

ARTICLE 1

GENERAL PROVISIONS

1.1 Purposes

It is the stated purpose of the following personnel practices and procedures to establish an efficient and equitable system of personnel administration based on employee merit, free from personal or political consideration. These personnel practices and procedures are intended to govern conditions of employment by the City of Whitewood, South Dakota.

1.2 State and Federal Law

In any instances where those personnel practices and procedures, and any statutes of the State of South Dakota or the United States apply to municipal employees, the provisions contained in the applicable State and or Federal laws shall supersede.

1.3 Administration

The Municipal Finance Officer is responsible to administer these personnel practices and procedures.

1.4 Application

These personnel practices and procedures shall be the established personnel policy for all municipal employees of the City of Whitewood.

1.5 Departmental Practices and Procedures

These personnel practices and procedures shall not limit the authority of any municipal supervisor to make departmental rules and regulations. However, departmental rules and regulations shall not conflict with the provisions of these personnel practices and procedures.

1.6 Disclaimer

The City recognizes that South Dakota is an employment at-will state and the City hereby declares that all employees of the City are at-will employees for employment. This means that either party is free to terminate the relationship at any time, with or without reason, and with or without notice.

In most cases, it shall be the practice of the City Council to conduct termination of employment activity in accordance with approved policies. However, the City, in no way, abandons its right of employment at-will.

This manual does not confer a contract of employment. These policies are provided as a reference of present policies and not a guarantee of employment or specific employment benefits.

1.7 Revisions

The City specifically reserves the right to repeal, modify, or amend any of these policies, with or without notice, upon a majority vote of the governing board.

This handbook supersedes all previous employee manuals of the City.

ARTICLE II

RECRUITMENT AND SELECTION

2.1 Employment Procedures

It is the policy of the City of Whitewood to carry on such recruitment programs as necessary to seek out and secure the most qualified individuals to apply for City positions.

2.2 Application

Applications for any position with the City of Whitewood shall be made on City application forms, which require information having a direct bearing on the nature of the position applied for.

2.3 Physical Examination

A physical examination will be a prerequisite for regular full-time employees and regular part-time employees in any municipal position. This shall include drug and alcohol testing. The cost of the physical examination and testing will be borne by the City. Hepatitis A and Hepatitis B shots will be required for certain employees and the City will pay for these shots. The City of Whitewood reserves the right to do drug and alcohol testing.

2.4 Selection

In selecting a candidate for a municipal position, the appointing authority must use written, oral, or performance tests, and evaluation of training and experience, or any combination of the above. Investigation of character, personality, and education may also be made when the nature of the position deems such investigations as necessary.

2.5 Equal Employment Opportunity

The City is committed to providing equal employment opportunity for all persons regardless of religion, sex, age, national origin, or disability.

Equal opportunity extends to all aspects of the employment relationship, including hiring, transfers, recruiting, layoff and recall, promotions, training, terminations, working conditions, compensation, fringe benefits, retirement plans, disability leave and other terms and conditions of employment.

2.6 Nondiscrimination

It is the policy of the City not to discriminate on the basis of age, race, color, religion, creed, national origin, sex, marital status, disability, veterans status,

pregnancy, gender, ancestry, medical condition, sexual preference, and any other protected group status in its educational programs, activities, or employment policies and activities as outlined in section 2.5 as required by following State and Federal laws and regulations: The Equal Pay Act of 1963, The Civil Rights Act (Title VII) of 1964 and 1991, Executive Order 11246, The Age Discrimination Act of 1969, Title IX of the Educational Amendments of 1972, Section 503 of the Rehabilitation Act of 1973, Fair Labor Standards Act, United State Codes, Code of Federal Americans with Disability Act, Veterans' Rehabilitation Act of 1974, Immigration Reform and Control Act of 1986, Immigration Act of 1990, etc.

2.7 Complaint Procedure

It has been, and shall continue to be, the City's policy to comply with the letter and spirit of applicable federal, state, and local laws, ordinances and statutes concerning equal employment opportunity and nondiscrimination. The City pledges that it will make a determined and sustained effort to prevent and eliminate any discrimination within the organization, in part by implementing the affirmative action measures outlined below. This commitment also extends to giving full consideration to the employment of disabled or handicapped persons for work for which they are qualified.

The City has adopted this procedure to provide prompt and equitable resolution of complaints alleging any action prohibited by the Equal Employment Opportunity Commission (EEOC).

Any individual who believes that (s)he or a specific class of individuals has been subjected to unlawful discrimination may, by himself or herself or by any authorized representative, file a complaint.

A complaint must be filed in writing and contain: the name and address of the individual or representative filing the complaint, a description of the alleged discriminatory action in sufficient detail to inform the entity of the nature and date of the alleged violation, and be signed by the complainant or authorized representative. Complaints filed on behalf of third parties must describe or identify the alleged victims of the discrimination.

- A. Initial complaints should be directed to the individual's Department Head. The Department Head and the individual complainant should attempt to resolve the complaint at this level. The Department Head shall have ten working days from the date he/she was made aware of the complaint in official written form to provide a written proposed resolution for the complaint to the complainant. **NOTE: In the event, the employee does not feel comfortable with any individual step of this procedure he/she should pass over that step and begin this process at the next available and appropriate step.**

- B. In the event the complainant is not satisfied with the action of the Department Head, they shall have ten working days from receipt of the formal written proposed resolution from the Department Head to forward the complaint to the Personnel Committee. The Personnel Committee will attempt to resolve the complaint at this level. Upon receipt of the formal complaint, in written form, the Personnel Committee shall conduct an informal investigation and have ten working days to provide a written proposed resolution to the complainant regarding the complaint.
- C. In the event the complainant is not satisfied with the proposed resolution of the Personnel Committee, they shall have ten working days from receipt of the formal written proposed resolution from the Personnel Committee to forward the complaint to the full Council through the Mayor.
- D. Upon receipt of a formal written complaint, the Mayor shall notify the Council of the complaint by its next regularly scheduled meeting. The Council shall promptly arrange for a thorough investigation of the complaint. All interested parties shall be afforded an opportunity to submit evidence relevant to the complaint. A neutral third party may be utilized in the conduct of this investigation to ensure impartiality and proper proceedings. Thirty calendar days will be allowed to ensure adequate opportunity for all involved parties to present information and to ensure the investigating authorities have sufficient opportunity to prepare findings of facts and conclusions. At the end of this time, the investigating authority shall provide their findings of facts and conclusions to the City Council. Upon receipt of this information the Council shall have ten working days to provide a formal written proposed resolution to the complainant, again this may be written by the neutral party who investigated the complaint.
- E. Files and records of all complaints filed shall be maintained by Management within the Finance Office.

2.8 American's with Disabilities Act

The American's with Disabilities Act (ADA) provides comprehensive civil rights protections to individuals with disabilities in the area of employment, public accommodations, state and local government services and programs. 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”*.

The City has adopted this policy to provide prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the ADA.

