signed by the immediate supervisor who made the observations within 24 hours of the observed behavior, or before the results of the alcohol or drug test are released, whichever is first.
- Whenever an employee is notified of reasonable suspicion to be tested, they will be expected to immediately report to the test site. The City's representative will accompany the employee to the testing site.
- The employee will then be transported home by a company representative, friend, or family member.
- The employee will be suspended until the results come back.
- If an employee refuses to submit to reasonable cause testing, the City can terminate the employment.

5. Return-to-Duty and Follow-up Tests

Return-to-duty testing is required for employees who tested positive for drugs, failed an alcohol test, or refused to take a drug or alcohol test. In order to return to performing safety-sensitive functions an alcohol concentration of less than 0.02 and/or a negative drug test is required. There are also referral, evaluation and treatment requirements that must be met.

Follow-up testing is required for employees who tested positive for drugs, failed an alcohol test, or refused to take a drug or alcohol test. The regulations call for a minimum of six (6) follow-up tests during the first year back in a safety-sensitive position, in addition to the random tests. However, follow-up testing can continue for up to five (5) years.

Only the Substance Abuse Professional can set the number, frequency and length of time that follow-up testing is required.

Should the City choose to retain the employee, all Return-To-Duty and Follow-up testing will be at the employee's expense.

What Happens if the Employee Refuses to Be Tested?

As part of the alcohol and drug regulations, the employee must submit to alcohol and drug testing. A refusal to test is treated the same as a positive test. If the employee refuse to be tested, the employee cannot continue to perform safety-sensitive functions and are subject to disciplinary action, up to and including termination of employment.

“Refusal” occurs when:

- The employee fails to appear for any test within a reasonable time;
- The employee fails to remain at the testing site until the testing process is complete;
- The employee fails to provide:
 - A urine specimen for drug testing, or
 - A saliva or breath specimen for alcohol testing;
- The employee fails to provide enough urine and there is no medical explanation for the failure;
- In the case of a directly observed or monitored drug test collection, the employee fails to permit the observation or monitoring of the employee’s provision of the specimen;
- The employee fails or declines to take a second drug test when directed by the City or collector;
- The employee fails to undergo a medical examination or evaluation as part of:
 - The verification process for drug testing or as directed by the designated employer representative (DER);
 - “shy bladder” procedures for drug testing, or
 - Insufficient breath procedures for alcohol testing; and/or
- The employee fails to cooperate with any part of the testing process.

A verified adulterated or substituted drug test is also considered a refusal to test.

How is Alcohol Testing Done?

All alcohol testing is conducted by a trained technician in a private setting where no one but you and the technician can see or hear the test results. A breath or saliva-testing device approved by the National Highway Traffic Safety Administration must be used.

The technician will ask for photo identification (driver’s license, City-issued identification). The employee may ask for the technician’s identification as well.

The technician will complete the first part of the alcohol testing form, which includes the employee’s name, the employer, and the reason for the test. The employee will be asked to complete the second part of the form stating that you understand that you are about to be tested and that all information given is correct. Refusal to sign the form is considered a refusal to take the test. Refusal to take the test is treated the same way as failing a test.

A screening test is done first. If an evidential breath-testing device (EBT) is used, an individually sealed mouthpiece will be opened in front of the employee and attached to the EBT. The employee must blow forcefully into the mouthpiece of the testing device for at least 6 seconds or until the employee has provided an adequate amount of breath for testing.

The technician must show the employee the reading on the device and enter the result on the testing form or (if the device prints the results) affix the printed results to the form with tamper-evident tape.

If a saliva-testing device is used, the technician must check the expiration date on the device and show it to you. A device may not be used after its expiration date.

The technician must open the individually sealed package containing the device in front of you.

The employee or the technician will insert the swab into the employee's mouth and allow it to be saturated with saliva. After the saliva is collected, the swab will be inserted into the testing device.

The result on the device must be read within 15 minutes of the test, but no sooner than specified by the manufacturer of the device.

The technician must show the employee the reading on the device and enter the result on the testing form.

If the reading on the EBT or saliva testing device is 0.02 or greater, a confirmation test must be done using an approved EBT. The test must be done after 15 minutes but within 30 minutes of the first test. The employee will be asked not to eat, drink, belch, or put anything in your mouth. These steps prevent the build-up of mouth alcohol, which could lead to an artificially high result. A new mouthpiece must be used for the confirmation test and the calibration of the EBT must be checked. Again, all of this must be done in front of the employee.

If the screening and confirmation test results are not the same, the confirmation test result is used.

The results of the confirmation test are forwarded to the City. However, these records (positive, negative, and refusal) are required to be released to any potential employers (with your consent) if you seek employment as a driver with another company.

Remember that if the employee refuses to be tested or refuses to sign the testing form, the technician will immediately notify the City. Again, a refusal is treated the same way as failing an alcohol test.

How is Drug Testing Done?

All drug testing is done by analyzing a urine sample and is conducted by a trained collection site person in an appropriate, private setting. The urine sample will be collected at the employee's place of employment or at a certified collection site. In either case, the collection must be conducted by an individual trained in compliance with Title

49, Part 40 of the Code of Federal Regulations (“CFR”) and in a location that is clean and equipped with all the necessary materials to collect and secure the urine sample(s).

Employees should understand the correct procedure for collecting specimens for testing. Too often, employees realize that all or part of their drug testing was not conducted according to the regulations, but it is after the test results have been released. If the employee has concerns about the way a drug test is being handled, consult the Safety Department immediately and refer to the Drug Testing section of the Federal Motor Carrier Safety Regulations (FMCSR).

Regulated Documentation

The collection site, the laboratory, the employer, and the employer’s carrier are required to follow the regulations for what’s known as a chain of custody regarding the sample. This is the documentation that assures that the sample collected and tested is indeed the same one, and that steps have been taken to maintain the integrity of the test results. It tracks the specimen from the moment it is collected and stored up to the point that it is tested at the laboratory and the results are known.

A federal drug testing custody and control form must be used and filled out appropriately. Unless it cannot possibly be avoided, the person who collects the sample should not be the employee’s immediate supervisor.

Specimen Collection

The employee should be positively identified by the collection site person using some type of photo identification or be positively identified by a representative of the City. The employee may request to see the collection site person’s identification as well. If the collection is directly observed or monitored, that individual must be of the same gender as the testing employee.

The employee will be instructed to remove all unnecessary outer garments (coats, jackets, hats) and leave these garments along with any briefcase, purse, or other bag in a mutually agreeable location. The employee should keep their wallet, but the employee will also be instructed to empty the employee’s pockets and display the items in them to ensure the employee is not carrying anything that could be used to tamper with a specimen. The employee will then be asked to wash and dry their hands prior to urination, immediately before providing a urine specimen.

Urine specimens must be collected in clean, single-use specimen bottles, which are to remain in their protective, sealed wrapper until they can be unwrapped in front of the employee. This ensures that the specimen is not tainted or contaminated.

The employee will then be instructed to go into the room used for urination and provide a specimen of at least 45mL.

The temperature of the urine specimen must be taken within four minutes of collection and fall within the acceptable temperature range for testing (90-100 degrees F/32-38 degrees C).

If the collection site person suspects the urine sample has been contaminated or tampered with, any unusual signs must be recorded on the collection site form and the employee will be asked to provide a second sample. The first sample will still be tested as usual, but the second sample must be collected under direct observation of a same-gender collection site person.

The specimen is then divided into two containers by the collection site person and within your presence. This provides two samples for testing, should the employee dispute the results of the first test. These two samples, called primary and split, are sent to a testing laboratory certified by the Department of Health and Human Services and must be tracked using the custody and control form.

Both the employee and the collection site person must keep the specimen in view at all times prior to the specimen container being sealed and labeled in the employee's presence. The collection site person must place an identification label securely on the bottle containing the date, the individual specimen number, and any other identifying information required by the City. (If separate from the label, a tamperproof seal must also be applied and initialed by the employee and the collection site person.)

The employee must then initial the identification label on the specimen bottle to certify that the specimen collected belongs to the employee.

Regardless of where the sample is collected, the steps must be taken to ensure that no other persons are present or will gain access to the area or specimens, which could lead to a false positive result. This includes the process for shipping the sample(s) to the certified testing lab, which must follow 49 CFR Part 40.73 of the regulations.

Laboratory Analysis

At the laboratory, an initial test is performed on the primary sample. If this test is positive for the presence of controlled substances, a confirmation test will be conducted.

Reporting the Results

All test results must be reported to the Medical Review Officer in a timely manner, preferably the same day that the review of the specimen by the certifying scientist is completed. The laboratory and Medical Review Officer must ensure that results are transmitted in a confidential and secure manner.

Stand-down Provision

The City may not remove a driver from safety-sensitive functions (stand down) when the Medical Review Officer receives a laboratory report of a confirmed positive, adulterated, or substituted drug test before the test result has been verified by the Medical Review Officer.

The City may apply for and receive a waiver from this prohibition by completing an application for a waiver with the Federal Motor Carrier Safety Administration. Employees should consult the City policy and/or their immediate supervisor for details.

A review of the results must be done by a Medical Review Officer who is required to explore any possible medical explanations for a positive result or a result that indicates a specimen has been adulterated or substituted. At this time, the Medical Review Officer must contact the employee about the test result and give the employee the opportunity to discuss the test result before making a final determination.

A positive test result or a result that indicates a specimen has been adulterated or substituted does not automatically mean the employee has used drugs and are in violation of DOT regulations. In order to find other possible reasons, the Medical Review Officer will interview the employee, review the employee's medical history, and/or review any other biomedical factors. The Medical Review Officer must look at all medical records and data the employee provides, such as information on any prescribed medications the employee is using.

After being notified of a positive test result or a result that indicates a specimen has been adulterated or substituted for the initial test, the employee has 72 hours to request to the Medical Review Officer for the split specimen to be sent to another laboratory. If the employee makes this request, the split specimen must be tested at a different Department of Health and Human Services certified laboratory.

If the employee does not contact the Medical Review Officer within 72 hours but can provide a legitimate reason for not doing so, the Medical Review Officer will order the split specimen test at his/her discretion.

Please note that removal from safety-sensitive duties as required by the regulations following a positive drug test is NOT delayed to await the result of the split specimen test.

If the analysis of the split sample fails to confirm the presence of a drug, or reconfirm that the specimen was adulterated or substituted, the Medical Review Officer will cancel the test and report this to the employee and the City.

The results of all tests must be forwarded to the City in written form within three (3) working days of completion of the Medical Review Officer review. All records must be

kept confidential. However, these records are required to be released to any potential employers (with consent) if you seek employment as a driver with another carrier.

What are the Consequences of Violating the Alcohol or Drug Prohibitions?

If an employee fails an alcohol test:

- The employee must be removed from all safety-sensitive functions.
- The employee shall not return to a safety-sensitive function until an evaluation by a substance abuse professional (SAP) has been done, the employee complied with prescribed treatment, and the employee passes a return-to-duty test. The employee is subject to six follow-up tests in the first 12 months after employee's return to duty and will be subject to follow-up testing for up to five years.
- The employee shall not return to safety-sensitive duties for at least 24 hours if alcohol concentration is determined to be 0.02 or greater but less than 0.04.

If the employee test positive for drug(s), or have a verified adulterated or substituted test result:

- The employee must be removed from all safety-sensitive functions.
- The employee shall not return to a safety-sensitive function until an evaluation by a substance abuse professional (SAP) has been done, the employee complied with prescribed treatment, and the employee passes a return-to-duty test. The employee is subject to six follow-up tests in the first 12 months after employee's return to duty and will be subject to follow-up testing for up to five years.

NOTE: A confirmed positive test result will be mailed to the terminated employee by the City, by certified mail, return receipt requested.

The drug and alcohol regulations require that the City advise the employee of the resources available for appropriate treatment for alcohol and drug use. However, the regulations do not require the City to pay for rehabilitation or to hold a job open for the employee while s/he undergoes treatment.

If the employee violates an alcohol or drug prohibition, the employee will be evaluated by a substance abuse professional (SAP) to determine what specific help is needed. This helps ensure that people with alcohol and drug problems get referred to the appropriate agencies for assistance.

Exception

As required by Iowa Code § 730.5 upon receipt of a confirmed positive alcohol test which indicates an alcohol concentration greater than the concentration level established by the City, and if the City has at least fifty (50) employees, and if the employee has been employed by the City for at least twelve (12) of the past eighteen (18) months, and if the

employee has not previously violated the City's substance abuse prevention policy, the City shall provide for rehabilitation of the employee:

- If the City has an employee benefit plan, the cost of rehabilitation shall be apportioned as provided under the employee benefit plan.
- If no employee benefit plan exists and the employee has coverage for any portion of the cost of rehabilitation under the employee's health care plan, the cost shall be apportioned as provided by the health care plan with any costs not covered by the plan apportioned equally between the employee and the City. However, the City shall not be required to pay more than Two Thousand Dollars (\$2,000.00) toward the cost not covered.

If the employee does not have coverage for any portion of the cost of rehabilitation, the cost shall be apportioned equally between the employee and the City. However, the City shall not be required to pay more than Two Thousand Dollars (\$2,000.00) toward the cost of rehabilitation.

Before the employee can return to safety-sensitive functions, the employee must:

- Have an alcohol test of less than 0.02 and/or a verified negative drug test (depending on the violation).
- Have complied with prescribed treatment.
- You must then complete a minimum of six (6) follow-up tests within the first year back to work. (Follow-up testing can be done for up to five (5) years after returning to safety-sensitive functions.)

Self-admission of Alcohol and Drug Use

The regulations include a provision that allow the City to establish a program that lets a driver voluntarily admit to drug use or alcohol abuse without DOT consequences.

USDOT Drug Testing Panel Expanded

Effective January 1, 2018, the USDOT, FMCSA expanded its drug testing panel to include four synthetic opioid drugs (hydrocodone, hydromorphone, oxycodone and oxymorphone). This will be recognized as a five panel with expanded opioids. This also will remain as the "only" approved method for the DOT drug test panels.

