

RESOLUTION NO. 25-04

A RESOLUTION AMENDING THE CITY OF BOX ELDER PERSONNEL POLICY

WHEREAS, Section 2-111 of City of Box Elder Municipal Code provides that the city’s personnel policy shall be referred to as the “Employee Handbook”; and

WHEREAS, the city’s personnel policy is to be reviewed and amended as necessary; and

WHEREAS, the City Council shall, through the adoption of a resolution, approve proposed amendments to the city’s personnel policy.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Box Elder, that the City of Box Elder’s “Employee Handbook” be amended as provided for in Exhibit A of this resolution, with those amendments to be effective as provided for through the instrument of this resolution.

PASSED, APPROVED AND ADOPTED this 7th day of January, 2025.

Larry Larson, Mayor

ATTEST:

Renee Baker

Renee Baker, Interim Finance Officer



ATTESTATION

I, Chaz Kokesh, the City Clerk of the City of Box Elder, South Dakota, do hereby attest and state the above resolution was published on January 16, 2025 in the manner required by law and that all procedures required by the State of South Dakota law were complied with. This resolution shall become effective on January 16, 2025.

Chaz Kokesh, City Clerk

City of Box Elder, South Dakota Employee Handbook



Mission Statement

The mission of the City of Box Elder, SD is to provide quality public services, as determined by law and citizen needs, through innovative leadership and the teamwork of its people, officials, and employees. Services shall be provided in a fair, respectful, and professional manner consistent with available human, natural, and economic resources.

Effective: January 2025

Revised: December 10, 2024

Code of Ethics

for all City of Box Elder Employees

We will adhere to the highest ethical standards.

We will be caretakers of the public trust in all actions related to employment.

We will provide the highest level of service to all citizens and customers.

We will adhere to all applicable laws and regulations.

We will be fair to and respectful of fellow employees.

We will be accountable and responsible for all personal actions.

We will value diversity in the community and workplace.

We will support the City of Box Elder as a drug-free, alcohol-free, cannabis-free, and violence-free workplace.



Welcome to City Employment!

On behalf of your colleagues, we welcome you to the City of Box Elder and wish you every success here. We believe that each employee contributes directly to the City of Box Elder's growth and success, and we hope you will take pride in being a member of our team.

Every employee represents the City of Box Elder to the public. The way we do our jobs presents an image of our entire organization. The public judges all of us by how they are treated with each employee's contact. Therefore, our first business priority is to assist the public. Nothing is more important than being courteous, friendly, helpful, and prompt in the attention you give to the public.

Our personal contact with the public, our manners on the telephone, and the communications we send to customers are a reflection not only of ourselves but also of the professionalism of the City of Box Elder. Positive public relations enhance the public's perception or image of the City of Box Elder. As an employee of the City of Box Elder, it is important that you keep in mind that you are working for the citizens of the City of Box Elder.

The City of Box Elder strives to maintain a positive working environment where employees treat each other with respect and courtesy. You are encouraged to support your fellow employees to maintain a positive work environment for everyone.

This handbook was developed to describe some of the expectations of our employees and to outline the policies, programs, and benefits available to eligible employees. Employees should familiarize themselves with the contents of the employee handbook as soon as possible, for it will answer many questions about employment with the City of Box Elder.

We hope that your experience here will be challenging, enjoyable, and rewarding.

The City of Box Elder City Council

City of Box Elder, SD Employee Handbook
Table of Contents

Mission Statement 1

Code of Ethics for all City of Box Elder Employees..... 2

Welcome..... 3

Introductory Statement/Disclaimer 7

1.0 CONDITIONS OF EMPLOYMENT 7

 1.1 Equal Employment Opportunity..... 7

 1.2 Disability Accommodation..... 7

 1.3 Genetic Information..... 8

 1.4 Harassment 8

 1.5 Workplace Violence Prevention..... 9

 1.6 Drug, Alcohol, and Cannabis Use 9

 1.7 Rules of Conduct 10

2.0 OPERATIONAL POLICIES..... 11

 2.1 Business Ethics and Public Relations 11

 2.2 Confidentiality 11

 2.3 Outside Employment 12

 2.4 Hiring of Relatives/Employee Relationships 12

 2.5 Tobacco 12

 2.6 Computer and E-mail Usage 12

 2.7 Telephone Usage 14

 2.8 Cell Phone Usage 14

 2.9 Social Media..... 14

 2.10 Safety and Training 16

 2.11 Use of Equipment and Vehicles 18

2.12 Commercial Driver’s License.....	19
2.13 Security Inspections.....	19
2.14 Facility Closures.....	19
3.0 EMPLOYMENT LIFE CYCLE	20
3.1 Employment Categories	20
3.2 Job Posting.....	21
3.3 Job Descriptions	21
3.4 Employment Applications	21
3.5 Employment Reference and Background Checks	21
3.6 Appointment/Employment Offers/Acceptance of Employment	22
3.7 Residency Requirement.....	22
3.8 Identification Badges (ID Badges)	22
3.9 Personal Appearance.....	22
3.10 Clothing Policy	22
3.11 Work Schedules.....	22
3.12 Overtime.....	22
3.13 Safe Harbor Policy for Exempt Employees.....	23
3.14 Time Records.....	24
3.15 Paydays	24
3.16 Administrative Pay Corrections.....	24
3.17 Compensation Administration.....	24
3.18 Performance Appraisals.....	25
3.19 Access to Personnel Files	25

3.20 Personnel Data Changes	25
3.21 Employment Termination.....	25
3.22 Return of Property	26
4.0 EMPLOYEE BENEFITS	26
4.1 Vacation and Paid Time Off.....	27
4.2 Workers' Compensation Insurance	29
4.3 Time Off to Vote	29
4.4 Jury Duty	29
4.5 Health Insurance	30
4.6 Benefits Continuation (COBRA).....	30
4.7 Life Insurance	30
4.8 Pension Plan	30
4.9 Employee Development	31
5.0 UNPAID LEAVES OF ABSENCE	31
5.1 Family and Medical Leave Act	31
5.2 Military Leave	32
6.0 MISCELLANEOUS	33
6.1 Solicitation.....	33
6.2 Break Times for Nursing Mothers.....	33
6.3 Burning of Open Flame Products	33
6.4 Travel and Training	33
6.5 Vaccinations	33
7.0 EMPLOYEE ACKNOWLEDGEMENT FORMS	34

INTRODUCTORY STATEMENT/DISCLAIMER

The City of Box Elder Employee Handbook is a general guide to your employment. The policies and information described in this handbook do not alter the nature of the at-will employment relationship between any employee and the City, and the language is not intended to, nor does it, create a contract between the City and the employee. The objective of these policies and procedures is to ensure fair and consistent administration for the benefit of all employees. Practical application of the policies may vary in departments to meet varied shifts, schedules, or service requirements.

Employment with the City of Box Elder is voluntarily entered into, and the employee is free to resign at any time, with or without cause. Similarly, the City of Box Elder may terminate the employment relationship at will at any time, with or without cause or notice, so long as there is no violation of applicable federal or state law.

The City of Box Elder's Employee Handbook is updated regularly by the Human Resource Director(s) and the City Council. The provisions have been developed at the discretion of the City Council and except for its policy of employment-at-will, may be amended or cancelled at any time, at the City of Box Elder's sole discretion.

The policies, procedures and benefits described here may be modified from time to time. As updates occur, this Employee Handbook will be revised and posted on the City of Box Elder's website. We encourage you to visit this site regularly. No employee handbook can anticipate every circumstance or question about policy. If you have any questions, your Department Head or the Human Resource Department is available to assist you.

This handbook supersedes all prior handbooks and/or policy manuals issued by the City Council. If you have additional questions, please consult with your immediate supervisor, Department Head, or the Human Resources Department.

1.0 CONDITIONS OF EMPLOYMENT

1.1 Equal Employment Opportunity

The City of Box Elder is an equal opportunity employer that does not discriminate in employment opportunities or practices on the basis of race, creed, color, ancestry, religion, sex, national origin, age, genetic information, disability, or any other class protected by applicable law.

In accordance with South Dakota Law, if candidates are equally qualified for a particular position, the City of Box Elder must offer employment to qualified veterans as defined in applicable South Dakota Law when such candidates have disclosed their veteran status. In addition, pursuant to South Dakota Law, a veteran who has a service-connected disability shall be given preference over a non-disabled veteran provided the veteran possesses the qualifications necessary to discharge the duties of the position involved.

Any employee with questions or concerns about any type of discrimination in the workplace is encouraged to bring these issues to the attention of their Department Head or the Human Resource Department. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action.

1.2 Disability Accommodation

The City of Box Elder fully subscribes to the provisions of The Americans with Disabilities Act (ADA) which provides comprehensive civil rights protections to individuals with disabilities in the areas of employment, public accommodations, state and local government services and programs, and telecommunications. Title II of the ADA states, in part, that "no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subject to discrimination in programs or activities sponsored by a public entity."

We will provide reasonable accommodation to otherwise qualified disabled employees or applicants. Please recognize, however, that

we cannot promise to arrange all accommodations. We must consider each accommodation on a case-by-case basis to determine whether it would cause undue hardship to our organization.