Requesting an Accommodation

Qualified individuals with disabilities may make requests for a reasonable accommodation to his/her individual Department Head. On receipt of an accommodation request, the Department Head will meet with the individual requesting the accommodation to discuss and identify the precise limitations resulting from the disability and the potential accommodation that the City may make to accommodate the limitations. The Department Head, along with the individual's Doctor and other professionals at the City will determine the feasibility of the requested accommodation, considering various factors as permitted by law.

Complaint Procedure

Any individual who believes that he/she or a specific class of individuals with disabilities has been subjected to unlawful discrimination on the basis of that disability by the City may, by himself or herself or by any authorized representative, file a complaint. Please refer to Section 2.7 for appropriate complaint process.

2.9 Harassment/Sexual Harassment

It is the goal of the City to have a workplace free of harassment, regardless of whether the harassment is of a sexual nature or in reference to age, race, color, religion, creed, national origin, sex, marital status, disability, veterans status, pregnancy, gender, ancestry, medical condition, sexual preference, and any other protected group status. Any behavior that creates or contributes to an intimidating, hostile, or offensive environment is absolutely prohibited and will result in disciplinary action, up to and including termination.

Workplace Harassment

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status, such as age, race, color, religion, creed, national origin, sex, marital status, disability, veterans status, pregnancy, gender, ancestry, medical condition, sexual preference, and other protected group status. Harassment includes conduct that denigrates or shows hostility or aversion toward an individual because of his or her protected status or that of his or her relatives, friends, or associates.

The City believes that every employee has the right to a working environment free from all harassment.

Sexual Harassment Defined

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment. Sexual harassment has two definitions, they are:

- A. Quid Pro Quo- Quid Pro Quo is a threat or insinuation, either explicitly or implicitly, an employee's refusal to submit to sexual advances or refusal to tolerate or participate in unwanted conduct, or communication of a sexual nature will affect the employee's terms and conditions of employment, including but not limited to wages, advancement, evaluation, assigned duties, shift assignment, career development, etc.
- B. Hostile Work Environment- A hostile work environment is any conduct or communication of a sexual nature which has the purpose of effect of substantially interfering with work performance or of creating a hostile, intimidating, or offensive employment environment that may be considered offensive to another employee.

Sexual harassment may include such actions as: sex-orientated verbal "kidding", "teasing", or "jokes"; foul or obscene language or gestures; display of foul or obscene printed or visual material; physical contact such as patting, pinching, or brushing against another's body; and demand for sexual favors. While such conduct generally can amount to sexual harassment only if it is both unwelcome and either severe or pervasive, the City nonetheless discourages any such conduct in the workplace, regardless of the circumstances.

Any number of actions may constitute sexual harassment under various circumstances, including but not limited to the following:

- The victim as well as the harasser may be a woman or a man.
- The victim does not have to be of the opposite sex.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- The harassers conduct must be welcome.

Responsibilities

Everyone at the City is expected to avoid any behavior or conduct that could be interpreted as unlawful harassment. All employees should also understand the importance of informing the individual whenever that individual's behavior is unwelcome, offensive, in poor taste, or inappropriate.

The City must be aware of incidents of harassment to be able to take appropriate corrective measures.

A. Employees- If an employee believes that he/she has been subject to harassment/sexual harassment or any unwanted sexual attention, he/she should:

- Make his/her unease and/or disapproval directly and immediately known to the harasser.
- Make a written record of the date, time, and nature of the incident (s) and names of any witnesses.
- Report the incident to his/her Department Head, Mayor or the Council as set forth in Policy 2.7 of this manual.

All incidents of harassment/sexual harassment or inappropriate sexual conduct must be reported regardless of their seriousness. Publicizing information about alleged harassment without following the reporting procedures or filing a formal complaint might be considered evidence of a vexatious intent on part of the accuser.

B. Supervisors/Management- Supervisors must deal expeditiously and fairly with allegations of sexual harassment within his/her departments, whether or not there has been a written or informal complaint. Supervisors/Management must:

- Act promptly to investigate harassment/sexual harassment.
- Ensure that harassment or inappropriate sexually oriented conduct is reported to the Personnel Committee Chairperson.
- Take corrective action to prevent prohibited conduct from reoccurring.

Supervisors who knowingly allow or tolerate harassment/sexual harassment are in violation of this policy and subject to discipline.

Complaint Procedure

The City has adopted this complaint procedure to provide prompt and equitable resolution of complaints alleging any action prohibited within Section 2.9 of this manual or with any applicable state and/or federal law relating to harassment.

Any individual who believes that (s) he or a specific class of individuals has been subjected to harassment of any type by another employee, contractor, patron or any other individual associated with the City may, by himself or herself or by any authorized representative, file a complaint. Please refer to Section 2.7 for the appropriate complaint procedure.

ARTICLE III EMPLOYMENT

3.1 Introductory Period

All parties employed with the City of Whitewood and those receiving in-service promotion must serve an introductory period of six (6) months. Throughout the course of the introductory period, the employee must exhibit the ability to learn and perform the job for which he or she was hired or promoted. If at the end of six months, the employee has not mastered the job for which he or she was hired or promoted, the City Council may at its discretion grant a reasonable extension of the introductory period. If the City Council determines that the employee is not meeting the required standard of performance, the employee may be restored to his or her original position, to a comparable position, or be terminated from employment. During the introductory period, the employee can be dismissed upon Council action without reason or hearing. If, at the end of the introductory period the employee has met the requirements of the job, he or she will receive vacation benefits retroactive to his or her hire date. However, an employee cannot use this vacation leave until after a year of service. Medical insurance becomes effective after one month of employment. All other benefits begin on the employee hire date.

3.2 Rest Periods

A paid 20-minute rest period shall be allowed for each municipal employee in each half of his or her shift. The City will attempt to schedule rest periods at the approximate middle of a shift when it is at all possible. The lunch break will be unpaid.

3.3 Promotions

Promotion within any department may be considered on the basis of seniority, qualifications, or job performance. All persons considered for promotion must meet all the necessary requirements and qualifications to fill the position. All promotions are based upon equal employment opportunity and conducted without regards to age, race, color, religion, creed, national origin, sex, marital status, disability, veterans status, pregnancy, gender, ancestry, medical condition, sexual preference, and any other protected group status. Prior to promoting an existing employee to an opening, the City shall post a notice of the opening so that all interested employees may apply for the opening.

3.4 Seniority

Seniority is defined as priority of employment to which a regular full-time employee is entitled by reason of length of service with the City. Seniority of an employee shall be established by computing the amount of continuous service,

including vacation, sick leave, and leave of absence with pay taken since the date of employment. The resignation or dismissal of an employee shall forfeit any and all seniority privileges.

3.5 Employee Classifications

Regular Full-Time Employee: A regular full-time employee who is employed by the City to work a predetermined schedule of at least Thirty Two (32) hours weekly on a year round basis and is eligible for the following benefits.