The Department of Transportation (49 CFR Part 40) is harmonizing with HHS guidelines and will test for the following drugs: (5 panels with expanded opioids)

- 1) Marijuana metabolite
- 2) Cocaine
- 3) Phencyclidine-PCP
- 4) Amphetamines – (includes Methamphetamines, MDMA, MDA)

- 5) Opioids: Codeine/Morphine, 6 -AM (Heroin) Hydrocodone/Hydromorphone, Oxycodone/Oxymorphone

SIGNS AND SYMPTOMS OF DRUG AND ALCOHOL USAGE

Drug Name	Substances Detected in Urine	What to Look For & Physical Symptoms	Dangers	Time Detectable in Urine
Amphetamines ●Uppers ●Speed ●Meth ●Dexies ●Crank ●Black Beauties	Methamphetamine, Amphetamine	Tablets of varying colors, possible chain smoking, long periods without rest or sleep. Loss of appetite, irritability, rapid speech, tremors, mood elevations	Disorientation, severe depression, paranoia, possible hallucinations, increase in blood pressure, fatigue	1-2 Days
Cocaine ●Coke ●Crack ●Flake ●White Candy ●Free Base ●Toot ●Blow	Benzoyllecgonine	Glassine envelopes, razor, small spoons, odorless, bitter white crystalline powder, granular rocks, short-lived euphoria changing to depression, irritability, nervous, tightness of muscles	Shallow breathing, fever, anxiety, tremors, possible death from convulsions or respiratory arrest	1-3 Days
Marijuana ●Dope ●Pot ●Reefer ●Joint ●Grass ●Blow	11-Nor-delta9-tetrahydrocannabinol-9-carboxylic acid THC	Plastic baggies, rolling paper, 'roach' clips, odor of burnt rope. Altered perception, dilated pupils, lack of concentration and coordination, craving for sweets, increased appetite, laughter	Psychological dependence, increased heart rate, impaired short-term memory, anxiety, lung damage, possible psychosis with chronic use	Occasional use: 1-3 days Chronic use: Up to 30-60 days
Opiates/Opioids ●Heroin (smack, horse, junk) ●Morphine ('M', Miss Emma) ●Codeine (school boy)	Codeine, Morphine, 6-AM (Heroin) Hydrocodone/Hydromorphone, Oxycodone/Oxymorphone	Glassine Envelopes, needles and syringes, caps or spoons, tourniquets, needle marks on arms. Insensitivity to pain, euphoria, sedation, nausea, vomiting, itchiness, watery eyes, running nose)	Lethargy, weight loss, hepatitis, slow and shallow breathing, possible death	1-3 Days
Phencyclidine ●Angel Dust ●Devil Stick ●PCP ●Dummy Dust	Phencyclidine	Liquid Capsules. White or brown powder can be put on paper stamps, sugar cubes, cigarettes or joints. May be injected. Increased pulse and heart rate, blood pressure and temperature. Mood and perception alteration possible, paranoia, panic, anxiety, nausea, tremors, suicidal urge	Unpredictable behavior, flashbacks, possible emotional instability and psychosis, hallucination	Occasional use: 1-3 days Chronic use: Up to 30 days
Barbiturates ●Downers ●Dolls ●Reds ●Tuinal ●Rainbows ●Yellows ●Blues ●Goof Balls	Secobarbital Phenobarbital Pentobarbital Butobarbital Amobarbital	Capsules of varying colors, longer periods of rest or sleep, dizziness, cold and clammy skin. Depression, decreased alertness and muscle control, intoxication and slurred speech, drowsiness	Rigidity and painful muscle contraction, emotional instability, possible overdoses and death, especially when mixed with alcohol	Pentobarbital and others: 1-3 Days Phenobarbital: 1-3 Weeks
Benzodiazepines Downers	Diazepam Chlordiazepoxide Oxazepam Nordiazepam Temazepam	Oral/Injection. Slurred speech, disorientation, drunken behavior without odor of alcohol	Shallow respiration, cold and clammy skin, dilated pupils, weak and rapid pulse, coma, possible death	1-7 Days
Methadone ●Done ●Dolophine ●Methadose	Methadone	Tablets. Liquid injection. Euphoria, drowsiness, respiratory depression, constricted pupils, nausea	Slow, shallow breathing, clammy skin, convulsions, coma, possible death	1-3 Days

Drug Name	Substances Detected in Urine	What to Look For & Physical Symptoms	Dangers	Time Detectable in Urine
Methaqualone ●Ludes ●Quaaludes	Methaqualone	Tablets. Slow heart rate and breathing, lowered blood pressure. Sleepiness, feeling of well-being, loss of coordination, dizziness, impaired perception, confusion, later hangover		1-3 Days
MDMA ●Ecstasy ●Adam ●XTC ●MDA ●MDE ●X	Methylenedioxy - methamphetamine	Tablets. Euphoria, confusion, anxiety, sleeplessness, drug craving and paranoia. Used at all night RAVE dance parties	Muscle tension, teeth clenching, nausea, tremors, rapid eye movement, chills, possible death	1-2 Days
Propoxyphene	Propoxyphene	Tablets, capsules. Dizziness, drowsiness, headache, euphoria, dysphoria	Skin rash & other allergic reactions occur occasionally and may be accompanied by drug fever and mucosal lesion, stupor or coma; convulsions, respiratory depression	1-3 Days
Buprenorphine ●Buprenex ●Temgesic	Buprenorphine	Pinpoint pupils, extreme drowsiness, dizziness, blurred vision, slowed breathing		1-6 Days
Alcohol	Ethanol	Dulled mental processes, Lack of coordination, Odor of alcohol on breath, pupils will be constricted, Sleepy condition, Slowed reactions, Slurred speech, Anxiety or jumpiness, Shakiness or trembling, sweating, nausea and vomiting, insomnia, Irritability, headache	Depression, anxiety, and suicide, Social problems, liver damage, Inflammation of the esophagus, Aggravation of peptic ulcers, Acute and chronic pancreatitis, Malabsorption of food nutrients that will lead to malnutrition, Heart attack, Hypertension, Stroke Immune system depression, Brain damage (dementia, blackouts, seizures, hallucinations, peripheral neuropathy).	Varies - up to 8 hours

FOR MORE INFORMATION OR ASSISTANCE, YOU CAN TRY SOME OF THE FOLLOWING SOURCES:

Cocaine Anonymous: (800) 347-8998

Center for Substance Abuse: (800) WORKPLACE

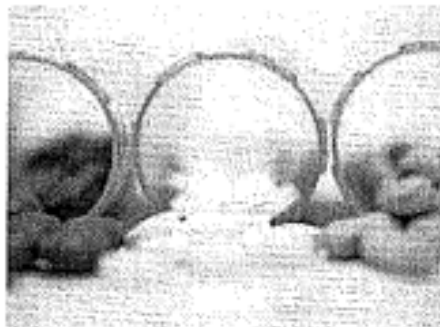
National Clearinghouse for Alcohol and Drug Abuse: (800) 729-6686

NIDA's treatment Hotline: (800) 662-HELP

Some helpful and interesting websites are:

www.drughelp.org www.doj.gov www.dea.gov www.samsha.gov www.health.org

Confidential Alcohol & Drug Abuse Helplines



If you or someone you know has a problem with alcohol or other drugs, call for confidential help.

Toll – Free Helplines

Iowa's Drug & Alcohol Helpline	866-242-4111
Alcohol & Drug Dependence Hope Line	800-622-2255
Marijuana Anonymous	800-766-6779
Inhalant Prevention Coalition	800-269-4237
Al-Anon (for families of alcoholics)	888-425-2666
Cocaine Hotline (for all drugs)	800-262-2463
Iowa Center for Substance Abuse Treatment	866-242-4111
(Referral Routing Service available in English & Spanish)	

EMPLOYEE ACKNOWLEDGMENT FORM

This acknowledgment form is to certify that the undersigned on the date indicated received a copy of the drug and alcohol policy for use while employed with the City of Hiawatha.

I acknowledge that I have received a copy of the drug and alcohol policy and that it is my responsibility to read the policy and any revisions made to it and act in accordance with its provisions.

I understand that this policy is intended to supersede and replace all previous employee handbooks, manuals and policy statements, whether oral or written, issued by the City of Hiawatha.

Employee Signature

Date

Employee Printed Name

SECTION IX - ELECTRONIC COMMUNICATION SYSTEMS

Purpose

To better serve the City's citizens and give the City's workforce the best tools to do their jobs, the City continues to adopt and make use of new means of communication and information exchange. This means that many City employees have access to one or more forms of electronic communications systems, including, but not limited to, computers,¹ computer files, e-mail, telephones, cellular telephones, pagers, voice mail, fax machines, external electronic bulletin boards, wire services, media services, on-line services, applications including social media such as Facebook, the Internet, and the World Wide Web (hereafter "electronic communication systems").

The City encourages the use of electronic communication systems because it is an efficient and effective way to facilitate and support City business and to stay abreast of the latest information relevant to the City and its customers. The City's electronic communication systems are the City's property and there shall be no expectation of privacy regarding their use. This includes use of personal devices over the City's electronic communications systems.

The purpose of this policy is to express the City's philosophy and set forth general guidelines governing the use of electronic communications systems. By adopting this policy, it is the City's intent to ensure the electronic communication systems are used to their maximum potential for City purposes and not used in a way that is disruptive, offensive to others, or contrary to the best interests of the City.

Applicability

This policy applies to all City departments, offices, boards, commissions, committees, City employees and contracted and consulting resources.

This policy applies to all electronic communication systems that are:

- Accessed on or from City premises or City systems (i.e., wireless internet systems, server systems, etc.);
- Accessed using City owned or paid-for electronic communications systems; or
- Used in a manner that identifies the individual as acting for or on behalf of the City; or in any way identifies the City.

Policy

It is the policy of the City to follow this set of procedures for the use of electronic communication systems.

¹ Desk top, lap top, tablet or other hand-held devices and external hard drives.

If any electronic device provided by the City is lost or stolen, employees must report the loss or theft to their immediate supervisor, who will report the loss or theft to the Finance Director. If the immediate supervisor cannot be contacted, employees should make every reasonable effort to immediately contact the Finance Director.

As City-owned electronic devices are decommissioned or replaced, employees shall turn them in, including all accessories, attachments and cases, to their immediate supervisor, who will forward them to the Finance Director.

Malfunctioning electronic devices shall be reported to the immediate supervisor for reporting to the Finance Director.

Department Heads or their designees are responsible for notifying the Finance Director for discontinuing, canceling or changing electronic devices or services when an individual employee voluntarily or involuntarily terminates his/her employment with the City or if some other change is made which discontinues an employee's use of an electronic device.

Employees shall surrender all electronic devices upon termination to their immediate supervisor. If an employee fails to surrender an electronic device assigned to them by the City upon termination of his/her employment, the fair market value of the City-owned electronic device will be withheld from the employee's final paycheck pursuant to Iowa Code § 91A.5. See Acknowledgment form for express authorization for this withholding.

Reimbursement for Personal Electronic Devices Used for City Purposes

The City, by action of the City Council, may provide a reimbursement for personal cell phones or other electronic devices in lieu of providing a cell phone or other electronic devices. The above policy for proper use for City or personal use applies (refer to the following agreement).

In order for the employee to receive a stipend for reimbursement for personal cell phone or other electronic devices used for city business, the employee shall provide to their immediate supervisor every month, a copy of their monthly bill. Information needed on the statement must include name of account holder (employee) and the monthly cost of the plan. The immediate supervisor then will review the employee's statement to see that all required information is submitted and file the copy of the statement in the employee's confidential file within the department. The immediate supervisor will then submit monthly to the Finance Director a signed memo stating that all statements for the specific department have been received, reviewed, and gives permission to the Finance Director to issue reimbursement to the named employees quarterly.

By using a personal electronic device for City business, employees are acknowledging that the records and information contained on the personal electronic device or in the billing for the personal electronic device may be public records pursuant to Iowa Code Chapter 22.

Access and Authority

Each Department Head shall determine which employees in their department shall have access to the various media, applications, and services, based on business practices and necessity and which shall have authority to communicate on behalf of the City with approval of the City Administrator/Mayor.

Electronic information created and/or communicated by an employee using the City's electronic communication systems may be monitored, intercepted, accessed or preserved by the City for any purpose including, but not limited to: cost analysis; resource allocation; optimum technical management of information resources; and detecting use which is in violation of City policies or may constitute illegal activity. Employees shall have no expectation of privacy using the City's electronic communication systems, including in situations where an employee is using a personal device over a City electronic communication system. Disclosure of electronic information will not be made except when necessary to enforce a policy, as permitted or required under the law, or for other legitimate business purposes.

Any such monitoring, intercepting and accessing shall observe any and all confidentiality regulations under federal and state laws.

City-owned electronic communications systems may be removed from City premises solely for City work-related purposes pursuant to prior authorization from the immediate supervisor.

Most of the City's computing facilities automatically check for viruses before files and data which are transferred into the system from external sources are run or otherwise accessed. On computers where virus scanning takes place automatically, the virus scanning software must not be disabled, modified, uninstalled or otherwise inactivated. If an employee is uncertain as to whether the workstation the employee is using is capable of detecting viruses automatically, or the employee is unsure whether the data has been adequately checked for viruses, the employee should contact the City Administrator.

Prohibited Communications/Uses

The City's electronic communications systems and the employee's personal electronic communications systems being used during working time shall not be used for knowingly transmitting, retrieving or storing any communication that is:

1. Personal business on City time (e.g. sports pools, games, shopping, correspondence, supplemental employment or other non-City-related items), except as otherwise allowed (see Personal Use section);
2. Discriminatory or harassing;
3. Derogatory to any individual or group;
4. Obscene as defined in case law and under Iowa criminal law;

5. Defamatory or threatening;
6. Using another individual's account or identity without explicit authorization;
7. Attempting to test, circumvent, or defeat security or auditing systems, without prior authorization;
8. Accessing, retrieving or reading any e-mail messages sent to other individuals, without prior authorization from the City Administrator;
9. Permitting any unauthorized individual to access the City's e-mail system;
10. Engaged in for any illegal purpose or one contrary to the City's policies or best interests;
11. Sent in an attempt to hide the identity of the sender or represent the sender as someone else; and
12. Likely to cause network congestion or significantly hamper the ability of other people to access and use the system.

Employees must respect the confidentiality of other individuals' electronic communications. Except in cases in which explicit authorization has been granted by the City Administrator, employees are prohibited from engaging in, or attempting to engage in:

1. Monitoring or intercepting the files or electronic communications of other employees or third parties;
2. Hacking or obtaining access to systems or accounts they are not authorized to use;
3. Using other people's log-ins or passwords; and
4. Breaching, testing or monitoring computer or network security measures.

City employees shall not download or transfer software, unless authorized by the immediate supervisor. Employees must understand that the unauthorized use or independent installation of non-standard software or data may cause computers and networks to function erratically or improperly, or cause data loss. Users must never install downloaded software to networked storage devices without the assistance and approval of the immediate supervisor.

Body Worn Video (BWV) and other audio/visual recording devices shall only be used in conjunction with performance of official, authorized, sanctioned and assigned job duties. See applicable department standard operating procedures.

