

RESOLUTION 1523

A RESOLUTION AMENDING THE CITY OF WEST BRANCH, IA EMPLOYEE  
HANDBOOK

WHEREAS, the City Council, of the City of West Branch, Iowa adopted an Employee Handbook on September 8, 2009, and amended same handbook on October 19, 2009, February 1, 2010, October 4, 2010, December 6, 2010, February 21, 2011, April 4, 2011, February 21, 2012, December 3, 2012, January 21, 2014, April 7, 2014, and June 27, 2016, July 18, 2016; and

WHEREAS, it is well-recognized that individuals who use illicit drugs or use alcohol are more likely to have workplace accidents and preform their work in an inefficient and substandard manner; and

WHEREAS, the City Council of the City of West Branch is committed to ensuring a safe, drug-free work environment for City of West Branch employees; and

WHEREAS, the City Council of the City of West Branch therefore adopted Resolution 1485 approving the City of West Branch, Iowa Drug and Alcohol Policy on June 27, 2016; and

WHEREAS, the City Council would now like to incorporate that policy into the West Branch, IA Employee Handbook.

NOW, THEREFORE, BE IT RESOLVED that the City Council of West Branch, Iowa does hereby approve and adopt the City of West Branch Personnel Handbook dated October 2016, revised by adding a **DRUG AND ALCOHOL POLICY** section by adding the text contained within the City of West Branch, Iowa Drug and Alcohol Policy contained in Resolution 1485 and attached as "Exhibit A" after the **ETHICS-CONFIDENTIALITY** subsection of the "**EMPLOYMENT**" section of the Employee Handbook.

Passed and approved this 17th day of October, 2016.

  
Roger Laughlin, Mayor

Attest:

  
Matt Muckler, City Administrator/Clerk

**CITY OF WEST BRANCH, IOWA  
DRUG AND ALCOHOL POLICY**

The City of West Branch (hereinafter "City") is committed to ensuring that its employees work in a safe, drug-free environment. It is well recognized that individuals who use illicit drugs or use alcohol are more likely to have workplace accidents and perform their work in an inefficient and substandard manner.

To effectuate this commitment, the City has determined that it must take the necessary steps to ensure that City employees are free from the influence of drugs and/or alcohol while performing their duties. The City has developed the following Drug and Alcohol Testing Policy which covers all City employees not otherwise affected by state or federal drug testing laws. This policy is applicable to all applicants for city positions and all city employees at any time they are actually performing, preparing to perform, or immediately available to perform any paid function as designated by the City.

All employees in positions requiring Commercial Drivers Licenses are subject to the federal and state laws requiring drug and alcohol testing, and those laws supersede the provisions of this policy. The Federal Transit Administration has adopted drug and alcohol testing procedures covering safety-sensitive employees engaged in mass transit and those laws also supersede the provisions of this policy.

**DEFINITIONS:**

- A. **Safety Sensitive Employee:** A safety sensitive employee is an employee working in a position wherein an accident or an error could cause the loss of human life, serious bodily injury, or significant property or environmental damage, including a position with duties that include immediate supervision of a person in a job that meet the requirements of this paragraph. However, the City reserves the right to add or remove positions from its list of safety sensitive positions at any time. This includes part-time safety sensitive employees.
- B. **Reasonable Suspicion Drug and Alcohol Test:** Drug or alcohol tests based upon evidence that an employee is using or has used alcohol or other drugs in violation of this written policy. Evidence in support of such a violation is drawn from specific objectives, articulable facts, and reasonable inferences drawn from those facts in light of training and experience. For the purposes of this paragraph, facts and inferences may be based upon, but are not limited to, any of the following:
  1. Observations while at work, such as direct observation of alcohol or drug use or abuse, or physical symptoms or manifestations of being impaired due to alcohol or drug use as described in the educational materials provided to employees.
  2. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
  3. A credible source's report of alcohol use or the use of drugs. The City Administrator will have the final determination of who is a credible source.

## **Exhibit A**

4. Evidence that an individual has tampered with any drug or alcohol test during the individual's employment with the City.
  5. Evidence that an employee has caused an accident while at work which resulted in an injury to a person for which injury, if suffered by an employee, a record or report could be required under Chapter 88 of the Iowa Code, or an accident that resulted in damage to property, including equipment, in an amount reasonably estimated at the time of the accident to exceed One Thousand Dollars (\$1,000.00).
  6. Evidence that an employee has manufactured, sold, distributed/solicited, possessed, used or transferred drugs while on the employer's premises, or while operating the employer's vehicle, machinery, or equipment.
  7. The employee's statement or admissions of drug use while he or she is a City employee.
- C. **Positive Test:** An employee tests positive for drugs if any trace of an illegal substance is detected following a drug test. An employee tests positive for alcohol if he or she has a blood alcohol concentration equal to 0.04 or greater.
- D. **Illegal Drugs/Substances:** Any substance that is illegal by law has not been legally obtained, or which cannot be legally obtained. This includes prescription medication for which the employee does not have a prescription and/or is not taken according to the prescription.
- E. **City Official:** Elected officers of the City including the Mayor and City Council members.

### **POLICY STATEMENT/PROCEDURES:**

#### **A. Prohibited Activity:**

1. No employee shall illegally use, sell, transfer, purchase, or possess drugs, alcohol, controlled substances, or drug paraphernalia, or any combination thereof while in a City facility, vehicle, vessel, or aircraft or while performing City business, including business conducted in the employee's own home.
2. No employee shall report for work while under the influence of illegal drugs or alcohol. Furthermore no employee shall report to work within four (4) hours of consuming alcohol even if the employee does not believe he or she is under the influence of alcohol during that time.
3. No employee shall use illegal drugs or consume alcohol while at work.
4. No employee shall use prescription drugs unless: (1) a doctor has prescribed the medication to the employee; and (2) the doctor has advised the employee that the drug will not adversely affect the employee's ability to perform the essential duties of his or her job without endangering the public's, coworkers', or the employee's safety.
  - a. Any employee using properly prescribed drugs that may impair the employee or affect the employee's job performance shall notify his or her immediate supervisor about the use of the drug. A drug may impair an employee or affect an employee's job performance if it may cause the employee dizziness or

## **Exhibit A**

drowsiness or the employee or the employee's doctor believe the drug will impair the employee or affect the employee's job performance in some way.

- b. If an employee is using a prescription drug and his or her doctor has advised him or her that the drug may adversely affect the employee's ability to perform the essential duties of his or her job, the employee shall advise his or her supervisor of the adverse effects and the prescribed period of use.
  - c. Supervisors shall document this information through the use of an internal memorandum and maintain this memorandum in the medical file of the employee maintained by Finance Officer/Treasurer/Deputy City Clerk. See subsection G for information regarding the storage of drug test results and other medical information.
  - d. Any employee using properly prescribed prescription drugs must carry the medication in its original container and the container must be labeled with the employee's name, employee's doctor, dosage, and the name of the drug prescribed.
5. Any employee who unintentionally ingests or is made to ingest a controlled substance shall immediately report the incident to his or her supervisor so that appropriate medical steps may be taken to ensure the employee's health and safety.

