

City of Terrytown, Nebraska Employee Policy Manual

Nature of Policy Manual: This Policy Manual does not constitute a contract, but rather is a summary of the employment-related policies and guidelines of the City of Terrytown, Nebraska. This Policy Manual is not all inclusive of the policies and guidelines of the City and may be revised unilaterally by the City at any time. This Policy Manual supersedes previous Policy Manuals of the City. Nothing in this Policy Manual is meant to replace or be a substitute for the customary code of workplace conduct and professional standards of the City. Nothing in this manual shall alter, amend, or limit the rights of the City or Employee as granted by the City of Terrytown Municipal Code, Nebraska Revised Statutes or federal, state, or local authority.

Effective Date: _____, 2025

TABLE OF CONTENTS

Administration.....	Page 3
Accomodations and Reporting.....	Page 4
Employment.....	Page 5
Employment Requirements.....	Page 7
Compensations.....	Page 11
Benefits.....	Page 15
Health and Safety.....	Page 20
Discipline.....	Page 23
Employee Acknowledgement Form.....	Page 27

ADMINISTRATION

City Administrator: The City Administrator is responsible for the administrative responsibilities of the City, as defined in the City of Terrytown Municipal Code. Should the City Administrator position be vacant, the roles delegated to the City Administrator under this manual shall be filled by a Personnel Committee appointed by the Mayor each year in December and shall be comprised of two (2) City Council Members.

Human Resource Director: The Human Resource Director shall be the City Clerk. The Human Resource Director shall be responsible for the task of handling personnel records and related personnel administration functions. Questions regarding insurance, wages, and interpretation of policies may be directed to the Human Resource Director or their authorized agent.

Department Heads: The Utility Supervisor and City Clerk shall serve as Department Heads over other City Employees. Utility and maintenance employees shall report to the Utility Supervisor. Office employees shall report to the City Clerk. For purposes of reporting, the Code Enforcement Officer shall report to the Utility Supervisor. All employees shall report to the City Department Head. Department Head may mean any employee serving in a capacity which provides oversight or direction to other employees. This may include employees charged with providing guidance or direction over part-time or seasonal employees, for example. Giving guidance (direction for job duties) should only be done by Department Head, and in the absence of their direct department head, lateral Department Head will give guidance/direction. Department Heads are regularly complete accurate and evaluations of all staff they supervise.

Personnel Records and Forms: It is each Employee's responsibility to update the Human Resource Director as soon as possible regarding changes to their personnel file, including but not limited to:

- 1) Tax documentation or withholding requirements, including exemptions on W-4 form
- 2) Payroll withholdings or deductions, including those for child support or benefits
- 3) Legal name
- 4) Home address
- 5) Phone number
- 6) Emergency contact
- 7) Number of dependents
- 8) Marital status
- 9) Change of beneficiary
- 10) Driving record or status of driver's license, if the employee operates a City vehicle
- 11) Military or draft status

Coverage or benefits under the City's benefits package, and employee payroll deductions or withholdings may be affected by the information in an Employee's personnel file. It is each Employee's responsibility to keep this information up to date and current.

Personnel files are the property of the City, and access to the information they contain is restricted. Generally, only officials and representatives of the City who have a legitimate reason to review information in a file are allowed to do so. With reasonable advance notice, an Employee may review material in their file but only in the City office and in the presence of the Mayor or Human Resource Director.

ACCOMODATIONS AND REPORTING

Disability and Religious Accommodations: If any Employee needs an accommodation which will help the Employee perform their job duties, the Employee shall contact the Human Resource Director to request such accommodation. If any Employee needs an accommodation from the City's regular policies which is necessary to allow the Employee to keep or practice their religious beliefs, then the Employee shall contact the Human Resource Director to request such accommodation. The City will make accommodations as required by applicable law.

Harassment/Reporting: The City prohibits harassment related to age, race, sex, color, religion, national origin, disability, genetic information, sexual orientation, military service or veteran status, or any other status protected by applicable law. Unlawful harassment includes verbal, written, or physical conduct that has the purpose or effect of substantially interfering with an Employee's work or creating an intimidating, hostile, or offensive work environment. It is the responsibility of all City employees and its elected or appointed officials to keep our work environment free of harassment.

If an Employee believes there has been a violation of this harassment policy, he or she shall use the following reporting procedure:

- 1) Any Employee, elected official, or appointed official who becomes aware of an incident of harassment must report it to the City Administrator, Human Resource Director, Mayor, City Attorney, or any other elected official of the City with whom the employee feels comfortable.
- 2) Upon receipt of a harassment complaint, the person notified shall immediately report the complaint to the City Administrator, Human Resource Director, Mayor, or City Attorney, except for excluding any of those individuals, if that individual is the subject of or involved in the complaint.
- 3) The notified persons shall investigate the complaint promptly and thoroughly, with due regard for the privacy of the individual(s) involved. The City takes all harassment claims seriously and upon completion of necessary investigation, prompt and appropriate corrective action will be taken. An investigation report will be prepared summarizing interviews, conclusions and discipline taken, if any. This report, along with notes, will be maintained in a separate, confidential file by the Human Resource Director, if any, or the City Attorney. No information about the complaint shall be released to any person not involved in the investigation, except to the Attorneys, individuals or entities required by law, or to further the investigation. An investigation report will be prepared summarizing interviews, conclusions and discipline taken, if any. This report, along with notes, will be maintained in a separate, confidential file by the Human Resource Director, if any, or the City Attorney.

The Employee with a harassment complaint is strongly encouraged to keep a detailed written record of the harassing conduct (e.g. dates of incidents, places of incidents, what was said or done, names of witnesses, etc.). ***Each Employee is responsible for reporting, and encouraged to report, harassment observed by the Employee, even when the Employee is not the direct victim of the harassment.***

The City prohibits coercion, intimidation, discrimination, and retaliation against an Employee for filing a complaint under this policy or for assisting in a complaint investigation. If an Employee perceives coercion, intimidation, discrimination, or retaliation for making a complaint or for participating in an investigation, the Employee shall follow the complaint procedure outlined above.

The City will not provide legal, financial or any other assistance to an individual accused of harassment if a legal complaint is filed.

EMPLOYMENT

Employment: Employment with the City is at will. The City may terminate any Employee at any time, without notice, except any such notice or other procedure that is otherwise required by law, ordinance, or other applicable authority. Nothing in this Policy Manual should be construed as changing the nature of employment at the City or as creating a contract of employment between an Employee and the City.

Equal Opportunity Employer: The City of Terrytown is an equal opportunity employer. Discrimination on the basis of race, color, sex, national origin, religion, disability, sexual orientation, age, political affiliation, or other protected class with respect to terms and conditions of employment, recruitment, selection, hiring, promotion, demotion, lay off, recalls, transfers, dismissal, termination, or otherwise is prohibited. No person employed by the City shall be appointed, promoted, demoted, dismissed, terminated, disciplined, or otherwise for any reason other than their qualifications, merit, performance, and fitness of service, or lack thereof. The City will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Recruitment: The City Administrator or Personnel Committee in their absence, the City Council will authorized to recruit full-time and part-time Employees. The recruiting of personnel for appointed positions and full-time positions will, at all times, be the responsibility of the Mayor and Council, unless otherwise required by law, ordinance, or other applicable authority.