Activation of recording devices such as microphones, cameras and video to record communications with any other person outside of departmental standard operating procedures while at work or on City business is prohibited where such activity violates another employee's or another person's rights to protect their confidential personnel or medical information or where the information would otherwise qualify as a confidential record under Iowa Code Chapter 22.

Acceptable Communications/Uses

Except as otherwise provided, electronic communication systems are provided by the City for employee business use during City time. Limited, occasional, or incidental use of electronic communications systems (sending or receiving) for personal non-business purposes is permitted as set forth below:

1. Personal use is limited to breaks, lunch or immediately before/after work;
2. Personal use must be brief and must not interfere with the productivity of the employee or co-workers;
3. Personal use shall not involve any prohibited activity (see Prohibited Communications/Use section above);
4. Personal use does not consume system resources or storage capacity on an ongoing basis;
5. Personal use does not involve large file transfers or otherwise deplete system resources available for business purposes;
6. The City's phone numbers and email address **shall not** be listed in any publication or electronic communication that will result in personal incoming phone calls, text messages or other forms of electronic communications.
7. Non-City personnel are not authorized to use the City's electronic communication systems except in an emergency.
8. Anyone obtaining electronic access to other organizations', businesses', companies', municipalities' or individuals' materials must respect all copyrights and cannot copy, retrieve, modify or forward copyrighted materials except as permitted by the copyright owner.
9. Anyone receiving an electronic communication in error shall notify the sender immediately. The communication may be privileged, confidential and/or exempt from disclosure under applicable law. Such privilege and confidentiality shall be respected.

Policy Violations

Employees who abuse the privilege of City-facilitated access to electronic media or services risk having the privilege removed for themselves and possibly other employees, are subject to disciplinary action, up to and including termination and may be subject to civil liability and criminal prosecution.

Passwords

City Employees must access a variety of IT resources, including computers and other hardware devices, data storage systems, and other accounts. Passwords are a key part of making sure only authorized people can access those resources and data. All employees who have access to any of those resources are responsible for choosing strong passwords and protecting their log-in information from unauthorized people.

The purpose of this policy is to make sure all City resources and data receive adequate password protection. The policy covers all employees who are responsible for one or more accounts or have access to any resource that requires a password.

The City server is installed with software requiring employees to update their user login passwords on a quarterly basis.

Password Construction

All passwords should be reasonably complex and difficult for unauthorized people to hack. Employees should choose strong passwords that are no less than eight characters long and include all three (3) of the following requirements:

- A combination of upper and lower case letters;
- Numbers;
- Punctuation marks and other special characters (!#%*);
- When choosing a password, employees should avoid basic combinations that are easy to crack. For example, password, password1 and Pa\$\$wOrd are not secure choices;
- Substituting numbers for specific letters makes the password easier to remember and also makes the password stronger. Example, using 1 for the letter I, 3 for the letter e, @ for the letter a, 0 for the letter o, and 5 for the letter (s);
- A password should be unique with meaning only to the employee who chooses it. That means dictionary words, common phrases and even names should be avoided;
- Employees must choose unique passwords for all of their company accounts and may not use a password that they are already using for a personal account;

Password Protection

Passwords are intended to keep unauthorized individuals from accessing messages stored on the system. From a systems perspective and from the perspective of an e-mail recipient, passwords also establish the identity of the person sending an e-mail message. The failure to keep passwords confidential can allow unauthorized individuals to read, modify, or delete e-mail messages; circulate e-mail forgeries; and download or manipulate files on other systems.

If the security of a password is in doubt, for example, if it appears that an unauthorized person has logged in to the account, the password must be changed immediately, and the unauthorized use should be reported to the IT Administrator or the Deputy City Clerk.

The practice of using passwords should not lead employees to expect privacy with respect to messages sent or received. The use of passwords for security does not guarantee confidentiality (see Section “Access to Employee E-Mail”).

Passwords should never be given out over the phone, included in e-mail messages, posted, or kept within public view. Employees must never share passwords with any outside parties, including those claiming to be representatives of the City stating a legitimate need to access the system other than to the IT Administrator for the purpose of repair or maintenance.

Employees should take steps to avoid phishing scams and other attempts by hackers to steal passwords and other sensitive information. Employees will receive training on how to recognize these attacks.

Employees may not use password managers or other tools to help store and remember passwords without permission from IT.

Confidential Information

All employees are expected and required to protect the City’s confidential information. Employees shall not transmit or forward confidential information to outside individuals or companies without the permission of their immediate supervisor and the City Administrator.

The City also requires its employees to use e-mail in a way that respects the confidential and proprietary information of others. Employees are prohibited from copying or distributing copyrighted material - for example, software, database files, documentation, or articles - using the e-mail system.

E-MAIL RECORD RETENTION POLICY

Policy

It is the policy of the City to follow this set of procedures for e-mail record retention. The City shall use the records retention guidelines as set forth by the Iowa League of Cities.

Procedures:

Nature of E-Mail Records

As a general rule, e-mail is a public record whenever a paper message with the same content would be a public record. See Iowa Code §22.3A for definition of a record.

Components of an E-Mail Record

The e-mail record is defined to include the message, the identities of the sender and all recipients, the date, and any non-archived attachments to the e-mail message. Any return receipt indicating the message was received by the sender is also considered to be part of the record.

Saving and Indexing E-Mail Records

Initially the custodian (that officer, department head, division head, or employee of the City who keeps or is in possession of an e-mail) bears the responsibility for determining whether or not a particular e-mail record is a public record which should be saved and ensuring the record is properly indexed and forwarded for retention as a public record. E-mail which is subject to records retention must be saved and should be indexed so that it is linked to the related records in other media (for example, paper) so that a complete record can be accessed when needed. E-mail records to be retained shall be archived to an achievable media, network drive or printed out and saved in the appropriate file. Any officer, department head, division head, or employee of the City may request assistance from the Legal Custodian of records (the City Clerk or the Clerk's designee, except that the Chief of Police is Legal Custodian of Police Department records) in determining whether an e-mail is a public record.

Responsibilities for E-Mail Records Management

Legal Custodian. E-mail records of a City authority having custody of records shall be maintained by the designated Legal Custodian, pursuant to City policy.

Information Services Manager. If e-mail is maintained in an on-line database, it is the responsibility of the City Administrator to provide technical support for the Legal Custodian as needed. When equipment is updated, the City Administrator shall ensure that the ability to reproduce e-mail in a readable form is maintained. The IT Consultant shall assure that e-mail programs are properly set up to archive e-mail.

Public Access to E-Mail Records

If a Department receives a request for release of an e-mail public record, the Legal Custodian of the record shall determine if it is appropriate for public release, in whole or in part, pursuant to law, consulting the City Attorney, if necessary. As with other records, access to or electronic copies of disclosable records shall be provided within a reasonable time.

Violation

Employees violating this policy are subject to disciplinary action, up to and including termination of employment. In addition, violations of this policy may be referred for civil and/or criminal prosecution where appropriate.

**AGREEMENT OF REIMBURSEMENT FOR USING PERSONAL CELLULAR
PHONE OR OTHER ELECTRONIC DEVICES FOR CITY BUSINESS**

I, _____ agree to be reimbursed by the City of Hiawatha, by check, for costs attributed to my personal cell phone/electronic device plan for city business at \$30/month or \$90/quarter. I understand that I am required to submit a copy of the invoice of my plan in my name and the amount of the invoice attached to the quarterly reimbursement form. Reimbursements are made in the months of January, April, July and October.

Employee signature

Date

Social Media Policy

Definitions

- Posting: any writing, image, video, download, audio file, and hyperlink to other websites, or media which is downloaded, referenced, inserted or placed upon any City social media site.
- Social media or site: includes, but is not limited to, electronic communication through which users create online communities to share information, ideas, personal messages, photographs, videos and other content. Examples of the types of social networking sites covered by this policy include, but are not limited to: blogs, LinkedIn, Facebook, Google+, Twitter, YouTube, Instagram, Pinterest, Snapchat, YikYak, photo and video sharing sites, micro-blogging, podcasts, wikis, news sites, as well as viewable comments posted on Internet sites. This policy is not meant to address only certain forms of social media, but rather social media in general as advances in technology will occur and new tools will emerge that are also expected to be used in accordance with this policy.

All City employees are always expected to use City electronic communications systems in a responsible, professional, ethical and lawful manner. This includes use of all social media on electronic communications systems. Employees should be aware that all content, including social media, on these devices, including those personal devices accessing a City electronic communications system, is not private and the City could access any information saved to, accessed by, created on, transmitted on, downloaded to, exchanged over or discussed on these devices, including social media, at any time. Consequently, employees have no reasonable expectation of privacy when engaging in these activities and employees should use common sense in all communications, particularly on a website or social networking site accessible to anyone.

In addition, employees are expected to follow all other City policies regarding their use of social media. Any employee who violates this policy may be subject to disciplinary action, up to and including termination of employment.

PROCEDURES:

The procedures for using social media are presented in two categories: (1) City-sponsored sites used to provide citizens with official, accurate and unbiased information, and (2) procedures governing employees' conduct while on social media sites.

1. City-Sponsored Sites:

- A. The City's social media are limited public forums. The sites are not an editorial page or blog for visitors and they are subject to the commenting restrictions listed below in this policy. The City does not intend by its social media sites to create or allow the creation of an unlimited public forum for the public to post comments of any kind.

- B. The establishment and use by any City department of City social media sites are subject to approval by the City Administrator. At the time such site is approved, the City Administrator must determine who will be responsible for developing this site, including establishing an administrative profile, designating who will have authority for speaking on behalf of the City, and who will keep the site up to date, including answering questions in a timely manner.
- C. City social media accounts will only become affiliated with (i.e., “like,” “follow,” etc.) another social media page if it is related to official City business, services and events. The City Administrator shall have the final determination if another social media page is related to official City business, services and events.
- D. Wherever possible, City social media sites should link back to the official City website for forms, documents, online services and other information necessary to conduct business with the City.

The City Administrator or his/her designee will monitor the City’s social media accounts to ensure that the social media sites further the City’s policies, interests and goals.

Comments containing any of the following inappropriate forms of content will not be allowed on the City’s social media sites and are subject to removal by the City:

- a. Comments unrelated to the original topic;
- b. Comments that are obscene, vulgar, or profane;
- c. Content that promotes, fosters or perpetuates discrimination of any protected class under local, state or federal law;
- d. Defamatory or personal attacks;
- e. Threats to any person or organization;
- f. Comments in support of, or in opposition to, any political campaigns or ballot measures;
- g. Solicitation of commerce, including, but not limited to, advertising of any business or product for sale;
- h. Conduct in violation of any federal, state or local law;
- i. Encouragement of illegal activity;
- j. Information that may tend to compromise the safety or security of the public or public systems; or
- k. Content that violates a legal ownership interest, such as a copyright.

Comments that are threatening in nature will be forwarded as appropriate to law enforcement.

- E. The City reserves the right to restrict or remove any content that is deemed in violation of City policy, including this policy, or applicable law. Any content removed based on these guidelines must be retained by the City Administrator or his/her designee for a minimum of 90 days, including the time, date and identity of the poster, when available.

- F. Comments posted by the public on the City's social media site express the opinions of the commentators or posters. Such comments do not necessarily reflect the opinions or policies of the City, and the publication of such comments does not imply endorsement or agreement by the City.
- G. The City is not responsible for and has no control over the accuracy, subject matter, content, information or graphics when viewing links attached to its social media sites. The City also does not endorse any organizations sponsoring linked websites or the views or products they offer.
- H. The City is not liable for the content of postings by individuals employed by the City or third parties not affiliated with the City on any City social media sites.
- I. The City reserves the right to deny access to its social media site for any individual who violates the City's policies or the law, at any time and without prior notice. The City reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable local, state or federal law.
- J. The City's website at <http://www.hiawatha-iowa.com> will remain the City's primary and predominant Internet presence.
- K. Employees representing the City via social media accounts must conduct themselves, at all times, as representatives of the City and must identify themselves as representatives of the City when doing so. Employees who fail to identify themselves and/or conduct themselves in an appropriate manner (pursuant to this policy) shall be subject to disciplinary action, up to and including termination of employment.

2. Employees' Personal Use of Social Media:

- A. Employees should limit their use of social media during working hours or on equipment provided by the City unless such use is work-related or authorized by a supervisor. Employees shall not use City-provided e-mail addresses to register on social networks, blogs or other websites for personal use. Employees should note that this provision is not meant to prohibit employees from engaging in concerted protected activity where prohibited by law.
- B. Employees may not, unless expressly authorized in writing by the City Administrator, make statements on behalf of the City on the employee's social media accounts. If an employee wishes to make a work-related statement on his/her social media, the employee should consider including a disclaimer indicating that the opinions are the employee's personal opinions and not the opinion of the City.
- C. Employees shall not use City-provided e-mail accounts to sign up for or access social media unless expressly authorized to do so by the employee's immediate supervisor.
- D. Employees shall have no expectation of privacy if they access their social media using City e-mail, City networks, City servers, City devices and/or any other City resources when accessing social media.
- E. Employees shall not post, transmit or otherwise disseminate any information to which they have access as a result of their employment with the City unless

expressly authorized by their immediate supervisor or the City Administrator. In addition, employees are expected to respect the privacy of their co-workers and citizens and must take steps to protect the privacy and confidentiality of others.

- F. Employees are not to use the City's intellectual property, such as trademarks, logos, letterhead, etc., when posting on social media or in any other actions, unless expressly authorized in writing by the City Administrator. This includes posting pictures of the employee or others wearing City uniforms or other apparel bearing the City's name or logo.
- G. Employees are not allowed to use photographs or other depictions related to City business, including, as discussed in Paragraph 2.F. above, unless expressly authorized in writing by the City Administrator. This includes, but is not limited to, posting, transmitting and/or disseminating any photographs or videos of City training, activities or work-related assignments.
- H. Employees shall not post material that is abusive, obscene, libelous, threatening, profane or otherwise inappropriate about the City, its employees or its citizens.
- I. Employees shall not post material that may be construed to be discriminatory, harassing or retaliatory under local, state or federal law about the City, its employees or its citizens.
- J. Nothing in this policy is intended to infringe upon any employee's legitimate First Amendment rights and employees are free to express themselves as private citizens on social media sites. The intent of this policy is to prevent employees from engaging in unlawful speech, improperly impairing the working relationships of the City, impeding the performance of City duties and/or negatively affecting the public perception of the City. As public employees, employees are cautioned that speech made pursuant to an employee's official duties is not protected speech under the First Amendment and may form the basis for disciplinary action, up to and including termination of employment.

The City's social media sites may be considered public records under Iowa Public Records laws. If requested, the City may be compelled to disclose public records to third party requestors. The City in its sole discretion shall determine whether postings on its social media websites are public records and whether exemptions from disclosure apply.