Annual Vacation Benefits	Full Benefit
Sick Leave Benefits	Full Benefit
Holiday Pay	Full Benefit
Life Insurance	Full Benefit
Health Insurance	Full Benefit – Employee and Family
SD Retirement System	Employee Participating
Supplemental Retirement	Employee Participating

Regular Part-Time Employees: A regular part-time employee who is employed by the City to work at least Twenty (20) hours weekly, but not more than Thirty (30) hours. A part-time employee is eligible for the following benefits.

SD Retirement System	Employee Participating
Supplemental Retirement	Employee Participating
Holiday Pay	Partial Benefits
Annual Vacation Benefits	Partial Benefits
Sick Leave Benefits	Partial Benefits

Part-Time Employees: Any employee who is required to work less than Twenty (20) hours per week. Part-time employees are not eligible for benefits.

Temporary Employees: A temporary employee is one who is hired for a defined period of time, either seasonal work, or until completion of a specific project. Temporary Employees are not eligible for benefits.

ARTICLE IV COMPENSATION

Compensation for City Employees Other Than Police Officers.

4.1 Compensation Policy for all City of Whitewood Employees (Except for Police Department Officers).

It is the intent of the City to create a standard workweek which an employee is expected to perform services. The City also realizes that emergency and extenuating circumstances may arise in which an employee is required to work variable hours. Nothing within this policy is meant as a guarantee to the number of hours, either daily or weekly, that an employee may be required to work.

The City Council shall have the authority to establish municipal salaries and other fringe benefits. The Finance Officer will be responsible for the equitable administration of municipal salaries.

4.2 Standard Workweek

The standard Forty (40) hour workweek, unless otherwise stated, for the purpose of calculating pay and overtime shall begin at 12:01 AM Sunday and end at 11:59 PM on Saturday.

No City employee shall work more than 40 hours per week. The City also realizes that emergency and extenuating circumstances may arise in which an employee is required to work additional hours. For the safety of the employee, no employee will work more than a 16 hour shift followed by 8 hours of rest, as per Federal standard.

All additional hours will be reviewed and approved by the Mayor, or in the case of his or her absence, by the President of the City Council.

4.3 Standard Workday

The standard workday shall be determined by the Council and spelled out in the employee's job description. The normal hours for employee's consists of Eight (8) hours of work, interrupted by an unpaid lunch period.

4.4 Overtime

Overtime is the time in excess of Forty (40) hours within the standard workweek as defined in Section 4.2, and does not include hours paid but not worked.

4.5 Payment for Overtime Work

Any and all overtime shall be compensated at the rate of one and one half (1 ½) times the employee's regular hourly rate, for all hours worked over forty (40) hours per week. Overtime hours will be computed on actual hours worked.

Compensatory time off, sick leave hours, holiday and vacation hours will not be counted nor credited for overtime compensation.

4.6 Pay Period

Employees shall be paid bi-weekly. A bi-weekly standardized time sheet will be turned in to the Finance Officer. The pay period shall be every two weeks. Unless specific provisions is made to the contrary and approved in advance by the Mayor, payday shall be every other Friday. If a payday falls on a holiday, payment shall be on the preceding regular workday.

4.7 Rate of Pay

Employees shall be paid at the regular rate of pay for their 40 hours worked. The regular rate of pay is that rate per hour, which an employee receives regardless of whether he or she is paid, by the hour, by the piece, on salary, or by any other method.

4.8 Emergency Pay

All emergency pay for non-full time employees shall be at the rate as set by the yearly wage schedule. This would be for water breaks and other emergencies approved by the Mayor or Commissioner.

4.9 Holiday Pay

City employees who work hours scheduled on holidays will be paid the employee's regular rate of pay for those hours worked, plus Eight (8) hours of holiday pay.

If the employee is called out on a holiday that they are not scheduled to work they will receive a minimum of two (2) hours at the employee's regular rate of pay, if the call out goes over the two (2) hours they will receive the regular rate of pay for all time spent on the call.

4.10 Emergency Call Out Provision

In the event an employee is called out after regularly scheduled hours, such employees shall receive a minimum of two (2) hours credit of work, if the call out goes over the two (2) hours they will receive the regular rate of pay for all time spent on the call.

The employee shall be paid at one and one-half times their regular rate of pay if it is over 40 hours worked.

4.11 Payroll Deduction

The Finance Officer is authorized to make established deductions from an employee's gross pay to cover Federal Income Taxes, group insurance, Social Security and employee's contributions to the South Dakota State Retirement System. Subject to the authorization of the employee, the Finance Officer may also make payroll deductions for other purposes.

4.12 Time Cards

An employee is required to complete a daily time card to keep a record of all hours worked, vacation, sick leave, personal leave, etc. for the purpose of calculating and issuing paychecks. Every employee and his/her supervisor must sign the time sheet to verify that all entries are accurate. Intentional falsification of time cards will result in disciplinary action.

Completed and signed time cards shall be submitted to the Finance Office.

4.13 Job Descriptions

Job descriptions for each position are maintained in the Finance Office. These job descriptions identify the Typical Duties and Responsibilities, Minimum Qualifications required to obtain the position, any pertinent certifications necessary, as well as any other desired skills and/or qualifications that are required or highly suggested for the position.

Compensation for Police Officers

4.14 Compensation Policy, Police Department only

It is the intent of the City to utilize a work period rather than a standard workweek for the City Police Department. The City also realizes that emergency and extenuating circumstances may arise in which an officer is required to work variable hours. Nothing within this policy is meant as a guarantee to the number of hours, either daily, weekly or by work period, that an officer may be required to work.

The City Council shall have the authority to establish municipal salaries and other fringe benefits. The Finance Officer will be responsible for the equitable administration of municipal salaries.

4.15 Work Period

For the purposes of calculating pay, the City of Whitewood Police Department shall utilize a work period, as defined under the Fair Labor Standards Act, of 80 hours every two weeks, beginning at 20:00 a.m. Sunday and ending 20:00 p.m. on Sunday 14 days later.

No City of Whitewood Police Officer shall work more than 80 hours in any two-week work period, unless authorized by the Mayor or City Council. The City also realizes that emergency and extenuation circumstances may arise in which an officer is required to work additional hours. For the safety of the officer, no officer shall work more than a 16-hour shift followed by 8 hours of rest, as per Federal standard.

4.16 Standard Workday

The standard workday shall be determined by the Chief of Police and spelled out in the employee's job description.

4.17 Overtime

Overtime is the time in excess of eighty (80) hours within the standard work period as defined in Section 4.15, and does not include hours paid but not worked.

Any and all overtime shall be compensated at the rate of one and one half (1 ½) time the employee's regular hourly rate, for all hours worked over eighty (80) hours per work period. Overtime hours will be computed on actual hours worked. Compensatory time off, sick leave hours, holiday and vacation hours will not be counted nor credited for overtime compensation.