### **B. Notification:**

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

### **C. Prospective Employee Drug Testing:**

1. All prospective, safety sensitive employees who have been extended a conditional offer of employment with the City shall be informed that a condition of employment includes passing a drug test as part of the pre-employment process.
2. If a prospective, safety-sensitive employee refuses to take a pre-employment drug test when scheduled or tests positive for a substance, that employee is ineligible for City employment for one (1) calendar year from the date of the drug test.

## **Exhibit A**

3. If an employee is transferred to a safety-sensitive position, drug and alcohol testing under this policy is a condition of the transfer.
4. For part-time prospective employees, if the prospective employee is covered under another Law Enforcement Agency's drug test policy, the prospective employee may bring proof that he or she is covered under the other policy and the City Administrator may waive the requirement that the prospective employee be drug tested.

### **D. Employee Drug Testing:**

1. Random Testing
  - a. Because of the safety-sensitive nature of their employment, employees with safety-sensitive job duties may be required to take a drug test as a condition of continued employment in order to ascertain prohibited drug use, as provided below:
    - i. The City may conduct random drug and alcohol testing on safety sensitive employees who are not covered by another drug/alcohol testing policy mandated by the state or federal government without individualized suspicion.
    - ii. The selection of employees to be tested from the pool of employees subject to testing shall be done based on a computerized randomly generated selection process administered by a third-party, in which each member of the employee pool has an equal chance of selection.
    - iii. All random drug testing will be uniform and unannounced.
    - iv. The City Administrator will determine the frequency and timing of the random drug testing.
    - v. For part-time employees covered under another Law Enforcement Agency's drug testing policy, those employees may bring proof that they are covered under the other policy to the City Administrator who may then waive the requirement that the employee be drug tested. The City Administrator shall keep a copy of the policy in the employee's personnel file and if at any time the employee is no longer subject to drug testing, he or she shall notify the City Administrator immediately.
2. Post-Accident Testing
  - a. After an accident, testing shall be conducted on employees whose performance could have contributed to the accident if (1) it is required by state or federal law; or (2) reasonable suspicion exists.
3. Reasonable Suspicion Testing

## **Exhibit A**

- a. When any supervisor, manager, or City Official has reasonable suspicion that a City employee is under the influence of drugs or alcohol while on duty, or otherwise violating the terms of this policy, that supervisor, manager, or official shall require reasonable suspicion testing.
- b. If reasonable suspicion testing is required, the employee will not be permitted to drive to or from the testing or while at work until the test is returned, and then, only if the test produces negative results. The City will provide transportation to/from the testing at the City's expense if necessary.

### **E. Drug Testing Procedures:**

1. Drug and alcohol testing shall require the employee to present a reliable form of photo identification to the person collecting the sample.
2. Drug testing will be conducted at a location designated by a supervisor or the City Administrator.
3. The City will designate the type of testing to be performed on the sample collected.
4. Drug and alcohol testing shall normally occur during or immediately before working hours begin or immediately after working hours. The time required for such testing shall be considered work time for the purpose of compensation and benefits.
5. A specimen testing positive will undergo an additional test to confirm the initial result.
6. The drug screening tests selected shall be capable of identifying every major drug likely to be abused including, but not limited to, marijuana, cocaine, heroin, amphetamine, and barbiturates. Personnel utilized for testing will be certified as qualified to collect urine samples or adequately trained in the collection process.
7. Any employee who breaches the confidentiality of testing information shall be subject to discipline.
8. The City shall pay all testing costs for pre-employment, reasonable suspicion, regularly scheduled, or follow-up drug or alcohol testing ordered by the City.
9. In conducting drug or alcohol testing pursuant to this policy, the laboratory, the Medical Review Officer, and the City shall ensure, to the extent feasible, that the testing records maintained by the City show only such information required to confirm or rule out the presence of prohibited alcohol or drugs in the body.

### **F. Post-Testing Procedures:**

1. Employees having negative drug test results shall receive a memorandum stating that no illegal drugs were found. The employee may request a copy of the memorandum be placed in the employee's medical file.

## **Exhibit A**

2. An employee who has a positive drug or alcohol test, either from random testing or reasonable suspicion testing, shall be subject to disciplinary action up to and including discharge.
3. If the employee is permitted to return to work, the employee may be required to submit to evaluation by a Substance Abuse Professional and undergo treatment recommended by the Substance Abuse Professional prior to returning to work. If the employee successfully completes the treatment, no further disciplinary action will be taken against the employee. If the employee refuses to submit to the evaluation or fails to successfully complete treatment, the employee will be subject to further discipline up to and including discharge.
4. If the Substance Abuse Professional determines that the employee has a drug or alcohol related problem the employee will be required to do follow-up testing upon the employee's return to work. All follow-up testing will be unannounced and without prior notice to the employee and will be at the employee's expense.

### **G. Drug Test Results:**

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

### **H. Responsibility:**

1. It shall be the responsibility of the City Administrator to enforce this policy. Employees are expected to report any suspicious behavior or suspected drug abuse of an employee.
2. It is the responsibility of each employee to abide by the procedures as outlined. Any employee refusing to submit to a drug test request made under this policy will be subject to discipline up to and including discharge.

# West Branch, Iowa

## Employee Handbook

## INTRODUCTION

### **WELCOME!**

The West Branch City Council would like to welcome you! We hope that you find West Branch a rewarding place in which to work and we look forward to a productive and successful association.

### **HISTORY**

West Branch is a growing community with many great opportunities. You'll find our town an inviting place for all ages to shop, live, dine, meet and visit often. The community's pride in its architectural and cultural heritage is evident in our historic downtown where 14 buildings are listed on the National Register of Historic Places.

West Branch is the birthplace of Herbert C. Hoover, the 31<sup>st</sup> president of the United States. Visitors enjoy the Herbert Hoover Presidential Library-Museum and the Herbert Hoover National Historic Site and Prairie.

### **AT-WILL EMPLOYMENT**

This handbook is presented as a matter of information only; it is not intended to form a contract between West Branch and the employee. West Branch reserves the right to change or eliminate any or all of the policies, procedures, work rules or benefits herein at any time, with or without prior notice.

These policies and procedures outlined in this handbook are applicable to:

All employees responsible to the West Branch City Council.

All court ordered volunteers, where applicable.

All employees not directly responsible to the City Council and whose governing body has certified its applicability.

Whenever the provisions of this handbook are in conflict with the Code of Iowa or City Code, the Code of Iowa or City Code will prevail.