1.3 Genetic Information

Federal law prohibits employers from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by law. We respect your medical privacy and take our responsibility to comply with these laws seriously. The City will not request or require you to provide genetic information except in those limited circumstances allowed by law. If you have any questions about this policy, please contact your supervisor, Department Head, or the Human Resource Department. If you believe there has been a violation of this policy, please follow the procedure set forth in the City's Equal Employment Opportunity policy.

1.4 Harassment

It is the City's policy to foster and maintain a work environment that is free from unlawful harassment. The City will not tolerate harassment of any employee based on the person's race, color, national origin, ancestry, age, disability, genetic information, religion, creed, sex, or any other prohibited basis of discrimination. Employees who are the subject of conduct which may violate this policy and employees who observe conduct which may violate this policy should report such conduct immediately to their supervisor or the appropriate Department Head.

1. Unlawful harassment includes verbal or physical conduct that unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment, and which is motivated by a person's race, color, national origin, ancestry, age, physical or mental disability, genetic information, religion, creed, sex, or any other prohibited basis of discrimination, whether or not the statements or conduct are overtly derogatory toward those protected classifications. Prohibited behaviors may include, but are not limited to, the following:
 - a. Written form, electronic communications, and social media, such as cartoons, e-mail, text messaging, posters, drawings, or photographs; or
 - b. Verbal conduct such as epithets, derogatory comments, slurs or jokes, innuendos, or insults; or
 - c. Physical conduct such as unwanted physical contact, threatening behavior, assault, blocking an individual's movements or other negatively perceived nonverbal conduct.
2. Sexual harassment is another form of discrimination and harassment which is based on the individual's sex. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:
 - a. Submission to such conduct is made explicitly or implicitly a term or condition of employment; or
 - b. Submission or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or
 - c. Such conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.
3. All employees are always expected to conduct themselves in a professional and businesslike manner. Inappropriate sexual conduct that could lead to a claim of sexual harassment is expressly prohibited by this policy. Such conduct includes:
 - a. Written form and social media, such as, electronic communications, cartoons, posters, calendars, notes, letters, emails, or text messaging; or
 - b. Verbal form, such as comments, jokes, foul, or obscene language of a sexual nature, gossiping or questions about another's sex life, or repeated unwanted requests for dates; or

- c. Physical gestures and other nonverbal behavior, such as unwelcome touching, grabbing, fondling, kissing, massaging, and brushing up against another's body.

This policy applies to all employees, including Department Heads and Supervisors.

The City of Box Elder will not allow any form of retaliation against individuals who report unwelcome conduct to management or who cooperate in the investigations of such reports in accordance with this policy. This does not mean that the alleged harasser can avoid disciplinary action by participating in the investigation. If the allegations are substantiated, the alleged harasser will be subject to prompt disciplinary action.

1.5 Workplace Violence Prevention

The City of Box Elder is committed to preventing workplace violence and to maintaining a safe work environment without intimidation, threats, or violence. Any action which, in the City's opinion, is inappropriate to the workplace will not be tolerated.

Threats, threatening language, or any other acts of aggression or violence made toward or by another employee, a customer, or a member of the public at any time, including off-duty periods, will not be tolerated. For purposes of this policy, a threat includes any verbal or physical harassment or abuse; any attempt at intimidating or instilling fear in others; conduct that subjects another individual to extreme emotional distress; damaging property intentionally; injurious acts motivated by domestic violence or sexual harassment; menacing gestures; flashing of weapons; stalking; or any other hostile, aggressive, injurious, or destructive action undertaken for the purpose of domination or intimidation.

Procedures for Reporting a Threat

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to Law Enforcement and your Department Head/Supervisor. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible. All suspicious individuals or activities should also be reported as soon as possible. Do not place yourself in danger or try to intercede.

The City of Box Elder will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. To maintain workplace safety and the integrity of its investigation, the City of Box Elder may suspend employees, either with or without pay, pending investigation. Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action.

1.6 Drug, Alcohol, and Cannabis Use

It is the City of Box Elder's desire to provide a drug-free, healthy, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner. Any individual who conducts business for the City, is being considered for a position, or is conducting business on City property is covered by the City's drug-free workplace policy.

While on the City of Box Elder premises, while conducting business-related activities off the City of Box Elder premises and while driving a City vehicle, no employee may use, possess, distribute, sell or be under the influence of alcohol, cannabis, or illegal drugs. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace. The City has zero tolerance for any illegal drugs or prescribed marijuana.

Testing for drugs, alcohol, and cannabis will be conducted under the following circumstances:

1) Pre-employment:

The City will conduct drug testing of prospective employees for all positions after a conditional offer of employment has been made.

2) Reasonable Suspicion:

The City may conduct reasonable suspicion testing of all employees for drugs, alcohol, and cannabis based upon evidence that an employee is using or has used alcohol, cannabis, or other drugs in violation of its policy.

3) Post-Accident Testing:

The City may request or require a current employee to undergo testing for drugs, alcohol, and cannabis without prior documented observations if the employee:

- (a) Has sustained a personal injury resulting in a lost-time accident or has been involved in an accident where another individual has sustained such a personal injury; or
- (b) Has caused a work-related accident or was operating, or helping to operate machinery, equipment or vehicles involved in a work-related accident.

4) Random Drug Testing:

To help ensure that employees can perform their duties safely, employees shall be subject to random drug testing to comply with employment requirements.

Adulteration is the tampering or switching of a specimen within the testing procedure to mask any drug that may be otherwise detected. The City of Box Elder will have all specimens tested for adulteration. If an employee's specimen is found to have been adulterated, it will automatically be considered a positive test.

Diluted Specimens are samples that have been found to be too diluted to test or yield useful results. If the lab reports that this has occurred with any specimen, the employee must provide a second, valid specimen. Re-tests will occur immediately after a notification of dilute specimens. If, after a second or subsequent test, the specimen remains invalid without a legitimate medical reason, the employee may be subject to discipline.

Refusals

- (a) Any applicant who refuses to consent to pre-employment drug testing will not be offered a position with the City and all offers will be withdrawn.
- (b) Any employee who refuses to consent to drug testing in accordance with this handbook will be immediately suspended, without pay, pending an administrative review.

Positive test results

- (c) Employees who test positive for drugs without legitimate prescription or medical reason will be subject to disciplinary action.

Violations of this policy may lead to disciplinary action and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences. Employees with questions or concerns about substance dependency or abuse are encouraged to use the resources of the Employee Assistance Program. They may also wish to discuss these matters with their Department Head/Supervisor to receive assistance or referrals to appropriate resources in the community.

Under the Drug-Free Workplace Act, an employee who performs work for a government contract or grant must notify the City of Box Elder of a criminal conviction for drug-related activity occurring in the workplace. The City of Box Elder requires that any employee performing work for the City must complete the same notification to the City of Box Elder of a criminal conviction for drug-related activity. The report must be made within five days of the conviction. Employees with questions on this policy or issues related to drug, alcohol, and cannabis use in the workplace should raise their concerns with their Department Head/Supervisor or Human Resource Department without fear of reprisal.

1.7 Rules of Conduct

To ensure orderly operations and provide the best possible work environment, the City of Box Elder expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization.

Misconduct is defined as:

- Failing to obey orders, rules, or instructions
- Substantially disregarding your job duties and obligations or the City of Box Elder's interests
- Deliberately violating or disregarding the standards of behavior the City of Box Elder has a right to expect from its employees or being careless to such a degree or extent to demonstrate wrongful intent

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following list is not intended to be all-inclusive but reflects infractions of rules of conduct that may result in disciplinary action:

- Violation of any City of Box Elder rule set forth in the City Manual or Handbook or otherwise established by the City Council and/or Department Head.
- Dishonesty
- Theft or inappropriate removal or possession of property
- Falsification of timekeeping records
- Fighting or threatening violence in the workplace
- Disobeying a direct work order
- Sexual or other unlawful or unwelcome harassment
- Excessive absenteeism or any absence without notice
- Unauthorized absence from the workstation during the workday
- Unauthorized use of City property, telephones, mail system or other employer-owned equipment
- Release of confidential information outside the scope of official City business
- Unsatisfactory performance or conduct
- Use of work hours for the employee's own personal purposes or gain

Employment with the City of Box Elder is at the mutual consent of the City of Box Elder and the employee, and either party may terminate that relationship at any time, with or without cause, and with or without advance notice.

2.0 OPERATIONAL POLICIES

2.1 Business Ethics and Public Relations

The successful business operation and reputation of the City of Box Elder is built upon the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

Every employee represents the City of Box Elder to the public. The way we do our jobs presents an image of our entire organization. The public judges all of us by how they are treated with each employee's contact. Therefore, our first business priority is to assist the public. Nothing is more important than being courteous, friendly, helpful, and prompt in the attention you give to the public. The continued success of the City of Box Elder is dependent upon the public's trust, and we are dedicated to preserving that trust. Employees owe a duty to the City of Box Elder and the public to act in a way that will merit the continued trust and confidence of the public.

