

# **City of Clinton**

## Employee Handbook

Adopted by the City Council on July 9, 2013

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## **Welcome**

The City of Clinton Mayor and City Council would like to welcome you! We hope that you find the City of Clinton a rewarding place in which to work and we look forward to a productive and successful association. Please visit our website at <http://www.ci.clinton.ia.us> to learn more about the City of Clinton!

The purpose of this document is to set forth the policies by which personnel-related decisions made by either supervisor or employee are to be guided, and to express mutual expectations for conduct in the workplace. The City's ability to manage and provide public services with efficiency and effectiveness is dependent upon the capability and performance of its employees. The City strives to provide a good working environment, emphasizing individual achievement, open communication, and sensitivity to employee needs.

## **Administration**

These policies generally cover all City employees. However, temporary employees may not be covered by all provisions. Employees of the Clinton Public Library are subject to the Personnel Policies as approved by the Library Board. Employees of the Clinton Municipal Airport are subject to the Personnel Policies as approved by the Airport Commission. Contractors and consultants of the City are not employees of the City and are therefore not covered by any policies listed herein.

These policies work to ensure decisions will be made consistently and in line with overall City goals regarding employee relations. Questions of interpretation should be addressed to the City's human resources representative. The City Administrator or his/her designee shall be responsible for all final interpretation and application of these policies. The principles expressed herein will be used as a guide regarding issues not specifically addressed in these policies.

This document should be read in conjunction with negotiated labor contracts and operating procedures published by City Administration and other City departments.

Upon hire, all employees of the City shall be furnished a copy of these policies. Any substantive changes or amendments shall be posted in each department. Employees will be notified that updated policies are available.

## **At-Will Employment**

This handbook is presented as a matter of information only; it is not intended to form a contract between the City of Clinton and the employee. The City 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.

Just as you retain the right to terminate your employment at any time for any reason, the City retains a similar right. No policy or practice of the City of Clinton 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.

Whenever the provisions of this handbook are in conflict with the Code of Iowa, or with a collective bargaining agreement between the city and a certified bargaining unit, the provisions of the Code of Iowa and/or collective bargaining unit will prevail. The City of Clinton shall follow Civil Service requirements as applicable.

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 & Internal Complaint Procedure**

It is the objective of the City of Clinton 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.

The City of Clinton's policy is 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, gender identity, 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.

### ***Non-Discrimination***

Federal and state laws prohibit employment and/or public accommodation discrimination on the basis of age, color, creed, disability, gender identity, national origin, pregnancy, race, religion, sex, sexual orientation or veteran's status.

### ***Harassment***

It is the policy of the City of Clinton that no employee be harassed by another employee, customer or supervisor on the basis of race, color, religion, sex, age, national origin, sexual orientation, gender identity, disability, or any other protected characteristic as established by law.

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 attention of their immediate supervisor, department head, and/or a member of management, following the appropriate chain of command. Chain of command does not have to be followed if the complainant is being harassed by one of these positions. All complaints will be investigated and appropriate disciplinary 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 the City of Clinton 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 pressure 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 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 their immediate supervisor, department head, and/or a member of management, following the appropriate chain of command. Chain of command does not have to be followed if the complainant is being harassed by one of these positions. All complaints or reports of sexual harassment will be investigated and appropriate disciplinary 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.

### ***Reasonable Accommodation***

The City of Clinton is committed to providing reasonable accommodation to enable qualified employees with disabilities to perform the essential functions of their jobs. Depending on the circumstances, reasonable accommodation may include modifying the work environment, making facilities accessible, re-structuring a job, adjusting work schedules, granting leave, or other measures. The City of Clinton is also committed to providing reasonable accommodation of an employee's sincere religious observances and beliefs that conflict with normal job requirements.

Any employee who believes he/she needs accommodation based on a disability or religion is responsible for bringing the matter to the attention of their Department Head. In the case of disability, the employee may be required to provide medical documentation establishing the existence of a disability, any job-related restrictions, and the estimated length of time for which accommodation is needed.

Any employee who believes he/she has been denied reasonable accommodation should promptly notify management pursuant to the Internal Complaint Procedure.