4.18 Pay Period

Officers shall be paid bi-weekly. A bi-weekly standardized time sheet will be turned in to the Finance Officer. The pay period shall be every two weeks. Unless specific provisions is made to the contrary and approved in advance by the Mayor, payday shall be every other Friday. If a payday falls on a holiday, payment shall be on the preceding regular workday.

4.19 Holiday Pay

Officers who work hours scheduled on Holidays will be paid the officers regular rate of pay for those hours worked plus eight (8) hours of holiday pay.

If an officer is called out on a Holiday that they are not scheduled to work they will receive a minimum of two (2) hours at the officer's regular rate of pay, if the call out goes over the two (2) hours they will receive the regular rate of pay for all time spent on the call.

4.20 Emergency Call Out Provision

In the event a officer is called out after regularly scheduled hours, such officer shall receive a minimum of two (2) hours credit of work, if the call out goes over the two (2) hours they will receive the regular rate of pay for all time spent on the call.

4.21 Payroll Deduction

The Finance Officer is authorized to make deductions from an employee's gross pay to cover Federal Income Taxes, group insurance, Social Security and employee's contributions to the South Dakota Retirement System. Subject to the authorization of the employee, the Finance Officer may also make payroll deductions for other purposes.

4.22 Time Cards

An officer is required to complete a daily time card to keep a record of all hours worked, vacation, sick leave, personal leave, etc. for the purpose of calculating and issuing paychecks. Every officer and his/her supervisor must sign the time sheet to verify that all entries are accurate. Intentional falsification of time cards will result in disciplinary action.

Completed and signed time cards shall be submitted to the Finance Office.

4.23 Job Descriptions

Job descriptions for each position are maintained in the Finance Office. These job descriptions identify the Typical Duties and Responsibilities, Minimum Qualifications required to obtain the position, any pertinent certifications necessary, as well as any other desired skills and/or qualifications that are required or highly suggested for the position.

ARTICLE V

BENEFITS

5.1 Group Health Insurance:

The city will provide all regular full-time employees with health and life insurance coverage and their families with health insurance coverage. This insurance coverage will become effective on the first of the month following one month of employment. The city will pay 90% of the premium cost.

5.2 Retirement System Contributions:

South Dakota Retirement System (SDRS)

For eligible employees as defined in SDCL 3.-12, participation in the SDRS is mandatory and is administered in accordance with the policies and procedures as outlined by the SDRS. A deduction of six (6) percent for all class A employees and eight (8) percent for all class B (public safety) employees, of the monthly earnings, is made in each payroll period of which is matched by the City to go toward the retirement of the employee.

Vesting and distribution of benefits upon termination of employment will be administered in accordance with the policies and procedures as outlined by the South Dakota Retirement System.

Supplemental Retirement System

All regular full-time and regular part-time employees have the option to participate in an additional savings investment. Since it is an optional plan, the city will not participate to match the employee.

5.3 Annual Leave:

All regular, full-time and part-time employees shall be allowed annual vacation leave with full pay. During the introductory period an employee shall accrue annual vacation leave at the regularly scheduled rate. Annual vacation leave cannot be used until the employee has completed one year of service. If the employee does not successfully complete one year of service, the accrued vacation leave is lost, and the employee will not be paid for the accumulated hours. Vacation leave shall be available to the employee after it has been earned and credited. Employees shall accrue annual vacation leave monthly as per the following schedule:

Regular Full-Time Employees:

Years of Service	Accrual Rate per Month	Annual Leave Accrual
Less than one year	3.3	40 Hours
One to five years	6.6	80 Hours
Six to fifteen years	10	120 Hours
Sixteen or more years	13.3	160 Hours

Regular Part-Time Employees:

Years of Service	Accrual Rate per Month	Annual Leave Accrual
Less than one year	1.65	20 Hours
One to five years	3.30	40 Hours
Six to fifteen years	5	60 Hours
Sixteen or more years	6.65	80 Hours

Annual vacation leave must be used on an annual basis or will be paid at regular time, to the employee on the employee's anniversary date. Requests for annual leave are subject to approval by each employee's department head, taking into consideration the workload at the time, along with the seniority of the employee and other particular considerations involved in the employee's request. A vacation request form will be used to schedule all vacation. These forms will be submitted with time sheets.

5.3.1 Vacation hours combined with hours worked may exceed 40 hours in any workweek if vacation was requested and taken in a regularly scheduled workday and subsequently the employee is requested/required to work extra hours to assist in covering shifts. Vacation hours and hours worked may not be combined to exceed regularly scheduled hours on a daily basis. Payment of hours exceeding 40 will follow policy 4.4 and 4.5 overtime.

5.4 Sick Leave:

Every regular full-time and part-time municipal employees shall be granted sick leave. Sick leave shall be available to the employee after it has been earned and credited. For all regular full-time employees sick leave will be with full pay at the rate of 8 hours per month with a maximum of 360 hours (45 working days) accumulation. For all regular part-time employees sick leave will be with full pay at the rate of 4 hours per month with a maximum of 180 hours (45 working days) accumulation. Sick leave is to be used only with approval of the employee's supervisor and only for one or more of the following reasons: illness or injury, quarantine, personal injury, or critical illness in the employee's immediate family. Immediate family shall mean the employee's spouse, children, parents, and parent's in-law, brothers and sisters, brother-in-law and sisters-in-law, grandparents, grandparents' in-law and grandchildren. Any municipal employee claiming sick leave over three working days may be required to show a certificate

signed by a medical doctor which states that the employee was incapacitated for work during the period of his or her absence. A doctor's release will be required after any hospitalization. Earned sick leave benefits will not be paid when employment is terminated with the City.

5.4.1 Sick leave hours combined with hours worked may exceed 40 hours in any workweek if sick leave was requested and taken for a regularly scheduled work day and subsequently the employee is requested/required to work extra hours to assist in covering shifts. Sick leave hours and hours worked may not be combined to exceed regularly scheduled hours on a daily basis. Payment of hours exceeding 40 will follow policy 4.4 and 4.5 overtime.

5.5 Sick Leave Donation:

An employee can donate up to 40 hours of accumulated sick leave to another employee that is in need of sick leave time. This must be done with the approval of the Council. This will be paid at the rate of pay of the employee that is sick.

5.6 Family Medical Leave

Introduction

The Family and Medical Leave Act of 1993 (FMLA) guarantees the right of eligible employees to take up to a total of 12 weeks of leave per twelve-month period, either in one continuous absence or on an intermittent basis, for one or more of the following reasons:

- a. Upon birth of the employee's child.
- b. Upon the placement of a child with the employee for adoption or foster care.
- c. When the employee is needed to care for a child, spouse, or parent who has a serious health condition.
- d. When the employee is unable to perform the functions of his or her position because of a serious health condition.

If the employee is entitled to paid personal leave or vacation leave, the employee must use accrued leave during the 12-week leave required by law.

Definitions

A. Child- An adopted child, a foster child, stepchild, ward of person who is under age or is over age 18 but incapable of self-care because of a mental or physical disability and of whom the employee has custody.