The City of Box Elder will comply with all applicable laws and regulations and expects its employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct.

In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed openly with your Department Head/Supervisor for guidance. Compliance with this policy of business ethics and conduct is the responsibility of every City of Box Elder employee.

2.2 Confidentiality

Various City employees may have custody of confidential information either through files in their possession or in computer files. All employees should take the steps necessary to keep such information confidential and only made accessible to others on a need-to-know

basis. However, in taking such action, all employees must ensure that the information is accessible to your direct supervisor. Confidential information includes but is not limited to employee medical information or such other information that is not available to the public by South Dakota law. If in doubt, please contact the Human Resources Department for guidance.

Any employee who improperly copies, removes (whether physically or electronically), uses, or discloses confidential information to anyone outside of the City of Box Elder (except as required by law) may be subject to disciplinary action.

2.3 Outside Employment

Employees may hold outside employment if they meet the performance standards of their position with the City of Box Elder and have provided written notice of their outside employment to the Department Head who will notify the Human Resources Department. All employees will be judged by the same performance standards and will be subject to the City of Box Elder's scheduling demands, regardless of any existing outside work requirements.

If the City of Box Elder determines that an employee's outside employment interferes with performance or the ability to meet the requirements of the City of Box Elder as they are modified from time to time, the employee may be asked to terminate the outside employment to remain employed with the City of Box Elder.

2.4 Hiring of Relatives/Employee Relationships

The employment of a relative or an individual in a significant relationship with a current employee in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried over into day-to-day working relationships.

1. Relatives or individuals in significant relationships with current employees who are classified as regular full-time or regular part-time may not be hired into a position that will be working directly for or supervising the current employee.
2. If a relative relationship is established or a significant relationship is established after employment between employees who are in a reporting situation described above, it is the responsibility and obligation of those employees to disclose the existence of the relationship to the Department Head. The Department Head in conjunction with the Human Resource Department shall determine the appropriate resolution based on the City's best interests.
3. In other cases where a conflict or the potential for conflict arises because of the relationship between employees, even if there is no line of authority or reporting involved, the employees may be separated by reassignment or terminated from employment.

For the purposes of this policy, a relative is any person who is related by blood, adoption, or marriage, or whose relationship with the employee is like that of persons who are related by blood or marriage.

2.5 Tobacco

In keeping with the City of Box Elder's intent to provide a safe and healthful work environment, smoking, which includes e-cigarettes, pipes, vapes, or cigars, is prohibited in all City buildings and vehicles. The use of smokeless tobacco shall not interfere with proper customer service or appropriate appearance.

2.6 Computer and E-mail Usage

Computers, computer files, data, the e-mail system, and software furnished to employees are the City of Box Elder property intended for business use. To ensure compliance with this policy, computer and e-mail usage may be monitored. The security inspection provisions of Section 2.13 of this handbook apply to any equipment or item listed in this section.

Commercial software programs used by the City are licensed under law and shall not under any circumstances be duplicated or transferred for use on equipment not owned or leased by the City. Any program development on City equipment shall become the property of the City.

The City of Box Elder strives to maintain a workplace free of harassment and is sensitive to the diversity of its employees. Therefore,

the City of Box Elder prohibits the use of computers and the e-mail system in ways that are disruptive, offensive to others or harmful to morale.

Passwords should not be shared with anyone, not even a supervisor. This protects the employee, the City, and the Information Technology contractor from false accusations.

The display of or transmission of sexually explicit images, messages and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, off-color jokes, or anything that may be construed as unlawful harassment. E-mail may not be used to solicit others for commercial ventures, religious or political causes, or other non-business matters. The City of Box Elder prohibits the illegal use or duplication of software and its related documentation. Additionally, employees may not load unauthorized software onto the City of Box Elder computers.

Internet Usage

Internet access is provided by the City of Box Elder to assist employees in obtaining work-related data and technology. The following guidelines have been established to help ensure responsible and productive Internet usage while on the job.

All Internet data that is composed, transmitted or received via our computer communications systems is considered to be part of the official records of the City of Box Elder and, as such, is subject to disclosure to law enforcement or other third parties. Consequently, employees should always ensure that the business information contained in e-mail messages and other transmissions is accurate, appropriate, ethical, and lawful. The equipment, services and technology provided to access the Internet always remain the property of the City of Box Elder. As such, the City of Box Elder reserves the right to monitor Internet traffic and retrieve and read any data composed, sent, or received through our online connections and stored in our computer systems. The security inspection provisions of Section 2.13 of this handbook applies to any equipment or item listed in this section.

Data that is composed, transmitted, accessed, or received via the Internet must not contain content that could be considered discriminatory, obscene, or threatening to any employee or other person. Examples of unacceptable content may include, but are not limited to, sexual comments or images, racial slurs, gender-specific comments or any other comments or images that could reasonably offend someone on the basis of race, color, age, sex, religion, national origin, creed, ancestry, genetic information, disability, or any other classification protected by applicable law. The unauthorized use, installation, copying or distribution of copyrighted, trademarked, or patented material on the Internet is expressly prohibited. As a general rule, if an employee did not create material, does not own the rights to it, or has not gotten authorization for its use, it should not be put on the Internet. Employees are also responsible for ensuring that the person sending any material over the Internet has the appropriate distribution rights.

Abuse of the Internet access provided by the City of Box Elder in violation of law or the City of Box Elder policies will result in disciplinary action. Employees may also be held personally liable for any violations of this policy. The following behaviors are examples of previously stated or additional actions and activities that are prohibited and can result in disciplinary action:

- Sending or posting discriminatory or threatening messages or images
- Using the organization's time and resources for personal gain
- Stealing, using, or disclosing someone else's password
- Copying, or downloading software and electronic files without permission
- Violating copyright law
- Failing to observe licensing agreements
- Engaging in unauthorized transactions that may incur a cost to the organization or initiate unwanted Internet services and transmissions
- Sending or posting messages or material that could damage the organization's image or reputation
- Participating in the viewing or exchange of pornography or obscene materials
- Sending or posting messages that defame or slander other individuals
- Attempting to break into the computer system of another organization or person

- Refusing to cooperate with a security investigation
- Sending or posting chain letters, solicitations, or advertisements not related to business purposes or activities
- Using the Internet for political causes or activities, religious activities, or any sort of gambling
- Jeopardizing the security of the organization's electronic communications systems
- Sending or posting messages that disparage another organization's products or services
- Passing off personal views as representing those of the organization
- Engaging in any illegal activities

Workplace Monitoring

Workplace monitoring may be conducted by the City of Box Elder to ensure quality control, as well as the employees' and the public's safety, security, and satisfaction. Video and telephone monitoring are used to identify and correct performance issues through targeted training. Improved job performance enhances the public's image of the City of Box Elder as well as their satisfaction with our service. The security inspection provisions of Section 2.13 of this handbook apply to any equipment or item listed in this section.

Because the City of Box Elder is sensitive to the legitimate privacy rights of employees, workplace monitoring will be done in an ethical and respectful manner.

2.7 Telephone Usage

While personal phone calls are not prohibited, their frequency, duration, and volume should not interfere with on-going work nor distract fellow employees. Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. Employees are therefore asked to make personal calls on non-work time where possible and to ensure that friends and family members are aware of the City's policy. Flexibility will be provided in circumstances demanding immediate attention. Employees are not permitted to make personal long-distance telephone calls using the city's telephones except in emergencies.

Personal Cellular Phones: While at work employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of City phones. The City will not be liable for the loss of personal cellular phones brought into the workplace.

2.8 Cell Phone Usage

As a City of Box Elder representative, all phone users are reminded that regular business etiquette employed when speaking from office phones should also be used when conversing on a cell phone. To ensure effective telephone communications, employees should always use the approved greeting and speak courteously and professionally.

The City of Box Elder provides cellular telephones to assist employees in communicating with management and other employees, the public and others with whom they may conduct business. Cell phone use is primarily intended for business-related calls. However, occasional, brief personal use is permitted within a reasonable limit. Cell phone invoices may be regularly monitored. Employees may be required to reimburse the City of Box Elder for any charges resulting from their personal use of the cell phone.

Employees may have access to a cell phone while in their cars and should remember that their primary responsibility is driving safely and obeying the rules of the road. Employees are required to utilize a hands-free device or pull safely off the road and come to a complete stop before dialing or talking on the phone.

Texting while driving is not allowed while operating a City vehicle. All employees are to refer to their individual department manuals regarding cell phone usage.

2.9 Social Media

Online social networks such as Twitter, Facebook, YouTube, and LinkedIn can be valuable tools for communicating with the public and employees. The City of Box Elder departments are encouraged to study and deploy these new communications methods where appropriate.