Just as you retain the right to terminate your employment at any time for any reason, West Branch retains a similar right. No policy or practice of West Branch should be construed to change this relationship. Only the City Council, or appropriate governing board, has the right to modify or change this practice, and such action must be in writing.

This handbook replaces all employee handbooks and amendments issued prior to the date of this handbook. Documents issued prior to this date should be discarded.

### **EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT**

It is the objective of West Branch to encourage employment and advancement of all individuals in a way that will utilize their talents to the maximum and develop their skills most effectively in a work and community environment that is free from discrimination.

West Branch has a policy to provide equal opportunity for all where employment is based upon personal capabilities and qualifications without discrimination because of race, color, religion, sex, age, national origin, sexual orientation, disability, or any other protected characteristic as established by law.

This policy of equal employment opportunity applies to all policies and procedures relating to recruitment and hiring, compensation, benefits, promotion, termination and all other terms and conditions of employment.

## **HARASSMENT**

It is the policy of West Branch that no employee be harassed by another employee, customer or supervisor on the basis of sex, race, age, disability, national origin, sexual orientation, religion or any other legally protected category.

Illegal harassment, whether verbal or physical, will not be tolerated. All members of management have the explicit responsibility and duty to take corrective action to prevent any illegal harassment of our employees.

If any employee believes that he or she has been subjected to illegal harassment, that employee should bring the matter directly to the immediate attention of their Department Head, a member of the City Council or appropriate governing board. All complaints will be investigated and appropriate remedial action taken, up to and including termination. There will be no retaliation against anyone who submits a good faith harassment complaint or participates in an investigation relating to such a complaint.

## **SEXUAL HARASSMENT**

It is the policy of West Branch that no employee be harassed by another employee or supervisor on the basis of sex.

The policy prohibits any demand for sexual favors that is accompanied by a promise of favorable job treatment or a threat concerning the employee's employment. Also prohibited is subtle pressures for sexual favors, including implying that an applicant's or employee's cooperation of a sexual nature, or refusal thereof, will have any effect on the person's employment, job assignment, wages, promotion, or any other condition of employment.

In addition, any behavior of a sexual nature not welcomed by the employee or found to be personally offensive is expressly forbidden. This includes but is not limited to:

- a. Repeated sexual flirtations, advances, or propositions.
- b. Continued or repeated verbal abuse of a sexual nature, sexually related comments and joking, graphic or degrading comments about the employee's appearance or the display of sexually suggestive objects or pictures.
- c. Any uninvited physical contact or touching, such as patting, pinching or other contact.

Sexual harassment, whether verbal or physical, will not be tolerated. All members of management and have the explicit responsibility and duty to take corrective action to prevent any sexual harassment of our employees.

As with other forms of harassment, any employee who believes that he or she has been subjected to sexual harassment should bring the matter directly to the immediate attention of their Department Head, a member of the City Council or appropriate governing board. All complaints or reports of sexual harassment will be investigated and appropriate remedial action taken, up to and including termination. There will be no retaliation against anyone who submits a good faith sexual harassment complaint or participates in an investigation relating to such a complaint.

## ORGANIZATION

### **MAYOR and CITY COUNCIL**

The Mayor and Council of West Branch are elected to staggered 4 year terms. Their primary purpose is to be the policy setting function of the City of West Branch.

The Council meets the first and third Mondays of each month in the Council Chambers at 110 North Poplar Street. Council meetings are televised on Local Access Channel 5.

### **ADMINISTRATION**

Central Administration includes the offices of City Administrator/City Clerk, Deputy City Clerk and Administrative Assistant. The City Administrator/City Clerk is appointed by the City Council and implements policy decisions of the Council and enforces City ordinances. Additionally, the City Administrator/City Clerk supervises department directors and is responsible for the keeping of all official City records, including ordinances, resolutions and minutes, as required by Iowa law. The Deputy City Clerk handles, accounts payable and receivable, bond and interest payments, cemetery records and state and federal reporting. The Administrative Assistant handles payroll and oversees the accounting for the City's enterprise utilities, liquor and cigarette permits.

### **PUBLIC WORKS**

The West Branch Public Works Department performs daily operations and maintenance of the City's municipal cemetery, water and wastewater systems and infrastructure as well as street infrastructure. They are also responsible for water and wastewater compliance and operating reports as required by state law.

### **PARKS AND RECREATION**

It is the goal of West Branch Parks and Recreation to provide affordable recreation opportunities to all members of the community. West Branch Parks and Recreation will plan, coordinate, administer, supervise and evaluate recreation programs and facilities including but not limited to adult/youth programs, sports, wellness, seniors and special events.

### **PUBLIC LIBRARY**

The West Branch Public Library serves the information and entertainment needs of the community of West Branch. The library provides free access to all materials including books, music, magazines, and movies as well as free computer and Internet access. Services including copying, printing, and faxing are available, but cost a minimal fee to maintain the service. The library also has programs available for all ages throughout the year including story times for preschoolers, family movie nights, and Summer Reading Programs for all ages.

## **POLICE**

The primary responsibility of the police service and the individual officer, is the protection of the people of the United States through the upholding of their laws; chief among these is the Constitution of the United States and its amendments. The law enforcement officer always represents the whole of the community and its legally expressed will and is never the arm of any political party or clique. The first duty of a law enforcement officer, as upholder of the law, is to know its bounds upon him or her in enforcing it. Because he or she represents the legal will of the community, be it local, state or federal, he or she must be aware of the limitations which the people, through law, have placed upon him or her. He/she must recognize the genius of the American system of government which gives to no man or woman, groups of men or women, institution, absolute power, and he/she must insure that he or she, as a prime defender of that system, does not pervert its character.

## **FIRE AND RESCUE**

The West Branch Fire Department serves as the community's primary fire and First Responder medical unit and Haz-Mat response unit. It also serves as the primary rescue unit for the district. There are 35 active firefighters, many of which are cross-trained in advanced EMT techniques. The Department is an all volunteer department. Not only serving the City of West Branch it also serves the neighboring Townships and has mutual aid agreements with many local communities, both supporting and being able to receive support from these neighboring communities. The Department partners with Johnson County Ambulance Service for primary medical transport, but can call on other medical transports, including the University of Iowa's AirCare helicopter. The Department meets as a whole once per month for business meetings and once per month or more for training and functions under its own Constitution and by-laws.

## **CABLE ACCESS**

The City operates Cable Access Channel 5, which is viewable on Liberty Communications and Mediacom cable systems. All programming is originated from the Access Center in the West Branch Public Library. A director maintains the department equipment, programming and broadcast schedule. The department is funded solely by franchise and programming fees from franchised companies.

## **EMPLOYMENT**

### **JOB OPENINGS**

Whenever a vacancy occurs in a regular full-time or part time job within a department, the opening will be posted at the City Office for 10 days. Current employees may indicate their interest in being considered for the vacancy by submitting an application for the position in writing to the Department Head within the stated posting period. The Department Head will make the recommendation on who is to fill the opening depending on the nature and responsibilities of the position. West Branch reserves the right to use other recruiting sources to fill open positions at their discretion.