### ***Internal Complaint Procedure***

Any violations of the above-mentioned policies in regards to equal opportunity, discrimination, harassment, sexual harassment, and reasonable accommodation, must be reported to the immediate supervisor, department head, and/or a member of management, following the appropriate chain of command. Chain of command does not have to be followed if the one of these positions was the first point of contact for the employee.

The appropriate member of management will complete an investigation or review and whether any of the policies have been violated. The results of the investigation or review and the corrective action being taken, if any, will be shared with the complaining party.

## **Drug Free Workplace**

The City of Clinton is subject to the Drug-Free Workplace Act of 1988, Public Law.

The City 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.

The Drug-Free Workplace Act of 1988 requires the employee 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 the employee's Department Head within five working days after the conviction. Failure to do so will result in the employee's immediate dismissal.

## **Personnel, Payroll, and Administration**

### ***Civil Service Coverage***

Applicants for entry level or promotional positions will be tested through impartial examinations which fairly test each applicant's ability to perform in the position. Examinations may consist of review of application materials, oral interviews, and/or written, practical, or physical agility examinations as are appropriate to the position.

Following the completion of the orientation period, an employee covered by Civil Service who is suspended, demoted, or discharged may appeal

the disciplinary action to the Civil Service Commission, and will be entitled to a hearing before the Civil Service Commission. Appeals must be filed with the Clerk of the Commission (City Clerk) within 14 calendar days after the suspension, demotion, or termination.

### ***Job Openings***

As an organization subject to the Civil Service statutes and requirements as required by Iowa law (excluding employees of the Clinton Public Library and Airport Commission), whenever a vacancy occurs in a full-time position with a department, the opening will be posted in City Hall and department location for a minimum period of 10 business days before externally posting the position. 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. The City of Clinton reserves the right to use other recruiting sources to fill open positions at their discretion.

### ***Veterans Preference***

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

### ***Residency Requirement***

All employees of the City of Clinton are required to be residents of the State of Iowa within 60 days after their first day of work and must remain a resident of the State of Iowa throughout their period of employment with the City of Clinton.

All Police, Fire, and Regional Wastewater Reclamation personnel must reside within 20 miles of their place of employment. The place of employment is defined as the location where said employee has been assigned to report for work.

### ***Employee Status***

**Full-time** – Full-time employment status is granted upon satisfactory completion of the orientation period. Full-time employees are scheduled to work a normal work week of 37.5 hours or more.

**Permanent Part-time** – Part-time employment status is granted upon satisfactory completion of the orientation period. Part-time employees work less than the normal workweek, but at least 20 hours per week on a regular basis, or 1,040 hours or more in a calendar year, or are paid more than \$1,000 in wages for two consecutive quarters.

**Seasonal/Temporary Part-time**– Other employee include those that are hired for a period of six months or less, or work less than 20 hours per week or on an as needed basis, or less than 1,040 hours in a calendar year, or are paid less than \$1,000 in wages for two consecutive quarters. Seasonal/Temporary Part-Time employees are not entitled to any benefits as described in this handbook, but are subject to the same work rules governing regular employees.

**Exempt**- An employee not eligible to earn overtime as defined by the Fair Labor Standards Act. The exemption is determined by meeting the standards of one or more tests defined in the Act.

**Non-Exempt**- An employee who must earn minimum wage and overtime pay at time and one-half the regular rate of pay for all hours worked over 40 hours in a workweek.

### ***Post-Offer Employment Testing***

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, at the City's expense. Employment will be contingent upon satisfactory results of the physical examination.

A drug test shall be required as part of the post-offer employment physical examination. Other tests could be required by State of Iowa law. All medical information and test results shall be kept confidential pursuant to HIPAA regulations.

### ***Orientation Period***

The City of Clinton provides every employee an orientation period. The length of the orientation period varies by employee group. The

completion of this orientation period does not change the at-will nature of the employment relationship.

If the City of Clinton determines that the designated orientation period does not allow sufficient time to thoroughly evaluate the employee's performance, the orientation period may be extended.

### ***Performance Evaluations***

Employees shall 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. All evaluations shall be conducted during the period of July 1<sup>st</sup> to September 30<sup>th</sup>, annually.

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.

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.

### ***Safety***

All City employees are responsible for the completion of job assignments in the safest manner possible. Prime consideration will be given to the safety of the employee and the public. Please review the City of Clinton Safety Manual for further detailed information and policies related to the City's safety program.