City of Box Elder Departments

1. The City of Box Elder social media sites make every effort to clearly identify their official status. Feed names will incorporate the program or unit's name or acronym whenever possible and will use the appropriate official logo if possible.
2. Some social media sites allow user comments. The City of Box Elder will consider carefully whether to allow comments before launching a social media initiative. However, if comments are allowed, user feedback should remain regardless of whether it is favorable or unfavorable to the agency. Comments will be deleted only if they are offensive, abusive, racially inflammatory, threatening or clearly off topic. Comments that endorse a political candidate, party or commercial product will be deleted.
3. When reposting or referencing a post on one of the City's online sites, provide a link to the original post.
4. Do not post or link to any materials that are defamatory or obscene.
5. Always be mindful of functions that allow the organization to be a "fan" of an individual or cause. Consider whether such an action would imply support for a political cause.

City of Box Elder Employees

City of Box Elder employees should be sensitive to the fact that social networks and other online forums blur the distinction between an individual's official and personal identities.

1. If you publish content to any website outside of the City of Box Elder's official online presence and it has something to do with subjects associated with our City, provide a disclaimer such as this: "The postings are my own and do not necessarily represent the opinion of the City of Box Elder."
2. Never use or reference your formal position when writing in a non-official capacity. Do not use your official email to establish a private social media presence.
3. Those with leadership responsibilities, by virtue of their position, must consider whether the personal thoughts they publish, even in clearly personal venues, may be misunderstood as expressing the position of the City of Box Elder. They should assume that those outside our agency will read what is written. Be aware of your City of Box Elder association in online social networks. If you identify yourself as a City of Box Elder employee or have a prominent position in which your association with the City of Box Elder is known to the general public, ensure your profile and related content (even if it is of a personal and not an official nature) is consistent with how you wish to present yourself as a professional, appropriate with the public trust associated with your position.
4. When writing in your official capacity, do not write anything that could appear to be legal advice. Legal issues should be handled through the agency's regular procedures to avoid conflicts and other ethical problems.
5. Emails and other correspondence conducted over personal social media channels, which is official business of the agency should be preserved and retained in a manner similar to other official documents. If you receive an unsolicited official contact through your personal email or social media presence, forward a copy of the correspondence to your official email account and respond from that platform.
6. Remain focused on customers, existing commitments, and achieving the City of Box Elder's mission. Your use of social media tools should never interfere with your primary duties, except for where it is a primary duty to use these tools to do your job.
7. To others online, there is no clear distinction between your work life and your personal life. Always be honest and respectful in both capacities.
8. Employees may not post on a personal blog, web pages, or participate in a personal social networking site during working time or at any time with City equipment or property. Working time is your scheduled time of work. This does not include lunchtime, breaks or time prior to or after your shift.
9. The City reserves the right to monitor all public blogs and social networking forums for the purpose of protecting its interests and monitoring compliance with City policies. The City reserves the right to access any City computers and electronic communication devices to monitor blogs and online websites. Employees should not maintain any expectation of privacy with

respect to information transmitted over, received by, or posted on such sites.

10. If an employee believes that a blog or other online communication violates any City policy, the employee should immediately report the blog or online communication to his or her supervisor. The City will investigate the matter, determine whether such blog, posting, website, or communication violates City policies, and take appropriate action.
11. This policy is not intended to restrict an employee's rights to discuss wages and working conditions with co-workers or in any way limit employees' rights under the National Labor Relations Act.

2.10 Safety and Training

Each Department Head has responsibility for implementing, administering, monitoring, and evaluating a safety program for their specific department's functions. The success of the program depends on the alertness and personal commitment of all.

The City of Box Elder provides information to employees about workplace safety and health issues through internal communication channels such as supervisor-employee meetings, memos, emails, or other written communications.

Safety Rules

Employees need to report immediately any working conditions or practices that might cause injury or damage to equipment. Do not operate any equipment which is perceived to be unsafe and report the condition of the equipment to your supervisor. When lifting, use the approved lifting technique, i.e. bend your knees, grasp the load firmly, and then raise the load keeping your back as straight as possible, and get help for heavy loads. Do not engage in horseplay; avoid distracting others; be mindful of safety concerns. Use the right tools and equipment for the tasks at hand safely and when authorized. Good housekeeping should always be practiced. Return all tools, equipment, and material to their proper places.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify the Department Head/Supervisor. A first report of injury must be completed and returned to the Human Resources Department within 3 business days. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures.

Upon notice of an accident, an investigation may be conducted. An employee involved in a motor vehicle accident in a City vehicle shall also report the accident to the Police Department.

If you are involved in an automobile accident while working or while driving a city-owned or rented vehicle, you should:

1. Obtain all information relating to the accident in a professional manner, including the names and addresses of any witnesses.
2. Do not negotiate the settlement of any claim, promise payment for any injury or damage, or admit liability.

Safety Policy

The City of Box Elder is committed to ensuring the safety of our employees and citizens in all that we do. This policy is not meant to cover all eventualities but to give an overview of best practice in safety standards throughout each facility owned and operated by the City of Box Elder and instilled in each employee of the City of Box Elder. The requirements and standards are as follows:

1. All employees of the City of Box Elder are required to adhere to the standards set forth by Federal, State, and Local regulations as well as those set forth by the manufacturer of all equipment.
 - a. Each supervisor and employee must take risk mitigation and safety personally. This means having the courage and dedication to research and think critically about each task assigned.
 - b. Employees must evaluate multiple layers of safety considerations that include previous training, environment,

- weather, equipment standards, employee skill, experience and ability, mood, etc.
 - c. Inspection of equipment to be used, evaluation of assigned personnel and careful consideration of outside factors shall be utilized, on an ongoing basis when performing tasks.
2. All employees will familiarize themselves with accepted standards prior to participating in any job task that presents risk of property loss/damage, injury, or loss of life.
 - a. This includes the reading of this policy, any safety manual provided by the employees' respective Department, and any manual or recommended literature and/or training pertaining to the job task.
 3. All employees are additionally charged with identifying potential or actual risk and bringing them to the attention of a supervisor, immediately.
 - a. A failure to properly notify a supervisor of a potential or actual risk in a reasonable and timely manner will be considered insubordination, and disciplinary action may follow.
 4. All employees who have identified a potential or actual risk are to immediately cease job task activity until notification to a supervisor has been made or the risk has been adequately mitigated.
 - a. Employees are encouraged to use critical, logical thinking, and deductive reasoning to resolve a safety risk/hazard immediately.
 - b. Even if the risk/hazard has been mitigated, an employee shall still notify a supervisor of the occurrence.
 5. As risk mitigation also includes fiscal responsibility, all employees are encouraged to freely discuss cost-saving methods and ideas with others and to solicit additional ideas from co-workers, supervisors, other agencies (public and private), friends and family. In the realm of risk mitigation, there are no ideas that are not worth discussing!
 - a. Fiscal responsibility means using accepted methods to achieve positive results in the most financially conservative manner.
 - b. This does not necessarily mean the "cheapest" alternative.
 6. All employees will receive on-going training in the realm of risk mitigation and safety procedures. Training requirements will be set forth in the next section of this policy.

Training Policy

Proper training is the key to avoiding and mitigating risk. As such, the City of Box Elder will commit itself and its resources to the timely and adequate training of all its employees. Training must be achieved by using the most acceptable standards available at the time and must consider individual learning capacities and abilities. Training will be offered in a variety of mediums to include, but not limited to in-house training, external training, conference, webinar, on-line, supervisor-to-subordinate, peer-to-peer, mentor-mentee model, etc.

1. Training is offered in the above-listed formats to all employees to which the training will apply.
2. All employees are encouraged to take an interest in training subjects even if the subject matter does not apply or pertain to the employee.
 - a. Employees are encouraged to speak to their supervisor about their individual interest in such training events.
 - b. Supervisors are encouraged to make reasonable efforts to include that employee in the training.
3. Training may be made mandatory for all employees or for employees of a specific Department.
 - Failure to take part in mandatory training (without reasonable excuse) will be dealt with by disciplinary action.
4. Certain mandatory, all staff training will take place on a yearly recurring basis.

- a. Topics of those trainings may include but not be limited to the following:
 - Cardio-Pulmonary Resuscitation (CPR)
 - Use of the Automated External Defibrillator (AED)
 - Basic first aid
 - Response plans for Fire, Tornado, Natural Disaster, Active Killer
 - Sexual harassment and sexual assault
 - Equal Employment and fair labor practices
 - Vehicle Operation

- b. Other topics that may not be mandatory training may include:
 - Conflict resolution
 - Dealing with difficult customers/employees/co-workers
 - Dealing with Emotionally Disturbed Persons (EDP)
 - Suicide prevention
 - Fire safety
 - OSHA/MSHA
 - Pipeline/Highline Safety
 - Mass casualty/disaster response
 - Emotional Intelligence/Situational Leadership
 - Leading by Legacy
 - Instructor Development
 - Use of Force/Civil Liability
 - Word/Excel/Office
 - Certain on-line courses offered by Safety Benefits Inc.

- c. In addition to these trainings, the City will encourage its employees to continue their formal education and training outside work hours and will make efforts to adjust hours of work to accommodate those needs.

2.11 Use of Equipment and Vehicles

When using City property, employees are expected to exercise care, keep the vehicle clean, perform required maintenance, and follow all operating instructions, safety standards, and guidelines. Except as specifically authorized by a Supervisor or the Department Head, the use of City equipment for any purpose other than City business is prohibited.