SECTION X - COMPLAINT RESOLUTION/ INTERNAL INVESTIGATION PROCEDURES

Misunderstandings, interpersonal disputes, or concerns regarding violations of the employee policies, rules, discipline or provisions of local, state or federal law, should be resolved pursuant to this procedure. Employees should follow this procedure in order to bring any complaints of this nature to the attention of City Management.

Definitions

A “complaint” may be a concern about a violation or misapplication of policy or rules, a concern about inaccurate or misleading information in a personnel file, discrimination, harassment, retaliation, workplace violence, an interpersonal dispute/misunderstanding, or a disagreement with disciplinary action.

A “complainant” is the employee or group of employees filing the complaint.

A “respondent” is the employee or group of employees who are accused of causing the misunderstanding or conflict or violating the manual, local, state or federal law.

A “witness” is a person who may have relevant information about the complainant’s complaint or the respondent’s response.

“Days” shall mean working days.

Complaint Procedure

Step 1: Discussion of the problem with employee’s immediate supervisor is encouraged as a first step. If employee does not believe a discussion with their immediate supervisor is appropriate, they may proceed to discuss the matter directly with the City Administrator.

Step 2: If employee’s problem is not resolved after discussion with their immediate supervisor or if they feel discussion with their immediate supervisor is not appropriate, they should deliver a complaint form to their immediate supervisor. If employee does not believe it is appropriate to deliver the complaint form to their immediate supervisor, they may proceed to deliver the complaint form to the City Administrator.

Step 3: If employee’s immediate supervisor receives a complaint form, employee’s immediate supervisor will consider the facts, and if determined necessary conduct an investigation² by meeting with the respondent and interviewing witnesses. After a full review of the facts (which may include discussion with all individuals concerned and any further investigation deemed necessary), will advise employee of the decision in writing within **ten (10) days, unless written notice of a modified deadline is provided.**

² See Investigation Procedure below.

If the City Administrator receives a complaint form, the City Administrator will consider the facts, and if determined necessary conduct an investigation³ by meeting with the respondent and interviewing witnesses. After a full review of the facts (which may include discussion with all individuals concerned and any further investigation deemed necessary), will advise employee of the decision in writing within **ten (10) days, unless written notice of a modified deadline is provided. The City Administrator's decision is final and binding.**

Step 4: If employee's immediate supervisor manages the complaint and employee does not believe the complaint was satisfactorily resolved, employee may request a review/appeal of the complaint and resolution by the City Administrator in writing within **ten (10) days** of the complaint resolution. The City Administrator will advise employee of the decision in writing within **ten (10) days, unless written notice of a modified deadline is provided. The City Administrator's decision is final and binding.**

A complainant may be represented at any step of the procedure by themselves and/or, at their option, by a representative of their choosing.

Nothing in this policy prohibits or precludes an employee from filing a charge or complaint with the Equal Employment Opportunity Commission (EEOC) the National Labor Relations Board (NLRB), the Iowa Civil Rights Commission (ICRC) or any other local, state or federal governmental agency or commission.

Investigation Procedure

Step 1: The immediate supervisor or City Administrator should determine who should investigate the matter (they can investigate, or they may obtain an unbiased internal or external investigator.⁴)

Step 2: The Investigator shall be responsible for investigating any complaint alleging or which appears to allege discrimination, harassment or retaliation. If the complaint contains evidence of criminal activity, such as battery, rape or attempted rape, the Investigator shall notify the City Administrator of the need to contact law enforcement.

Step 3: The Investigator shall interview complainant(s), respondent(s) and relevant witnesses. The identities of the complainant(s), respondent(s), and witnesses' confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.

Step 4: The Investigator shall issue a confidential written report to the City Administrator finding facts and making credibility assessments, which contains a conclusion: substantiated or unsubstantiated. The investigator's report shall be maintained in a confidential investigation file.

³ See Investigation Procedure below.

⁴ Obtaining an external investigator requires the City Administrator's approval.

Step 5: The City Administrator shall determine outcomes based on the Investigator's findings. The City Administrator's decision regarding actions (including discipline if needed), shall be final and binding.

Step 6: The City Administrator shall inform the complainant and respondent of the outcome of the investigation (substantiated or unsubstantiated) and shall render any disciplinary action or implement other actions needed to resolve the complaint.

Step 7: The Investigator shall inform the witnesses that the investigation has concluded and that it has been resolved but because it is a confidential personnel matter, the witnesses will not receive further information.

Retaliation

The City will not tolerate any form of retaliation against employees who take advantage of this procedure. The procedure should not be thought of, however, as preventing, limiting or delaying the City from taking disciplinary action against any individual, up to and including termination, in circumstances where the City deems disciplinary action to be appropriate.

City of Hiawatha EMPLOYEE COMPLAINT FORM

To file a formal complaint, an employee is required to complete and submit this form to the City Clerk/Human Resources Department in accordance with the guidelines of the employee manual. All sections must be completed. (Attach additional sheets if necessary.)

A. EMPLOYEE INFORMATION

Name _____

Position Title _____

Department _____

Work Telephone _____

Home Address _____

Home Telephone _____

Date of Incident _____

Supervisor _____

B. Complaint Type (please check one):

- ☐ a violation or misapplication of policy _____
(identify)
- ☐ a violation or misapplication of rules pertaining to employment in the respective department

(identify)
- ☐ inaccurate or misleading information in a personnel file
- ☐ interpersonal dispute _____
(identify)
- ☐ discrimination _____
(identify)
- ☐ harassment _____
(identify)
- ☐ retaliation _____
(identify)
- ☐ workplace violence _____
(identify)

C. State the specific reason(s) for Complaint:

D. If an appeal of discipline, state requested resolution:

Employee Signature

Date

SECTION XI - BENEFIT POLICIES

Eligibility

Employee's eligibility for benefits is dependent upon a variety of factors including their category of employment (full-time vs. part-time). The City Clerk or designee can identify the programs for which employee is eligible.

Management reserves the right to make changes in the benefit programs as detailed in the following pages for the purpose of improving the overall benefit package and/or making the benefit programs more cost efficient and affordable. If and when changes are made, appropriate notification will be provided through the issue of replacement pages detailing the changes designed for insertion in this manual.

In the following sections of this manual, the City has attempted to outline employees' benefits as clearly as possible in a general manner. Final determination of eligibility and benefits will be made in accordance with actual plan descriptions, insurance booklets or legal documentation which describes the plans or policy.

Vacation Policies

The City recognizes the importance and necessity of employee's time away from their job for purposes of leisure, recreation and relaxation. Generally, full-time hourly and salaried employees are eligible for paid vacation time based on their length of service. Generally, part-time employees who work less than 30 hours a week do not earn paid vacation. Vacation time may not be taken in increments of less than 15 minutes.

Generally, employees shall accrue paid vacation hours based on their years of completed service and their standard work week, not considering overtime, pursuant to the schedule below. Holiday, vacation, sick and other leave hours, to the limit of normal work schedule hours, shall be considered "time worked" for the purpose of calculating accrued vacation eligibility. Special leaves are not to be included as hours worked, except as specifically stated therein.

Vacation time is earned and available during the following years as follows:

<u>Beginning</u>	<u>Total Accrual</u>
Hire Date	3.08 hours per pay period
3 Years	4.62 hours per pay period
10 Years	6.15 hours per pay period
18 Years	7.69 hours per pay period

Vacation time for Full-time Fire medics assigned to a 52-hour work week is earned and available during the following years as follows:

<u>Beginning</u>	<u>Fire Medic Total Accrual</u>
Hire Date	4.00 hours per pay period
3 Years	6.00 hours per pay period
10 Years	8.00 hours per pay period
18 Years	10.00 hours per pay period

Employee's immediate supervisor will always try to let employee use their vacation time as desired, but vacations cannot interfere with the employee's department's operation. Employee's vacation must be approved by their immediate supervisor at least two (2) weeks in advance. If any conflicts arise in vacation requests, the employee's immediate supervisor will give priority to the earliest request in approving vacations when work assignments permit.

If an observed holiday occurs during an employee's scheduled vacation, pay for that day will be considered as holiday pay, not vacation pay. The employee may extend the scheduled vacation period accordingly.

Vacation shall not accrue while an employee is on an unpaid leave period.

Employees on suspension for disciplinary purposes are not eligible to receive vacation pay during the suspension.

Employees ordered to military training are not required to use earned vacation time during the training period but may request to do so, if desired.

If employee has unused vacation days upon the voluntary termination of their employment with the City, the employee will be paid for that time at their regular base hourly rate providing two weeks written notification to the City is given. Failure to furnish two weeks notice of termination will result in the forfeiture of earned but unused vacation leave.

If employee's employment with the City is terminated for any reason during their first year of service, no vacation is due upon termination. If at any point during employee's employment they are involuntarily terminated, they shall not be paid out for any earned but unused vacation.

Payment of all earned but unused vacation shall be included in the employee's final paycheck. Computation of the employee's vacation pay shall be on the basis of the employee's regular rate of pay, applicable at the time of separation.

An employee who retires from the City service shall remain an employee and be extended all benefits until all vacation is used.

An employee may accrue up to a maximum of 300 hours. Beginning July 1, 2020 an employee may accrue up to a maximum of 200 hours. When any employee reaches the maximum accrual, additional time earned shall be forfeited. To avoid forfeiting vacation, employees should use vacation hours before they reach their maximum accrual limit.

Employees who retire or who are terminated as “Reduction in Force” shall be awarded the amount of earned but unused vacation benefits in the current fiscal year of accrual at the time of termination.

Longevity Pay

It is the City’s policy to reward employees for years of continuous service to the City. Longevity Pay shall be payable on the full-time employee’s (working forty hours per week) anniversary date, beginning with the first regular pay period following the anniversary date. The Longevity Pay is based upon the number of years of continuous service completed on the following non-cumulative schedule:

- After completion of 5 years of service \$.12 per hour increase
- After completion of 10 years of service .12 per hour increase
- After completion of 15 years of service .12 per hour increase
- After completion of 20 years of service .12 per hour increase
- After completion of 25 years of service .12 per hour increase
- After completion of 30 years of service .12 per hour increase

Longevity rate schedules are not construed as being part of base pay schedules which relate to the level, nature and difficulty of work of positions nor to the service circumstances of the employee.

Termination prior to the end of the year does not render the employee ineligible for the longevity pay accrued or paid. Retirement does not constitute disqualification for longevity pay accrued and payable.

Holidays

The City observes the following national holidays:

New Year’s Day	Labor Day
President’s Day	Thanksgiving Day and Friday after
Good Friday	Christmas Eve
Memorial Day	Christmas Day
Independence Day	New Year’s Eve

If a recognized holiday falls on a Saturday, it will be observed on the preceding Friday. Those holidays falling on a Sunday will be observed the following Monday. Holidays may be combined with earned vacation.

Holidays will be paid for full-time hourly and salaried employees on active status. Full-time employees working on a three-quarters time basis will receive time off with pay on a prorated basis.

In order to be paid for the observed holiday, the employee must log at least four (4) hours of “work” on the work day prior to and following the holiday observance. (Certain paid or other leaves count as time worked. See below. If you have questions about this provision, contact the City Clerk.)

Full-time nonexempt employees who do not work on a holiday shall receive their regular compensation for holidays observed by the City, at their hourly wage rate times their normal daily work hours.

Full-time nonexempt employees working at least 30 hours a week who do not work on a holiday shall receive compensation for holidays observed by the City, computed at their hourly wage rate times their normal daily work hours, equaling six (6) hours.

Full-time nonexempt employees working on a three-quarters time basis will receive time off pay on a prorated basis.

Exempt employees who work on an observed holiday will not be compensated beyond their regular salary.

Unauthorized absence by an employee on his/her last scheduled working day before, or the first scheduled working day after a holiday shall result no compensation for the holiday

Work on a Holiday is considered time worked for overtime purposes. A non-exempt employee required to work on a holiday shall be compensated at their regular rate for holidays with additional hours over 40 to be calculated at the rate of one plus one half (1½) time.

Holidays during paid leave. If a holiday falls during an employee’s vacation or any period of approved paid sick leave or personal time off, it will be counted as a holiday and will not be deducted from his/her accumulated vacation or sick leave. ***Public Safety Employees may be exempt from this policy***

Holidays during Unpaid Leave. Employees on an unpaid leave of absence at the time a holiday occurs will not be paid for the holiday.

Employees on layoff will not be eligible for holiday pay for any holiday falling within the layoff period.

Bereavement (Funeral) Leave

Up to three (3) working days of leave with pay (not charged to other leave time) may be granted to full-time employees upon request to make arrangements for and attend funeral services of the employee’s spouse, children, step-children, son/daughter-in-law, mother, father, step-mother/father, sister, step-sister, brother, step-brother, grandparents, step-grandparents, grandchildren, step-grandchildren and legal dependents. One (1) additional day may be allowed for travel, upon approval of City Management. Additional days off

may be taken, with the immediate supervisor's approval, as accumulated vacation, sick leave, or compensation time.

Up to three (3) working days of leave with pay (not charged to other leave time) may be granted to employees upon request to make arrangements for and attend funeral services for the following relatives of his/her spouse: children, step-children, mother, father, step-mother/father, grandchildren, step-grandchildren and legal dependents.

Leave of one (1) day may be granted in the event of the death of an employee's aunt, uncle, niece and nephew. Additional days off may be taken, with the immediate supervisor's approval, as accumulated vacation, sick leave, or compensation time.

Leave of one (1) day may be granted to an employee in the event of the death of the following relatives of his/her spouse: brother, step-brother, sister, step-sister, grandparents, step-grandparents, aunt, uncle, niece and nephew. Additional days off may be taken, with the immediate supervisor's approval, as accumulated vacation, sick leave, or compensation time.

An employee may be allowed time off with pay to attend the funeral of a fellow worker who was currently employed in the same department provided, however, such permission is granted by the immediate supervisor.

To attend funerals of other relatives and friends, unused personal time or a day of accrued vacation may be used for this purpose with employee's immediate supervisor's approval. Employee may take up to one (1) full day without pay, if no accrued leave exists, again with their immediate supervisor's approval.

Funeral leave pay will only be made to employees for actual time spent away from work for the funeral or its arrangements. For example, if the death occurs at a time when work is not scheduled, payment will not be made. If a holiday or part of employee's vacation occurs on any of the days of absence, employee may not receive holiday or vacation pay in addition to paid funeral leave. Employee must inform their immediate supervisor **immediately during their time off** of the situation for accurate payroll accounting.

Part-time and temporary/seasonal employees are not eligible for paid bereavement leave.