- B. 12-Month Period- The 12-month period is defined as a rolling 12-month period measured forward from the date an employee uses FMLA leave. I.e., if the leave starts the 1st of January the 12-month period is January 1st through December 31st, or if leave takes place on the 13th of May then the 12-month period is May 13th through May 12th.
- C. Serious Health Condition- An illness, injury, impairment, or physical or mental condition that involves in patient care in a hospital, hospice, residential medical care facility or continuing treatment by a doctor.
- D. Health Care Provider- A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State of South Dakota or any person determined by the U.S. Secretary of Labor to be capable of providing health care services.

Eligible Employees

The employee must have worked for the employer for 12 months or 52 weeks. The 12 months or 52 weeks need not be consecutive.

The employee must have worked at least 1250 hours during the 12-month period immediately preceding the date when the leave is requested to commence.

Notice

Employee is required to provide the employer with 30 days notice of absence when it can be reasonably foreseen.

Certification

Requests for leave due to a serious medical condition of the employee or qualified member of employee's family shall be verified by the certification of a qualified health care provider which certification shall contain the following:

- a. The date when the serious health condition began.
- b. The probable duration of the condition.
- c. The appropriate medical facts within the knowledge of the health care provider regarding the condition.
- d. If the leave is due to the employee's serious health condition, the certificate must include a statement that the employee is unable to perform the functions of his or her position.
- e. If planned medical treatment is the reason for the leave and employee wants intermittent leave or leave on a reduced time schedule, the date when the treatment begins and the estimated duration of the treatment.
- f. If the leave request is necessitated by a serious medical condition of the employee or the employee's child, spouse or parent, the certificate

shall state that there is a medical necessity for the leave and an estimate of how long the leave will be.

The employee may be required to obtain a second opinion at the employer's cost from a second health care provider of the employer's choice. If the second opinion conflicts with the first opinion, the employer may request a third opinion at the employer's cost. The employer and the employee must jointly agree on the person providing the third opinion. The third opinion is final and binding.

Effect on Pay and Benefits

During the term of an *unpaid* Family of Medical Leave, no pay or other benefits shall accrue, with the exception of any group health benefits that were in effect at the time of commencement of such leave or new group health benefits which are provided by the employee during the FMLA leave. Group health insurance shall be continued in force for the duration of family or medical leave and the city shall continue to pay that portion of benefits normally paid by the employer. The employee shall be responsible for payment of any premiums he/she normally pays through payroll deductions. Such payments must be made by mail or in person to reach the Finance Office no later than the last working day of the month prior to the next following month of insurance coverage. Should the employee request discontinuation of coverage, a written request must be filed in the Finance Office. During the leave time, affected employees will receive pay raise increases on the same schedule as the remainder of the staff.

During the term of a *paid* Family Medical Leave, employee shall accrue vacation and sick leave. Employee health insurance benefits shall continue to be in effect with or without pay. The City shall continue to pay their portion of benefits normally paid by the employer. The employee shall be responsible for payment of any premiums he/she normally pays through payroll deductions. Such payments must be made by mail or in person to reach the Finance Office no later than the last working day of the month prior to the next following month of insurance coverage. Should the employee request discontinuation of coverage, a written request must be filed in the Finance Office during the leave time, affected employees will receive pay raise increases on same schedule as the remainder of the staff.

Failure to Provide Certification

Employee may lose eligibility of the Family Medical Leave Act if proper certification is not completed prior to onset of leave or within 15 days of the onset of the serious health condition.

Failure to Return to Work

If the employee fails to return to active City employment upon the expiration of the maximum 12 weeks of leave provided under this section, the employee shall be responsible for repayment of any employer-paid health care premiums unless the failure to return is based upon the continuance, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control. In such instances, the employee must provide in a timely manner a certification by a health care provider attesting to his/her inability to return to active employment.

Effect of Reemployment and Other Rights

Upon expiration of a duly authorized absence under this section, the employee shall be reinstated to the same position held at the time such leave commenced or an equivalent position with the same or increase in pay, benefits and other terms and conditions of employment. No employee shall be interfered with, discriminated against, disciplined, or otherwise restrained from exercising his or her rights under the Family and Medical Leave Act.

5.7 On-the-Job Injury Leave:

An employee injured while on the job must be reported within 24 hours to the Finance Officer. All medical and hospital expenses shall be paid for in accordance with Workmen's Compensation and municipal policy. The policy on injury leave shall be to compensate the employee up to a maximum of 24 working days at the rate of pay the employee was making at the time of the accident, less the amount the employee receives from Workmen's Compensation. All accidents and insurance claims must be reported to the Finance Officer and such claims and reports retained in the employee personnel file.

5.8 Jury Duty and Court Service Leave:

City employees summoned to serve on a jury or in other court services shall be entitled to receive their regular pay less jury pay received while absent, and without loss of annual leave.

5.9 Military Leave:

An employee who wishes to be granted military leave of absence must submit the request and a copy of his/her official orders or other records from the military service to his/her immediate supervisor or Finance Officer prior to the dates of attendance. If the reservist or National Guard member submits a copy of his/her official annual training schedule prior to the beginning of the year's military activities, the employee need only submit separate requests and orders for those training duties not included on the annual schedule, or when the annual schedule is modified.

An employee who enlists or is called into active duty for the military service of the United States or who, in time of national emergency, voluntarily enlists for active duty, shall be granted military leave for the time necessary to permit completion of the military service.

In order to have re-employment rights, a person leaving active duty in the military service of the United States must apply to the municipality for re-employment within 90 days after his/her separation from active duty, or within 90 days after his/her release from hospitalization continuing after such separation for not more than one year. This applies to inductees and enlisted, as well as to reservists and National Guard members performing full active duty, as opposed to initial duty for training, or active or inactive duty training, or other active duty where different re-employment rights are defined by Federal Statute.

An employee who enlists as a Reservist or a member of the National Guard shall be granted time off without pay for initial active duty for training, annual training encampment, weekend training drills, and other active and inactive training duty.

The Reservist or National Guard member must report back to his civilian job at the beginning of his first regularly scheduled shift on the first day after the completion of initial active duty for training or other training duties plus the necessary travel time to return from the training site to the place of employment. He/she is also entitled to a reasonable rest time and reasonable time thereafter if return is delayed by factors beyond his/her control. If an employee fails to report to his/her job within this specified time period he/she may be subject to the penalties which would be imposed on any employee who is tardy or absent without permission.

If an employee separates his/her employment with the municipality in order to enlist in the Reserve or National Guard, he/she must reapply to the municipality within 31 days after his/her separation from initial active duty for training in the Reserves or National Guard in order to retain re-employment rights.