Please notify the Department Head/Supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective or in need of repair. Promptly reporting damages, defects, and the need for repairs could prevent the deterioration of equipment and possible injury to employees or others. The Department Head/Supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

Department Heads/Supervisors of any equipment, machines, tools, or vehicles will conduct periodic inspections to ensure all necessary equipment and supplies are contained within and functioning properly to ensure proper performance of daily tasks. In addition, City property shall be cleaned regularly. If at any time City property is found in unsatisfactory condition, disciplinary action may be considered.

On occasion, workloads and office demands may require that you perform City work outside the normal workplace or in your home. If this work can be aided or expedited using City equipment, your Department Head may authorize you to utilize such, but any use is limited to City business. If the equipment needed is available only from another department, you must obtain verbal permission from the appropriate Department Head.

A City vehicle may not be used for personal reasons.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action. Employees and their passengers shall be required to use seat belts when driving any city-owned or leased vehicle (if equipped with seat belts) or while driving their personal vehicle on official City business. Failure to comply with this policy may result in disciplinary action.

2.12 Commercial Driver's License

An employee hired to operate equipment requiring a CDL is required to maintain the licensure until such time as the employee separates from employment or the license is no longer a requirement of the job.

If an employee has their CDL disqualified or their driver's license suspended for any reason, they may be subject to disciplinary action.

All employees who are required to have a CDL shall adhere to their department's CDL policy.

2.13 Security Inspections

To safeguard each employee, their property, and the property of the City of Box Elder, the City desires to maintain a work environment that is free of illegal or illicit materials. To this end, the City of Box Elder prohibits the possession, transfer, sale or use of all such material on and within its premises and property including all premises and property owned or leased by the City. The City of Box Elder requires the cooperation of all employees in administering this policy and failure to cooperate with this policy will subject an employee to disciplinary action.

Desks, lockers, vehicles, computers, phones, electronic devices, and other storage devices/equipment may be provided for the convenience of employees but remain the sole property of the City of Box Elder. Accordingly, whenever there is reasonable suspicion that a City policy is being or has been violated, management or any agent or representative of the City of Box Elder may inspect such item or property or any other city owned property, at any time, either with or without prior notice in accordance with applicable state and federal laws. Personal property including but not limited to: wallets, purses, tool boxes, backpacks, lunch boxes, briefcases or any other container or object brought to and from City premises may likewise be inspected upon reasonable suspicion that a City policy is being or has been violated in accordance with applicable state and federal laws. Items of personal property will usually only be inspected in the presence of the employee and a representative from Human Resources.

2.14 Facility Closures

If circumstances require unexpected closure of the City of Box Elder Facilities, proper procedures shall be followed to ensure essential services are continued and effective communications are made to the public, employees, and volunteers. In the event of an unexpected closure, non-exempt employees may qualify for compensation at their regular pay rate up to 24 hours per calendar year. After 24 hours have been reached, employees may use available paid leave time such as unused vacation benefits, or with the Department Head's approval, lost time may be made up within the work week as defined.

Facility Closure Policy

To effectively serve the community during inclement weather and other emergencies, the City will make every effort to remain open during its regular business hours. When the City is open employees are expected to report for duty as scheduled, unless alternative arrangements have been made with their direct supervisor.

The City Administrator will determine whether inclement weather, or another emergency, necessitates the closing of City facilities. If the decision is made to close facilities, or in cases where it may be necessary to delay opening, appropriate announcements will be made to notify employees and the public of the closing or delay.

In the event of a facility closure, certain classifications of employees are required to report for duty to perform essential services (e.g.: Law Enforcement, Public Works Snow Removal Crew, etc.). Departments that provide these essential services will schedule employees

accordingly.

Employees deemed as Essential Personnel or Temporary Essential Personnel shall be available to work during each facility closing and shall report to work as directed. Some Essential Personnel or Temporary Essential Personnel may have the option of performing job duties remotely based on the nature and scope of their specific position and may not have to report to the City facility.

Employees who are deemed as Non-Essential Personnel are not permitted to report to work during a closure or delayed opening of City facilities. If Non-Essential employees report to work during a closure without the approval of their Department Head or Supervisor, the employees will be subject to disciplinary action.

Definition of Employees as Essential, Non-Essential, or Temporary Essential Personnel

Classification of Personnel will be made based upon a recommendation from Department Heads and/or Supervisors. Department Heads and Supervisors shall maintain a record of all employees classified as Essential Personnel and Non-Essential Personnel or Temporary Essential for their Department or Office and shall ensure that these employees are aware of their responsibility upon hire and in the event of a facility closure or emergency.

Essential Personnel

Those employees who are designated as such by a Department Head or Supervisor are necessary for providing essential services during a City emergency, or as a part of the employee's job description, are required to respond to City emergencies.

Non-Essential Personnel

Employees who are not required to respond to City emergencies.

Temporary Essential Personnel

Employees who are considered Non-Essential Personnel and are generally not required to respond to City emergencies, but who are designated for a particular event essential, by their Department Head or Supervisor, and therefore required to perform work duties due to necessary workload or the nature of the emergency.

Department Heads or Supervisors may be asked to provide a list (e.g., to Human Resources) of essential or non-essential employees and may be asked to account for non-essential employees who reported working during a facility closure.

3.0 EMPLOYMENT LIFE CYCLE

3.1 Employment Categories

It is the intent of the City of Box Elder to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period. Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and the City of Box Elder.

Each employee is designated as either non-exempt or exempt from the overtime provisions of applicable federal and state laws. Non-exempt employees are entitled to overtime pay while exempt employees are not entitled to overtime pay.

In addition to the above categories, each employee will belong to one additional employment category:

FULL-TIME BENEFITED (FTB) employees are those who are regularly scheduled to work 30 or more hours per week. They are eligible for the City of Box Elder's benefit package, subject to the terms, conditions, and limitations of each benefit program.

PART-TIME BENEFITED (PTB) employees are those who are regularly scheduled to work between 20 and 29 hours per week. Regular part-time employees are eligible for the City of Box Elder's benefit package, subject to the terms, conditions and limitations of each benefit

program.

PART-TIME NON-BENEFITED (PTNB) employees are those who are regularly scheduled to work less than 19 hours per week. While they do receive all legally mandated benefits (such as Social Security and workers' compensation insurance), they are ineligible for all the City of Box Elder's other benefit programs.

SEASONAL/TEMPORARY NON-BENEFITED (STNB) employees are those who are hired as interim replacements, to temporarily supplement the workforce, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status until notified of a change. While temporary employees receive all legally mandated benefits (such as workers' compensation insurance and Social Security), they are ineligible for all the City of Box Elder's other benefit programs.

3.2 Job Posting

The City of Box Elder provides employees an opportunity to indicate their interest in open positions and advancement within the organization according to their skills and experience. In general, notices of all job openings are posted on the city website, although the City of Box Elder reserves its discretionary right to not post a particular opening.

Job posting is a way to inform employees of openings and to identify qualified and interested applicants who might not otherwise be known to the hiring manager. Other recruiting sources may also be used to fill open positions in the best interest of the City of Box Elder.

3.3 Job Descriptions

The City of Box Elder makes every effort to create and maintain accurate job descriptions for all positions within the City. The job descriptions are used to aid in orienting new employees to their jobs, identifying the requirements of each position, establishing hiring criteria, setting standards for employee performance evaluations and establishing a basis for making reasonable accommodations for individuals with disabilities.

The Human Resource Department in conjunction with the Department Head/Supervisor prepares job descriptions when new positions are created. Existing job descriptions are also reviewed and revised to ensure that they are up to date. Job descriptions may also be rewritten periodically to reflect any changes in the position's duties and responsibilities.

Employees should remember that job descriptions do not necessarily cover every task or duty that might be assigned, and that additional responsibilities may be assigned, as necessary. Contact the Department Head or the Human Resource Department if you have any questions or concerns about your job description.

3.4 Employment Applications

The City of Box Elder relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

3.5 Employment Reference and Background Checks

To ensure that individuals who join the City of Box Elder are well qualified and have a strong potential to be productive and successful, it is the policy of the City of Box Elder to check the employment references during the pre-employment period. During the background check, selected candidates may be required to provide a copy of their driver's license, social security number, and any additional information deemed relevant.

The City of Box Elder will respond to inquiries regarding employees and former employees only through the Human Resources

department.

3.6 Appointment/Employment Offers/Acceptance of Employment

After a Department Head has selected an individual to fill a job vacancy, the individual will be notified of their selection by the Human Resources Department. The offer of employment shall be extended, and a starting date may be established at the time the letter is extended. Employment offers are for at-will employment, meaning the employment relationship may be terminated with or without cause, with or without prior notice, by either the City or the employee.

After an individual has accepted employment with the City, the Human Resources Department shall ensure that the necessary and proper paperwork is filed within the employee's personnel file.

3.7 Residency Requirement

Residency within the City shall not be a condition of employment. However, an employee's residency must not interfere with or hamper employees from fulfilling the duties of their position or cause the employees to miss work often.