### ***Appearance & Public Interaction***

The City places a high priority on the employee's appearance. Since employees are in daily direct 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 our employees to dress and groom themselves during working hours in such a manner to reflect favorably upon the employee and the City. Employees should dress in accordance with the requirements of the position.

### ***Overtime***

Periodically, overtime work is necessary to maintain city operations. In most cases, there are a sufficient number of employees available to make overtime work optional. Occasionally, however, the Department Head may require the employee to work overtime. Exempt employees, as defined by the Fair Labor Standard Act, shall not receive overtime or compensatory time.

Please see your collective bargaining agreement or policy manual for further detail on overtime. Generally, non-exempt employees will be compensated at one and one half times their normal hourly rate for all hours in excess of 40 per week. Overtime shall be accrued in quarter hour increments unless stated differently in a collective bargaining agreement or policy manual. Vacation hours, compensatory time and sick leave hours shall not be counted as work time for the purpose of determining overtime. Holiday hours shall count as work time for the purpose of determining overtime. All overtime accrued or used must have the prior approval of the Department Head or their designee.

### ***Compensatory Time***

The City of Clinton does provide for compensatory time to be accrued in place of overtime pay. Each bargaining unit contract or policy manual provides for how compensatory time is to be earned, accrued and used.

### ***Pay Periods***

Employees shall be paid semi-monthly on the 15<sup>th</sup> and the last day of the month. Paychecks or remittance advice will be distributed by the Department Head or the Department Head's designee.

### ***Personnel Files***

The City of Clinton maintains a personnel file on each employee. The Finance Office is the custodian of these files. The personnel files include such information as the employee's job application, resume, records of training, documentation of performance appraisals, salary increases, notices of disciplinary action, and other employment records.

Personnel files are the property of the City and access to the information they contain is restricted. Generally, only management personnel of the

City of Clinton who have a legitimate reason to review the information in a file are allowed to do so.

Employees who wish to review their own file should contact the Finance Office or appropriate department. With reasonable advance written notice, employees may review their own personnel file in the appropriate office and in the presence of either the City Administrator, City Attorney, Human Resources professional, or the Payroll Specialist to maintain the files.

## **Insurance & Retirement Benefits**

The City of Clinton has established a variety of employee benefit programs designed to assist you and your eligible dependents in meeting the financial burden 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 on 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.

Please see your collective bargaining agreement or policy manual for more information about the details of your benefits.

### ***Medical Insurance***

The City of Clinton provides medical insurance for all employees regularly scheduled to work 29.5 hours per week. The City of Clinton is self-insured and provides a Preferred Provider Option (PPO) Plan for all employees. Coverage begins on the first day of employment and ends on the last day of employment.

The plan is administered by First Administrators Inc. Enrollment and changes in employee status or information should be turned into the Finance Department. Claims questions should be directed to 800-410-4136.

### ***Dental Insurance***

The City of Clinton provides dental insurance for all employees regularly scheduled to work 37.5 hours per week. The City utilizes Delta Dental for both a Premier Plan and a PPO Plan, which provide different levels of coverage for specific procedures. Coverage begins for the employee on the first day of employment and ends on the last day of employment.

Enrollment and changes in employee status or information should be turned into the Finance Department. Claims questions should be directed to 800-544-0718.

### ***Life Insurance***

The City of Clinton provides a \$20,000 life insurance policy to each full-time employee of the City regularly scheduled for 37.5 hours during the course of employment. This policy begins on the first day of employment and ends on the last day of employment.

An employee may purchase coverage for his/her spouse and dependents through the City. This is done through a post-tax payroll deduction. Please see the Finance Department for more information.

### ***MFPRSI, IPERS & Deferred Compensation***

The City of Clinton participates in two different retirement systems, depending upon eligibility. In each system both the City and the employee are required to make set contributions to the system. These percentages are set by each retirement system and are subject to change. For information on the current contribution rates, please inquire at the Finance Department.

All City employees serving as sworn members in the Fire Department or Police Department are covered under the Municipal Fire and Police Retirement System of Iowa (MFPRSI).

All other non-sworn city employees are covered by the Iowa Public Employee Retirement System (IPERS).