Selection and Appointment: The selection and appointment of prospective full-time employees shall conform to the following procedure:

- 1) **Opening.** The City Council shall determine when a job opening within the City exists, and a suggested hiring range.
- 2) **Notice.** Upon determination that a job opening exists in the City, existing employees of the City will be given notice of the title, job description, and salary range for the existing opening and interested employees will be able to apply. Additionally, the position will be advertised to the general public so as to give the City the best opportunity to fill the position with a qualified individual.
- 3) **Application.** Applicants will be required to make application for consideration of employment on an application form furnished by the City and will be required to provide all such information as is requested by the application form. All applicants for employment shall be American citizens or otherwise authorized to remain and work in the United States. All such applicants shall also meet any and all legal age requirements. Applications will not be given out unless a job opening exists.
- 4) **Residency.** Employees who are subject to being on-call are required to reside within a thirty (30)-minute response area. New employees subject to this requirement are to comply with

the residency requirement within ninety (90) days of the date of employment. Exceptions may be granted when appropriate and necessary.

5) **Job Descriptions.** Job descriptions for all City positions are available at the City Clerk's office.

6) **Hiring Procedures.** For all open positions, the City Administrator will review all applications and select the qualified applicants to be interviewed. If there is no City Administrator, then the Mayor and Human Resource Director or Department Head shall review all applications for eligibility and interview scheduling.

a. **Interviews.** The City Administrator and Department Head, if any, shall interview qualified applicants. The City may enroll the help of other City staff, or outside individuals with expertise in the field for the interview. The interview may include, when appropriate, physical tests or other examinations, to determine if the applicant is capable of performing the job.

b. **Background Checks.** After the interviews, the City Administrator shall determine the most qualified individual(s). That applicant or applicants shall have their references checked. If the position cannot be filled with that applicant or applicants, then references may be checked for the next most qualified applicant(s), and so on.

c. **Disqualifications.** Any applicant may be disqualified or removed from the hiring process, not interviewed, or removed from the list of eligible applicants or removed from their appointed position (if applicable), if the applicant:

i. failed to meet the preliminary requirements for employment;

ii. made a false statement of material fact on the employment application or their interview;

iii. used or attempted to use political pressure or bribery to secure an advantage;

iv. directly or indirectly obtained unauthorized information about the position, examination, interview, or administration thereof;

v. failed to submit the application fully, correctly, or within the prescribed time limits.

d. **Recommendation and Approval.** The City Administrator and Department Head will make a recommendation as to hiring and salary to the City Council. The Council retains final decision-making authority and shall approve all Employees for hire.

Probationary Period: Upon approval and acceptance of employment by the City, newly hired Employees shall be considered probationary. Employees for the first ninety (90) days, during which time it is expected that the Employee becomes proficient in the hired role. During this probationary period, an Employee may be terminated at any time by their Department Head, the City Administrator, or the Mayor. Employees are to be evaluated prior to completion of a probationary period, at which time, an Employee may be approved for regular employment, terminated, or their probationary period extended for an additional ninety (90) days. No more than two probationary periods shall be allowed for any Employee. Newly-promoted employees shall also have a 90 day probationary period, at the conclusion of which they will also be evaluated.

Employment of Relatives. Close Relatives, being defined as married individuals, parent/child, or siblings, shall not be permitted to act in a direct supervisory role of one another. If an Employee holds a position which requires a Close Relative to act as their supervisor or Department Head, the Employees' roles shall be adjusted. Employees which may have such a role shall complete a conflict-of-interest disclosure statement as soon as the conflict is known and present the same to the City Council.

EMPLOYMENT REQUIREMENTS

Attendance and Punctuality: Regular attendance is an essential function of each Employee's job and is necessary for the efficient operation of the City. Employees shall be punctual in reporting to work at the beginning of the day and after meal or other breaks. Regular attendance or punctuality issues are grounds for discipline.

If an Employee cannot report for work or cannot report for work on time, the Employee shall notify their Department Head immediately, Unless due to an emergency, Employee must contact their Department Head no less than one hour prior to the start of their shift. If the Employee is a Department Head, he/she shall notify the Human Resource Director immediately, but no later than within the first half hour of scheduled duty. Failure on the part of an Employee to comply with these policies shall be cause for discipline. Absence from work for any length of time without notifying the Department Head or the City Administrator, as appropriate, will be considered a voluntary resignation, barring there is not an emergency, at which point written documentation will be required as soon as practicable.

Department Heads will record any absence or lateness, and the reason. An Employee's attendance record will be considered when evaluating requests for promotions, transfers, leaves of absence, and approved time off, etc.

Excessive Absenteeism or Lateness. Any consistent pattern of absence or tardiness will be considered excessive, and the reasons for the absences or tardiness may come under question. An Employee's Department Head or the Human Resource Director shall be responsible for determining whether an Employee has a consistent pattern of tardiness. Factors to consider when determining whether an Employee has a consistent pattern of absence or tardiness are as follows:

- Five (5) unexcused absences or instances of tardiness or leaving early will be considered a consistent pattern of absence or tardiness.
- If an Employee has been tardy or leaves early three (3) days or instances within a ninety (90)-day period, each instance of tardiness or leaving early will hold the same weight as an absence.
- Other factors, like the degree of lateness, shall also be considered when determining whether an Employee has a consistent pattern of absence or tardiness.

A consistent pattern of absence, tardiness, or leaving early is grounds for discipline.

Record of Absence or Lateness. If an Employee is absent five (5) or more days because of illness, the Employee may be required to provide written documentation from a doctor that they are able to resume normal work duties before being allowed to return to work.

Hours of Work: The work week of the City shall begin on Sunday and go through Saturday, and shall consist of forty (40) working hours. The nature of the City's business and the various departments make it

impossible for departments to operate on the same schedule of working hours. Working hours for the City Clerk, clerical employees and office staff shall be 7:30-3:30 Monday through Friday. It is expected that the City Office be staffed during this time, unless Staff has meetings to attend or work errands , which shall be publicized in advance. Working hours for the maintenance, utility, and code enforcement staff shall be five (5) day work weeks (Monday through Friday) and eight-hour days (7:00 through 3:30), with half an hour for lunch. Any variation from this schedule shall be approved by the Council.

Rest period. Each Employee may enjoy the privilege of a rest period, once in the morning and once in the afternoon, for a maximum of fifteen (15) minutes each. Rest periods cannot be combined, saved, or accumulated.

Lunch period. The scheduling of lunch periods will be determined and assigned by each Department Head. Under normal conditions, lunch should be one (1) hour of unpaid time daily, or one-half (½) hour depending on the Department. If a lunch period needs to be missed, a meal waiver will need to be filled out and signed by the Department Head and Human Resources Director or City Administrator for approval. No pre-approval shall be required for utility department personnel who are called in over their scheduled lunch break.

No flex time. Employees may not work through lunch or arrive early or work late in order to adjust their work schedules, avoid taking sick or vacation time, arrive late/leave early, or work extra time. If Employees need to leave early or otherwise adjust schedules, they should take sick leave or vacation time, as appropriate.

Time Clock. Employees are responsible for fairly and accurately documenting their time in/time out each morning, evening, and lunch period *at the time* each Employee begins their workday, begins their lunch break, resumes their workday, and ends their workday. Workdays reported need to be an accurate representation of hours worked and should generally match the expected work hours for the department. The Employee himself/herself must document their time as required herein- no other person may document time in/time out on behalf of an Employee. Dishonesty or failure to report fairly, accurately, and in accordance with the requirements herein is grounds for discipline.

Overtime. From time to time, it may be necessary for Employees to perform overtime work in order to complete a job on time or due to weather requirements or emergency. All overtime must be approved by the Department Head. All overtime MUST be documented as to a specific department with written justification necessitating the overtime and specifying the work performed. Such information shall be contained in a report shall be attached and presented to the City Council in the regular meeting packets. When it is necessary to work overtime, Employees are expected to cooperate as a condition of their employment. Overtime pay will be calculated in compliance with the Fair Labor Standards Act (FLSA). Overtime pay rates do not apply until the Employee has actually worked 40 hours in any given work week.