3.8 Identification Badges (ID Badges)

Reasonable care and precautions must be taken with City issued identification badges (ID badges) given for City buildings, property, and equipment. Using ID badges to grant unauthorized access to any City facility is not allowed and may result in disciplinary action. Please refer to the ID Badge Directive for more details.

If employment with the City terminates for any reason, employees are required to return their City ID Badge in their possession to their Department Head or the Human Resource Department. Failure to return these and any City property may delay final compensation.

3.9 Personal Appearance

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image the City of Box Elder presents to the public.

During business hours or when representing the City of Box Elder, you are expected to present a clean, neat, and tasteful appearance. You should dress and groom yourself according to the requirements of your position.

Your Department Head/Supervisor is responsible for establishing a reasonable dress code appropriate to the job you perform. If your supervisor feels your personal appearance is inappropriate, you may be asked to leave the workplace until you are properly dressed or groomed. Under such circumstances, you will not normally be compensated for the time away from work.

Consult your Department Head/Supervisor or the Human Resource Department if you have questions as to what constitutes appropriate appearance.

3.10 Clothing Policy

The City will provide required protective safety clothing and equipment. Department Heads/Supervisors will advise employees of the necessary safety clothing and equipment.

The City may provide clothing for the identification of employees by the public and establishment of a consistent and professional appearance.

3.11 Work Schedules

Work schedules for employees vary throughout the City. Department Heads/supervisors will advise employees of their individual work

schedules. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week. The standard 40-hour work week for the purpose of calculating pay and overtime shall begin at 12:00 AM, Sunday and end at 11:59 PM, Saturday.

3.12 Overtime

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive the Department Head's/Supervisor's prior authorization. When required by a Department Head/Supervisor to work more than 40 hours in the designated work week, non-exempt employees are entitled to: overtime pay at 1 ½ times the regular rate of pay for each hour worked more than 40 hours in the work week. Accrual of overtime without prior authorization may result in disciplinary procedures.

Exempt employees are not eligible for overtime pay. They are expected, under the supervision of their Department Head/Supervisor, to discharge their job duties responsibly and efficiently and to schedule their work hours according to the needs of their position and department.

Call-Out Pay: Compensation that employees receive when they are called into their work sites or required to work from a remote location, whether or not they have been on "On-Call" status. Employees called in to work outside of their regular shift or schedule shall receive pay at the rate of time and one-half their regular rate of pay. This pay is based on actual hours worked with a one hour minimum. Call-out pay will begin when employees depart their residence and will end upon return to their residence. However, once an employee reports to work for their regular scheduled shift, call-out pay ends.

3.13 Safe Harbor Policy for Exempt Employees

It is our policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure that employees are paid properly and that no improper deductions are made, pay stubs must be reviewed promptly to identify and report all errors.

Those classified as an exempt salaried employee will receive a salary which is intended to compensate for all hours worked for the City. This salary will be established at the time of hire or upon classification as an exempt employee. While it may be subject to review and modification from time to time, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or character of the work performed.

Under federal and state law, salary is subject to certain deductions. For example, unless state law requires otherwise, salary can be reduced for the following reasons:

- Full-day absences for personal reasons
- Full-day absences for sickness or disability
- Full-day disciplinary suspensions for infractions of our written policies and procedures
- Penalties for major safety rule violations
- Family and Medical Leave absences (either full- or partial-day absences)
- To offset amounts received as payment for jury and witness fees or military pay
- The first or last week of employment in the event you work less than a full week
- Any full work week in which no work was performed

Salary may also be reduced for certain types of deductions such as a portion of health, dental, or life insurance premiums; federal taxes; social security; or voluntary contributions.

Salary will not be reduced for any of the following reasons:

- Partial-day absences for personal reasons, sickness, or disability
- Your absence on a day because the City has decided to close a facility on a scheduled workday

- Absences for jury duty, attendance as a witness, or military leave in any week in which you have performed any work
- Any other deductions prohibited by applicable state or federal law

However, unless state law provides otherwise, deductions may be made to accrued leave for full- or partial-day absences for personal reasons, sickness, or disability.

3.14 Time Records

Accurately recording time worked is the responsibility of every non-exempt employee. Federal and state laws require the City of Box Elder to keep an accurate record of time worked to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties. Non-exempt employees must accurately record the time they begin and end their work. Overtime work must always be approved before it is performed.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action. It is the employee's responsibility to verify their time records to certify the accuracy of all time recorded. The Department Head/Supervisor will review and then verify the time record before submitting it for payroll processing. In addition, if corrections or modifications are made to the time record, both the employee and the Supervisor must verify the accuracy of the changes.

The City's policy is to compensate employees for all time worked under applicable law. We specifically prohibit employees from working "off the clock." Any employee who is asked to work "off the clock" should report this conduct to the Human Resource Department. "Off the clock" is defined as performing work without recording the time worked and therefore, not receiving compensation. Questions regarding compensable work, should be directed toward the Department Head or the Human Resource Department.

Leave Requests

The City requires that each leave of absence must be submitted electronically for approval or rejection by the employee's Supervisor. Such leave requests must indicate the dates of the leave, type of leave to be taken and number of hours of leave to be taken. Leave Requests must be approved by the employee's immediate supervisor prior to the leave being taken. In circumstances such as an emergency or unexpected illness, the leave request is to be submitted as soon as possible when the employee returns.

3.15 Paydays

City employees are paid on a bi-weekly schedule. Paychecks are issued on the first Friday following the end of the bi-weekly pay period. All employees will have wages directly deposited into their designated bank accounts and itemized statements will be emailed.

3.16 Administrative Pay Corrections

The City of Box Elder takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the Department Head so that corrections can be made.

3.17 Compensation Administration

The Compensation Administration Program at the City of Box Elder was created to achieve consistent pay practices, comply with applicable federal and state laws, mirror our commitment to Equal Employment Opportunity, and offer competitive salaries within our labor market.

Compensation for every position is determined by several factors, including the essential duties and responsibilities of the job and salary survey data on pay practices of other employers. The City of Box Elder periodically reviews its salary administration program and restructures it, as necessary.

Reclassifications

Any change in an employee's job classification to a higher-grade classification shall result in placement of that employee on the new classification scale where the employee will not lose salary. If an employee is placed in a supervisory position, they may be placed at any step on the scale directly relevant to the amount of experience and education they can bring to the position, up to the first step where the supervisor would be paid more than those being supervised. However, if the new job classification is to a lower grade classification, that employee shall be placed on the lower grade classification at the Department Head's discretion.

NEW HIRES:

New hires will start within the specified wage range for the grade classification of their job description. When establishing the starting wage, consideration may be given by the Department Head for prior experience.

MERIT RAISES:

Annual merit raises will be based on the results of job performance appraisals. These appraisals will usually be conducted by the direct supervisor at least once per year and the Human Resources Department will keep them on file.

Employees should bring their pay-related questions or concerns to the attention of their Department Head/Supervisor. The Department Head or the Human Resource Department is also available to answer specific questions about the Compensation Administration Program.

3.18 Performance Appraisals

Department Heads, supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Performance appraisals will be conducted to provide both Department Heads/supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage, and recognize strengths and discuss positive, purposeful approaches for meeting goals. Performance appraisals are scheduled approximately every 12 months (but may be held more often), coinciding generally with the end of the calendar year.

3.19 Access to Personnel Files

The City of Box Elder maintains personnel files on each of their employees. The personnel file may include such information as the employee's job application, resume, records of training, documentation of performance appraisals and salary increases, disciplinary documents and other employment records.

Personnel files are the property of the City of Box Elder, and access to the information they contain is restricted. Management with the oversight of the Human Resources Department may review information in a personnel file.

Employees who wish to review their own file should contact the Human Resource Department. With reasonable advance notice, employees may review their own personnel files in the presence of a Human Resource Representative.

3.20 Personnel Data Changes

It is the responsibility of each employee to promptly update their personal information electronically. Personal mailing addresses, telephone numbers, numbers and names of dependents, individuals to be contacted in the event of an emergency, direct deposit information, and similar types of data should be accurate and current at all times.

3.21 Employment Termination

Termination of employment is an inevitable part of personnel activity within any organization and many of the reasons for termination are routine. No reasons are required, however, for termination to occur. Below are examples of some of the most common circumstances under which employment is terminated:

- Resignation - voluntary employment termination initiated by an employee

- Discharge - involuntary employment termination initiated by the City
- Retirement - voluntary employment termination initiated by the employee meeting age, length of service, and any other criteria for retirement from the City. There is no mandatory retirement age for City employees
- Layoff – involuntary separation from employment due to a lack of work

The City of Box Elder requests at least two weeks’ written notice of resignation from all non-exempt employees. The City of Box Elder requests exempt employees to give at least four weeks’ written notice of resignation unless otherwise stated in a separate employment contract.

Human Resources may request an exit interview to discuss the reason for any voluntary termination of employment.