5.10 Medical Leave (Non-FMLA) and Personal Leave

Medical (Non-FMLA) leave may be granted to employees who don't qualify for leave under FMLA and personal leave may be granted to employees under special circumstances such as personal crisis, family catastrophe, or other personal issues. Generally, an employee requesting leave must have been employed for a minimum of 90 days prior to leave. Unpaid medical (non-FMLA) and personal leave may be granted for up to 30 days, subject to approval by the Mayor. Leave may be extended at the discretion of the Mayor.

An employee requesting leave under this policy is required to exhaust all accrued sick leave, compensatory time, and vacation for absences related to medical

issues. An employee requesting leave under this policy is required to exhaust all compensatory time and vacation for absences related to personal issues.

Taking approved leave under this policy will not result in the loss of any employment benefits accrued prior to the date on which leave began. No additional leave or other benefits shall accrue during leaves with out pay. The employee's coverage under the City's group health plan, if any, may be maintained for the duration of the medical (non-FMLA) and personal leave, at the same level and under the conditions of coverage had no leave been taken. During unpaid leave, benefits will only be continued if the employee chooses to pay the full premiums.

Requests for medical (non-FMLA) or personal leave will be considered individually along with the special circumstances related to the leave. Request for leave should be turned into the Finance Officer and must be completed with a 30-day notice when the need is foreseeable or as soon as practical. The City of Whitewood may require the employee to provide certification from the employee's health care provider prior to leave and a fitness-for-duty certification upon return to work.

5.11 Holidays

The following days are deemed holidays for regular full-time and part-time municipal employees: New Year's Day, Martin Luther King JR Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Juneteenth, Native American Day, Thanksgiving Day, the day after Thanksgiving Day Christmas Day and on Christmas Eve and New Year's Eve, city offices will close at noon, or any other Holiday's approved by the City Council.

When any of the above cited Holiday's fall on a Saturday, the preceding Friday shall be observed as the holiday; and when any of the above cited Holiday's fall on a Sunday, the following Monday is considered the holiday.

5.12 Bereavement Leave

In the event of the death of a member of the employee's family, the employee will be granted three (3) full working days leave with pay. Family members will include spouse, children, grandchildren, parents, step-parents, step-children or parent in-law, grandparent, or grandparent in-law, brother, sister, brother in-law or sister in-law. One full working day leave will be granted for aunts and uncles.

ARTICLE VI

IN-SERVICE ACTIVITIES

6.1 Employee Development and Training

The City encourages its employees to pursue training and educational Opportunities so that municipal service is made more effective and at the same time, the employee becomes qualified for promotion to a higher-level position.

The City will allow seven working days per year to each full-time employee to pursue training and workshops applicable to each employee's position. The expense of lodging, meals, and transportation will be borne by the City. Mileage will be paid at the State rate.

The City encourages employees to take part and join associations in their respective departments. Time taken off for this activity will be training time, vacation time or time off without pay.

ARTICLE VII

DISCIPLINE AND GRIEVANCES

7.1 Disciplinary Action

The Council shall exercise its right to assign power of discipline (reprimand, suspension, or discharge of any employee) to each of the appropriate supervising department head(s). The Council retains its right to remain as part of the grievance procedure for employees that may be disciplined.

7.2 Causes for Disciplinary Action

A municipal employee who is not performing his or her assigned duties in a satisfactory manner, or who engages in misconduct will be subject to disciplinary action. The following are examples of conduct, which will subject the employee to disciplinary action. However, the following are only examples and are not intended to be all-inclusive:

1. Has been convicted of a felony.
2. Is a member of a subversive organization or knowingly or willfully violates the laws of the United States, the State of South Dakota, the ordinances of any City, County or Municipality of the State, or any departmental rules or regulations.
3. Is offensive in his or her conduct or uses abusive language in public, or toward the public, City officials, or fellow workers.
4. Reports for work under the influence of alcoholic beverages, reports to work under the influence of drugs, uses alcoholic beverages or drugs while on the job, or is considered by the appointing authority to be in an unsafe condition for work.
5. Is absent without reasonable cause.
6. Is tardy without reasonable cause.
7. Fails to follow good safety practices while on the job.
8. Refuses or fails to perform job assignments.
9. Refuses or fails to follow the orders of a supervisor.
10. Gambles while on the job.

11. Falsifies municipal records, i.e., employment application blanks, time cards, etc.
12. Has unauthorized possession of weapons while on the job.
13. Misappropriates or willfully damages municipal property.
14. Loiters during working hours.
15. Engages in inappropriate behavior during working hours.
16. Fights.
17. Leaves work early without permission.
18. Posts unauthorized notices or other material.
19. Displays conduct unbecoming of a municipal employee.
20. Engages in improper political activity.
21. Sexual harassment in the work place.

7.3 Disciplinary Action

Disciplinary action will generally take, but not be limited to, one of the following six forms:

1. Oral reprimands.
2. Written reprimand.
3. Probation.
4. Suspension without pay.
5. Demotion.
6. Dismissal.

The City shall provide the opportunity for municipal employees to discuss any grievance concerning the application and interpretation of the expressed provisions of this personnel manual.

7.4 Grievance Policy

Grievance Procedure:

Section A: The aggrieved employee will report their intention to apply for a grievance hearing to their department head. The employee may then discuss the grievance with the Mayor. The Mayor will give an oral answer within two (2) working days after such discussion.

Section B: If the grievance is not resolved through Section A, the aggrieved employee shall within five (5) working days submit the claim as a formal written grievance to the Mayor. The written grievance shall state specifically the events causing the grievance and all actions by the employee to resolve it.

Section C: If able, the Mayor shall resolve justifiable grievances. If the Mayor cannot resolve the grievance within five (5) working days, the mayor shall present it to the City Council for hearing and discussion at their next regular scheduled meeting in executive session.

Section D: The City Council shall then render a decision on the grievance at the meeting in which it is presented. The City Council may postpone a decision to the next regularly scheduled meeting if any additional information is needed.

7.5 Grievance Procedure for Citizens

1. The complaint will be put in writing.
2. That to insure that the employee receives due process of law the employee is provided with a copy of the written complaint.
3. That the citizen making the complaint be given an opportunity to explain in executive session the facts underlying the complaint.
4. That the appropriate committee provides a hearing for the City employee to attend held in executive session, closed to the public, where the committee could hear and consider the employees side of the issue and the council then would take whatever action was deemed appropriate.
5. The grievance committee for an employee will consist of their respective commissioners and the Mayor.

ARTICLE VIII

TERMINATION OF EMPLOYMENT

8.1 Retirement

All persons employed by the City may retire upon attaining their legal age of retirement, however, the City, by special action of the City Council, may elect to employ persons beyond retirement age on an annual basis, subject to renewal each year.

8.2 Resignations

An employee desiring to resign from municipal employment is requested to give two (2) weeks notice. The notice should be in the form of a letter giving the reason for leaving.

8.3 Suspensions

The Mayor may suspend an employee without pay for disciplinary reasons. The Mayor shall give a written statement of the reason for the suspension with the approval of the City Council to the employee. If the suspension is not approved by the City Council the employee shall be restored without loss of salary.