Weather-related Closures. During weather-related emergencies declared by the Mayor or City Administrator, non-essential Employees will be encouraged to consider their own safety when deciding whether to travel to and from work. If the non-essential Employee feels unable to safely report to work, the Employee may elect one of the following with the approval of the Department Head: utilize vacation time or one of the following upon approval from the Employee's Department Head: work remotely or make up time within the current forty (40) hour pay period. In the event the Employee does not have vacation and alternative working scenarios are not feasible, leave may be taken without pay.

If Mayor or City Administrator announces closure of City offices and non-essential Employees are unable to work because of the office closure, these Employees will be excused with pay for the hours work cannot be performed for the City.

Employee Development:

Orientation. Each Department Head shall be responsible for facilitating the adjustment of an Employee to their work situation by:

- 1) Providing each Employee with a clear statement of their duties and official relationships;
- 2) Introducing each Employee to those with whom he/she will be working;
- 3) Instructing and guiding the Employee in learning to perform functions;
- 4) Discussing at frequent intervals the progress of the Employee in learning and performing their work;
- 5) Providing a clear statement of fringe benefits available.

Conferences/Conventions. Employees are encouraged to participate in conferences, conventions, and meetings, which have a direct relationship to the Employee's position and the City's services. Employee attendance must first be approved by their Department Head. Final approval for attendance at such conferences, conventions, and meetings, and approval of expenses shall be obtained from the City Council.

Incentive. Upon successful attendance and completion of continuing education to obtain certifications relating to an employee's duties in the scope and course of their employment, the City will, compensate the employee \$100.00 per certification, with a maximum of \$500.00 per year payment for each employee who can demonstrate they have passed an examination and achieved a higher level of certification in regard to their employment activities. Compensation will not be given for classes that are mandatory for the employee's position.

Evaluations: To achieve the City's goal to train, promote and retain the best qualified Employee for every job, the City shall conduct periodic performance evaluations for all positions. Department Heads are responsible for continual evaluation of their department Employee's job performance. Formal review or evaluations should also be conducted in the event of a promotion, change in duties or responsibilities or as otherwise requested by an Employee, Department Head, City Administrator, or the Mayor. A formal performance review shall be conducted by the Department Head and City Administrator **at least** annually and shall consider, at a minimum, the following:

- 1) Attendance & reliability
- 2) Initiative and effort
- 3) Attitude, willingness, ability to take instruction and work as a team
- 4) Knowledge of work
- 5) Quality and quantity of work

Evaluations remain a part of an Employee's personnel record and may be a factor in determining the Employee's conversion to regular status, whether the Employee receives a wage increase, or is to be promoted, transferred, demoted, laid off, or terminated.

Appearance. Employees are expected to dress and groom in accordance with accepted social and business standards, particularly when jobs involve interactions with citizens. Each Department Head, with the approval of the City Administrator, is responsible for establishing and enforcing a reasonable dress

code, appropriate to the jobs performed. A neat, tasteful appearance contributes to the positive impression of the City and its citizens. If the Department Head or the City Administrator feels an Employee's attire is out of place, they may be asked to leave the workplace until properly attired. Employees will not be paid for time off the job for this purpose. Violations of dress code are grounds for discipline.

Conduct. Employees shall maintain the highest ethical standards and professionalism in conducting any City affairs and interactions with residents, customers, suppliers, employees, advisors and the community. It is expected that City Employees shall be polite, fair, respectful and courteous toward all with whom they do business. In the case of any problem with any of the aforementioned, the Employee shall, without hesitation, refer the matter to a Department Head, the City Administrator or Mayor for proper handling.

Confidentiality. Disclosure of confidential information is prohibited. Confidential information is any information or documentation that is not otherwise disclosed or required to be disclosed to the public, including but not limited to: personnel information, disciplinary information or actions, trade secrets, files, records, passwords, access to physical or electronic data or locations, customer names and contact information, employee information, or any other information or documentation that is not otherwise public record. Violation of this provision is grounds for discipline.

Suggestions. All City Employees are encouraged to consider each part of their jobs as well as the jobs of others, as well as the operation of the City as a whole, to see what improvements can be made. New ideas relating to safety, efficiency, public relations, employer-employee relations, or any other subject which might benefit the City, its employees, or citizens are always welcome. In making a suggestion, the Employee should inform their Department Head or the City Administrator. Ideas conveyed to Department Heads should be relayed to the City Administrator, Mayor, and City Council. It is helpful to present the idea in writing, so that all may understand it fully.

Outside Employment. What Employees do on their free time is their own business. However, outside activities or outside employment shall not interfere with an Employee's ability to properly perform Employee's job duties to the City. If an Employee has a second job it shall not interfere with their job at the City, nor pose a conflict of interest or be incompatible with their duties.

Use Of City Property and Use Of Phones & Equipment. City equipment, material or supplies shall not be used for personal purposes. Phones supplied by the City are restricted to City business. It is the Employee's responsibility to ensure any City issued phone is on their person and kept secure to prevent unauthorized use. Employees shall promptly notify the Department Head or City Administrator in the event of loss or damage. Employees should use discretion when using their personal or City-provided phones during work hours and should limit their use to City-related business or emergency situations only.

Internet. The City provides Employees access to the Internet for City business purposes only. Except for occasional personal use, which does not interfere with the user's productivity in performing job duties for the City, City resources shall not be used for extended personal use, except in the event of an emergency. Internet use on City-owned devices or City time shall comply with the following:

- 1) Inappropriate Content shall not be accessed, transmitted, or disseminated. "Inappropriate Content" includes, but is not limited to: gambling, sales, use, or promotion of illegal activity or violence; nudity or sexually explicit or lewd images or content, cartoons, or messages; harassing or offensive; racial, religious, or ethnic slurs, epithets, cartoons or messages. This list is not intended to be exhaustive and employees should refrain from accessing any site which is potentially sensitive or inappropriate for viewing on City premises and from clicking on or engaging in emails which appear to be misleading or may contain spam, malware, or other

- malicious or fraudulent content.
- 2) Employees are strictly prohibited from violating intellectual property rights belonging to others, including copyrights, trademarks, patents, trade secrets, publicity and privacy rights.
 - 3) Extreme caution shall be exercised before downloading files, or opening unknown unfamiliar links, and potential viruses shall be reported immediately. Downloading, coping or saving material to City equipment not directly relevant to an employee's work is prohibited.
 - 4) City equipment shall not be used to post or transmit information, except for express business purposes and in accordance with the terms of this policy.

Waiver of Privacy: *Communications over City equipment are not private. The City reserves the right (but does not undertake the duty) to monitor all electronic communications using City equipment, including those sent, received, downloaded, uploaded, stored or deleted by users or which may otherwise be accessible through City equipment (such as the records of web sites visited by users).*

Separation of Employment. The City requests that Employees give the City as much notice as possible, and at least two weeks' notice, if the Employee plans on resigning or retiring from employment with the City.

Grievance Procedure. If an Employee has any issue or concern or is unhappy with how a matter was handled, they shall discuss the issue with their direct supervisor (if applicable) or Department Head. If the Employee's issue or concern is with the supervisor (if applicable) or Department Head, the Employee shall bring the issue or concern to the Human Resource Director or City Administrator. The Human Resource Director or City Administrator will investigate the matter and work with the Employee(s) to come to a resolution or escalate the matter to the appropriate individuals or authority as appropriate.