Bereavement pay will be based on normal scheduled hours.

Family Medical Leave Act

The City complements the provisions of the Family and Medical Leave Act (FMLA). The City will not discriminate against employees as a result of the approved use of family care or medical leave or a proper request for such leave. Requests for family care and medical leave will be considered without regard to political or religious opinions or affiliations, race, creed, color, national origin, marital status, age, sex, sexual orientation, gender identity, religion, creed, physical or mental disability or veteran status.

A leave of absence under the FMLA is an official authorization to be absent from work without pay for a specified period of time. Eligible employees may be entitled to job-protected family or medical leaves of absence if they are unable to come to work due to family or medical concerns as described within this Family Medical Leave of Act Policy, which shall be administered in accordance with applicable state and federal laws (29 CFR 825.100) as follows:

1. Employees are eligible if they have been actively employed for twelve (12) months and worked at least 1250 hours during those twelve (12) months.
2. Employees may request one (1) or more family care or medical leaves, however, the total amount of leave taken cannot exceed twelve (12) work weeks in any twelve (12) month period. Employee may request an intermittent leave or reduced schedule leave to care for a seriously ill family member or if they have a serious health condition that warrants such a request.
3. The “twelve-month (12) period” referred to in this policy is the period of twelve (12) consecutive months starting with the date of FMLA leave and rolling back for twelve (12) consecutive calendar months.
4. FMLA leave shall be granted to eligible employees for the following reasons:
 - for incapacity due to pregnancy, prenatal medical care or child birth;
 - to care for the employee’s child after birth, or placement for adoption or foster care;
 - to care for the serious health condition of the employee’s child, spouse, or parent;
 - for a serious health condition that makes the employee unable to perform the employee’s job.
5. Eligible employees whose spouse, son, daughter or parent is on covered active duty or called to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.
6. Additionally, the FMLA provides eligible employees up to 26 work weeks of leave to care for a covered service member during a 12-month period.

A covered service member is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

The FMLA definitions of a “serious injury or illness” for current service members and veterans are distinct from the FMLA definition of a “serious health condition.”

7. The City requires medical certification; as well as other documentation as noted throughout this policy.
8. In appropriate circumstances, the City may require an employee to be examined by a designated health care provider, at the City’s expense. If the second opinion differs from the opinion in the original certification, the City may require that a third opinion be obtained at the City’s expense from a health care provider designated jointly by the City and the employee. Such opinion shall be final and binding.

In the event of a serious health condition to the employee or his/her child, spouse, or parent, creating a need for unforeseeable family or medical leave, the employee must provide the immediate supervisor with notice, as soon as practicable, of any needed time off, and a health care provider’s certification. The certification must include the date on which the health condition occurred, the probable duration of the condition, an estimate of the amount of time employee needs to be off work to care for the family member or for their own health condition, and confirmation that the nature of the condition warrants employee to be away from work to care for themselves or their dependent.

9. Employees shall be required to give thirty (30) calendar days advance notice of the need to take FMLA leave when the need is foreseeable. To assist the immediate supervisor in arranging work assignments during employee’s absence, the City asks that employee give the immediate supervisor prior notice, to the extent possible, of an expected birth or adoption, as well as an indication, to the extent known, of employee’s expected return date. To facilitate employee’s return to work, the City also asks that employee provide the immediate supervisor with two (2) weeks advance notification of their intended return date. Failure to do so may delay employee’s return date.
10. The City is responsible for notifying the employee within five (5) business days if the requested leave qualifies as FMLA leave. The notification must be in writing and must state whether the employee is eligible for FMLA leave. If the employee is not eligible, the notification must list at least one reason why the leave is not

eligible, the number of months the employee has been employed and the number of hours worked.

11. The City must provide written notice detailing the specific expectations and obligations of the employee and explain any consequences for failure to meet those obligations.
12. The City requires fitness-for-duty certification upon return to employment, and that requirement must be set out in the designation notice.
13. For purposes of this policy, a child is defined as a natural, adopted, or foster child, a stepchild or a legal ward. If the child is over eighteen (18), he/she must be unable to care for himself/herself due to a serious illness.
14. A parent is defined as the employee's or his/her spouse's natural, adoptive, or foster parent, stepparent, or legal guardian.
15. A serious health condition is defined as an illness, a disabling physical or mental condition, injury, impairment, or condition involving 1) inpatient care in a hospital, nursing home, or hospice; or 2) outpatient care requiring continuing treatment or supervision from a health care professional.
16. Leave of absence rights available to employee under other sections of the City's leave policies shall be counted towards the total time off available under this section.
17. A Family Care Leave that relates to the birth or adoption of a child must be completed within twelve (12) months of the birth or adoption.
18. Upon completion of a leave granted under this section, employee shall be reinstated to their original position, or an equivalent one with equivalent pay, benefits, and other employment terms.
19. If, due to employee's own medical circumstances they are no longer able to perform their original job, the City will attempt to transfer employee to another similar open position for which they are qualified.
20. Employee must use any accrued vacation or other accrued paid time off during their family care or medical leave. If the leave is related to the employee's own serious health condition, they must use any accrued sick leave during their medical leave. Such paid leave shall run concurrent with the twelve (12) weeks of leave available under the FMLA.
21. While on a leave of absence provided for under this policy, the City will continue employee's group health insurance benefits under the same terms as provided to other employees, for up to a maximum of twelve (12) weeks leave during any one (1) year period. If employee's leave extends beyond twelve (12) weeks, the employee shall be offered the opportunity to purchase continuing coverage under

state and federal COBRA continuation rules. If employee does not return to work, they will be required to reimburse the city for amounts paid for their health and other insurance premiums.

22. Other accumulated benefits such as retirement, service credits, sick pay, vacation pay, and the like, shall be preserved at the level accrued as of commencement of the leave, but shall not accrue further during any unpaid leave period.
23. During a period of disability, employee may be eligible for disability pay benefits. Please refer to the applicable plan documents for details on eligibility, benefit amounts, and other particulars.
24. If additional family care or medical leave is required beyond the twelve (12) weeks provided by law, the employee must, prior to expiration of the family care or medical leave; submit additional certification to the City. The City will determine whether any such additional leave will be granted.
25. Should employee seek a leave of absence for reasons other than described above, the City will evaluate such a request based on particular circumstances present at that time, including but not limited to employee's current and anticipated work responsibilities, performance, and company needs. The City reserves the right to refuse such a request at its sole discretion.

The term "serious health condition" as used above, is defined as an illness, injury, impairment or physical or mental condition that involves one or more of the following:

- Inpatient care in a hospital, hospice or residential medical care facility;
- An absence from work in excess of three (3) days and two visits of continuing care by a health care provider, those two visits must occur within 30 days of the period of incapacity, or
- Continuing treatment by a health care provider for:
 - a. Serious or chronic long-term health condition that is incurable or that, if left untreated, would likely result in the absence from work in excess of three (3) days, or
 - b. Prenatal care.

Pregnancy by itself is not a "serious health condition" unless it is accompanied by complications that incapacitate the employee. Severe morning sickness may be an incapacitating condition regardless of duration.

While on leave, the employee is required to provide periodic reports on their status and intention to return to work. Updated health care providers' certifications must be submitted at the end of six (6) weeks. If intermittent leave or leave on a reduced hours basis is requested, the certification must also contain:

- The dates of any planned medical treatment;

- A statement of the medical necessity for an expected duration of intermittent leave or leave on a reduced hours basis;
- A statement that intermittent leave or leave on a reduced hours basis is necessary for the family member's care or to assist in their recovery, and the expected duration and schedule of the requested leave in the case of leave to care for a family member;
- The Human Resource Director/City Clerk can directly contact an employee's health care provider to seek clarification about information on an employee's FMLA certification form.

If employee's health care provider has indicated that they will be released to work on a specific date and the employee fails to return or call, their employment may be terminated effective on the last day that they actually worked. If employee does not return to work promptly at the end of the approved leave period, the City will consider their absence as a voluntary resignation. Employee will also be required to reimburse the City for amounts paid for their health and other insurance premiums.

Sick Leave

All full-time City employees are eligible for paid sick leave. Accrual shall be calculated from the hire date but shall be awarded on the basis of four (4) hours for each eighty (80) hours worked after the first one hundred sixty (160) standard hours worked. Accrual limit is ninety-six (96) hours per annum and an aggregate limit of nine hundred sixty (960) hours.

Sick leave shall not accrue during any unpaid leave period. ***Sick leave will be considered as "time worked" in the computation of overtime.***

Sick leave accumulated during employment shall not at any time be available to be converted to monetary compensation. Upon voluntary retirement or voluntary termination any sick leave accumulated by an employee over 720 hours and less than 960 hours will be paid out at the employee's current rate of pay.

Sick leave shall be used only when the employee is unable to perform the employee's regular job duties by reason of physical or mental illness or injury, which is not compensated under the Iowa Workers Compensation Act.

Employee may use their sick leave in units of no less than 15 minutes at any one time. The employee should let their immediate supervisor know that they will be absent from work due to illness as early as possible, making every effort to notify at least one-half (1/2) or one (1) hour before employee's scheduled reporting time with a phone call directly to the immediate supervisor, or as a last result leaving a message in voice mail. Normally, only accrued sick leave may be taken.

In addition to utilizing sick leave in the event of employee's own illness, injury, temporary disability, maternity, sick leave may also be used for the purpose of visiting doctors, dentists or other recognized health care providers. Also, sick leave (limited to 40 hours per fiscal year) may be used to care for a member of the employee's immediate

family described as spouse, children, parents, parents-in-law, brothers, sisters, grandparents and grandchildren.

Use of sick leave is subject to the following limitations:

1. Sick leave may only be used on days that the employee would be traditionally assigned to work;
2. the amount of sick leave taken may not be used to exceed the employee's normal scheduled work week;
3. a health care provider's certificate verifying the necessity for absence(s) after three (3) days and the specific illness, injury, or other disability to which the absence is attributed.

If a holiday falls while the employee is on a paid sick leave day, they will be paid holiday pay and the day will not be deducted from their accumulated sick leave. If employee is on vacation when they become ill, they must immediately (employee shouldn't wait until they return to work) call their immediate supervisor to have the absence deducted from sick leave instead of vacation leave.

Abuse of sick leave privileges will constitute grounds for disciplinary action up to and including termination of employment.

In the event of an illness or injury which is covered by workers' compensation insurance, this Sick Leave Policy will not apply, but will defer to State statutes.

Part-time and temporary/seasonal employees are not eligible for paid sick leave.

Immediate Family Illness Days – Every full-time City employee is entitled to days off with pay as Immediate Family Illness Days. The limitations on the use are as follows:

- Forty (40) hours per ***fiscal year*** for illness of a member of the employee's immediate family, which shall include spouse (significant other), child, stepchild, parent, stepparent.
- Do not carry over into the next fiscal year.
- Part-time and temporary/seasonal employees are not eligible for paid Immediate Family Illness Days.

Temporary Disability (Including Pregnancy) Leave of Absence

The City may grant an unpaid leave of absence for a temporary disability (including pregnancy) that does not qualify for another leave under this manual and only after first exhausting accrued sick leave (for an employee's own condition), and after exhausting other accrued paid time off. To request a temporary disability leave of absence from the immediate supervisor, employee should submit, or have someone submit for them, a statement of ill health or disability from their health care provider. An approved temporary disability leave may be granted for up to ninety (90) calendar days. If necessary, employee may request extensions in thirty (30) calendar day increments for a

maximum of one (1) year. Whenever possible, employee is required to give as much notice as possible of their pending need for a disability leave of absence.

In the case of a known temporary disability period, employee will inform their immediate supervisor as soon as possible of the date employee and their health care provider anticipate that they will begin their leave. Employee's job status will be protected in that the City will make every effort to hold employee's position open or return employee to a similar position if one is available, for which they may be qualified.

At the time the temporary disability leave begins, any accrued vacation time, comp time, personal leave or sick leave will be used. **These benefits shall not continue to accrue during an unpaid leave period.** This policy applies to all employees.

After ninety (90) calendar days **or** if all of employee's accrued leave has been exhausted, employee may continue in the group health insurance program during a disability leave of absence under this section by paying the full cost of the premium plus 2% administrative fee (102%) by the 15th of the month for the following month's coverage. Failure to pay the premium timely **shall** result in termination of coverage.

Employees who must remain away from work for more than the period of time allowed above will be considered terminated from employment. They are welcome to re-apply subject to the City's usual hiring policies.

Employees returning from a temporary disability leave will be required to provide a health care provider's release as set forth above in the section on Worker's Compensation and Temporary Modified Disability (see pages 31-32.)

Personal Days

Every full-time employee is entitled to two (2) days off with pay as Personal Days per fiscal year to be used at their discretion with only a few minor limitations. If hired in mid-year, Personal Days will be pro-rated. The limitations on the use of Personal Days are as follows:

- The employee must be on active status and in good standing as of July 1st to be credited with the Personal Days for the following year.
- Use of Personal Days must be approved by employee's immediate supervisor in advance. In the event of conflicting requests, scheduling will be based on the immediate supervisor's discretion.
- Employees will be paid at their regular hourly rate for each Personal Day used.
- Unused Personal Days may not be carried over into the following fiscal year. Unused Personal Days will be forfeited at the end of the fiscal year.
- Personal Days will be considered as "time worked" in the computation of overtime.
- Upon resignation or termination any unused Personal Days will be forfeited.

Personal Days for part time employees are addressed in another section of this manual.

Unpaid Leave of Absence

If the employee has exhausted **all** applicable paid and unpaid leaves of absence, they may request an unpaid leave of absence. Approval of unpaid leave is at the discretion of the City Administrator/Mayor. An extension may be granted if requested prior to the end of the original leave period and if no hardship is placed on the staffing balance of the department affected. All requests for leaves of absence shall be submitted in writing to employee's immediate supervisor at least two (2) weeks prior to the start of the requested leave period. Each request shall provide sufficient detail such as the reason for the leave, the expected duration of the leave, and the relationship of family members involved, if applicable.

During an unpaid leave granted under this section, employee does not receive compensation and shall not accrue vacation, sick leave, or other employee benefits.

Employee may continue in the group health insurance program during an unpaid leave under this section by paying the full cost of the premium plus 2% administrative fee (102%) by the 15th of the month for the following month's coverage. Failure to pay the premium timely **shall** result in termination of coverage.

If the employee plans to return to work following an unpaid leave taken under this section, employee must notify his or her supervisor, in writing, before the end of the leave. The City will attempt to restore the employee to the position held at the start of the leave, or in a comparable position, if possible. If the employee's former position or similar position is not available, the employee may choose any available lesser position based on individual qualifications, or either employee or the City may terminate employee's employment.