### **VETERANS PREFERENCE**

Any honorably charged veteran, as defined by Iowa law, shall be entitled to preference in appointment and employment over other applicants of no greater qualifications.

## **EMPLOYEE STATUS**

Regular Full Time – Regular full time employment status is granted upon satisfactory completion of the orientation period. Regular full time employees are regularly scheduled to work 40 hours per week, 52 weeks per year.

Regular Part Time – Regular part time employment status is granted upon satisfactory completion of the orientation period to an employee regularly scheduled to work less than 40 hours per week, 52 weeks per year.

Temporary – Employees who are hired for a specific period of time or work irregular hours, on an as-needed basis. Temporary employees are not entitled to any benefits as described in this handbook, but are subject to the same work rules governing regular employees.

## **ORIENTATION PERIOD**

Except as otherwise provided by statute or the terms of a collective bargaining agreement, the orientation period is the first 180 days of an individual's employment. Unless otherwise provided by law, the completion of this orientation period does not change the at-will nature of the employment relationship.

If West Branch determines that the designed introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the orientation period may be extended for a specified period by the immediate supervisor and the Department Head, with approval of the City Council.

## **PHYSICAL EXAMINATION**

After an offer of employment has been made to an individual, the individual may be required to submit to a physical examination conducted by a qualified physician designated by the city. Employment will be contingent upon a satisfactory physical examination.

To the extent allowed by law, the physical examination may include drug testing.

## **RESIGNATION**

Employees shall present a written resignation at least two weeks prior to the effective date of the resignation. Employees who do not provide at least a two week notice, shall not receive payment for unused vacation, unless approved by the City Council due to extenuating circumstances.

## **RETIREMENT**

West Branch defines retirement as when employment terminates and the employee meets the requirements of retirement under the provisions of the Iowa Public Employees Retirement System.

## **PERSONNEL FILES**

West Branch maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals and salary increases, and other employment records.

Personnel files are the property of West Branch, and access to the information they contain is restricted. Generally, only management personnel of West Branch who have a legitimate reason to review information in a file are allowed to do so.

Employees who wish to review their own file should contact the City Administrator/City Clerk. With reasonable advance written notice, employees may review their own personnel file in the appropriate office and in the presence of an individual appointed by West Branch to maintain the files.

#### **ETHICS – CONFIDENTIALITY**

West Branch strives to maintain a high standard of business ethics. To assure that these standards of conduct are not violated, the city requires all employees to conduct their business in an ethical and legal fashion. This includes avoiding any activity outside of employment with the city that would adversely affect the employee's performance on the job or involve a possible conflict of interest.

The city's policy concerning business conduct also covers the protection of confidential information. It is the employee's obligation to keep such knowledge and information in strict confidence. Violation of this requirement of confidentiality is a serious matter and will result in disciplinary action.

#### **DRESS – GROOMING**

West Branch places a high priority on the employee's appearance. Since employees are in direct daily contact with the public, the public will remember the employee as a representative of the city and will be watching how the employee looks, acts and talks. We expect the employee to dress and groom themselves during working hours in such a manner as to reflect favorably upon the employee and the city. Dress in good taste and according to the requirements of the individual position.

#### **MEAL, MILEAGE AND LODGING REIMBURSEMENT**

West Branch will reimburse employees for business related meals, lodging and appropriate travel expenses, with appropriate receipts. The meal reimbursement limit is \$40.00 per day for City related meetings. In no circumstance will West Branch reimburse gratuity and or alcohol.

West Branch will reimburse employees for City related travel that requires the employee to use their personal vehicle. The reimbursement rate shall be set by the City Council.

#### **INCLEMENT WEATHER**

In the event of inclement weather, employees who choose not to report to work shall use earned vacation or leave without pay for their absence.

#### **WORK SCHEDULES**

In general, the work schedule of employees will not change from week to week. However, varying conditions in work load and demand of the public may necessitate a change in the work schedule. If it is necessary for the Department Head to change the normal work schedule, every effort will be made to give the employee as much notice as possible. Nothing in this section shall be construed as a guarantee of the number of hours an employee will be scheduled to work.

Regular full-time employees who are classified as exempt employees under the Fair Labor Standard Act (FLSA) are not eligible for overtime or compensatory time.

## **COMPENSATION**

Employees shall be paid the minimum rate of pay for the position, unless the City Council or appropriate governing board grants an exception due to outstanding qualifications and experience.

The West Branch City Council or appropriate governing board may elect to grant a cost of living allowance (COLA) for all employees. The rate shall be established by resolution of the City Council.

Proficiency pay increases may be provided to West Branch employees who show exemplary qualities. A proficiency pay base shall be established by the City Council or appropriate governing board.

Public Works employees shall earn an increase of \$.50 per hour incentive pay when a Water/Wastewater grade 1 or 2 certification is obtained. For a grade 3 certification or above, the employee shall earn an increase of \$.75 per hour. This pay increase would be effective the following pay period.

## **PAY PERIODS**

Employees shall be paid bi-weekly, effective March 1, 2011. Paychecks can be obtained from the Department Director.

## **CALL BACK**

Non-exempt employees, as defined by the FLSA, called back after their normal scheduled hours shall receive 2 hours of pay, or actual hours worked, whichever is greater.

## **TIME RECORDS**

Employees shall provide an accurate record their work time on a daily basis.

## **TRAINING**

West Branch shall reimburse employees for approved, work related training and tuition expenses. Appropriate documentation is required.

## **OVERTIME**

Periodically, overtime work is necessary to maintain city operations. In some cases, there are a sufficient number of employees available to make overtime work optional. However, the Department Director may require the employee to work overtime.

Employees are not entitled to compensatory time, but rather shall earn overtime for all hours worked over forty (40) in a week. All overtime will be approved by the immediate supervisor or city administrator and be paid in the applicable pay period. For the purposes of calculating overtime, holidays, sick leave, and bereavement leave shall be counted as hours worked. For the purposes of calculating overtime, vacation time shall not be counted as hours worked.

## **CONFLICT RESOLUTION PROCEDURE**

It is the policy of West Branch to treat all employees equitably and fairly in matters affecting their employment. Each employee will be provided ample opportunity to understand and resolve matters affecting his/her employment which the employee believes are unjust. The grievance procedure established in this policy shall be available to all regular city employees not covered by a collective bargaining agreement and who have completed their initial orientation period with the city. Employees shall have the right to present grievances without fear of reprisal.

The following are matters which may be grieved under this policy:

1. Alleged unjust application of discipline, excluding termination.
2. Alleged discrimination in any aspect of Human Resources administration on the basis of non-merit factors (i.e., race, sex, age, political affiliation, etc.).