The City of Clinton also offers employees an optional deferred compensation programs through ING, ICMA-RC, or Nationwide

Retirement Services. These programs allow you to set aside a portion of your current income into a tax-deferred supplemental retirement account.

## **Employee Assistance Program**

The City recognizes that a wide range of personal problems can affect employees' job performance. The City provides an Employee Assistance Program (EAP) as a means of assisting employees and family members. It is available as a confidential service to all employees. Employees are encouraged to contact the EAP to discuss a personal problem before affects their work performance.

The EAP is provided by Genesis and may be reached by calling the following toll-free telephone number: 800-475-1641.

In the event work performance is affected, a mandatory referral may be made by an employee's supervisor. When a mandatory referral is made the employee is required to be seen by an EAP Counselor who will report the employee's attendance to the City. The City is not provided a diagnosis and any discussion between the employee and counselor remains confidential.

## **Leaves and Approved Absences**

### ***Work Schedules***

Each department head will determine their work schedule for each employee. Varying conditions in workload 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, or as specified by a collective bargaining agreement. Nothing in this section shall be constructed as a guarantee of the number of hours an employee will be scheduled to work.

### ***Inclement Weather***

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

### ***Vacation***

Full-time employees shall accrue vacation as stated in each employee group's collective bargaining agreement or policy manual. Vacation leave may not be carried over from one calendar year to the next unless authorized by the Department Head and/or City Administrator, where applicable.

### ***Holidays***

The City of Clinton provides full-time employees regular compensation for holidays as noted by each employee group's collective bargaining agreement or policy manual.

For those employees whose regular work week is Monday to Friday, when a holiday falls on a Saturday, the preceding Friday will be the observed holiday. If the observed holiday falls on a Sunday, the following Monday will be observed as the holiday.

Veterans are to be afforded Veterans Day, November 11<sup>th</sup>, as a paid or unpaid holiday.

### ***Sick Leave***

All full-time employees shall be entitled to accrue sick leave. Each employee's collective bargaining agreement or policy manual states how sick leave is to be accrued and used. 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 the department head before the regular workday begins.

### ***Jury Duty***

Employees may be granted time off with pay for the purpose of jury duty. The employee will be granted time off only for that portion of the workday necessary to serve duty. Each employee's collective bargaining agreement or policy manual states how jury duty wages are to be paid.

### ***Military Leave***

Any employee who is a member of a reserve force of the United States or of this State and who is ordered by the appropriate authorities to attend a training program or perform other duties under the supervision of the United States or this State, shall be granted a leave of absence during the period of such activity pursuant to Chapter 29A.28 of the current Code of Iowa. Each employee's collective bargaining agreement or policy manual provides more detail into each area's respective military leave policy.

### ***Bereavement Leave***

All full-time employees shall be allowed time off in the event of the death of a family member. Each employee's collective bargaining agreement or policy manual provides a definition of a family member and states how bereavement leave is to be determined.

### ***Unpaid Leave of Absence***

It is the policy of the City 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 denied 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.

Upon return from an unpaid leave of absence, the City 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, the City 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, or appropriate governing board.

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 of five (5) days or more be considered time worked for the purpose of receiving an in-grade wage increment. The employee must pay his/her own group health, dental, and life insurance premiums for that portion of an unpaid leave of absence in excess of thirty (30) days unless on Family Medical Leave.

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

### ***Family Medical Leave Act***

In accordance with the Family Medical Leave Act (FMLA), the City of Clinton will grant up to 12 weeks unpaid leave annually, based on the previous rolling 12-month period. To be eligible for this leave an employee must have worked for the City for one year and worked 1250 hours or more in the 12 months preceding the beginning of the leave.

FMLA leave will be granted for the following circumstances:

1. Employee's serious medical condition.
2. Birth, adoption or placement of a child.

3. Caring for a spouse, child or parent, with a serious health condition.
4. Military medical and exigency leave.

The employee must provide a written request for leave and sufficient medical certification to the Finance Office within 15 calendar days from the date of absence. The City of Clinton reserves the right to request re-certification at the city's discretion in accordance with federal law.

The annual FMLA allowance will run concurrent with any Workers' Compensation leave.