Human Resources will provide any information regarding benefits during the transition out of employment. If the employee has been employed by the City for more than one year all accrued vacation at time of termination will be paid, subject to the return of property provision in Section 3.25. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

Since employment with the City of Box Elder is based on mutual consent, both the employee and the City of Box Elder have the right to terminate employment at will, with or without cause, at any time.

Training Expense Reimbursement: Employees who voluntarily leave the employment of the City will be subject to a schedule of reimbursement for any expenses incurred by the City for training they have received within a recent period of time. Reimbursement for 100% of expenses will be paid if the last day of employment is within six (6) months of completion of training, and 50% if between six months and one year. No reimbursement shall be required for expenses incurred by the City more than one year prior to leaving employment.

- For purposes of this section, “expenses” are costs incurred for employee course supplies and tuition. This does not include wages and withholdings.
- For purposes of this section, a voluntary termination of employment will not include termination of employment due to illness, disability, or retirement.

3.22 Return of Property

Employees are responsible for all City of Box Elder property, materials, or written information issued to them or in their possession or control. Employees must return all City of Box Elder property immediately upon request or upon termination of employment. If the property is not returned the full replacement cost will be deducted from the final paycheck.

4.0 EMPLOYEE BENEFITS

Eligible employees at the City of Box Elder are provided with a wide range of benefits. A number of the programs (such as Social Security, workers' compensation, and unemployment insurance) cover all employees in the manner prescribed by law.

Benefits eligibility is dependent upon a variety of factors, including employee classification. Human Resources can identify the programs for which employees are eligible. Details of many of these programs can be found elsewhere in the employee and benefits handbook.

The following employee classifications are eligible for the following benefits:

- FULL-TIME BENEFITTED EMPLOYEES
- PART-TIME BENEFITTED EMPLOYEES

The following benefits are available to eligible employees:

- Health Insurance
- Dental Insurance
- Prescription Drug Insurance

- Life Insurance
- Holidays
- Vacation
- Retirement Program
- Supplemental Medical Coverage
- Family Leave (unpaid)
- Jury Duty Leave (paid)
- Medical Leave (unpaid)
- Military Leave (unpaid)
- Bereavement Leave (paid)
- Personal Emergency Leave (unpaid)
- Voting Time Off (2 hours paid)
- Employee Assistance Program (EAP Connections)

4.1 Vacation and Paid Time Off (PTO)

Vacation and PTO are available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Employees in the following employment classifications are eligible to earn and use both as described in this policy:

- ⇒ FULL-TIME BENEFITTED EMPLOYEES
- ⇒ PART-TIME BENEFITTED EMPLOYEES

PTO is comprised of 5 types: 1) 10.5 floating holidays, 2) paid personal leave, 3) 24 hours of facility closure if applicable, 4) bereavement leave and, 5); executive leave if applicable.

FLOATING HOLIDAYS are equivalent time off credited to the employee's PTO at the beginning of each calendar year (January). Each employee will receive 84 hours of PTO Holiday time for these floating holidays, regardless of their common schedule (8-hour shifts vs. 10-hour shifts). Employees may take leave for that holiday or work the holiday, with Supervisor approval, at straight time and use the leave elsewhere during the year. Floating Holidays do not carry over into subsequent years.

PAID PERSONAL LEAVE (PPL) will be accrued for all employees at a rate of 4 hours per month and included in the total accruals. PPL will carry over into each new year up to a maximum of 480 hours (12 weeks). Employees on leaves of absence without pay or suspensions without pay who are absent for a full pay period do not accrue PPL benefits. Personal leave benefits shall be paid at the employee's regular rate of pay at the time the leave is taken. PPL will not be paid out upon separation from the City.

FACILITY CLOSURE LEAVE is 24 hours of leave granted to non-exempt eligible employees at the beginning of each calendar year for use in the event of City closure during normal business hours. This leave does not carry over into subsequent years.

BEREAVEMENT LEAVE

Employees who are regular full-time benefitted or regular part-time benefitted may take up to 30 hours of paid time off to attend the funeral and make any necessary arrangements due to the death of an immediate family member. An immediate family member includes the employee's spouse, children, mother, father, mother-in-law, father-in-law, daughter-in-law, son-in-law, brothers, sisters, grandparents, grandchildren, stepbrothers, stepsisters, stepparents, and foster children.

EXECUTIVE LEAVE is 32 hours of leave granted to certain salaried staff at the discretion of the City Administrator at the beginning of each year or upon hire. Salaried staff that receive executive leave also accrue vacation at the following rate from the date of hire; 6.15 hours/pay period. When salaried staff achieve 20 years of service, they will accrue vacation at the rate of 7.69 hours/pay period.

VACATION will be accrued according to the employee's years of service and included in the total accruals. Vacation is accruable to a maximum number specified in the table below.

Vacation accruals begin at the time of hire. However, new employees may not use vacation until they have been employed for at least

six months with the City, unless in special circumstances and with pre-authorization by the Department Head.

The amount of paid vacation time regular full-time employees receives increases with the length of their employment as shown in the following schedule:

Years of Service	Rate of Accumulation	Annual Accumulation	Maximum Yearly Carryover
0 to 5 years	3.07 hours/pay period	80 hours	120 hours
6 to 10 years	4.62 hours/pay period	120 hours	180 hours
11 to 20 years	6.15 hours/pay period	160 hours	240 hours
21 years and beyond	7.69 hours/pay period	200 hours	300 hours

The new rate of accumulation becomes effective during the month following the employee’s anniversary date. Salaried staff that receive executive leave also accrue vacation at the following rate from date of hire; 6.15 hours/pay period. When salaried staff achieve 20 years of service, they will accrue vacation at the rate of 7.69 hours/pay period.

On or about December 1st of each year, Department Heads may circulate appropriate forms to the employees so they may list their choice of vacation periods. These forms must be returned to the Department Head by the time outlined in the individual department guidelines.

The Department Head may post a schedule of vacations by January 1st.

Vacation normally will be granted at the time requested. However, if the nature of the work makes it necessary to limit the number of employees on vacation at any one time, the Supervisor will decide on how vacation is awarded. In December of each year, vacation accruals exceeding the maximum yearly carry-over will be paid at the employee’s straight-time rate of pay.

EMPLOYEE VACATION SELL-BACK OPTION: Twice a year, as determined by the City, staff have the additional option to sell no more than 100 hours of their banked vacation accrual. A minimum threshold of 100 hours must be maintained in the vacation balance following any sell-back.

E.g.: If an employee has 110 hours in their vacation accrual account, the employee may sell back 10 hours of vacation at the straight-time rate of pay during the designated sell-back periods.

The following are the recognized holidays that will be compensated with PTO:

1. New Year’s Day
2. Martin Luther King Day
3. President’s Day
4. Memorial Day
5. Independence Day
6. Labor Day
7. Veterans’ Day
8. Thanksgiving Day
9. Day After Thanksgiving
10. Christmas Eve (4 Hours)
11. Christmas Day

Any City-observed holiday that falls on a Saturday will be observed on the preceding Friday and any Holiday falling on a Sunday will be observed on the following Monday.

Part-time benefited employees will accrue PTO at 50% of each above-listed rate.

4.2 Workers' Compensation Insurance

The City of Box Elder provides a comprehensive workers' compensation insurance program at no cost to employees. If you are injured, no matter how slightly, or contract a disease because of your employment, immediately report the incident to your supervisor. Per South Dakota law, an injury must be reported immediately or as soon as practical. A written report (First Report of Injury) must be submitted to the Human Resources Department within three days.

The following steps should be taken if an employee is injured:

- Supervisor is notified. (If the injury is an emergency - please call 911 or take the employee to a hospital before continuing with these instructions).
- The Employee must fill out the Employee/Injury/Treatment section of the First Report of Injury form. The employee's signature is NOT required.
 - If the employee is incapacitated or unable to complete the form, the Supervisor can complete it on behalf of the Employee.
- The form must be sent to the Human Resources Department within three days of the incident.
- The Supervisor and Employee may contact the SDML Workers' Compensation Nurse Call Hotline at 877-899-9112 for the next steps.

While the City's worker's compensation provider has the final determination, City volunteers will likely only be covered when: (1) Requested to perform City work by a duly authorized City Official, (2) notification is given to the Human Resource Department, and (3) coverage has been approved in the official City Council minutes.

Neither the City of Box Elder nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the City of Box Elder.

4.3 Time Off to Vote

If your work schedule on a state-wide election day does not allow you two consecutive hours in which to vote during the time the polls are open, you will be permitted to take such time away from work for that purpose with pay. Your supervisor will specify the time during which you may be absent.

4.4 Jury Duty

The City of Box Elder encourages employees to fulfill their civic responsibilities by serving on jury duty when required. Employee classifications that qualify for paid jury duty leave are:

- FULL-TIME BENEFITTED EMPLOYEES
- PART-TIME BENEFITTED EMPLOYEES

Employees must show the jury duty summons to their Supervisor as soon as possible so that the supervisor may plan to accommodate their absence. Of course, employees are expected to report for work whenever the court schedule permits. You will be paid by the courts for jury attendance and mileage. You must provide sufficient proof setting forth the dates of jury service and the payment received. You should then turn in to your Supervisor the amount of the check less the mileage, and then the City will pay you your regular pay. This information must be shared with the Human Resources Department for payroll purposes.