COMPENSATION

Pay Plan: The Mayor and City Council, with the aid of the City Administrator shall review the pay schedule annually. The pay schedule for each Employee shall be determined with due regard to duties, authority, responsibility, qualifications and education required, prevailing rates of pay for comparable work in other public and private employment in the area, cost of living, the financial condition of the City and other relevant considerations. The City Administrator, with the assistance of the appropriate Human Resource Director, shall submit the proposed plan each fiscal year to the City Council as an integral part of the annual budget.

Computing Pay:

Timecards. It is an Employee's responsibility to fairly, accurately, and timely keep track of their time worked in accordance with the policies herein. Timecards are due for hourly Employees prior to pay day. Pay day shall be on a bi-weekly basis. Failure to by an Employee to accurately keep their timecard or failure to submit their timecard in a timely manner could result in a delay in pay. Under no circumstances are Employees to report time spent driving to/from work on their time cards.

On-line check in. When available through City software, Employees will be required to clock in and out from the job site. This allows for accurate accounting.

Pay Periods and Hours. *Pay periods of City Employees shall be bi-weekly. Pay day shall be the Friday. Our payroll work week begins on Wednesday at 12:01 A.M. and ends on Tuesday at 12:00 Midnight.*

Exceptions on the pay period and hours may be granted by the Mayor and City Council in writing.

Salary. Should an Employee be "salaried" whose pay is not based on an hourly rate, there may be times when it is necessary to compensate for daily or hourly pay. When this is necessary, the City will compute time on the basis of an eight (8) hour workday, a forty (40) hour work week, a fifty-two (52) week work year and a twelve (12) month work year.

Authorized Deductions. Certain deductions are made from the pay of City Employees, either because it is required by law or the Employee authorizes such a deduction. These may include, but are not limited to:

Federal withholding tax.....	Mandatory
Social Security.....	Mandatory
State withholding.....	Mandatory
Pension.....	Optional
Authorized health and medical insurance.....	Optional
Reimbursement for damage to City property.....	Optional

Garnishment, child support, or other required pay deductions may be deducted from employee paychecks, if required by law or Court order.

Pay Rates:

Starting Pay. Generally, all Employees shall receive as starting pay the minimum rate for the assigned position upon appointment to a position in the City service. Temporary or part-time Employees shall receive starting pay on an hourly basis according to the pay plan, as established by Mayor and City Council.

- 1) **Pay Exceptions.** Exception to this provision may be made by the Mayor and City Council in cases where a serious manpower shortage exists for a given position or where appointment of a technical or professional person of unusual qualifications is necessary and where entrance pay above the minimum rate is deemed advisable. This differential is to encourage present and future Employees to prepare themselves to do a better job. In-service training or special courses financed by the City shall not necessarily entitle the Employee to an additional pay increase.
- 2) **Re-employment.** An Employee who is separated from service with the City, either because of resignation, indefinite lay-off, seasonal employment, or disciplinary action, may be re-employed in either a regular or temporary position in the same class from which separated, by complying with all requirements of a new Employee. Except in the case of a seasonal Employee, the Employee shall once again serve a probationary period regardless of whether the Employee had probationary or permanent status prior to separation. An Employee may be re-employed in a different class of equal or lower pay than for which the Employee is qualified.

Pay Increases. The salary increment date for each Employee shall normally be the beginning of the fiscal year.

- 1) Annual Increase Eligibility. Permanent Employees may be eligible for pay increases annually at the beginning of the fiscal year.
- 2) Probationary Increases. At the end of successful completion of the probationary period, Employees may be eligible for a salary increase.
- 3) Certification raises. If an Employee obtains a required or requested certification, license, or other accreditation relevant to their employment, they may be eligible for an increase in pay. Such increases will result only at the discretion of the City Administrator and City Council.
- 4) Exceptional Merit Increases. Permanent Employees may be eligible for exceptional merit increases in pay. Such increases will result only at the discretion of the City Administrator and City Council.

Overtime:

Hourly Employees. Employees who are paid on an hourly basis will be paid for any approved, authorized, or required overtime at the rate of one and a half (1 ½) times their normal hourly rate, in compliance with the Fair Labor Standards Act (FLSA). Overtime rates will not begin until an employee has worked 40 hours in any given work week. Holiday or leave time will not be factored into this calculation.

Salaried Employees. Salaried Employees shall not be entitled to overtime pay or compensatory time for additional hours on duty, unless required by FLSA.

Authorized Overtime. All overtime must be authorized by the applicable Department Head, City Administrator or the Mayor. Department Heads should arrange work schedules so as to minimize overtime usage.

On Call Pay. Maintenance and utility Employees may be required to work “On Call” time. “On Call” rates will be the equivalent of one hour of pay for regular workdays and eight hours of pay for holidays or weekends. If an on-call Employee is called into work, their regular rate of pay shall apply while on duty. If an on-call Employee is required to report to duty due to weather, emergent or urgent circumstances or as otherwise determined by their supervisor, or in the case of Department Heads, the Mayor, they shall be paid a minimum of two (2) hours’ work. For call back time worked exceeding two hours, Employees shall be paid for the actual number of hours worked. An employee shall not receive both on-call pay and paid leave other than holiday pay.

Terminal Pay.

- 1) **Suspension.** An Employee who has been suspended as a disciplinary action shall be paid any wages due on the next regular pay day.
- 2) **Termination.** An Employee whose employment is terminated shall be paid any wages and unused earned vacation, if any, as soon as the amount is certified by the Human Resource Director, but no later than the next regularly scheduled pay day or within two (2) weeks, whichever is sooner, or as otherwise required by Nebraska Revised Statutes and the Department of Labor.
- 3) **Resignation.** An Employee resigning their position whose date of separation falls between regular established pay dates will be paid any wages and unused earned vacation on the next regularly scheduled pay day or within two weeks, whichever is sooner, or as otherwise required by Nebraska Revised Statutes and the Department of Labor.
- 4) **Death.** Upon the death of an Employee, their estate shall be entitled to payment for any earned wages and salaries, and accumulated vacation leave as was due to or accumulated by the Employee at the time of death, to be paid on the next regularly scheduled pay day or within

two (2) weeks, whichever is sooner, or as otherwise required by Nebraska Revised Statutes and the Department of Labor.

Wages in Advance Prohibition. No advance on future wages will be allowed.

Pay In Lieu Of Vacation Leave Accrued. Since the purpose of vacation leave is to provide Employees the opportunity for rest and relaxation, free from the responsibilities of the job, it is the policy of the City that Employees shall not be paid in lieu of accrued vacation leave, unless staff shortage or emergencies would make it necessary to cancel or postpone an Employee's scheduled vacation leave.

Reimbursement:

Official Expense. Employees shall be reimbursed for official travel in the performance of their duties, as well as official expenses related to their position. No reimbursement shall be made without receipts.

- 1) **Travel.** Official business outside the City by an Employee shall be by City owned vehicle whenever possible. If a City-owned vehicle is used, the City-owned vehicle shall be used and the Employee shall be reimbursed for the gas expended on the trip. If an Employee is required to use their own vehicle, mileage shall be paid at the State of Nebraska's established rate per mile.
- 2) **Subsistence per diem.** Subsistence expenses shall be reimbursed on the basis of an established per diem or per meal rate, as appropriate. Per diem and per meal rates are as set by the City Council.
- 3) **Lodging.** Lodging and miscellaneous expenses shall be reimbursed at cost, upon submission of receipts.
- 4) Subsistence, lodging, and other travel expenses shall be paid by the City only when the expenses are incurred during the performance of official duties as a City Employee and for the City's benefit.