**NOTE:** For a complaint of this nature, an employee has the option of utilizing this grievance procedure or following state and federal statutes.

3. Alleged unfair application, interpretation or violation of the rules and regulations of the city or one of its departments or offices.

Any grievance of an employee shall be handled in accordance with the following procedure:

**Step 1.** An employee shall discuss any alleged violation with her/his immediate supervisor within seven calendar days following its occurrence (or within seven calendar days from the date the employee should have had knowledge of its occurrence) in an effort to resolve the problem in an informal manner. The immediate supervisor shall respond verbally no later than seven days after the initial discussion. Every effort should be made to resolve the grievances at Step 1.

**Step 2.** If the Step 1 response fails to resolve the matter, the aggrieved employee may present the grievance in writing to the Department Head within seven days following receipt of the Step 1 response. Within seven calendar days following receipt of the grievance, the Department Head will answer the grievance in writing.

**Step 3.** In the event the official's answer in Step 2 fails to resolve the employee's grievance, the employee may, within seven calendar days following receipt of the answer in Step 2, present the grievance in writing to the Human Resources designee. (The City Council shall appoint a Human Resources designee based on the specific circumstance of the resolution request) Within 10 calendar days following the Human Resources designee's receipt of the written grievance, the Human Resources designee shall meet with the interested parties to more fully discover the facts related to the complaint. Within 10 calendar days following said meeting, the Human Resources designee shall answer in the grievance in writing.

**Step 4.** If the Human Resources designee's decision does not satisfy the employee's grievance, the employee may, within 10 calendar days following receipt of the answer at Step 3, present the grievance in writing to the West Branch City Council or the appropriate governing board. The Council shall arrange to meet within 30 calendar days following receipt of the grievance with the employee and the official against whom the grievance is filed. Within 10 calendar days following

the meeting, the Council shall issue a written decision. The Council's decision shall be final and binding.

### **FAILURE TO APPEAL**

If a grievance is not presented within any of the time limits specified in this grievance procedure, the employee's grievance shall be waived and the employer's last answer shall be final and binding.

### **ADMINISTRATIVE PROCEDURES**

1. All suspension and discharge grievances shall commence at Step 3 of the grievance procedure, and must be filed in writing no later than seven days following receipt of written notice of such disciplinary action.
2. The employee may be accompanied or represented by counsel at each step of the grievance procedure, if the employee so desires. Any costs incurred by the employee by outside counsel shall be the responsibility of the employee, regardless of the outcome of any decisions at any step of the process.
3. All grievances must specify explicitly the problem, including relevant names and dates; why the preceding response by management or supervision did not reasonably resolve the problem; and the requested remedy to the problem.

### **DISCIPLINE**

Formal disciplinary actions will include verbal warning, written reprimand, suspension, and/or dismissal. It shall be the policy of West Branch to utilize a system of progressive discipline in addressing an employee's work deficiencies; however, any of the disciplinary measures cited above may be initiated on the more serious first offense.

In most cases, disciplinary action will be issued to the employee by his/her immediate supervisor, or by a higher-level supervisor in the department to which the employee is assigned. Disciplinary action will be issued in a manner which will minimize embarrassment to the employee.

All disciplinary actions will be thoroughly documented in writing appropriate to the infraction committed. The document should be signed by the supervisor or Department Head initiating the action and by the employee. A copy should then be given to the employee, and a copy forwarded to the City Office. If the action involves an employee covered by a collective bargaining agreement, said agreement may also require a copy be sent to the appropriate union steward.

It shall be the duty of all employees to maintain high standards of conduct, cooperation, efficiency and effectiveness in their work. Department Heads and supervisors shall organize and direct the work of their units in a manner calculated to achieve these objectives. Whenever the work habits, attitude, production or personal conduct of an employee falls below an acceptable standard, the employee is subject to corrective and/or disciplinary action. All such actions shall be promptly and consistently administered and shall not be on account of political considerations, personal bias, or prejudice.

Letters of clarification shall precede formal discipline whenever, in the judgment of the Department Head, an infraction is readily correctable and is of lesser consequence.

## **GROUNDS FOR DISCIPLINARY ACTION**

The seriousness of an offense will often vary with the circumstances prevailing at the time it occurred and the motives which prompted it. Related and mitigating factors would be considered when determining the appropriate action to take. Each of the following work related infractions may be just cause for disciplinary action, up to and including dismissal. The list presented herein is not intended to be all-inclusive.

1. Unreasonable and/or abusive treatment of a client, citizen, other city employee or individual in the community, including verbal or nonverbal sexual or racial harassment.
2. Violation of any lawful and reasonable city or departmental policy.
3. Destruction or loss of city property, including abuse of tools, equipment and/or clothing allotments.
4. Absence from duty without permission, proper notice or satisfactory reason.
5. Falsifying records, knowingly giving inaccurate information or unnecessarily withholding information.
6. Obtaining materials or leave time based on fraudulent information; dishonesty; stealing; and other criminal acts.
7. Being under the influence of narcotics, alcohol or other physically impairing or illegal substances on the job.
8. Possession of any type of firearms, explosives or concealed weapons (without specific authority).
9. Conviction of a crime involving moral turpitude, casting doubt on the individual's ability to perform his/her city job effectively. (NOTE: Dismissal or non-prosecution for criminal charges shall not, in itself, preclude the city from taking disciplinary action.)
10. Incompetence, ineffectiveness, inefficiency or wastefulness in the performance of assigned duties.
11. Disregard for safety policies, procedures, reporting requirements, and/or proper use of safety equipment.
12. An attendance record which demonstrates a consistent or continual lack of availability for work to the extent that ineffectiveness or inefficiency of services results.
13. The Department Head or elected official may elect to place an employee on investigative leave before making any determination of corrective or disciplinary action.

## **COOPERATION IN INVESTIGATIONS**

All employees are required to fully cooperate with any representative of the city who is conducting a work-related investigation. Employees will be disciplined for lying to any representative of the city, or providing information to any representative of the city which is dishonest, misleading, inaccurate, or incomplete.

Employees will also be disciplined for impeding, obstructing, or failing to cooperate with an inquiry or investigation conducted by any representative of the city. "Obstructing" includes, but is not limited to, threatening, intimidating, or coercing other individuals who may be contacted by a representative of the city, and discouraging other individuals who may be contacted by a representative of the city from responding to or cooperating with the city. "Failing to cooperate" includes, but is not limited to, failing to provide information, documents, or materials requested by a representative of the city, and providing information, documents, or materials to a representative of the city which are dishonest, misleading, inaccurate, or incomplete.

## **REQUESTS FOR LEGAL WORK**

Any request for legal advice from the City Attorney should be forwarded to the City Administrator or Mayor prior to the request, unless otherwise approved.