The City of Box Elder will continue to provide health insurance benefits for the full term of the jury duty absence. Vacation and holiday benefits will continue to accrue during jury duty leave.

Seasonal/temporary NON-BENEFITTED EMPLOYEES or part-time NON-BENEFITTED EMPLOYEES are not eligible for jury duty pay. However, you are eligible for the time off to perform jury duty.

4.5 Health Insurance

The City of Box Elder's healthcare plan provides employees and their dependents access to medical, dental and prescription benefits. Employees in the following employment classifications are eligible to participate in the healthcare plan:

- FULL-TIME BENEFITTED EMPLOYEES
- PART-TIME BENEFITTED EMPLOYEES

Eligible employees may participate in the healthcare plan subject to all terms and conditions of the agreement between the City of Box Elder and the insurance carrier. A change in employment classification that would result in loss of eligibility to participate in the healthcare plan may qualify an employee for benefits continuation under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Refer to the Benefits Continuation (COBRA) policy for more information.

You are eligible to obtain health, dental, and term life coverage on the first day of the month following the hire date.

Currently, the City of Box Elder pays one hundred percent (100%) of the employee premium. You are responsible for paying the balance of the healthcare premium amount. For your eligible dependents, the premium paid by the employee is one hundred percent (100%). Details of the healthcare plan are described in the Summary Plan Description (SPD). An SPD and information on cost of coverage will be provided in advance of enrollment to eligible employees. Contact the Department Head or the Human Resource Department for more information about healthcare benefits.

4.6 Benefits Continuation (COBRA)

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the City of Box Elder's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee, a reduction in an employee's hours or a leave of absence, an employee's divorce or legal separation and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the City of Box Elder's group rates plus an administration fee. The City of Box Elder provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the City of Box Elder's Health Insurance Plan. The notice contains important information about the employees' rights and obligations.

4.7 Life Insurance

Life insurance offers you and your family important financial protection. The City of Box Elder provides a basic life insurance plan for eligible employees.

Employees in the following employment classifications are eligible to participate in the life insurance plan:

- FULL-TIME BENEFITTED EMPLOYEES
- PART-TIME BENEFITTED EMPLOYEES

Eligible employees may participate in the life insurance plan subject to all terms and conditions of the agreement between the City of Box Elder and the insurance carrier.

Details of the basic life insurance plan including benefit amounts are described in the Summary Plan Description provided to eligible employees. Contact the Department Head or the Human Resource Department for more information about life insurance benefits.

4.8 Pension Plan

If you are a regular full-time benefitted or a regular part-time benefitted employee, you are covered under the retirement plan known as

the South Dakota Public Employees' Retirement System. Your participation begins on the first day of your employment.

You and the City share the cost of your retirement benefits by contributing a percentage of your annual salary to the system. Each year the total contribution will equal a percentage of your gross annual wages – matched by the City. Retirement benefits are funded by employee contributions and matched by equal contributions from the City. Contributions are 6% of gross pay for Class A (non-law enforcement) and 8% of gross pay for Class B employees (law enforcement), unless changed by applicable state law. Your contributions are deducted from your paycheck each pay period.

If you have any questions regarding your retirement benefit, contact the South Dakota Retirement System office in Pierre.

Your retirement is supplemented by any social security benefits and can be further enhanced through voluntary participation in various tax-sheltered compensation options available through the South Dakota Retirement System Supplemental Retirement Plan.

Seasonal/temporary non-benefitted and part-time non-benefitted employees do not qualify for participation in the retirement plan.

4.9 Employee Development.

The City is committed to the continuing development of its employees. To do so, the City will provide incentives to continue education, improve physical, mental, financial, and spiritual health, and increase morale throughout the City. The City's Employee Excellence program is available to all employees of the City.

The Human Resources Department will oversee the program and from time to time, make recommendations to the City Council for adjustments in language, sub-programs, and budget of the program.

5.0 UNPAID LEAVES OF ABSENCE

Before taking unpaid leave, all paid leave must be exhausted.

5.1 Employee Rights Under the Family and Medical Leave Act

Leave Entitlement

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care.
- To bond with a child (leave must be taken within one year of the child's birth or placement).
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition.
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job.
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered service member's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, to use accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

Benefits and Protections

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

Eligibility Requirements

An employee who works for a covered employer must meet three criteria to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months.
- Have at least 1,250 hours of service in the 12 months before taking leave; and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

Requesting Leave

Generally, employees must give 30 days' advance notice of the need for FMLA leave. If it is not possible to give 30 days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

Employer Responsibilities

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

Enforcement

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

5.2 Military Leave

A military leave of absence will be granted to employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Advance notice of military service is required, unless military necessity prevents such notice, or it is otherwise impossible or unreasonable.

Employees will receive partial pay for two-week training assignments and shorter absences. Upon presentation of satisfactory military pay verification data, employees will be paid the difference between their normal base compensation and the pay (excluding expense pay) received while on military duty. The portion of any military leave of absence of more than two weeks will be unpaid. However, employees may use any available paid time off for the absence. Continuation of health insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions, and limitations of the applicable plans for which the

employee is otherwise eligible. Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the unpaid leave and will resume upon the employee's return to active employment.

Employees on military leave for up to 30 days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time plus eight hours. Employees on longer military leave must apply for reinstatement in accordance with USERRA and all applicable state laws.

Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for the purpose of determining benefits based on length of service.

Contact the Department Head or the Human Resource Department for more information or questions about military leave.

6.0 MISCELLANEOUS

6.1 Solicitation

To ensure a productive and harmonious work environment, people not employed by the City of Box Elder normally may not solicit or distribute literature in the workplace at any time for any purpose.

The City of Box Elder recognizes that employees may have interests in events and organizations outside the workplace. However, employees may not solicit or distribute information concerning these activities utilizing any City owned mass employee notification platforms or during working time. (Working time does not include lunch periods, work breaks, or any other periods in which employees are not on duty.) Employees who are not on working time (e.g., those on lunch hour, breaks or prior to or after their shift) may not solicit employees who are on working time for any cause or distribute literature of any kind to them. Furthermore, employees may not distribute literature or printed material of any kind in working areas at any time.

6.2 Break Times for Nursing Mothers

The City of Box Elder supports breastfeeding mothers by providing appropriate and reasonable arrangements for women wishing to express breast milk after they return to work. The City of Box Elder will provide appropriate space and a reasonable break time for an employee to express breast milk for her nursing child for up to one year after the child's birth. Anytime outside the employee's normal break time will be unpaid. Employees who need assistance in identifying an appropriate space should speak with their supervisor in conjunction with the Human Resource Department who are available to assist in identifying accommodations when needed.

6.3 Burning of Open Flame Products

Candles, incense, or any other product that produces an open flame is prohibited in any facility owned or operated by the City of Box Elder. Candles and open flames not only create a serious fire hazard but also create a serious personal injury hazard. It is for these reasons that this policy has been established.

6.4 Travel and Training

The City will pay reasonable expenses, which are incurred during authorized City travel. The City has two objectives when paying travel-related expenses: 1) To provide employees with sufficient funds to do business on behalf of the City and 2) to safeguard City funds by paying only reasonable and necessary expenses. Pertinent policies related to this section are available in the Finance Department. Employees are expected to maintain the highest standards of professional conduct and represent the City with integrity at all times while traveling or conducting business on behalf of the City.

6.7 Vaccinations

There are certain positions at the City of Box Elder where immunizations are required for the employee's safety. If you are working in such a position, the City agrees to reimburse the employee for the cost of the insurance co-pay associated with those immunizations. To receive the reimbursement, the employee must show proof of vaccination(s).

EMPLOYEE ACKNOWLEDGEMENT FORM

I have received a copy of the City of Box Elder Employee Handbook and have either read it or have had it read to me. I understand all its rules, policies, terms, and conditions and agree to abide by them, realizing that failure to do so may result in disciplinary action.

I understand that I should consult the Department Head or the Human Resource Department regarding any questions not answered in the handbook. I have entered into my employment relationship with the City of Box Elder voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or the City of Box Elder can terminate the relationship at will, with or without cause, at any time, so long as there is no violation of applicable federal or state law.

Since the information, policies, and benefits described in the handbook are necessarily subject to change, I acknowledge that revisions to the handbook may occur, except to the City of Box Elder's policy of employment-at-will. 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 of the City of Box Elder can adopt any revisions to the policies in this handbook.

I understand that the City will monitor my computer files, Internet activity, e-mail messages and voice mail messages for various reasons. The City will disclose such activity and messages to a third party without my consent when it deems such action necessary. I consent to the City's monitoring of my computer files, e-mail transmissions, voice mail messages and Internet activity.

Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document and that it supersedes all previous written and unwritten policies, including any previous handbooks.

EMPLOYEE'S NAME (printed): _____

EMPLOYEE'S SIGNATURE: _____

DATE: ____ / ____ / ____