Failure to return to work as scheduled from an approved unpaid leave of absence or to inform employee's immediate supervisor of an acceptable reason for not returning as scheduled will be considered a voluntary resignation of employment.

Military Leave of Absence

A Military Leave of Absence will be granted to any employee who is called to active duty as a member of a Reserve or National Guard unit in compliance with federal and state law. Military leave under Iowa Code §29A.28 does not apply to employees who work six months or less.

An employee requesting a Military Leave of Absence should submit a copy of their official orders to their immediate supervisor. The orders should accompany a completed Payroll Status Change Report form which clearly identifies the expected dates of departure and return. An employee will receive their full wages for a maximum of thirty days per year from the City while on Military Leave of Absence.

The employee may apply earned but unused personal time and vacation time to the military leave that exceeds thirty days per year if they wish; however, they are not obliged to do so.

Employees on leave for military service, and any of their dependents entitled to coverage under the City's group health insurance plan, are entitled to coverage as follows:

1. An employee that leaves employment for less than 31 days is entitled to continued health insurance coverage and will not be required to pay more than what an active employee would pay for coverage.
2. An employee that leaves employment for more than 30 days is allowed to elect to receive continued coverage under the City's health insurance plan for up to 18 months following separation from employment or until the employee's re-employment rights expire, whichever event occurs first. The City may require the employee to pay up to 102% of the premium, which includes administrative costs.

All other benefits will be followed as Federal and State law requires.

Federal and State law requires that an employee returning from a Military Leave of Absence have re-employment rights if the following conditions are met:

1. Employee appropriately notified their immediate supervisor of the military leave, unless military necessity prevents him/her from giving notice or if it is otherwise impossible or unreasonable.
2. The cumulative length of the absence and all previous absences from employee's employment with the City for reason of military service must not exceed five years.
3. Employee's discharge from military service must be honorable; and
4. When the employee returns from military service, they must report to work or submit a timely application for re-employment according to the following schedule:

For service of less than 30 days employee must report to work by the beginning of their first regularly scheduled work day that would fall eight (8) hours after employee returns home.

For service of 31 to 180 days employee must apply for re-employment within 14 days after completing service.

For service of 181 days or more employees must apply for re-employment no later than 90 days after completing service.

Re-employment rights include restoration to the same position or a position of similar status and pay plus any seniority related adjustments (if applicable under the employee's CBA). If, due to a service-related disability, the employee is unable to return to the former or a similar position, the City will make every effort to employ the individual in an open position for which they are qualified consistent with the individual's restrictions

(if any) or offer reasonable accommodations to allow the disabled employee to perform the essential functions associated with the available position. The City will not terminate an employee so placed “without cause” for one (1) year from date of re-employment.

All employees who are members of a Reserve or National Guard unit will be granted a Reservist Leave of Absence to attend required training sessions. An employee requesting a Reservist Leave of Absence should submit a copy of their official orders to their immediate supervisor. The orders should accompany a completed Payroll Status Change Report form which clearly identifies the expected dates of departure and return. An employee will receive no wages or salary while on reservist duty. The employee should report for work at the beginning of the next regularly scheduled work day following release from training duty, allowing adequate time for travel, if required. If the employee is returning from up to six (6) months of active duty for training, they must apply for re-employment within thirty (30) days after discharge.

All active military or reservist duty will be handled as provided by law.

An employee who remains in the service for a period of greater than five (5) years (periods of service in a Reserve unit or hospitalization excluded) will be considered “Professional Military Personnel” and may lose their re-employment rights.

Jury or Witness Duty

An employee must notify his/her supervisor promptly after notification to report to jury duty and exhibit the summons of the court. While the employee is on jury duty as a juror or as a material witness, he/she will continue to be paid according to his/her regular work schedule. Therefore, the employee is required to turn into the City pay for jury duty (the employee may retain any expense monies paid to him/her for jury duty). During this period of time the employee is expected to report for work during regularly scheduled working hours when their presence is not required elsewhere by the court system. Jury or witness time away from the job will **not** be considered “time worked” for the calculation of overtime.

Hours spent by any employee appearing as a witness in any job-related legal proceeding at the direction of the City shall be considered to be work time.

Personal court proceedings are not considered to be jury/witness duty. If an employee is involved in such proceedings, unrelated to their duties with the City, the employee may take leave without pay, unless he/she elects to use any accumulated vacation or personal leave, or compensatory time.

COMPENSATION AND DEDUCTIONS

Pay Procedures

A pay period for full-time, hourly and salaried, part-time and temporary and seasonal employees is **bi-weekly**, starting at 12:01 a.m. Monday and ending at 12:00 midnight on the following Sunday and consists of 14 (fourteen) days. The bi-weekly pay schedule is made up of 26 (twenty-six) pay periods per year. The normal pay period for elected officials is monthly. The paycheck for all employees will cover all hours worked during the last pay period. The paycheck for elected officials will cover all meetings attended during the last pay period.

It is the **employee's responsibility to submit any adjustments (such as longevity) to the payroll in writing** to their immediate supervisor, who will turn in to the City Clerk (or designee) no later than noon on the day following the close of the pay period. Most payroll related adjustments or errors will be posted or corrected no later than the following paycheck. The employee will tell their immediate supervisor immediately if they believe an error has been made. He/she will take the necessary steps to research the problem with the City Clerk, if any necessary correction is made it will appear on the next pay period.

Paychecks for all employees will be distributed on the **Thursday** following the close of the pay period by employee's immediate supervisor. If employee is absent, the employee's immediate supervisor or City Clerk (or designee) will hold the employee's check until they return, or they authorize (in writing) someone to pick up the employee's paycheck or to be placed in the mail.

Paychecks for elected officials will be distributed at the last council meeting of the month. In the event that a holiday observed by the City falls on a regular payday, the paychecks will be distributed no later than the last business day before the holiday.

Payroll Deductions

Federal and state laws require specific deductions from the employee's paycheck. These deductions include federal and state income taxes, FICA, Medicare and IPERS (Iowa Public Employees Retirement System) for those employees who are eligible. The amount of these deductions for income taxes is based on the employee's wages or salary and the number of dependents indicated on the employee's Federal W-4 or Iowa W-4. The amount of the deduction for FICA (Social Security) and MED (Medicare) is one-half of the total payment into the Social Security Fund each pay period on the employee's behalf. The federal government determines the percentage to be withheld. The other half of the payment is paid by the City. IPERS determines the percentage to be withheld from covered employee's gross salaries and the amount contributed by the City. Deductions for other purposes, i.e. deferred compensation, AFLAC, etc. must be arranged and authorized, in writing, in advance with the City Clerk (or designee) or as directed by bargaining agreement.

Assigning Paycheck/Pay Advances

Employees may not assign their paycheck to any individual or company. If the employee wants another person to pick up their paycheck, they must sign a written authorization. The person named in the authorization will be required to show identification before the check will be released.

No payroll advances will be granted under any circumstance.

Court Ordered Deductions

When court-ordered deductions (i.e. child support, garnishment) are to be taken from the employee's paycheck, the employee will be notified. The City acts in accordance with the Federal Consumer Credit Protection Act, which places restrictions on the total amount that may be garnished from the employee's paycheck.

Termination Pay

Termination pay includes:

1. Pay for work performed through the last hour worked;
2. Pay for unused/earned vacation and compensatory time allowance (non-exempt employee); and
3. Pay for unused/earned sick leave accumulated over 720 hours but less than 960 hours at the current rate of pay.

Termination pay shall be reduced by any of the following:

1. Required legal deduction;
2. Authorized deductions;
3. Insurance premiums, if due that payroll period;
4. Unreturned city property, i.e. uniforms, cell phones, etc...;
5. Clothing allowance is not applicable

If an employee is participating in an education assistance program with the City of Hiawatha and the employee resigns or employment is terminated, the employee will be required to reimburse the City following the terms outlined below:

1. If an employee resigns or employment is terminated less than one year following completion of the course(s), one hundred percent (100%) of the total expenses shall be reimbursed.

2. If an employee resigns or employment is terminated one (1) year or more but less than two (2) years after completion of the course(s), seventy-five percent (75%) of the total expenses shall be reimbursed.
3. If an employee resigns or employment is terminated two (2) years or more but less than three (3) years after completion of the course(s), fifty percent (50%) of the total expenses shall be reimbursed.
4. If an employee resigns or employment is terminated three (3) years or more but less than four (4) years after completion of the course(s), twenty-five percent (25%) of the total expenses shall be reimbursed.
5. If an employee resigns or employment is terminated within the first four (4) years after completion of the course(s), the employee may be required to reimburse the City for the total expenses incurred.
6. Payment of any costs owed to the City by the Employee shall be made in consecutive monthly payments in accordance with the following schedule:

Minimum Monthly Payment	Annual Percentage Rate
\$100.00	6%

The first payment shall be due 30 days after Employee's date of termination, and on the same date each month thereafter. Interest shall commence with the employee's date of termination and shall be calculated on the unpaid principle balance to the date of each installment paid, with payments being credited first to accrued interest and then to the reduction of principal.

Note: Termination pay is made available on the regular payday for the pay period in which the employee's last day of work occurred.

If the City receives any items from the US Postal Service that are returned due to insufficient or incorrect address, the items will be held for 30 days from the date of return and then destroyed or voided, **this includes paychecks.**

BUSINESS TRAVEL

All employees will be reimbursed for related expenses incurred while traveling on City business as per adopted Travel Policy. All travel requests must be approved in advance by the immediate supervisor/City Administrator/Mayor. Statements of expenses, with original receipts, shall be presented to the City Administrator/Mayor for approval of all reimbursement requests. If the Procurement Card is used for inappropriate expenses, the employee will be expected to reimburse the City immediately.

1. Employees desiring to attend professional conferences should make a written request to their immediate supervisor or the City Administrator/Mayor prior to the conference. Requests should be made allowing adequate time to take advantage

of any pre-registration savings. All requests should include the conference schedule, registration information and anticipated costs.

2. Allowable reimbursements for travel and conference costs shall be limited to the following:
 - a. Actual registration fee;
 - b. Minimum rate for lodging accommodations;
 - c. Round trip transportation at Federal rate per mile for private vehicle use or air fare, whichever is the lesser;
 - d. \$50.00 maximum per diem meal allowance less any meals provided by conference;
 - e. Miscellaneous gratuities up to 15% of per diem;
 - f. No alcohol purchases are allowed
3. Pay for business travel time will be calculated in the following manner:
 - a. One Day Travel - Driver or Passenger
 - If a nonexempt employee is required by the City to drive an automobile, or is a passenger in an automobile, or uses public transportation, all such time is work time, except normal home to work travel time, bona fide meal, or sleep time.
 - b. Overnight Travel – Driver
 - If a nonexempt employee is required by the City to drive an automobile, either his/her own or City-owned, all such time is work time, except normal home to work travel time, bona fide meal, or sleep time.
 - If a nonexempt employee is offered public transportation but requests permission to drive his/her own vehicle or a City-owned vehicle instead, either the time spent driving or the time that the employee would have to count as hours worked during working hours if the employee had used the public transportation, whichever is less, will be counted as hours worked.
 - c. Overnight Travel – Passenger
 - If a nonexempt employee is required by the City to travel as a passenger in an automobile, or uses public transportation, only the travel time that cuts across the employee's normal working day will be counted as hours worked, even if the travel occurs on a regular day off.

Exempt employees will not be eligible for any business travel time occurring outside of their normal working hours.

Lodging accommodations will not be allowed within the Metro Area of Hiawatha, Robins, Marion and Cedar Rapids.

Employees traveling on City business are representatives of the City and are expected to maintain a high level of professionalism and courtesy, and to follow all City policies, rules and procedures.

GROUP HEALTH POLICIES

Group Health Benefit

The City is dedicated to the health and wellbeing of the employee, the employee's spouse and dependents. A comprehensive, quality health insurance program is available to all full-time employees (for purposes of health insurance defined as those employees scheduled to work thirty hours or more a week), employee's spouse and dependents. The employee becomes eligible for coverage at the beginning of a new month, 30 days after their employment. Coverage will be in accordance with and to the extent provided under the terms of the policy. Part-time and temporary/seasonal employees are not eligible for the City's group health insurance benefit.

Eligibility for the benefit programs offered by the City, unless otherwise specified, is limited to full-time employees. The City will, subject to all terms and conditions of the contract with the insurance carrier, select the insurance program, coverage and eligibility. Details of the plan are explained in the Benefit Sheet given to all new full-time employees. Upon enrolling, the employee will obtain summary plan descriptions describing employee's benefits in detail.

Management reserves the right to make changes in the benefit programs for the purpose of improving the overall benefit package and/or making the benefit programs more cost efficient and affordable. If and when changes in the benefit programs offered by the City are made, appropriate notification will be provided through the issue of replacement pages detailing the changes designed for insertion in this manual.

The City reserves the right to pay full or partial premiums for the employee and/or their spouse and dependents. If applicable, employee contributions will be automatically deducted from the employee's paycheck. The City also reserves the right to self-insure all or partial deductibles, if applicable.

Flexible Spending Account (FSA)

Flexible spending accounts allow employees to set aside a portion of their salary before taxes to pay primarily for medical expenses and dependent care cost not covered by insurance.

The contributions the employee makes to their flexible spending accounts are deducted from the employee's pay before federal, state, and Social Security taxes are calculated lowering the employee's taxable income.

The City Clerk's office will administrate the plan. Medical information will not be disclosed beyond the limits of the plan. Where information has been disclosed from the records protected by Federal law for alcohol/drug abuse or state law for mental health records, the Federal requirements (42 CFR Part2) and state requirements (Iowa Code Chapter 228) prohibit further disclosure without the specific written consent of the patient, or as otherwise permitted by such law and/or regulations. A general authorization for the release of medical or other information is NOT sufficient for this purpose. The Federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient.

FSA Plan Provisions

Plan Year: Calendar year – January 1 through December 31

Medical Reimbursement Account Election: Minimum \$100.00, Maximum \$5,000.00

Dependent Care Reimbursement Account Election: Minimum \$100.00, Maximum \$5,000.00

Claims are Reimbursed: Approved by City Council bi-weekly

Grace Period to Incur Claims: 14 ½ months – January 1 through March 15

Claim Filing Deadline: January 1 through April 30 of previous calendar year

COBRA

According to the federal Consolidated Omnibus Budget Reconciliated Act (COBRA) of 1985, if the employee resigns, or their employment is terminated, or their work hours are reduced, and the employee and/or their dependents are no longer eligible to participate in the group health insurance plans offered by the City, employee and their eligible dependents may have the right to continue to participate for up to 18 months at the employee (or employee's dependents') expense. The 18-month continuation coverage period provided in the event of the employee's termination or reduction in working hours may be extended to 36 months for employee's spouse and dependent children, if, within that 18-month period, the employee dies or becomes divorced or legally separated, or if a child ceases to have dependent status. In addition, if the employee enrolls for Medicare during the 18-month period, employee's spouse and dependent children may be entitled to extend their continuation period to 36 months, starting on the date that the employee become eligible for Medicare.