## **DRUG FREE WORKPLACE**

West Branch is committed to the policy of maintaining a drug-free workplace. Thus, the unlawful manufacture, distribution, dispensation, possession or use of alcohol or any controlled substance by any employee in the workplace is prohibited. A controlled substance within the meaning of this policy means any controlled substance as defined by state or federal law. Any violation of this prohibition will result in discipline up to and including discharge.

The use of controlled substances, either on or off the job, is inconsistent with the behavior expected of employees, subjects all employees and the public to unacceptable safety risks, and undermines the city's ability to operate effectively and efficiently.

West Branch requires you to report any conviction under a criminal drug statute for violations occurring on the Employer's premises, or off the Employer's premises while conducting official business. A report of a conviction must be made to your Department Head within five working days after the conviction. Failure to do so will result in immediate dismissal from your position.

## **PERFORMANCE EVALUATIONS**

**Frequency of Evaluations:** Employees may be evaluated by the employee's supervisor or Department Head at least annually, and at such other times as deemed appropriate by the Department Head

**Evaluation Conference:** A conference regarding the evaluation will be held between the employee and the evaluator following the completion of the written evaluation. A copy signed by both parties will be given to the employee.

**Response:** All evaluation reports will be placed in the employee's personnel file. The employee has the right to respond to the evaluation report, and such response will become part of the evaluation report.

## **CITY EQUIPMENT**

West Branch provides supplies, equipment, and materials necessary for you to perform your job. These items include but are not limited to: telephones, computers, email and the internet. These items are intended to be used for the West Branch purposes. Minimal, appropriate personal use may be acceptable as determined by management personnel. Employees have no reasonable expectation of privacy with respect to any city provided equipment whether or not employees have private access or an entry code into the any system.

It is unacceptable for any user at any time to use, submit, publish, display, or transmit on any City computer system information which:

- Violates or infringes on the rights of any other person, including the right to privacy;
- Contains defamatory, false, inaccurate, abusive, obscene, pornographic, profane, sexually oriented, threatening, racially offensive, or otherwise objectionable or illegal material;
- Contains any material or comments that would offend someone on the basis of his or her race, gender, age, sexual orientation, gender identity, religious or political beliefs, national origin, or disability.
- Restricts or inhibits other authorized users from using the system or otherwise inhibits the efficiency of the computer system.
- Encourages the use of controlled substances or uses the computer system for the purpose of inciting crime, or
- Uses the system for any other illegal purpose.

It is also unacceptable for any user at any time to use the facilities and capabilities of the system to:

- Conduct any business activity or solicit the performance of any activity which is prohibited by law; or
- Transmit material, information or software in violation of any local, state or federal law;
- Conduct any fund raising and public relations activities; or

Employees who violate this policy are subject to disciplinary action in accordance with established personnel policies.

## **CELL PHONE**

Occasional minimal personal use of a city or personal cell phone is permissible per Department Head approval and if the Department Head sufficiently controls its use.

## **VEHICLE USE**

City vehicles may be available for use by city employees for city business only.

No city vehicle shall be used to transport family members or be used for any personal use other than a direct travel route to and from the city business premises. West Branch may allow de minimis use as provided by IRS regulations.

Employees must have a valid driver's license or CDL as required, maintain an acceptable driving record and may be required to provide a certificate of insurance to operate a city vehicle. Employees must notify their Department Head immediately upon any serious violation or accident involving a city vehicle.

## BENEFITS

West Branch has established a variety of employee benefit programs designed to assist you and your eligible dependents in meeting the financial burdens that can result from illness and disability, and to help you plan for retirement. This portion of the employee handbook contains a very general description of the benefits to which you may be entitled as an employee. Please understand that this general explanation is not intended to, and does not, provide you with all the details of these benefits. Therefore, this handbook does not change or otherwise interpret the terms of the official plan documents. Your rights can be determined only by referring to the full text of the official plan documents, which are available for your examination.

West Branch reserves the right, in its sole and absolute discretion, to amend, modify or terminate, in whole or in part, any or all of the provisions of the benefit plans described herein, including any health benefits that may be extended to retirees and their dependents. Further, West Branch reserves the exclusive right, power and authority, in its sole and absolute discretion, to administer, apply and interpret the benefit plans described herein, and to decide all matters arising in connection with the operation or administration of such plans.

### HEALTH INSURANCE

West Branch currently offers regular full-time employees, health coverage for themselves, their spouse and dependents.

Coverage takes effect the first day of the month following the employees hire date. Once made, your election is generally fixed for the remainder of the plan year. However, if you undergo a coverage enrollment event you may make a change in coverage provided you do so as soon as possible of that event. Please contact the City Clerk to determine if the change qualifies as an event under the plan document.

At the end of each fiscal year, during open enrollment you are free to change your medical elections for the following fiscal year, whether or not you have a change event.

Regular full-time employees with health insurance coverage through another family member may opt out of health insurance coverage with the City in return for the City providing a payment in lieu thereof in the amount of fifty (50) percent of the cost of a single premium. Employees who opt out of health insurance coverage must show proof of insurance coverage elsewhere that meets federal requirements under the Affordable Care Act.

Volunteer cadets are not covered by the City's health insurance or workers compensation programs. For any injury sustained or health related concern associated with the Volunteer Cadet's service on the West Branch Fire Department, the Volunteer Cadet and his or her family agree to submit any such claim through their own health insurance provider.

Any out-of-pocket expenses that remain after the claim has been submitted and processed by the Cadet's insurance provider will be submitted to the City of West Branch Fire-Pak insurance provider and general liability insurance provider. The City of West Branch will not provide any other relief for out-of-pocket expenses that remain after payment is made by the City of West Branch Fire-Pak insurance provider and general liability insurance provider.

In the case that the Volunteer Cadet and his or her family do not have health insurance coverage, the City of West Branch will submit the entire claim of any injury sustained or health related concern associated with the Volunteer Cadet's service on the West Branch Fire Department to the City of West Branch Fire-Pak insurance provider and general liability provider. The City of West Branch will not provide any other relief for out-of-pocket expenses that remain after payment is made by the City of West Branch Fire-Pak insurance provider and general liability insurance provider.

The Fire Chief, in cooperation with the City's Finance Officer, shall make each Volunteer Cadet and the parents and/or guardians of each Volunteer Cadet aware of this policy prior to the Volunteer Cadet's appointment to the West Branch Fire Department. The Cadet and their parents and/or guardians shall sign a waiver provided by the City Attorney to incorporate the terms of this policy for the Volunteer Cadets.

#### **DENTAL INSURANCE**

West Branch currently offers regular full-time employees, dental coverage for themselves, their spouse and dependents. Coverage takes effect the first day of the month following the employees hire date, if the employees hire date is the 1<sup>st</sup> of the month coverage begins that day.

Regular full-time employees may opt out of dental insurance coverage with the City in return for the City providing a payment in lieu thereof in the amount of fifty (50) percent of the cost of a single premium.