The employee's insurance benefits will be maintained for up to 12 weeks during leave under the same conditions as if they continued to work. The employee must continue to pay their portion of the insurance premiums and must make arrangements for payment of these premiums in a timely manner. If the leave extends for more than 12 weeks, the employee will become responsible for payment of the entire health insurance premium to maintain coverage.

When the employee returns from FMLA leave, they will be reinstated to the same or equivalent job with the same pay, benefits, and terms and conditions of employment. If the employee does not return to work following FMLA leave, they will be required to reimburse the city for the health insurance premiums paid on their behalf during leave.

The employee will be required to present a certificate from their physician releasing them to full duty before returning to work if the leave is taken due to an illness or injury of the employee.

If an employee fails to return to work on the agreed upon return date, the City shall assume that the employee has resigned.

Employees will be required to use all sources of paid leave concurrently with Family Medical Leave, with the exception of 5 days of vacation.

## **Work-Related Incapacity**

It is the policy of the City of Clinton to provide modified or alternate work for employees injured on the job who are unable to return to his/her regular job classification, either temporarily or permanently. Regular modified and alternate work will be provided as available with the Americans with Disabilities Act (ADA) and Iowa Workers' Compensation Act.

The feasibility of reasonable accommodations shall be determined on a case-by-case basis by the Department Head, taking into consideration, the employee, the specific physical or mental impairment, the essential functions of the job, the work environment, and the ability to provide accommodations.

If an employee is unable to perform his/her job for the City due to injury or illness, work for another employer is expressly prohibited.

## **Ethics – Confidentiality**

The City of Clinton strives to maintain a high standard of 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. Employees with direct access to confidential information must sign a Non-disclosure and Confidentiality Agreement.

It is also expected that employees conduct their personal life in a manner that does not negatively impact the image or reputation of the City of Clinton.

## **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, which are dishonest, misleading, inaccurate, or incomplete.

## **Weapons**

No employee of the City of Clinton shall carry a weapon while on duty. Weapons are not allowed on City property or in any employee's vehicle when parked on City property. Issuance of an open carry weapons permit does not exempt an employee from these provisions. Sworn officers of the City of Clinton Police Department are exempt from this restriction.

## **Discipline**

It shall be the policy of the City of Clinton to utilize a system of progressive discipline in addressing an employee's work deficiencies. Progressive discipline includes the steps of oral reprimand, written reprimand, suspension, and termination. However, any of the disciplinary measures cited 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. A copy should then be given to the employee, and a copy maintained in the employee's personnel file. 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 consultation 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 dangerous weapon (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. Insubordination defined as but not limited to the refusal, resistance, or failure to obey a supervisor's instructions or order or a lack of respect directed toward that supervisor or disregard of management authority.
14. The Department Head may elect to place an employee on investigative leave before making any determination of corrective or disciplinary action.

## **Resignation**

Employees shall present a written resignation at least two weeks prior to the effective date of the resignation. The notice should be in writing and directed to the immediate supervisor. Failure to provide a two-week

notice may result in the denial of payment for accrued, but unused vacation leave.

## **City Equipment**

The City of Clinton provides supplies, equipment, and materials necessary for the employee to perform their job. These items include but are not limited to: telephones, computers, email and the internet. These items are intended to be used for the City of Clinton's purposes. Minimal, appropriate personal use may be acceptable as determined by the Department Head. 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 any system.

Employees may not attach any personal devices to the City's computers or the network without the prior approval of the City Administrator

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, or
- 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 of any kind or solicit the performance of any activity which is prohibited by law; or
- On-line game playing;
- Transmit material, information or software in violation of any local, state or federal law;
- Conduct any fund raising and public relations activities, not related to City operations.

## **Employee Travel**

The City of Clinton has a Travel Policy for all employees governing what costs are reimbursable, including lodging and per diems, and parking and transportation. An employee may use a City-issued credit card for travel-related expenses as long as the uses are allowed by the Travel Policy. All reimbursable travel and related-expenses must be approved by the Department Head prior to the start of the trip.

## **Cellular Phones**

The use of cellular phones should address the needs of the City, the user, and provide economic or functional benefits beyond other means of mobile communication. The City of Clinton provides cellular phones for use by employees or provides employees a stipend for the use of personal cellular phones for City business, as governed by the Cellular Phone Policy.