Uniform Allowance. Employees required to wear uniforms shall have said uniforms furnished by the City. Upon successful completion of an Employee's probationary period, the City will provide up to five (5) shirts and two (2) sweatshirts of an office employee's choice. The City will further furnish five (5) short sleeved shirts, three (3) long sleeved shirts or vice-versa, two (2) sweatshirts, and one (1) coat to each Employee working in the maintenance department, including Code-Enforcement, that will be replenished as needed, but no more than annually. Coveralls, boots and other PPE will be provided via allowance for Employees working in the maintenance department including Code-Enforcement. Employees may elect to be reimbursed for said PPE upon presentation of receipts. The Council shall set a PPE spending allowance. Uniforms must be kept in neat/clean condition.

Upon separation of employment, all clothing or uniform items shall be returned to the City office by the Employee.

BENEFITS

Wages or salary alone cannot be used to measure the total attractiveness of employment with the City . The term "benefits" or "fringe benefits" refers to those added employment attractions provided by the City to encourage its Employees to remain in public service.

Benefits of City employment in Terrytown include the following:

- 1) 10 paid holidays annually.
- 2) Vacation leave.
- 3) Sick Leave.
- 4) Optional Group Health/Dental Insurance with City participation.
- 5) Workmen's Compensation Provisions.

Holidays: The City recognizes the following holidays during which Employees are not expected or scheduled to work. On the following City-recognized holidays, full-time Employees shall be paid based on their regularly scheduled hours and at their regular rates of pay:

New Year's Day.....	January 1
Presidents Day.....	Third Monday in February
Arbor Day.....	Last Friday in April
Memorial Day.....	Last Monday in May
Independence Day.....	July 4
Labor Day.....	1st Monday in September
Veteran's Day	November 11
Thanksgiving.....	4th Thursday in November
Day after Thanksgiving.....	4th Friday in November
Christmas Day.....	December 25

Weekend Holidays. When a legally recognized holiday as listed above falls on a Saturday, the preceding Friday shall be observed as the legal holiday. When the holiday falls on a Sunday, the following Monday shall be observed as the legal holiday.

Closure. On all holidays, or on the Monday or Friday being observed as the legal holiday, City offices shall be closed.

Leave Holidays. If a holiday occurs during a period that the Employee is on leave or vacation, no leave or vacation time will be charged for that day.

Part-Time. Part-time Employees will receive hourly pay at ½ their regularly scheduled hours.

Workmen's Compensation. Every paid Employee of the City is eligible for Workmen's Compensation benefits. The City carries insurance to protect itself against this liability.

- 1) Any Employee injured on the job, however slightly, must report the fact immediately to their Department Head or Human Resource Director. Failure to do this delays medical care and may result in unfavorable action upon a claim for compensation. If an Employee is injured to such an extent as to require medical attention or hospitalization, they shall be immediately taken to a physician or hospital of their choice.
- 2) It shall be the duty of the injured Employee's Department Head to obtain the necessary information regarding the accident and to notify the Human Resource Director immediately

and make certain that the proper written reports are made to the Workmen's Compensation Court.

Vacation Leave. All permanent Employees (including probationary Employees) earn paid vacation leave. After the Employee's first anniversary, eligible Employees earn vacation time as follows:

	Full-time	Part-time
1st Anniversary.....	40 hours	20 hours
2nd Anniversary.....	80 hours	40 hours
8th Anniversary.....	120 hours	60 hours
15th Anniversary	160 hours	80 hours
20th Anniversary and thereafter.....	200 hours	100 hours

Permanent part-time employees will earn vacation at half the rate of full-time employees.

Salaried Employees. Salaried Employees are entitled to the same vacation time as all other permanent full-time Employees, as described above. Salaried Employees are expected to work as many hours as is necessary to complete their job. Sometimes this includes working late, with the option to leave early other days. Salaried Employees are expected to take vacation time (or sick leave, as appropriate) if they are absent from work for a half-day or more.

Accumulation. Employees may carry over vacation leave from year-to-year, but in no event may an Employee accrue more than 320 hours accrual limit. This means that if an Employee does not use their vacation leave in a year, he or she may accrue less vacation leave in the following year. This is meant to encourage Staff Members to use their vacation leave each year.

Reporting. The Human Resource Director will keep a current balance of Employee vacation time. It is the Employee's responsibility to denote all vacation time used/requested on their timecard and to submit to the Human Resource Director a Leave Slip, as described below, to ensure that the Human Resource Director is advised of all expected and used vacation time.

Leave Slips. The Human Resource Director has "Leave Slips" that must be completed and turned into the Human Resource Director in order to track all vacation, sick, or other leave time taken. It is the Employee's responsibility to ensure that these slips are completed accurately and fairly and turned into the Human Resource Director each time an Employee wishes to use leave time.

Application. Vacation leave may be used for any reason but must be approved in advance. In order to be granted vacation leave, an Employee must apply for same on a "Request for Leave" form submitted to the Department Head at least two (2) weeks prior to the effective date of the requested leave whenever possible. Vacation leave for a Department Head or the Human Resource Director should be approved in advance by the Mayor or President of the Council. All "Request for Leave" forms shall be filed with the Human Resource Director upon their approval. "Request for Leave" applications submitted less than two (2) weeks prior to the effective date of the requested leave may be granted, at the discretion of the Department Head (or Mayor or President of Council, if the vacation leave is for a Department Head). Likewise, "Requests for Leave" may be approved retroactively, at the discretion of the approving authority, in instances where prior approval was not possible.

Department Schedules. Department Heads shall establish vacation schedules and take into account the seasonal demand upon their respective activities when setting up vacation schedules,

and spread vacations over as wide a period as possible in order to avoid any marked reduction in available personnel. Vacation Requests for Leave are granted as generously as possible, but can be denied if the department schedule or staffing requirements do not allow for it.

Hourly Basis. Vacation time and sick leave is on an hourly basis. Employees will take their vacation or sick leave on an hourly basis per hour normally scheduled. For example, an Employee who works five (5) days per week, eight (8) hours per day would take eight (8) hours of vacation time for a day off or forty (40) hours of vacation time for a week off. Employees may take only an hour of vacation time at a time, if appropriate.

No Compensatory Time. Employees are not allowed compensatory time. They may not ‘save up’ hours, work late, come in early, or work through lunch in order to take time off at another time. Any time off must be in accordance with the vacation, sick, or other leave provided herein.

Sick Leave. Sick leave is a benefit provided by the City to all permanent full-time Employees to provide a feeling of financial security and to prevent endangering the health of other Employees. SICK LEAVE IS NOT A PRIVILEGE AND CANNOT BE USED AT THE DISCRETION OF THE EMPLOYEE. Sick leave will not be given except in cases of actual illness or disability of the Employee or because of illness or death in the immediate family. Sick leave may be used for the following reasons:

- 1) When an Employee is unable to attend work for health-related reasons.
- 2) When an Employee is unable to attend work because he or she needs to care for an immediate family member for health-related reasons. Immediate family members, as it relates to this section, shall mean: Spouse, life-partner, child, or parent.
- 3) To attend health related appointments for the Employee or the Employee’s family member when such appointments cannot reasonably be scheduled during non-work hours.
- 4) During maternity/paternity leave as allowed in this Policy Manual.
- 5) Similar reasons upon approval of the Department Head or Human Resource Director.

Employees shall notify their Department Head as soon as possible upon knowing that they will be using sick leave but no later than within the first half hour before they are scheduled for duty. The Department Head shall notify the Human Resource Director of the Employee’s use of sick leave as soon as he/she receives the notification from the Employee. Upon return to work, it is the responsibility of the Employee to ensure that the Human Resource Director has been notified of the Employee's use of sick leave. The Employee must also denote sick leave accordingly on their timecard and complete a Leave Slip, as defined above.