#### **FLEXIBLE SPENDING ACCOUNT**

West Branch offers an employee-funded flexible spending account to regular full-time employees. Just before the beginning of the calendar year, plan participants may elect an annual amount of flexible dollars to pay for eligible dependent care and health care expenses

#### **GROUP LIFE INSURANCE**

West Branch offers regular full-time employees who are employed by West Branch, an employer-paid basic group term life policy along with an accidental death and dismemberment policy. Each policy pays a death benefit equal to \$15,000, accidental is \$20,000.

#### **SUPPLEMENTAL INSURANCE**

West Branch offers supplemental voluntary insurance coverage.

## **VACATION – PERSONAL DAYS**

Regular full-time employees shall accrue vacation leave credit, based on regular full time equivalent service and prorated on a pay period basis. Annual vacation shall be accrued as follows:

<b>Years of Service</b>	<b>Annual Vacation Hours</b>
Hire date up to 5 years	104
5 years but less than 10 years	128
10 years or more	184

Vacation will not be paid if employment terminates within the orientation period. Vacation time may not be accumulated to more than 240 hours. Any accumulation of vacation hours above 240 will be forfeited by each employee on July 1<sup>st</sup> of each year, effective July 1, 2012. Vacation usage is subject to approval by the Department Director.

## **HOLIDAYS**

Part-time employees receive their scheduled hours and full-time employees receive eight hours compensation for the following city holidays:

New Year's Day

Martin Luther King Day

President's Day

Memorial Day

Independence Day

Labor Day

Veteran's Day

Thanksgiving Day

Day after Thanksgiving

Christmas Eve Day

Christmas Day

Those employees whose regular work week is Monday to Friday – when a holiday falls on a weekend, it will be observed on either the preceding Friday or following Monday.

Those employees required to work on a holiday shall be paid time and one half for all hours worked on a holiday.

As an example if an employee works 8 hours on Christmas, that employee shall receive 8 hours of holiday pay and 8 hours of time and a half for hours worked.

## **UNPAID LEAVE OF ABSENCE**

It is the policy of West Branch to grant unpaid leaves of absence to its employees when the requests are compatible with a department's operational needs and scheduling requirements. Employees may request an unpaid leave of absence for public service leave, extenuating medical circumstances or unpaid bereavement leave.

An employee desiring an unpaid leave of absence shall make a written request to his/her Department Head, setting forth the reason(s) for the request and the duration of the requested leave.

A request for an unpaid leave of thirty days or less will be approved or disapproved promptly by the Department Head.

A request for an unpaid leave of more than thirty days will be forwarded with recommendation by the Department Head to the City Council or appropriate governing board. In no event shall unpaid leave, under the provision of this policy, be approved for more than six months by the City Council or appropriate governing board unless provided by law.

Upon return from an unpaid leave of absence, West Branch will attempt to place the employee in his/her former position at the salary and step occupied at the time such leave began; provided however, that the employee is able to perform the essential functions of his/her position. In the event the former position is not available or, the employee is not able to perform the essential functions of his/her position, West Branch will attempt to place the employee in another position consistent with qualifications, ability, and staffing requirements. At no time will employees utilizing this policy be guaranteed a position upon return from an unpaid leave of absence.

An employee who fails to return from an unpaid leave of absence on the date specified in the request shall be considered to have resigned his/her position, unless a written request for extension has been submitted by the employee, recommended by the Department Head, and approved by the City Council.

While on an unpaid leave of absence, an employee shall not accrue sick leave or vacation benefits. Nor shall time spent on an unpaid leave of absence be considered time worked for the purpose of receiving an in-grade wage increment. The employee must pay his/her own group health and life insurance premiums for that portion of an unpaid leave of absence in excess of thirty (30) days.

In considering an employee's request for an unpaid leave of absence, the Department Head shall require the employee to use available vacation prior to being placed on leave without pay.

## **RETURN-TO-WORK PROGRAM**

- I. **PURPOSE:** It is the purpose of this program to provide guidelines for employees injured on the job who are unable to return to his/her regular job classification upon returning to work.
  
- II. **POLICY**
  - A. It is the policy of the City of West Branch to provide modified or alternate work for employees injured on the job, who are unable to temporarily or permanently

return to his/her regular job classification. Regular modified and alternate work will be provided as available in compliance with the Americans with Disabilities Act (ADA) and Iowa Workers' Compensation Act.

- B. The City of West Branch will make reasonable accommodations to a disability, unless the accommodations would impose an undue financial and administrative burden on the City.
- C. The feasibility of reasonable accommodations shall be determined on a case-by-case basis taking into consideration the employee, the specific physical or mental impairment, the essential functions of the job, the work environment, and the City's ability to provide accommodations.
- D. Objectives:
  - 1. To return the employee who is injured on the job to work as soon as possible when there is not a significant risk of substantial harm to themselves and others.
  - 2. To minimize financial hardship and emotional stress to the employee who has sustained a work-related injury.
  - 3. To assist the employee in returning to work at a level as close as practicable to his/her pre-injury earnings and productivity.
  - 4. To retain qualified and experienced employees.
  - 5. To reduce the cost of disability benefit programs.

E. Temporary Alternate Duty (TAD):

- 1. TAD is defined as modified duties or hours assigned to a worker injured on the job, when the physician indicates they can return to work but who are not yet physically capable of handling the entire job duties normally assigned, and his/her work-related injury has not reached maximum medical improvement.
- 2. The purpose of TAD is to provide temporary work, within medical restrictions, for an employee injured on the job. TAD may be available with medical prognosis indicating that the employees are expected to return to full duty following a course of medical treatment.
- 3. If an alternate duty position is available, the employee must be provided with TAD as soon as medically feasible. An alternate duty position may be either within his/her department, if available, or within another City department, as coordinated by the City's designee. TAD should be consistent with the employee's physical/mental abilities.
- 4. An employee in TAD capacity will continue to receive the salary and benefits of his/her job classification. A TAD assignment should be reviewed after each

medical appointment, normally every 7 to 14 days. TAD will not normally exceed three months (90 calendar days).

5. TAD Procedures:

- a. City of West Branch Designee or Workers' Compensation Designee:
  - 1) Informs physician about the TAD program.
  - 2) Informs employee about the TAD program.
  - 3) Informs Workers' Compensation Adjustor of employee's availability to the TAD program.
  - 4) Obtains information regarding medical condition of employee from the City's designated healthcare provider or other authorized treating healthcare provider(s).
- b. Department Representative and/or Employee's Supervisor, along with Workers' Compensation Designee:
  - 1) Develops work assignments on a case-by-case basis, if available, depending on medical restrictions.
  - 2) Develops appropriate TAD assignments, and monitors on-going medical and work adjustment.
  - 3) May meet with injured employees to review TAD status.
- c. Employee:
  - 1) Reviews and signs *Appendix A*, Return to Work Program Statement of Acknowledgment.
  - 2) When the physician has determined that Maximum Medical Improvement has been reached and the employee is able to perform the essential job duties of his/her job with or without reasonable accommodations, the employee shall return to the job classification and duties held prior to the work injury.
  - 3) When the physician has determined that Maximum Medical Improvement has been reached, and the employee is unable to perform the essential job duties of his/her job with or without reasonable accommodations, the employee will be assigned to a Ninety (90) Day Modified Duty Assignment.
    - a. An employee assigned to a Modified Duty Assignment will either report to his/her regular department or the assigned City

department coordinated by the City's designee. The employee shall be assigned to do whatever work he/she is able to do, under the restrictions that the City's designated healthcare provider has placed on the employee.