If the employee is determined to be disabled under the Social Security Act at the time of their termination or reduction in hours, the employee may be entitled to continuation coverage for up to 29 months. Employee's eligible dependents may extend coverage, at

their expense, for up to 36 months in the City's group health insurance plans in the event of employee's death, divorce, legal separation, or enrollment for Medicare benefits, or when a child ceases to be eligible for coverage as a dependent under the terms of the plan.

If the employee or their eligible dependents elect to continue in the group health insurance plan, the employee will be charged the applicable premium plus an additional 2 percent for administrative costs (102%). Failure to make timely payments may result in termination of coverage. If this election for continuation coverage is made, the employee and their dependents have the right to convert this coverage to an individual policy with the City's insurance carriers at the end of the continuation period.

The City Clerk or designee will contact the employee concerning these options at the time termination occurs or the employee's work hours are reduced or will contact the employee's qualified beneficiaries in the event of their death or enrollment for Medicare benefits. However, in the event that employee becomes divorced or legally separated, or one of their dependents ceases to be eligible for coverage under the City's group health insurance plan, employee and their qualified dependents are responsible for contacting employee's immediate supervisor to discuss continuation/conversion rights. The employee and their qualified beneficiaries are also responsible for notifying employee's immediate supervisor within sixty (60) days of qualifying for social security disability benefits.

Life, Short-Term and Long-Term Disability, Accidental Death

The City provides \$10,000 life insurance, accidental death insurance and short/long-term disability insurance. These insurances are provided at the City's expense and cover only full-time employees (no dependents). Part-time and temporary/seasonal employees are not eligible for life, short-term and long-term disability and accidental death insurance benefits through their employment with the City.

Further information is provided by the insurance carrier booklets/brochures and is available in the City Clerk's office.

Short-Term Disability – benefits are intended to protect the employee's income for a short duration in case they become ill or injured. Full-time active employees working 30 or more hours per week are eligible for coverage. In the case of an accident, short term disability benefits begin on the 1st day of accident and in the case of an illness; benefits begin on the 8th day of illness. The maximum benefit duration is 26 weeks and the maximum weekly benefit amount is 60% of eligible employee's weekly salary up to \$150 per week. Short Term Disability benefits may be reduced if the employee is receiving benefits from any compulsory benefit, act, or law such as a state disability plan or if the employee is receiving sick leave pay from the City. Pre-existing conditions do not apply.

Long-Term Disability – benefits are intended to protect the employee's income for a long duration after they have depleted Short-Term Disability or any sick leave. Full-time active employees working 30 or more hours per week are eligible for coverage. Long Term Disability benefits will begin after 180 days of the accident or illness. An employee can satisfy the 180-day requirement with either total (off work entirely) or

partial (working some hours) disability. If the employee is working on a partial basis, they will have (2X) the disability days to satisfy the total of 180 days. The maximum benefit duration is 36 months or until the employee becomes eligible for Social Security benefits. The maximum monthly benefit amount is 60% of salary up to \$3,000 per month. Long Term Disability benefits may be reduced if the employee is receiving benefits from any compulsory benefit, act, or law such as a state disability plan that would cause income to exceed the monthly maximum benefit amount of 60% of salary. Pre-existing conditions include no treatment for three months prior to the coverage effective date unless it begins after employee has performed their regular occupation on a full-time basis for 12 months following the coverage effective date.

FITNESS REIMBURSEMENT POLICY

Purpose

The Fitness Reimbursement program is offered by the City to encourage employees to become physically fit, with the anticipation of lower health care claims and less frequent utilization of sick leave benefits. The City has a policy to reimburse employees for joining or belonging to a health/fitness facility. The City will reimburse a maximum of twenty-five dollars (\$25) per month for a single membership for the employee only, or if the employee has a family membership, the City will reimburse a single membership rate up to and not to exceed twenty-five dollars (\$25) per month per employee.

Scope

This policy is applicable to all permanent full-time and part-time employees. Also included are members of the volunteer Fire Department.

Exceptions

The Fitness Reimbursement program is not available to seasonal or temporary employees.

Specific Policy Provisions

The City Clerk's office will be responsible for review and approval of the health/fitness facility. Employees must submit information about the health/fitness facility to the City Clerk's office for review prior to submitting a fitness reimbursement claim.

In order to receive a fitness reimbursement, a claim form (available at the City Clerk's office and on the city website), must be completed by the employee or volunteer fire member. Claim forms may be filed on a quarterly or annual basis for reimbursement of fees to a health/fitness facility for a quarterly or annual period.

The following items are required to be submitted to the City Clerk's office for approval and processing of reimbursement:

1. Completed reimbursement claim form.

2. Receipt from the fitness center or bank statement (showing automatic deduction toward membership fees from employee's checking account).
3. Receipt or report from the fitness center showing proof of attendance at a minimum of eight (8) times per month.

Reimbursements will be paid four (4) times per year at the end of each quarter in March, June, September and December or one (1) time per year on an annual basis in December through payroll.

Reimbursement payments will be deposited directly into the employee's bank account on the last payroll of the month on a quarterly or annual basis as described in this section. Reimbursements for fitness/health facility membership are considered a taxable benefit by the IRS and therefore, they are subject to federal and state tax withholding.

Employees who change or terminate their membership at a health/fitness facility prior to the completion of a quarterly or annual period may submit reimbursement for the portion of their membership fees incurred according to the policy requirements.

All reimbursement claims for the current calendar year are due to the City Clerk's office no later than the last payroll in December of the same calendar year when the membership fees were incurred.

CONTINUED EDUCATION BENEFITS

Professional Memberships/Endorsements/Licenses

The City encourages employees to be active in professional advancement activities and will consider all requests to assist City employees in this effort.

Membership fees or dues for professional organizations, endorsement fees, and required license expenses related to the employee's responsibilities which are mutually beneficial to both the City and the employee, will be paid by the City at the City's discretion.

All fees or dues must be pre-approved in writing by City Administration/Mayor.

Continued Education/Job-Related Training

If an employee is directed/authorized by their immediate supervisor and/or the City Administrator or Mayor, to attend a job-related lecture, meeting, training program, conference, or similar activity, the employee will be paid training time for their regular working hours. Exempt employees will not receive any additional pay for the time spent outside of their regular working hours. Nonexempt employees will be paid as required by FSLA for any additional time worked over 40 hours in a normal work week.

Expenses for eligible items required by the school or training program will be reimbursed and such items shall become property of the City. Proof of purchase and necessity of purchase will be required to justify reimbursement.

Travel time in connection with attendance at a lecture, meeting, training program and other similar activities will be counted as work time if either of the following conditions are met:

1. The employee's attendance at the lecture, meeting, training program etc. was directed/authorized by their immediate supervisor or the City Administrator/Mayor; and
2. The employee qualifies under the "one day" or "overnight" rules concerning driver or passenger. Refer to Business travel section of this manual for "one day" and "overnight" travel time.

Tuition Assistance

The City believes in investing in the professional development of its employees. In the event an advanced educational college course(s) becomes available that is related to the job assignment and responsibilities of an employee on active status for at least one year with the City, the employee may request tuition assistance.

This tuition assistance may be granted to any full-time employee for an Associates or Bachelor's degree. Part-time and temporary/seasonal employees are not eligible for tuition assistance benefits. The potential for further education will be determined by the City Council.

Request for tuition assistance and supervisorial approval must be received in the City Clerk/Finance Office prior to fiscal year budget planning sessions. The actual amount of assistance granted is at the discretion of City Management up to the full amount of tuition and text material for the course and will be granted on a reimbursement basis only.

Completion of degree shall occur within a three (3) year time period.

The procedure for this educational benefit is:

1. Submit to the Clerk's Office the declared major and core curriculum set by the academic advisor of the required courses. The Clerk's Office will be responsible for the tracking of courses and tuition reimbursements.

If an employee changes his/her declared major after the initial approval, the employee needs to request supervisor approval and submit a new request to the Clerk's Office including documentation of the new required courses before submitting grades for reimbursement.

2. Successful completion of the course, which is defined as receiving a grade equivalent of "C" or higher.
3. If an employee resigns or employment is terminated less than one year following completion of the course(s), one hundred percent (100%) of the total expenses shall be reimbursed to the City.

4. If an employee resigns or employment is terminated one (1) year or more but less than two (2) years after completion of the course(s), seventy-five percent (75%) of the total expenses shall be reimbursed.
5. If an employee resigns or employment is terminated two (2) years or more but less than three (3) years after completion of the course(s), fifty percent (50%) of the total expenses shall be reimbursed.
6. If an employee resigns or employment is terminated three (3) years or more but less than four (4) years after completion of the course(s), twenty-five percent (25%) of the total expenses shall be reimbursed.

Payment of any costs owed to the City by the employee shall be made in consecutive monthly payments in accordance with the following schedule:

Minimum Monthly Payment	Annual Percentage Rate
\$100.00	6%

The first payment shall be due 30 days after employee's date of termination and on the same date each month thereafter. Interest shall commence with the employee's date of termination and shall be calculated on the unpaid principle balance to the date of each installment paid, with payments being credited first to accrued interest and then to the reduction of principal.

7. Reimbursement-

- a. Approved degree and certificate programs may receive education assistance in the amount of 50% up to \$5,250.00 maximum reimbursement per calendar year. The City reserves the right to amend the percentage and annual maximum reimbursement for education assistance as necessary in order to remain consistent with dollar limitations set in the Internal Revenue Service Taxable Fringe Benefit Guide, Section 20 Educational Reimbursements and Allowances. Reimbursement is for tuition, cost of books and labs. No tuition assistance is paid for supplies, transportation, or other expenses. No tuition assistance will be paid prior to the successful completion of an approved specific course as stated above.
- b. Upon completion of the course(s) the final official grade along with the paid receipt or invoice from the college's financial office should be submitted to the Clerk/Finance Office prior to 30 days after course completion. If the employee fails to provide the city with this information, no reimbursement will be issued. After the 30 days expire there shall be no obligation on the part of the City to reimburse any part of the tuition.
- c. If the employee resigns or is terminated for any reason, prior to receiving reimbursement for completed course(s), there shall be no obligation on the part of the City to reimburse any part of the tuition.

- d. The employee is responsible for reporting taxable income that may result from the reimbursement of higher education expenses. Information regarding the requirement of taxable income is available from the Internal Revenue Service Fringe Benefits Guide.

Retirement Plan/Supplemental Coverages

The Iowa Public Employees Retirement Plan System (IPERS), together with Social Security (SS), is an important part of the employee and the employee's family's financial future. Employees covered by IPERS regulations are required to participate. A percentage of the employee's pay will be withheld according to IPERS and SS regulations. The City will contribute a percentage of the gross payroll according to the same regulations.

The City Clerk's office will supply employees with IPERS information and all necessary forms. A telephone number and address are available to contact IPERS directly if desired.

In addition, the City shall provide supplemental hospitalization and major medical coverage to the Medicare coverage for employees who retire on or after age 65 and have been employed by the City as a full-time employee for a continuous period of fifteen (15) years minimum at the time of their retirement. The City shall also provide group hospitalization and major medical coverage for employees who are less than 65 years old who have been employed by the City for twenty-five continuous years and who are eligible for early retirement in IPERS.

As an added benefit, the City shall offer to each retiring employee who is 65 years of age and has served 15 years of continuous full-time service to the City the opportunity to carry group hospitalization and major medical coverage on their spouse provided the spouse was covered on the City's health insurance policy at the time of the employee's retirement. The coverage shall be for up to thirty-six (36) months, but in no event shall last beyond the spouse's sixty-fifth (65th) birthday. This coverage may be obtained at the single rate for the spouse and shall be at the total expense of the retiring employee. The City may assess a nominal administration fee for this benefit.

Retirement Due to Catastrophic Illness or Incapacitation

An employee who retires due to a catastrophic illness that prohibits them from carrying out their daily activities and who has served 20 years of continuous full-time service, shall be provided group hospitalization and major medical coverage. The coverage is for a maximum of twenty-four (24) months or until the employee becomes eligible for Social Security Disability Insurance (SSDI) and Medicare, or age 65, whichever comes first (Resolution 08-169).

Certification of disability will be requested and in appropriate circumstances, the city may require the employee to be examined by a designated health care provider at the City's expense (Resolution 08-169).

Additionally, if the employee has exhausted all of their unpaid leave of absences and qualifies for short term disability the City will continue to provide the employee's short-term disability coverage along with the needed long-term coverage.

Employee may be eligible for IPERS retirement benefits if they are a vested member, no longer working for an IPERS-covered employer and have been awarded social security disability.

Deferred Compensation

Deferred Compensation (Section 457 of the IRS code) is a method to enable public employees to defer federal and state income taxes on a portion of their savings. Taxes are paid on the savings and earnings when withdrawn, usually during retirement when the employee is presumably in a lower tax bracket.

The City has one plan available for employees. Employees may contribute through payroll deduction. The City does not contribute to this benefit for employees as the State requires that eligible employee's primary retirement fund is IPERS.

Tax Status of Benefit Payments

Certain employee benefit payments may be considered income subject to taxation under federal and state laws and subject to withholding tax.

Benefits Required by Law

Often overlooked by employees as a benefit they enjoy by working for the City are their legal benefits, namely:

Social Security-a retirement benefit;

Workers' Compensation-for work-related injury or disability;

Unemployment Compensation - in case of a qualifying separation of employment including a reduction in force.

Social Security

Each pay day, the City deducts from the employee's pay a tax which is paid into the Treasury of the United States Government whose intention is to provide a Retirement Fund for him/her in later years. The City also contributes an equal amount to an employee's fund so that the City shares on a 50/50 basis the cost of the Retirement Program for each employee.

Workers' Compensation Insurance

As a City employee, he/she is protected under the Workers' Compensation Act, which provides for hospital, medical, surgical care and income loss payments for work-related injuries or disabilities. This insurance is paid for by the City.

Unemployment Compensation

An employee may be protected against loss of income when unemployed through no fault of his/her own, by the Iowa Employment Security Law. This law has provisions for the setting aside of reserves to be used for the benefit of persons unemployed through no fault of their own. The City pays for this insurance.

These benefits required by law are additional benefits an employee gains by working for the City.