Employees abusing the sick leave privilege may be subject to immediate suspension. An Employee loses all accumulated sick leave benefits upon termination.

Accrual. Upon successful completion of an Employee’s probationary period, sick leave shall accrue at the rate of four (4) hours of leave for each calendar month of service. The Human Resource Director may require a medical certificate from an Employee on sick leave whenever they determine it desirable. Sick leave may be accumulated up to a maximum of 480 hours. Permanent part-time employees will earn vacation at half the rate of full-time employees.

Accrual During Absence. Employees absent from work on regular holidays, sick leave, vacation, disability arising from injuries sustained during the course of employment, or special leave of absence with pay, shall continue to accumulate sick leave at the regular prescribed rate during such absence.

When Sick Leave Exhausted. In the event a permanent Employee's illness extends beyond their accumulated sick leave days, the Employee may use his accrued vacation leave days based on a work day basis by applying the same on a "Request for Leave" form.

Illness or Injury While Off Duty. If any Employee becomes ill or injured while on vacation, he/she may by written request, have their vacation status changed to sick leave for the duration of such illness or injury providing he/she does not exceed their sick leave credit and provided a doctor's certificate is presented with the request and the request is approved by the Department Head and the Human Resource Director.

Family Death Leave. The death of a member of the Employee's immediate family, but not to exceed five (5) days. This leave is separate from vacation or sick leave and does not require the use of vacation or sick leave. The City Administrator, Mayor, or Human Resource Director may increase the number of days if circumstances or if the travel distance or special circumstances warrants such an increase. For purposes of this provision, immediate family shall mean: the Employee's spouse, life-partner, child, parent, stepparent, parent in-law, grandparent(child), or sibling. Leave due to the death of a family member not included in the definition of "immediate family" may be taken without pay and shall not exceed 2 days.

Military Leave. Employees who serve in U. S. military organizations or state militia groups may take the necessary time off without pay to fulfill this obligation, and will retain all of their legal rights for continued employment under existing laws. These Employees may apply accrued and unused earned vacation time to the leave if they wish; however, they are not obliged to do so. Employees are expected to notify their Department Head as soon as they are aware of the dates the Employee will be on duty so that arrangements can be made for replacement during this absence, whenever possible. The Employee must return to their City position immediately on being relieved from such military service. The City cannot and will not penalize or discriminate against any Employee who is absent due to military service or the obligations related thereto.

Jury Duty. Employees are entitled to leave for bona fide jury duty. Employees serving on such jury duty are entitled to compensation for the day(s) that they are serving. If the dollar amount received for jury duty is less than the Employee's salary computed on a daily basis, the City shall pay the difference between the Employee's normal salary and jury duty pay upon presentation of a voucher substantiating the jury duty pay amount. If an Employee is excused from jury duty during their regular work hours, he or she is expected to report to work promptly thereafter.

Leave of Absence. An Employee may be granted a leave of absence without pay for a specific period by the City Administrator or Human Resource Director. Such leave may be granted on a case-by-case basis and in accordance with applicable law.

Extended Illness. A permanent employee who is incapacitated by sickness or injury may be deemed to be on leave of absence after all their accumulated sick leave and vacation leave has been used. Such an employee shall retain their employment privileges with the City up to three (3) months from their last day of sick leave or vacation leave credit at which time he/she will be considered to have resigned.

Expiration. If a leave of absence is granted, the Employee must report for work or request an extension on or before the leave of absence expires. If the Employee fails to do so, the Employee will be considered as absent, without leave.

Health, Dental, And Life Insurance. The City will provide health insurance, dental insurance, and vision insurance for permanent full-time Employees. If an Employee wishes to add their family to a health or dental insurance plan, he/she may do so, at 30% of their own cost. For information about the provided policies, please contact the Human Resource Director.

Family and Medical Leave Policy. Eligible employees shall be entitled to Family and Medical Leave, in accordance with the Family and Medical Leave Act (FMLA). In relevant part, eligible employees shall be entitled to a total of twelve (12) work weeks of leave during any twelve (12) month period for one or more of the following reasons:

- 1) Because of the birth of a child of the Employee and in order to care for such child.
- 2) Because of the placement of a child with the Employee for adoption or foster care.
- 3) In order to care for the spouse, life partner, child, or parent of the Employee, if such spouse, child, or parent has a serious health condition as defined by Nebraska Revised Statute.
- 4) Because of a serious health condition, as provided by Nebraska Revised Statute, that makes the Employee unable to perform the functions of the position of such Employee.

Eligible employee. An eligible Employee is one that has been an Employee of the City for at least twelve (12) months and has worked a minimum of 1,250 hours during the twelve (12)-month period prior to requesting the leave. FMLA further requires that the City employ fifty (50) Employees within seventy-five (75) miles of the jobsite. While it is not anticipated that the City will have fifty (50) or more Employees, this information shall still be provided.

Pay and Exhausting other leave. In attaining the twelve (12) work weeks of allowable leave, the eligible Employee must first expend all compensable leave (sick, and vacation leave). Sick and vacation leave will be paid at the appropriate rate. Any additional leave taken, as provided if permitted by the Family Medical Leave Act, will not be paid by the City.

Notice. If applicable, the eligible Employee must provide the City with at least a thirty (30) day advance notification, or as much notice as is practicable, of the need to use such FMLA leave.

Information. If leave is used in regards to a health condition, medical certification may be requested by the City to obtain the appropriate medical facts, and probable duration of the condition.

Guarantee of employment and benefits. During the period of time that the eligible Employee is excused on Family Medical Leave, the eligible Employee will not lose any employment benefits which accrued prior to the date the leave commenced. The eligible Employee shall remain on the City's health insurance program during leave, although those Employees who have family coverage will be responsible for payment of the Employee's contribution on a monthly basis.

Updates. The City may require an eligible Employee on leave to report periodically to the City Administrator or Human Resource Director on the status and intention of the Employee to return to work.

FMLA. For additional information regarding FMLA, please see the Family and Medical Leave Act.

HEALTH AND SAFETY

Use of City-Owned Equipment and Vehicles. City-owned vehicles may be used by Employees as transportation during normal duty hours. Such vehicles shall not be used for other than official and approved City business. Employees whose work requires operation of a motor vehicle must present and maintain a valid driver's license and a driving record acceptable to our insurer. Said Employees may be asked to submit a copy of their driving record from time to time, and report any changes affecting an Employee's license or to their driving. Failure to do so is grounds for discipline. Concealed weapons, or weapons of any kind, are not permitted in City vehicles, except by Certified Law Enforcement Officers.

City equipment is for City use only. When using property, Employees are expected to exercise care, perform required maintenance and follow all operating instructions, safety standards and guidelines. Prompt reporting of damages, defects and the need for repairs could prevent deterioration of equipment and possible injury to Employees or others. Please notify the Department Head if any equipment, machines, tools, or vehicles appear to be damaged, defective or in need of repair. The respective Department Head can answer any questions about an Employee's responsibility for maintenance and care of equipment or vehicles used on the job.

Driving. The following rules apply to driving during work time, and are applicable whether driving a personal vehicle or City vehicle:

- 1) Only Employees may ride in City vehicles.
- 2) Seat belts must be worn by all occupants of the vehicle.
- 3) An Employee shall not drive while distracted. Distractions include, but are not limited to: texting, emailing, or viewing a mobile device, or driving while impaired. Cell phone use while driving shall be limited to necessary work-related communications.
- 4) All applicable laws, ordinances, rules, or regulations related to driving shall be strictly followed.
- 5) An Employee must immediately report all motor vehicle violations and accidents to their Department Head and the Human Resource Director. Any traffic citation received shall be the responsibility of the Employee.