8.4 Dismissals

The decision to dismiss a municipal employee is to be determined by the City Council. Dismissal proceedings will be taken when an employee's work, conduct, or character are considered unsatisfactory, or for any violation of Section 7.2 of Article VII.

8.5 Lay-off

A municipal employee may be laid off because of the lack of work or lack of municipal funds to compensate the employee. The municipality shall give the employee at least two (2) weeks notice of the effective date of a lay off. All recalls of employees from lay-off will be made in accordance with employee's seniority, provided in all cases the employee must be qualified to perform the work.

ARTICLE IX

PERSONNEL RECORDS

9.1 Personnel Records

The Finance Officer shall maintain an employment record of every employee. All personnel records shall include applications, resumes, training records, evaluations, disciplinary action, complaints, promotions, acts of reward, employee's sick leave, vacation leave, accident reports insurance claims, and other pertinent information. Personnel records shall be kept confidential and shall be available to the employee upon request. Records must remain in the custody of the City Finance Officer.

It is the responsibility of each employee to promptly notify the Finance Office of any changes in personal data such as mailing addresses, phone numbers, number and names of dependents, individual(s) to be contacted in the event of an emergency, life event changes such as marriage or divorce, and any other applicable changes so records are accurate and current at all times.

9.2 Employment References and Background Checks

As part of the City's hiring process, reference checks are an essential step in evaluating a candidate's qualifications and suitability for employment. In addition to contacting the individuals furnished by the candidate as references, the City reserves the right to reach out to other professional associates, acquaintances, and other pertinent individuals. All candidates for positions within the City must provide the names, addresses and, where possible, the name of a supervisor or contact person for previous places of employment.

The City will conduct a background check as part of the hiring process to verify employment history, background information, qualifications, and criminal history. The purpose of the background check is to ensure that individuals selected to join the City workforce are well-qualified, demonstrate the potential to successfully perform the duties of the position, and have accurately represented their background and credentials as provided in their application and resume.

Credit reports may also be required for certain positions that are responsible for large amounts of the City funds.

The City may inquire into various aspects of an applicant's background including, but not limited to, education records, arrest records, conviction records, driving records, military service records, court documents/records, credit history, previous employment records, and references provided by the applicant.

An arrest record or criminal conviction does not necessarily disqualify an applicant from employment. Each situation is evaluated on a case-by-case basis, with consideration given to the nature of the offense, the time elapsed since the incident, and its relevance to the duties of the position being sought.

Any applicant who provides misleading, erroneous or deceptive information on the application form, resume, or in an interview may be immediately eliminated from further consideration for employment and/or terminated from employment.

9.3 Employment Verification Requests/Reference Checks

All requests for job references, verification of employment, and other employment information shall be directed to the City Finance Office. Only personnel from the City Finance Office are authorized to release information regarding current or former employees.

Without written consent, the City will provide only the following information regarding current or former employees: confirmation of employment with the City, dates of employment (start and end date), job title, wage, current employment status (full time or part time), the department to which the employee is currently or was last assigned. Additional information will be released only upon receipt of written consent from the employee. This written authorization must specify the information being requested and must be signed by the employee in question.

9.4 Performance Evaluations

Performance evaluations are designed to provide the employee with a record of their performance, to encourage professional growth, and to promote communication between the supervisor and employee. The performance evaluation will be the responsibility of the employee's supervisor. Department Heads shall be evaluated jointly by the Mayor and respective City Council members assigned to their department. Performance evaluations are a continuous process. Evaluators should carry out informal, regular discussions with their employees throughout the year and summarize progress more formally in writing in the annual performance evaluation. Performance evaluations will be completed before the conclusion of the employee's training period to ensure the employee understands expectations of job performance and once each year thereafter prior to the end of December.

If an employee receives a performance evaluation with an overall score that falls below "meet expectations," the employee will be put on a performance improvement plan (PIP) and given time to correct their performance deficiencies. The employee must demonstrate a willingness and ability to meet and maintain the conduct and work requirements specified by the supervisor and the City. The length of time will depend on the performance improvement requirements and the

department head/supervisor's recommendation. When the employee is re-evaluated, their performance must be raised and then maintained at a rating of "meet expectations" or "exceeds expectations/outstanding" for continued employment.

The performance evaluations are tailored to each employee's position with specific standards and expectations. The purpose of the evaluation is to commend and acknowledge the employee's strengths, address weaknesses, suggest ways to improve, and discuss employee goals and objectives. Employees are encouraged, although it is completely voluntarily, to submit a self-assessment to their supervisor prior to their designated meeting. Department heads are required to submit a self-assessment. Self-assessments may be considered in developing a final year end rating for the employee. Self-assessments provide valuable insight into the employee's accomplishments, goals met, certifications achieved, classes and/or trainings attended, and to open a dialogue regarding the employee's performance. Performance evaluations will be conducted in a private meeting between the employee and their supervisor. At conclusion of the meeting, employees will be asked to sign their performance evaluation and receive a copy for their records. Signing does not imply agreement with the evaluation, but that the agreement and its documentation/information was communicated and/or discussed with the employee. Performance evaluations cannot be postdated. The original signed performance evaluation will be kept in the City Finance Office.

9.5 Performance Improvement Plan (PIP)

A performance improvement plan (PIP) is intended to be a positive approach designed to assist an employee who has been identified with performance deficiencies the opportunity to succeed. A PIP is not intended as discipline. A PIP is intended to aid employees by implementing a structured, written improvement plan focusing on correcting any number of performance concerns including failures to meet measurable performance standards or any behavior related concerns. To implement a PIP, a supervisor will document what acceptable performance levels are, and how the employee's current performance is deficient. Specific examples regarding the unacceptable performance should be documented reflecting dates and detailed explanations. Specific and measurable objectives will be listed and explained so the employee knows what is expected from them to correct their performance deficiencies. The PIP can last up to 90 days depending on how long it would reasonably take to improve the specific issue(s). The supervisor and employee will also meet on a weekly basis to discuss progress. The supervisor will document improvements, concerns, and provide additional resources or training in an effort to correct deficiencies. Consequences for not meeting objectives of the PIP will also be communicated with the employee.

Outcomes of a PIP may vary but it will generally be one of the following: improvement in the employee's overall performance, the recognition of a skills or training gap and appropriate remedial action, and/or employment action such as

termination. On rare occasions a PIP may be extended upon the expiration of the original duration.

ARTICLE X

MISCELLANEOUS PROVISIONS

10.1 Gratuities

No City employees shall accept any gift or gratuity that has any connection with municipal employment or the performance of municipal duties.

10.2 City Property

The use of City property for personal use is prohibited.

10.3 Incompatible Activity

No municipal employee shall participate in any activity, or enterprise which is inconsistent, incompatible, or in conflict with the duties and responsibilities of the position. The City Council shall make the ultimate determination as to whether or not a specific activity is prohibited.