- b. An employee placed on Ninety (90) Day Modified Duty Assignment shall continue to receive the salary and benefits of his/her job classification.
- c. No alternate duty employee will be permitted to work overtime.
- d. During the ninety (90) day period, employees on Modified Duty Assignment will be encouraged and afforded opportunities to apply for other jobs for which they are able to perform the essential functions of the job.
- e. At the conclusion of their ninety (90) day Modified Duty Assignment period, employees who have been unsuccessful in obtaining other jobs for which they are qualified and for which they are able to perform the essential functions or if no jobs were available within the City, shall be laid off. Laid off employees shall be afforded all rights and benefits included in applicable personnel policies in effect at the time of the layoff.

#### F. Responsibilities of the Employee:

- 1) The employee is responsible for notifying the West Branch City Office of any changes to his/her current mailing address. Job vacancy notices will be mailed to the last address shown on the City of West Branch's records.
- 2) To determine the appropriateness of the job assignment, the employee who is unable to return to work without restriction is responsible for keeping the Department Director (or the Department Directors' designee) informed of the status of the employee's medical condition.
- 3) If the employee rejects any assignment which is compatible with given medical restrictions, the employee shall not be compensated by the City of West Branch or the City of West Branch's workers' compensation carrier with temporary, partial, temporary total or healing period benefits during the period of refusal (*Code of Iowa*, Section 85.53 – Suitable Work).
- 4) The employee assumes responsibility for contacting the West Branch City Office to apply for available jobs.

#### Appendix A

*[Enter Employee Name]*

### **City of West Branch -Return to Work Program Statement of Acknowledgement**

I acknowledge that I have been informed of the City of West Branch's Temporary Alternate Duty (TAD) program, and I understand and agree to abide by the restrictions defined by the City's designated healthcare provider's physician and by the City of West Branch as a condition of my participation in the *Return-to-Work* program.

I further understand that if I do not follow the restrictions placed on me by the physician and the City of West Branch, I may receive disciplinary action up to and including discharge.

Employee Signature/Date:

---

Witness

Signature/Date: \_\_\_\_\_

#### **IPERS**

West Branch employees are covered by the Iowa Public Employee Retirement System. Employees and West Branch shall contribute a state mandated amount of funding to this system to compensate employees upon retirement.

#### **SICK LEAVE**

All regular full-time employees shall be entitled to accrue sick leave based on full time equivalent service and the hours worked. Employees shall accrue 96 hours of sick leave annually, and sick leave can accumulate to a maximum of 560 hours.

For regular full-time employees, the pay for a day of sick leave will be compensation at the employee's regular rate of pay for eight hours or for their regularly scheduled hours of work, if that number of hours is different than eight.

Sick leave accruals may be used for the following reasons:

1. Personal illness or injury which renders the employee unable to perform the duties of his/her position;
2. Illness of a member of the employee's family, including spouse, child, parent or legal ward necessitating the employee to be in attendance;
3. Medical, dental or optical appointments which cannot be scheduled during non-working hours.

An employee continues to accrue sick leave time even while on sick leave.

Employees who are unable to report for work because of illness are to notify their Department Director before the regular work day begins.

Employees can be compensated for 50% of yearly accumulated sick leave above the 560 hour maximum accumulation. Employees will be paid for this unused leave on the first pay check after October 15 of each year.

Upon retirement employees hired before January 1, 2009 will be paid 50% of the accumulated sick leave based on the employee's current hourly based salary. Employees hired after January 1, 2009 shall receive 25% of the accumulated sick leave based upon the employee's current hourly based salary.

#### **JURY DUTY**

Employees may be granted time off with pay for a period not to exceed three calendar months in any one calendar year for the purpose of jury duty. The employee will be granted time off only for that portion of the workday necessary to serve duty. The employee is responsible to turn over jury or witness fees, excluding mileage fees, to the City Administrator/City Clerk when the length of jury duty service requires the hiring of temporary staff to cover operational effectiveness of the department.

#### **MILITARY LEAVE**

Employees with military obligations will be granted leaves of absence in accordance with applicable federal and state laws.

#### **BEREAVEMENT LEAVE**

Employees may be granted time off with pay for up to 5 days in the event of the death of spouse and child. Employees may be granted time off with pay for up to 3 days off in the event of the death in the employee's immediate family. Employees may be granted time off with pay for up to 1 day for the employee's extended family.

For the purposes of bereavement leave, immediate family includes the following: father, mother, brother, sister, mother-in-law, father-in-law, employee's grandparent or employee's spouses grandparent, grandchild, or guardian; extended family shall include the following: sister-in-law, brother-in-law, uncle, aunt, niece, nephew or first cousin.

#### **Wellness Policy**

The City recognizes the importance of promoting health, well-being, healthy eating, and exercise among its employees. It is the City's desire to encourage health, well-being and exercise through a Wellness Program designed to help ensure a healthy work environment for City of West Branch employees. Participation in the Wellness Policy is encouraged but voluntary.

The Wellness Policy applies only to direct city employees at this time and is not currently being offered to the employees' family members. Full-time employees, part-time employees and volunteer firefighters are eligible to receive benefits under this policy. Seasonal employees and reserve police officers are not eligible to receive benefits under this policy.

#### **Reimbursement Benefit**

Full-time employees and volunteer firefighters may be reimbursed for a wellness program or membership, with a monthly maximum of \$30. Part-time employees may be reimbursed for a wellness program or membership, with a monthly maximum of \$15. Examples of such benefits include but are not necessarily limited to subscription to health programs like Weight Watchers, membership fees to gyms or health facilities, or participation in a sports club of some kind.

Receipts for purchase/payment or proof of payment must be provided to the city office by close of business on the last day of the month for reimbursement the following month.

Participation in Recreation Events

In addition to healthy activities, the City of West Branch would like to promote activity with the community and in our Recreation Programs and Events. As such, participation in health classes provided by the West Branch Parks & Recreation department will be provided at no cost to full-time employees, part-time employees and volunteer firefighters. These are offered solely for sports and physical fitness classes and are not eligible for events that offer prizes or rewards issued from the participation income. Some programs may be ineligible based on the decisions of the program instructor.