EMPLOYMENT ACKNOWLEDGMENT FORM

This acknowledgment form certifies that the undersigned on the date indicated received instructions on retrieving a copy of this manual for use while employed by the City. This manual is available on the Hiawatha website at www.hiawatha-iowa.com under the Employee Login tab utilizing a username and password issued by the City Clerk's office.

I understand that this Employee Manual is neither a contract nor a guarantee of employment. This manual describes important information about my employment with the City.

Policies and programs presented here in summary form are subject to City Management interpretation and City practices. I further understand that the City retains the unilateral right to add to, delete from, change, or revoke the manual or any of its policies at any time. I understand that this manual is intended to supersede and replace all previous employee handbooks, manuals and policy statements, whether oral or written, issued by the City. I further understand that revisions to this manual may supersede or eliminate one or more existing policies and/or benefits and that all such changes will be communicated through official notices.

I understand that this manual remains the property of the City and must be returned intact to the City along with all other City property upon termination of my employment.

My employment relationship with the City is entered voluntarily and is subject to termination by me or the City at will, with or without cause; at any time either I or the City believes such action to be appropriate. No policy or practice of the City may be construed to change the nature of this at-will employment relationship. Only the City Council has the right to modify or change this practice and such action must be in writing.

I acknowledge that I have received instructions on retrieving a copy of this manual and that it is my responsibility to read the manual and any revisions made to it, understand the policies contained within the manual, and act in accordance with its provisions.

Pursuant to Iowa Code § 91A.5, by signing below I authorize that any balances owed to the City at the time of termination of my employment relationship shall be deducted from my paycheck according to federal and state law and regulations. Furthermore, by signing below, I provide full authority for the City to withhold the amounts identified in the above policies from my final paycheck: Restitution for Loss or Damage of City Furnished Equipment, Electronic Communications Systems, and Uniforms/City Provided Clothing.

By voluntarily signing below, I acknowledge the parties intend the withholdings identified in this acknowledgement form to serve as a valid authorization for such withholding from a final paycheck under Iowa Code § 91A.5, as amended from time to time.

EMPLOYEE'S SIGNATURE	DATE
* Original signature page is in personnel file	

ACKNOWLEDGMENT OF CHANGE

I acknowledge that I have received the change dated _____ covering the following page(s) _____ of the City of Hiawatha Employee Policy Manual due to the following sections being amended and approved by Resolution _____ of City Council on _____ (attached for your reference):

Dated: _____

Employee Signature: _____

Reminder: The Employee Policy Manual updates are out on the City's website at www.hiawatha-iowa.com under the Employee Login tab at the top of the main page.

Please review manual changes, sign and date this form and return it to the City Clerk's office by _____, for your personnel file.

APPENDIX

Equal Employment Opportunity Officer – Hiawatha City Clerk

Designated Employer Representative – Hiawatha City Clerk

Substance Abuse Professional – C J Cooper Associates, Inc

Medical Review Officer and Breath Alcohol Technician – C J Cooper Associates, Inc

City Management – Mayor, City Administrator, City Clerk and
Appropriate Supervisor

SAMPLE FORMS

(Forms are subject to change; contact City Clerk's Office for current forms)

Payroll Change Notice

Iowa and Federal W-4 Forms

Change of Address / Status Form

Payroll Direct Deposit Form

Insurance Enrollment / Change Forms

Written Warning Form

Complaint Form

Community Substance Abuse Services in Linn County

Confidential Alcohol & Drug Abuse Help Lines

Family and Medical Leave Act (FMLA) Forms

Application for furthering Education Classes or Attendance at a Professional Convention,
Educational Meeting, Seminar or Similar Event

CITY OF HIAWATHA

PERSONAL PROTECTIVE EQUIPMENT (PPE) POLICY

Purpose

The goal of this policy is to protect all City of Hiawatha employees from potential workplace hazards that can be abated by the use of Personal Protective Equipment (PPE).

This policy is in compliance with OSHA regulation § 1910.132 through 1910.139 regarding PPE.

Periodic Review

The program shall be evaluated periodically to determine its continued effectiveness. (See the evaluation form on page 161)

Hazard Assessment

Each City of Hiawatha Department Head is responsible for hazard assessment required for this policy. The applicable Department Head will select and/or purchase any needed equipment. Employees should direct any questions or comments about this policy to their respective Department Head.

City/Employee Responsibilities

Before doing any work requiring the use of personal protective equipment, employees will be trained (usually by their respective Department Head) in PPE usage guidelines, including:

- What PPE is necessary for each situation encountered in the workplace,
- How to properly adjust, put on, wear and remove PPE,
- The limitations of the specific PPE provided by the City, and
- The proper maintenance, useful life and disposal of PPE.

The employee is responsible for the maintenance and storage of any PPE as required.

Required Programs—Based on Needs Assessment of Workplace Hazards

Employees must use the appropriate personal protective equipment when performing any task or workplace function where there is a reasonable probability of preventing injury with said use. These stipulations also apply to supervisors, management personnel and visitors while they are in a potentially hazardous area.

Eye and face protection (OSHA regulation § 1910.133)

Suitable eye protectors (safety glasses, goggles, face shields, wire mesh masks, etc.) must be provided where there is potential for injury to the eyes or face from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, body fluids, potentially injurious light radiation or a combination of these and/or where there is hazard from flying objects. The City shall ensure that each affected employee who wears prescription lenses while engaged in operations that involve eye hazards wears eye protection that incorporates the prescription in its design, or wears eye protection that can be worn over the prescription lenses without disturbing the proper position of the prescription lenses or the protective lenses. The City shall ensure that each affected employee uses equipment with filter lenses that have a shade number appropriate for the work being performed for protection from injurious light radiation. The following is a listing of appropriate shade numbers for various operations.

Respiratory Protection (OSHA regulation § 1910.134)

Devices such as dust masks, canister respirators, self-contained breathing apparatus or other such apparatus must be provided to employees that are exposed to harmful dust, fogs, fumes, mists, gases, smoke, sprays, or vapors. Persons working in oxygen deficient or oxygen enhanced atmospheres must also be protected. Persons using the devices must be fit-tested to the device, tested to see if they are physically able to use the devices, and trained in the use and care of the devices.

(Refer to the City's Respiratory Protection Program for additional information and/or requirements)

Head Protection (OSHA regulation § 1910.135)

Employees working in a location where there is danger of being struck in the head by falling objects or other dangers from above such as electrical hazards must wear head protection. The head protection must meet the requirements of American National Standards Institute (ANSI) Z89.1-1986.

Foot & Leg Protection (OSHA regulation § 1910.136)

Persons must have foot and leg protection if their feet are subject to a crushing foot injury. The feet must also be protected from puncture by sharp objects, molten metal, hot, wet and/or slippery surfaces, and/or electrical hazard. This also requires leg protection for persons using chainsaws and other devices that could cause injury to legs. Protective footwear must comply with the following consensus standards: ASTM F-2412-2005, "Standard Test Methods for Foot Protection," and ASTM F-2413-2005, "Standard Specification for Performance Requirements for Protective Footwear," ANSI Z41-1999, "American National Standard for Personal Protection -- Protective Footwear," and ANSI Z41-1991, "American National Standard for Personal Protection -- Protective Footwear."

Hand & Arm Protection (OSHA regulation § 1910.138)

Workers' hands and arms must be protected from cuts, burns, chemicals, bodily fluids and other recognized hazards. Proper hand wear must be selected for the task. Material safety data sheets specify the type of hand wear needed for handling various chemicals.

Other Related Issues

Occupational Noise Exposure – Hearing Conservation (OSHA regulation § 1910.95)

Hearing protection must be provided for persons exposed to noise levels exceeding limits set forth in 1910.95. The noise level of the workplace must be measured to determine if hearing protection is required. The City must furnish ear protection that will diminish the noise to acceptable levels. Foam earplugs, ear “muffs”, or other suitable method may be used to reduce noise exposure when no other way to reduce the noise level is possible.

Water Hazards

A U.S. Coast Guard approved life jacket or buoyant work vest is required when there is danger of falling into water at the work site. For emergency rescue operations, boats and ring buoys with at least 90 feet of line are required when working over or on water.

Visibility Issues

Day workers are required to wear Class 2 Hi Visibility safety vests when working in the road right-of-way and exposed to traffic hazards.

Employees working areas where there is danger of moving vehicle traffic at night or in low light conditions are required to wear Class 3 Hi Visibility safety vests or clothing with reflective material designed for high nighttime visibility.

Seatbelts

Seatbelt use is mandatory in the state of Iowa when driving a motor vehicle. Employees must use seatbelts when machines or equipment are factory equipped with the devices.

(Refer to the City of Hiawatha's Seat Belt Policy for additional information and/or requirements)

Personal Protective Wear

PPE that is worn frequently or daily and is sized or customized for a specific employee (i.e. steel toed footwear, prescription safety glasses, etc.) is considered “personal protective wear”. Employees should refer to their departmental Standard Operating Procedure Manual to determine who is responsible for purchasing the personal protective wear, as well as the recommended replacement schedule for said item(s).

PERIODIC POLICY REVIEW

Program Name: _____

Evaluation Date: _____

Evaluation Team: _____

Name	Title	Department

List injuries, exposures or near misses attributable to failure of program or failure to follow program:

Recommendations for additions to procedures/policies with explanation for each:

Recommendations for deletions of procedures/policies with explanation for each:

Recommendations for modifications to procedures/policies with explanation for each:

Description and date of actual modifications made:

PERSONAL PROTECTIVE EQUIPMENT (PPE) POLICY

SIGNATURE PAGE

I have received a copy of the City of Hiawatha's Personal Protective Equipment (PPE) Policy.

I understand the Policy and acknowledge that I must abide by the terms of the Policy as a condition of my employment with the City.

Employee's name (print or type)

Employee's signature

Date

Personal Protective Equipment Needs Assessment

Department/Division: **COMMUNITY DEVELOPMENT**

Check each of the types of personal protective equipment that would be required for the listed task.

Building Inspection	Tasks or work functions that are performed by employees of the department or division:									
	X	Safety Glasses								
	X	Hard Hat								
	X	Traffic Safety Vest								
		Hearing Protection								
		Muffs								
	X	Plugs								
		Gloves								
		Leather								
		Chemical Resistant								
	X	Latex Gloves								
		Face Shield								
		Chemical Apron								
	X	High Visibility Clothing								
		Welding Face Cover								
		Welding Gloves								
		Flame Resistant Clothes								
	X	Safety Toed Shoes								
		Di-electric Safety Shoes								
		Chainsaw Chaps								
		Chemical Goggles								
		Respiratory Protection								
		Self Contained								
		Air Purifying								
	X	Disposable Shoe Protectors								

Personal Protective Equipment Needs Assessment

Department/Division:

FIRE

Check each of the types of personal protective equipment that would be required for the listed task.

Tasks or work functions that are performed by employees of the department or division:	Safety Glasses	Structural Fire Ensemble 3	Forestry Fire Ensemble	EMS Coat	Fire Helmet	Work Gloves	Extrication Gloves	Latex Gloves	Face Shield	Respiratory Protection	Self Contained	Air Purifying	Traffic Safety Vest 4	Hearing Protection	Ladder Belt				
Structural Firefighting	X	X			X						X								
Brush/Wildland Firefighting	X	X	1		X														
EMS Medical Calls	X			X				X	X										
EMS Auto Accident	X	X		X	X		X	X	X				X						
EMS Extrication	X	X		X	X		X		X				X						
Car/Auto Fires		X			X						X								
Filling SCBA/O2 Bottles	X					X										X			
Operating Power Tools	X					X										X			
Aircraft Ground Operations	X	X			X								X	X					
Working In Road Right-of-Way					X								X	X					
Check/Wash/Service Trucks	X					X								X					
Cleaning Fire Hose						X													
Loading Fire Hose					X	X													
Clearing snow/mowing lawn	X					X							X						
Cleaning Fire Station Etc	X									X									
Ladder Operations	X	X			X						X				2				
Spills/Leaks/etc-Hazmat Ops Only	X	X			X			X			X		X						
Person Search	X					X		X					X						
Unknown LEO Standby/Response	X	X			X			X					X						

NB: Training in all above areas require the same protective equipment as the actual activity.

1-If Wild Land PPE provided

2-On Aerial Devices only

3-Includes Fire Helmet, Pants & Coat, Structural FF Gloves, Protective Hood, Fire Boots

4-High Visibility Safety Vest Required on Vehicle Traffic Rights-of-Way only

LIBRARY

Tasks or work functions that are performed by employees of the department or division:

None

Personal Protective Equipment Needs Assessment

Department/Division:

PARKS

Check each of the types of personal protective equipment that would be required for the listed task.

Tasks or work functions that are performed by employees of the department or division:	Safety Glasses	Hard Hat	Traffic Safety Vest	Hearing Protection	Muffs	Plugs	Gloves	Leather	Chemical Resistant	Latex	Face Shield	Chemical Apron	Welding Goggles	Welding Face Cover	Welding Gloves	Flame Resistant Clothes	Safety Toed Shoes	Di-electric Safety Shoes	Chainsaw Chaps	Chemical Goggles	Respiratory Protection	Self Contained	Air Purifying
spraying weeds	X						X		X														
working in road right-of-way			X																				
operating gas powered equipment	X				X	X		X									X	X					
operating power tools	X				X	X		X									X						
pulling weeds							X																
cleaning restrooms										X													

Personal Protective Equipment Needs Assessment

Department/Division:

POLICE

Check each of the types of personal protective equipment that would be required for the listed task.

[illegible]

Personal Protective Equipment Needs Assessment

Department/Division:

ROAD USE & SEWER

Check each of the types of personal protective equipment that would be required for the listed task.

Tasks or work functions that are performed by employees of the department or division:	Safety Glasses	Hard Hat	Traffic Safety Vest	Hearing Protection	Muffs	Plugs	Gloves	Leather	Chemical Resistant	Latex	Face Shield	Chemical Apron	Welding Goggles	Welding Face cover	Welding Gloves	Flame resistant clothes	Safety toed shoes	Di-electric safety shoes	Chainsaw Chaps	Chemical Goggles	Respiratory Protection	Self Contained	Air Purifying
Operating concrete saw	X				X	X											X						
Operating power tools	X				X	X		X															
Welding								X					X	X	X	X	X				X		
Confined space entry		X							X													X	
Operating sewer jetter	X					X			X								X						
Grinding	X					X		X			X												
Operating chain saw	X	X				X		X									X		X				
Torch	X										X					X	X						
Working in road R-O-W		X	X														X						
Servicing vehicles	X									X													

Personal Protective Equipment Needs Assessment

Department/Division:

WATER

Check each of the types of personal protective equipment that would be required for the listed task.

[illegible]