Safety & Protective Equipment. Every Employee is responsible for maintaining a safe work environment and following the City's safety rules. Supervisors shall train Employees to work safely under all conditions. Each Employee shall be certain he/she knows the proper procedures use and location of first aid supplies in case of an accident. Negligence in adherence to on-the-job safety standards could be considered grounds for discipline and/or termination. Each Employee shall promptly report all unsafe or potentially hazardous conditions to their Supervisor(s) who will make every effort to remedy problems as quickly as possible.

The City will provide hearing and vision protective equipment to Employees who work in departments where their use is a necessity. The Employee shall notify their Supervisor immediately if their hearing and vision protective equipment becomes broken or needs to be replaced. It is the Employee's responsibility to wear protective equipment when necessary.

In the case of an accident, Employees shall immediately notify their Supervisor (if any) or Department Head immediately. If the injury requires medical attention, the Employee may consult his

family doctor as desired. Emergency unit services shall be used to transport Employees to the hospital if the accident or injury results so warrants. Within twenty-four (24) hours of the accident, the affected Employee or respective Department Head shall file an accident-injury report with the City Administrator. Any Employee who shall have an accident with a City-owned vehicle shall notify both law enforcement and their Department Head who shall then notify the City Administrator.

Smoking. Smoking is prohibited in all public and City-owned and occupied buildings. Please be courteous of fellow Employees and others. It is prohibited to smoke in restricted areas. It is required that City Employees abide by citizen, customers, or other business's smoking policies when working at another site or location. Smoking is prohibited in City vehicles.

Drug and Alcohol Policy. Alcohol and drug abuse adversely affects job performance, an Employee's opportunities for successful employment, and the health and safety of the Employee and their co-workers and citizens. A drug-free workplace is in the best interest of Employees and non-employees alike.

Prohibitions.

- 1) No Employee shall report to work under the influence of alcohol, any controlled substances, or any other drugs or medications that may affect the Employee's alertness, coordination, reaction, response, judgment, decision-making, or safety. All Employees are prohibited from consuming alcoholic beverages during on-call periods, lunch periods, dinner periods, or breaks when returning to perform work on behalf of the City is likely or possible. If an Employee has been prescribed or is taking medication that may affect their ability to perform job related duties, the Employee is responsible for advising their Department Head immediately, so that precautions or accommodations can be made.
- 2) No Employee shall operate, use, or drive any equipment, machinery, or vehicle of the City while under the influence of alcohol, any controlled substances, or any other drugs or medications that may adversely affect every Employee's ability to operate such equipment, machinery, or vehicle. Every Employee is under an affirmative duty to immediately notify the City Administrator if they are not in an appropriate mental or physical condition to operate, use, or drive any equipment machinery, or vehicle or otherwise safely perform their job duties.
- 3) No Employee shall unlawfully manufacture, distribute, dispense, possess, transfer, or use a controlled substance or illegal drugs in the workplace or otherwise.

Violation of any provision hereunder is grounds for discipline.

The City shall notify the appropriate law enforcement agency, licensing boards, and other relevant authorities when it has reasonable suspicion to believe that any Employee may have illegal drugs in their possession at work.

Alcohol And Drug Testing. As part of the City's commitment to an alcohol and drug-free workplace, the City reserves the right to require that applicants or Employees submit to drug or alcohol testing. This policy represents the notice required under Nebraska law.

Who May be Subjected to Testing:

- 1) **Job Applicants.** The City may require that all applicants for permanent full-time or permanent employment be tested for drugs or alcohol after receiving a conditional offer of employment. If the applicant tests positive for drugs or alcohol, a conditional offer may be withdrawn.

- 2) Random Testing. The City may require any Employee to undergo testing on a random selection basis.
- 3) Reasonable Suspicion Testing. The City may require any Employee to undergo drug or alcohol testing if the City reasonably suspects that the Employee is under the influence of drugs or alcohol, has been involved in an incident that causes property damage to the City or any other person or member of the general public; has sustained or caused another Employee to sustain personal injury, or has caused a work-related accident requiring medical treatment above and beyond OSHA's definition of, first aid, or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.

Discipline. In addition to the disciplinary procedures outlined in the Employee Manual herein, the City may also take the following course of discipline if an Employee or applicant is in violation of any of the drug or alcohol provisions herein, the City has reasonable suspicion that the Employee or applicant is in violation of the provisions herein, or if he/she tests positive for drug or alcohol use.

- 1) Temporary Suspension: The City reserves the right to temporarily suspend any Employee pending the outcome of any drug or alcohol test. An Employee who is suspended without pay will be reinstated with back pay if the test or any requested retest is negative.
- 2) Termination: The City may terminate an Employee for any positive test result. If the City chooses not to terminate the Employee, the City may take any other appropriate disciplinary action, including but not limited to required counseling or rehabilitation, as determined by a certified chemical use counselor or physician trained in the diagnosis and treatment of chemical dependency. The Employee will be responsible for paying all costs associated with any evaluation and subsequent treatment themselves. An Employee who refuses or fails to participate in, cooperate with, or complete the evaluation or recommended treatment will be terminated. An Employee who successfully completes treatment may be subject to random follow-up testing for a period of two years.

Privacy. Test results and other information acquired as a result of the City's drug or alcohol testing program or any drug and alcohol related provision herein is private and confidential information and will not be disclosed by the City or the testing laboratory without written consent of the Employee or applicant or as otherwise required by law, judicial or arbitration proceedings, collective bargaining agreement, administrative hearing. Such evidence may also be disclosed to any federal agency or other unit of the United States government as required under federal law, regulation, or order. Evidence of a positive result may also be disclosed to a substance abuse treatment facility, court, or probation office, if required for treatment, court proceedings, probation, or otherwise.

The City will provide an Employee with access to information in the Employee's personnel file regarding test results and related reports and information acquired in the testing process as well as conclusions drawn from or actions taken based upon such information.

DISCIPLINE

It shall be the responsibility of Department Heads to reasonably and impartially supervise, and when necessary, discipline the personnel in their designated department. Department Heads shall exercise good judgment and discretion in implementing or recommending disciplinary action. They shall endeavor to ensure that the extent of the penalty is not unreasonable or excessive in relationship to the seriousness of the violation or circumstances for which the Employee is penalized. In taking or recommending disciplinary action of any type, Department Heads shall do so on the basis of what is best for the Department, the City and its Employees. Any disciplinary action shall be reported to the City Administrator and the Human Resource Director. If the Employee is a Department Head, City Administrator, Human Resource Director, or appointed official, disciplinary action shall be taken by the Mayor and City Council.