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

## **Use of City-Owned Vehicles**

The City of Clinton provides vehicles for use by 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. The City 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, or a personal vehicle for city business. Employees must notify their Department Head immediately upon any serious violation or accident involving a city vehicle.

## **Nepotism**

The City of Clinton is committed to a work environment that is free of the appearance of favoritism based on family relationships. Members of an employee's immediate family will be considered for employment on the basis of their qualifications. Immediate family may not be hired, however, if employment would:

- Create a supervisor/subordinate relationship with a family member, or
- Have the potential for creating an adverse impact on work performance, or
- Create either an actual conflict of interest or the appearance of a conflict of interest.

This policy must also be considered when assigning, transferring or promoting an employee. For the purposes of this policy immediate family includes: spouse, parent, child, sibling, in-law, aunt, uncle, niece, nephew, grandparent, grandchild, members of household, and romantic relationships.

If employees become immediate family members or establish a romantic relationship, the City will make reasonable efforts to assign job duties so as to minimize concerns, but in all cases reserves the right to take any action necessary to remedy concerns.

## **Political Activity**

City of Clinton employees are free to exercise all rights of citizenship. However, in order to obey federal and state laws and to ensure that the City will operate effectively and fairly, some guidelines are necessary.

An employee shall not, while performing official duties or while using City equipment at the employee's disposal by reason of his/her position, solicit contributions for any political party or candidate, or engage in any political activity.

An employee shall not attempt to influence the vote or political action of another by seeking an appointment, increase in pay, or other business or employment advantage for that person with the City.

An employee who supervises employees shall not directly or indirectly solicit the persons supervised to contribute money, anything of value, or service to a candidate, political party, or political committee.

An employee who becomes a candidate for public office shall upon request be given a leave of absence without pay. Such leave shall commence any time within 30 days prior to a primary, special, or general elections. An employee who is a candidate for any elective office shall not campaign while on duty as an employee.

An employee choosing to run for an elected office in the City of Clinton must take an unpaid leave of absence upon filing of papers for candidacy. If elected, the employee must resign his/her position prior to taking office.

## **Conflict of Interest**

City employees are prohibited from engaging in any conduct which represents, or could be reasonably interpreted to represent, a conflict of interest. Employees must avoid any action which might result in, or create the appearance of using public office for private gain, giving preferential treatment to any person, or losing impartiality in conducting City business.

If an employee determines that he or she has an outside interest that may affect the City of Clinton plan or activities, or result in a conflict of interest or the appearance of such conflict, the employee must immediately report the situation to his or her supervisor.

The following are specific conflicts of interest of which violation may be cause for discipline or discharge of the employee.

### ***Secondary Employment***

City employees may not work for an outside employer whose interests might conflict with those of the City. City employees may not use their jobs with the City to further their interest on any supplemental job. City employees may not work for, or directly invest in, businesses with whom they must deal in the course of their employment with the City.

### ***Gifts***

State law prohibits employees from directly or indirectly soliciting or accepting any gift having a value greater than \$2.99 as defined by Iowa Code Section 68B.

### ***Impartiality***

No City employee may grant or make available to any person, any consideration, treatment, advantage, or favor beyond that granted or made available to all citizens.

City employees must not secure special privileges or exemptions for themselves or their relatives and friends beyond that available to all citizens.

### ***Use of Information***

Employees must not use privileged information for their own financial advantage or disclose information that would provide others with financial advantages. Each employee is charged with the responsibility of ensuring that he or she releases only information that is available to the general public.

### ***Use of Public Property***

No City employee shall request, use or permit the use of any publicly-owned property, vehicle, equipment, labor, service or supplies (new,

surplus, scrap or obsolete) for the personal convenience or advantage of the employee or any other person, except for that use which is generally available to the public. No City-owned property may be removed from the worksite except for the purpose of conducting City business.

**EMPLOYEE ACKNOWLEDGMENT OF RECEIPT OF EMPLOYEE HANDBOOK**

I have received my copy of the Employee Handbook and I understand that it is my responsibility to comply with the policies contained in this manual, and any revisions to it. I understand that failure to comply or violations of the policies contained in this manual may result in disciplinary action taken, up to and including termination. I understand that the manual has been provided to me for informational purposes only, and that the City has the right to change or terminate any policies, procedures, or benefit programs at any time.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date