10.4 Safety

All City Department Heads shall be responsible for establishing and maintaining active safety programs within their respective departments. All employees involved in activities using motorized equipment are required to wear full length trousers and protective foot wear, preferably boots. Shorts, cut-offs, sandals, tennis shoes or loose, flopping clothing are prohibited so as to avoid or minimize injury in case of accident.

10.4.1 Employee Responsibility

All municipal employees are expected to conduct themselves and handle equipment in such a manner as to avoid accidents. Municipal employees are also responsible for observing all City and department safety rules, and are to report unsafe working conditions or equipment to his/her Department Head and/or Committee Chairman.

10.5 Public Relations

All municipal employees are responsible for providing their particular municipal services to the public in a courteous polite manner. All municipal employees are expected to maintain high standards of conduct and cooperation in their duties for the City. The City feels an individual accepts an additional responsibility to his or her community by accepting a position in municipal government, and urges its employees to act accordingly when off the job.

10.6 Release of Information

Public statements or the release of information on any matter related to municipal policy, administration, and the operation of any department or personnel management shall be limited to the City Council, Mayor, and Finance Officer.

10.7 Travel Vouchers

Travel vouchers detailing mileage and expenses incurred must be presented to the Finance Officer and must be brought to the City Council before payment can be made.

10.8 Passengers in City Vehicles

No individual other than City agents, employees or Council members shall be permitted to ride in or on City-owned vehicles or equipment as passengers unless the individual's presence is in the ordinary course of official City business or a passenger request/waiver of liability and right to sue form has been completed, signed, and approved, in advance, by the driver's immediate supervisor. Passenger request/waiver of liability and right to sue forms are available at the City Finance Office.

10.9 Emergency Closing

The Mayor, or in the Mayor's absence, the Council President, may close City facilities due to emergencies, which shall include but not limited to, inclement weather or loss of utilities.

10.10 Seat Belt Policy

The City is committed to doing everything possible to prevent injury to employees, prevent damage to property and to protect the employees and the public from the results of accidents. The City realizes that safety belts are an important and efficient means to accomplish this goal. Therefore, it is the policy that all City employees and his/her passengers shall be required to use seat belts when driving any City owned or leased vehicles (if equipped with seat belts) or while driving his/her personal vehicle on official City business. Failure to comply with this policy may result in disciplinary action.

10.11 Tobacco Policy

It is the policy of the City that the use of all tobacco is prohibited in all City owned buildings and vehicles, except in designated areas.

10.12 Bonds

Should the City require an employee to be bonded, the City will pay all premiums of such bond.

10.13 Internet and Email Usage

The City provides its employees with systems to send and receive electronic mail (e-mail) and information so they can work more productively. The City's e-mail system is a valuable business asset. The messages sent and received on the e-mail system, like memos, purchase orders, letters, or other documents created by employees in the course of his/her workday, are the property of the City.

This policy explains rules governing the appropriate use of e-mail and the Internet and sets out the City's rights to access messages on the e-mail system or review files downloaded from the Internet. Employees should not have any expectation of privacy with respect to messages or files sent, received, or stored on the City's e-mail system. E-mail messages and files, like other types of correspondence and City documents, can be accessed and read by City or authorized individuals outside the City.

10.13.1 Confidential Information

E-mail and/or the Internet should not be used to communicate sensitive or confidential information. Employees should anticipate that an e-mail message might be disclosed to or read by individuals other than the intended recipient (s), since messages can be easily forwarded to other individuals. In addition, while the City endeavors to maintain the reliability of its e-mail system, employees should be aware that a variety of human and system errors have the potential to cause inadvertent or accidental disclosures of e-mail messages.

Employees should consult his/her supervisor and the systems administrator before e-mailing highly sensitive or confidential information.

10.13.2 Restrictions

Employees are strictly prohibited from sending e-mail or otherwise using the e-mail system and/or the Internet in connection with any of the following activities, but not limited to:

- A. Engaging in illegal, fraudulent, or malicious activities.
- B. Engaging in activities on behalf of organizations with no professional or business affiliation with the City.
- C. Sending, viewing or storing offensive, obscene, or defamatory material.
- D. Annoying, harassing or discriminating other individuals.
- E. Sending uninvited e-mail of a personal nature.
- F. Using another individual's account or identity without explicit authorization.
- G. Attempting to test, circumvent, or defeat security or auditing systems, without prior authorization.

- H. Permitting any unauthorized individual to access City's e-mail and/or computer system.
- I. Distributing or storing chain letters, jokes, solicitations or offers to buy or sell goods, or other non-business material of a trivial or frivolous nature.

10.14 Operation of City Vehicles

City owned vehicles shall be used only for City business. Personal use of City owned vehicles is strictly prohibited. City employees must avoid any vehicle use that might result in or create the appearance of impropriety with regard to public perception concerning the misuse of City owned vehicles.

Employees must safely operate a City owned vehicle at all times. Employees must not operate a City owned vehicle off-route and/or out of the scope of work, commit traffic violations, or operate a vehicle under the influence of alcohol and/or any substance that in any way impairs their ability to safely operate the vehicle. Employees must immediately report any accident, theft, or damage involving a City owned vehicle to their supervisor and law enforcement regardless of the extent of damage or lack of injuries.

10.14.1 Vehicle Usage

The use and operation of City owned vehicles may be required of certain employees. At the end of every workday, City owned vehicles should be parked on City property. City owned vehicles may not be used in a commuting capacity solely by virtue of an employee's position.

10.14.2 Police Department Exception

Police Department employees may take a City owned vehicle to their residence between working shifts if their residence is located no more than 5 miles outside of the city limits of Whitewood.

10.14.3 On Call Public Works Exception

Public Works employees who reside no further than 5 miles outside of the city limits of Whitewood, and who are on call and expected as part of their job duties to respond to emergencies after hours or on weekends may take a City owned vehicle to their residence while on call.

10.14.4 Valid Driver's License

Employees driving City owned vehicles must possess a valid driver's license and must maintain a valid license during their employment with the City. Any change in license status or driving record must be reported to the City within 72 hours.

10.14.5 Motor Vehicle Record Check

Employees who operate any City owned vehicle must submit to a Motor Vehicle Record Check prior to employment as well as on an annual basis after securing employment, and meet insurance coverage. Motor Vehicle Record Checks will be completed 30 days prior to the annual insurance review, of each year.

10.14.6 Acknowledgment of Driving Related Policies

Employees who drive any City owned vehicle must read and acknowledge they will adhere to the policies contained within this manual prior to driving a City owned vehicle. Furthermore, employees must sign and date that they have read and understand the vehicle policies; this information will be kept on file at the Finance Office.

Violation of any City owned vehicle policy may result in disciplinary action up to and including termination of employment.

10.14.7 Equipment Usage

When using City property, employees are expected to exercise care, keep the equipment clean, perform required maintenance which will include daily pre-use inspection of all equipment used, and follow all operating instructions, safety standards, and guidelines.

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