Cause. In addition to those violations or causes named throughout the Employee Manual, the following is an non-exhaustive list of cause for discipline:

- 1) Violation of any provision herein or of any City rule, policy, or requirement.
- 2) Insubordination or refusing to obey instructions properly issued by the Department Head pertaining to an employee's work.
- 3) Unsatisfactory performance- including careless work; failure to perform work as assigned by the Department Head or other supervisor, if any; failure to meet production or quality standards; mistakes due to carelessness or failure to get necessary instructions; failure to report for work at the assigned time; sleeping on the job; loitering or loafing during working hours.
- 4) Absence, tardiness, or other attendance concerns, including leaving work before the end of a workday or not being ready to work at the start of a workday without approval of the Department Head; stopping work early, failure to report an absence or late arrival; excessive absence or lateness.
- 5) Failure to properly use an Employee timecard; alteration of an employee timecard or records or attendance documents or causing another to alter a timecard or records, this is including, but not limited to clocking another employee in or out.
- 6) Failure to immediately report damage to, or an accident involving City equipment to a Department Head.
- 7) Failure to maintain a neat and clean appearance in terms of the standards established by the Department Head; any departure from accepted conventional modes of dress or personal grooming; wearing improper or unsafe clothing.
- 8) Disclosure of confidential information, including personnel information, disciplinary information, or any other information that is described herein as confidential or otherwise not public record or information.
- 9) Any act of harassment, sexual, racial, or other; telling sexist or racial-type jokes; making racial or ethnic slurs.
- 10) Immoral conduct or indecency on company property.
- 11) Obscene or abusive language toward any Department Head, Employee or customer or threatening, intimidating, or coercing fellow Employee(s) on or off the premises at any time, for any purpose.
- 12) Indifference or rudeness towards a customer or fellow Employee; any disorderly or antagonistic conduct on City premises.
- 13) Dishonesty; willful falsification or misrepresentation; misrepresentation or dishonesty on an application for employment or other work records; lying or misrepresenting sick or vacation leave; falsifying reason for a leave of absence or other data requested by the City; alteration of City records or other City documents.

- 14) Malicious gossip and/or spreading rumors; engaging in behavior designed to create discord and lack of harmony; interfering with another Employee on the job; willfully restricting work output or encouraging others to do the same.
- 15) Engaging in an act of sabotage; willfully or with gross negligence causing the destruction or damage of City property, or the property of fellow Employees, or customers in any manner.
- 16) Willful violation of security or safety rules or failure to observe safety rules or the City safety practices; failure to wear required safety equipment; tampering with City equipment or safety equipment.
- 17) Negligence or any careless action which endangers the life or safety of another person.
- 18) Being intoxicated or under the influence of controlled substance drugs while at work or on duty; use or possession or sale of controlled substance drugs in any quantity while on City premises, with the exception of the use or possession of medications prescribed by a physician which do not impair work performance.
- 19) Unauthorized possession of firearms, weapons, or explosives on City property or while on duty.
- 20) Engaging in criminal conduct or acts of violence or making threats of violence toward anyone on City premises or when representing the City; fighting, or horseplay or provoking a fight on City property, or negligent damage of property.
- 21) Conducting a lottery or gambling on City premises.
- 22) Theft of City property or the property of fellow Employees or the property of citizens.
- 23) Unauthorized possession or removal of any City property, including removal of documents, from the premises without prior permission from management.
- 24) Unauthorized use of City equipment or property for personal reason or advantage.
- 25) Acceptance of a gift, fee, money or other valuable consideration given with the intent of influencing the Employee in the performance of their duty.
- 26) Improper use of authority or official position for personal profit and advantage.
- 27) Smoking in restricted areas or at non-designated times, as specified by department rules.
- 28) Creating or contributing to unsanitary or unsafe conditions.
- 29) Speeding, careless, or reckless operation of any City vehicles.
- 30) Any deliberate action that is extreme in nature and is obviously detrimental to the City's efforts to operate profitably.
- 31) Any other act or failure to act which is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service.

Disciplinary Options. Employees are expected to comply with all policies and requirements of employment. Whenever an Employee fails to do so, appropriate corrective action will be imposed. The nature of the disciplinary action will be determined as the discretion of the Employee's Department Head, the City Administrator, or Human Resource Director.

Whenever possible, corrective action will be designed to correct the Employee and help him/her to improve their performance. However, when appropriate or necessary, severe action, including suspension or termination may be taken without prior warning or reprimand.

Disciplinary action will generally include, but is not limited to:

- 1) **Reprimand.** Department Heads may reprimand orally or in writing, Employees assigned to them when in their opinion such reprimand will benefit the Employee and the department. Reprimands shall be made in a constructive, businesslike manner. Department Heads utilizing a reprimand as a method of discipline, shall endeavor to do so with reason and with an attitude to not only admonishing or warning the Employee, but also to lead,

guide, direct, and instruct the Employee in how to correct and avoid repeating the mistake, infraction, deficiency or whatever the problem may be. All reprimands shall be reported to the Human Resource Director. A written reprimand will be submitted to the Human Resource Director by the Department Head, and such record will become a part of the Employee's personnel file.

- 2) **Suspension.** Department Heads may recommend to the City Administrator that an Employee be suspended.
 - a. In recommending suspension, the Department Head will state all facts surrounding the recommendation to the City Administrator in writing and recommend a course of action, including the number of days of suspension. The City Administrator will then either adopt or revise the recommendation of the Department Head and implement the suspension accordingly, as appropriate.
 - b. Suspension will only be used when the Department Head and City Administrator determine that a lesser form of disciplinary action will not correct the mistake, infraction or deficiency problem.
 - c. Suspension will consist of relieving the Employee from work, without pay, for a specific period of time depending on the seriousness of the occurrence bringing about disciplinary action. Suspension without pay shall not exceed thirty (30) days.
 - d. In the event of a serious violation of this manual, immediate suspension without pay can also be ordered by the Mayor.

- 3) **Termination.** The City Administrator or Mayor may terminate an Employee for cause, as determined in the discretion of the City Administrator or Mayor. The City Administrator or Mayor may terminate Department Heads for cause, at the discretion of the City Administrator and Mayor. Such action shall be taken only when other forms of disciplinary action are deemed inappropriate or have proven ineffective in dealing with the particular Employee. An officer or official appointed by the City Council may only be terminated by the Council.

Procedure. Any Employee affected by a disciplinary action shall be notified of the reason for such disciplinary action in writing by the Department Head, City Administrator, or Human Resource Director, as appropriate. Any Employee who believes the disciplinary action is unjust, too severe, or unwarranted may appeal the action.

Appeal. If the Employee desires to appeal any disciplinary action, including termination, the Employee must notify the Human Resource Director in writing within five (5) working days of Employee being informed of the disciplinary action in writing. The Employee's appeal must specify the Employee's objections to the recommended action and the relief sought by the Employee. If the Employee makes an appeal, the Mayor and City Council shall conduct a hearing giving the Employee a chance to rebut the reasons for the disciplinary action. The hearing may be conducted in closed session if the Employee so requests. Within ten (10) working days of the hearing, the City Council shall enter its finding. A copy of which shall be forwarded to the Employee within five (5) working days. If the Mayor and City Council find that he/she shouldn't be disciplined, he/she shall be reinstated with full pay. If there has been a termination and the Mayor and City Council determine the termination shall be upheld, the termination shall be effective as of the date of suspension or written disciplinary action. If an Employee doesn't appeal within the prescribed timeframe, the disciplinary action shall be final. Any termination shall be final as of the date of suspension or written disciplinary action.

City Ordinance and Statutory Authority. Nothing in this manual shall alter, amend, or limit the rights of the Mayor to discipline or terminate the employment of an appointed or hired Employee granted by the City of Terrytown Municipal Code or Nebraska Revised Statutes.

**City of Terrytown, Nebraska
Employee Policy Manual**

EMPLOYEE ACKNOWLEDGEMENT FORM

The City of Terrytown, Nebraska Employee Policy Manual (the “Policy Manual”) dated _____, 2025 describes important information about t the City of Terrytown, and I understand that I should consult the Human Resource Director or City Administrator regarding any questions not answered in the Policy Manual.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the Policy Manual may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the City Council has the ability to adopt any revisions to the policies in this Policy Manual.

I have entered into my employment relationship with the City voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or the City can terminate the relationship with or without cause, at any time.

I have received the Policy Manual, and I understand that it is my responsibility to read and comply with the policies contained in this Policy Manual and any revisions made to it.

EMPLOYEE'S SIGNATURE

DATE

EMPLOYEE'S NAME (TYPED OR PRINTED)